

# SENATE BILL NO. 692

January 18, 2024, Introduced by Senators SINGH, POLEHANKI, GEISS, KLINEFELT, CAVANAGH and SHINK and referred to the Committee on Oversight.

A bill to provide for the protection of certain individuals through the licensing and regulation of certain camps and camp programs; to provide for the establishment of standards of certain camps and camp programs; to require the promulgation of rules; to provide for the powers and duties of certain state and local governmental officers and entities; to create the camp licensing fund and to provide for contributions to and expenditures from the fund; to provide certain immunity from liability; and to prohibit certain conduct regarding reporting and provide penalties.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act may be cited as the "camp licensing act".

2           Sec. 2. As used in this act:

3           (a) "Administrator" means an individual that has oversight of  
4 day-to-day camp management and ensures compliance with this act and  
5 rules promulgated under this act.

6           (b) "Adult residential camp" means a type of residential camp  
7 with the approved capacity to receive more than 4 adult campers who  
8 are provided care and supervision in a natural environment.

9           (c) "Camp" means a camp program operated at a campsite, or a  
10 day camp, residential camp, or travel camp conducted in a natural  
11 environment.

12           (d) "Camp program" means a program that receives more than 4  
13 campers for care and supervision, apart from the camper's parents,  
14 relatives, or guardians, for 5 or more days in a 14-day period,  
15 stationed in a campsite or as a travel camp.

16           (e) "Camper" means a youth camper; or an adult camper who is  
17 at least 18 years of age, has a mental health disorder, is  
18 developmentally disabled, or is physically disabled.

19           (f) "Campsite" means the area of a natural environment located  
20 where a camp primarily operates, including, but not limited to,  
21 land, bodies of water, indoor and outdoor facilities, furnishings,  
22 and installations that support outdoor living or activities.

23           (g) "Care" means continual responsibility of the licensee to  
24 take reasonable action to ensure the health, safety, and well-being  
25 of a camper while attending camp, including protection from  
26 physical harm, emotional harm, and personal exploitation under the  
27 supervision of the licensee or staff of the licensee.

28           (h) "Conviction" means a final conviction, the payment of a  
29 fine, a plea of guilty or nolo contendere if accepted by the court,

1 a finding of guilt for a criminal law violation or a juvenile  
2 adjudication or disposition by the juvenile division of probate  
3 court or family division of circuit court for a violation that if  
4 committed by an adult would be a crime, or a conviction in a tribal  
5 court or a military court.

6 (i) "Criminal history check" means a fingerprint-based  
7 criminal history record information background check through the  
8 department of state police and the Federal Bureau of Investigation.

9 (j) "Criminal history record information" means that term as  
10 defined in section 1a of 1925 PA 289, MCL 28.241a.

11 (k) "Day camp" means a camp program for youth campers located  
12 at a campsite where care and supervision are provided each day for  
13 more than 4 hours a day with no overnight sleeping.

14 (l) "Department" means the department of licensing and  
15 regulatory affairs.

16 (m) "Developmentally disabled" means a severe and chronic  
17 disability that causes physical, learning, or behavioral  
18 impairment, that begins during an individual's developmental  
19 period, that usually lasts throughout an individual's lifetime, and  
20 that causes an individual to require care and supervision overseen  
21 by a parent or guardian.

22 Sec. 3. (a) "Guardian" means an individual granted authority  
23 over another individual by legal instrument or court of law.

24 (b) "Guest" means an individual at a camp, regardless of the  
25 individual's role, who is supervised by an adult staff member when  
26 campers are at camp.

27 (c) "High-risk special investigation" means an investigation  
28 that the department conducts regarding 1 or more of the conditions  
29 listed in section 8(3) of the child protection law, 1975 PA 238,

1 MCL 722.628.

2 (d) "Ineligible conviction" means any of the following:

3 (i) A conviction for any of the following crimes unless 15  
4 years or more have lapsed from the date the convicted individual  
5 completed all of the terms and conditions of sentencing for that  
6 conviction before the date of application for employment, the date  
7 of granting clinical privileges, or the date of the execution of a  
8 contract:

9 (A) A felony that involves the intent to cause death or  
10 serious impairment of a body function, that results in death or  
11 serious impairment of a body function, that involves the use of  
12 force or violence, or that involves the threat of the use of force  
13 or violence.

14 (B) A felony involving cruelty or torture.

15 (C) A felony under chapter XXA of the Michigan penal code,  
16 1931 PA 328, MCL 750.145m to 750.145r.

17 (D) A felony involving criminal sexual conduct.

18 (E) A felony involving abuse or neglect or a misdemeanor  
19 involving abuse or neglect of a vulnerable adult.

20 (F) A felony involving the use of a firearm or dangerous  
21 weapon.

22 (G) A felony involving the diversion or adulteration of a  
23 prescription drug or other medication.

24 (H) A felony under section 227b of the Michigan penal code,  
25 1931 PA 328, MCL 750.227b.

26 (I) A state or federal crime that is similar to a crime listed  
27 under sub-subparagraph (A) to (H).

28 (ii) Except for a conviction described under subparagraph (i), a  
29 conviction for any of the following crimes unless 10 years or more

1 have lapsed from the date the convicted individual completed all of  
2 the terms and conditions of sentencing for that conviction before  
3 the date of application for employment, the date of granting  
4 clinical privileges, or the date of the execution of a contract:

5 (A) A misdemeanor under chapter XXA of the Michigan penal  
6 code, 1931 PA 328, MCL 750.145m to 750.145r.

7 (B) A misdemeanor involving criminal sexual conduct.

8 (C) Except as provided in subparagraph (iv) (A), a misdemeanor  
9 involving cruelty or torture.

10 (D) A misdemeanor involving abuse or neglect.

11 (E) A misdemeanor involving a vulnerable adult as a victim.

12 (F) A misdemeanor or felony for a violation of this act.

13 (G) A state or federal misdemeanor that is similar to a  
14 misdemeanor listed under sub-subparagraph (A) to (F).

15 (H) A felony other than a felony for nonpayment of child  
16 support.

17 (iii) Except for a conviction described under subparagraph (i)  
18 or (ii), a conviction for any of the following misdemeanors unless 5  
19 years or more have lapsed from the date of conviction to the date  
20 of application for employment, the date of granting clinical  
21 privileges, or the date of the execution of a contract:

22 (A) A misdemeanor involving cruelty if the individual was less  
23 than 16 years of age at the time of the conviction.

24 (B) A misdemeanor involving embezzlement.

25 (C) A state or federal misdemeanor that is similar to a  
26 misdemeanor listed under sub-subparagraph (A) or (B).

27 (iv) Except for a conviction described under subparagraph (i)  
28 or (ii), a conviction for any of the following misdemeanors unless 3  
29 years or more have lapsed from the date of conviction to the date

1 of application for employment, the date of granting clinical  
2 privileges, or the date of the execution of a contract:

3 (A) A misdemeanor involving assault.

4 (B) A misdemeanor under part 74 of the public health code,  
5 1978 PA 368, MCL 333.7401 to 333.7461, if the individual convicted  
6 was 18 years of age or older at the time of the conviction.

7 (C) A misdemeanor involving the possession or delivery of a  
8 controlled substance, if the individual convicted was 18 years of  
9 age or older at the time of the conviction.

10 (D) A state or federal misdemeanor that is similar to a  
11 misdemeanor listed under sub-subparagraph (A) to (C).

12 (v) Except for a conviction described under subparagraphs (i)  
13 to (iii), a misdemeanor under part 74 of the public health code, 1978  
14 PA 368, MCL 333.7401 to 333.7461, or any other misdemeanor  
15 involving the possession or delivery of a controlled substance, if  
16 the individual was less than 18 years of age at the time of the  
17 conviction.

18 (vi) An order or disposition under section 16b of chapter IX of  
19 the code of criminal procedure, 1927 PA 175, MCL 769.16b.

20 (vii) A substantiated finding of neglect, abuse, or  
21 misappropriation of resident property by an agency of this state or  
22 a federal agency under 42 USC 1395i-3 or 1396r.

23 (e) "Legal entity" means a governmental entity, sole  
24 proprietorship, partnership, corporation, limited liability  
25 company, or any other nongovernmental entity authorized to conduct  
26 business in this state.

27 (f) "Licensee" means an individual or legal entity that has  
28 been issued a license under this act to operate a camp.

29 (g) "Licensee designee" means the individual designated in

1 writing by a legal entity to act on behalf of the legal entity on  
2 licensing matters. The individual must agree in writing to be  
3 designated as the licensee designee.

4 (h) "Listed offense" means that term as defined in section 2  
5 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

6 (i) "Mental health disorder" means a diagnosed mental health  
7 condition or disorder that affects an individual's mood, thinking,  
8 and behavior, and that causes an individual to require care and  
9 supervision overseen by a parent or guardian.

10 Sec. 4. (a) "Natural environment" means an out-of-doors  
11 setting where a camp is run at least 51% of the time.

12 (b) "Noncompliance" means a violation of this act, rules  
13 promulgated under this act, or the terms of a license.

14 (c) "Physically disabled" means a diagnosed, substantial, and  
15 long-term condition that affects a part of an individual's body,  
16 that impairs and limits that individual's physical functioning,  
17 mobility, stamina, or dexterity, and that causes an individual to  
18 require care and supervision overseen by a parent or guardian.

19 (d) "Program director" means an individual that assists with  
20 the management of the day-to-day operations for a camp program or  
21 campsite.

22 (e) "Provisional license" means a license issued to a camp  
23 that is temporarily unable to conform to the rules promulgated  
24 under this act.

25 (f) "Regular license" means a license issued indicating that  
26 the camp is in substantial compliance with this act and all rules  
27 promulgated under this act.

28 (g) "Relative" means in the relationship by blood, marriage,  
29 or adoption, as parent, grandparent, great-grandparent, great-

1 great-grandparent, aunt or uncle, great-aunt or great-uncle, great-  
2 great-aunt or great-great-uncle, sibling, stepsibling, nephew or  
3 niece, first cousin or first cousin once removed, and the spouse of  
4 any of the individuals described in this definition, even after the  
5 marriage has ended by death or divorce.

6 (h) "Residential camp" means a camp program conducted at a  
7 campsite that provides care and supervision to campers each day for  
8 at least 12 hours a day with overnight sleeping.

9 (i) "Staff member" means either a paid employee or volunteer  
10 of a camp who may have unsupervised access to campers.

11 (j) "Substantial noncompliance" means repeated violation or  
12 noncompliance of this act, rules promulgated under this act, or  
13 terms of a license that may jeopardize the health, safety, care,  
14 treatment, maintenance, or supervision of campers.

15 (k) "Supervision" means a licensee's continual responsibility  
16 to reasonably know, commensurate on a camper's maturity, physical  
17 condition, or mental abilities, the whereabouts and management of  
18 the camper.

19 (l) "Temporary license" means an original license issued to a  
20 camp, before operation, conveying that the camp is compliant with  
21 all statutes and rules promulgated under this act.

22 (m) "Terms and conditions of sentencing" means all terms and  
23 conditions of sentencing, parole, and probation for a conviction.  
24 Terms and conditions of sentencing excludes the payment of fines,  
25 costs, or restitution.

26 (n) "Travel camp" means a camp program that provides care and  
27 supervision for 12 or more hours a day with overnight sleeping and  
28 is not stationed at a specific campsite.

29 (o) "Willful noncompliance" means conduct that an applicant or



1 licensee knew or had reason to know was a violation of this act,  
2 rules promulgated under this act, or the terms of a license.

3 (p) "Youth camper" means a child of at least 4 but less than  
4 18 years of age who receives care and supervision.

5 Sec. 5. (1) The department must promulgate rules for the care  
6 and supervision of campers according to the administrative  
7 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

8 (2) The department shall promulgate rules under this section  
9 only on the following standards and conduct:

10 (a) The operation and conduct of camps and the responsibility  
11 the camps assume for care and supervision of a camper.

12 (b) The suitability, health, training, and qualifications of  
13 applicants and other persons directly responsible for the care and  
14 supervision of campers served.

15 (c) The general financial ability and competence of applicants  
16 to provide necessary care and supervision for campers and to  
17 maintain prescribed standards.

18 (d) The number of individuals or staff required to ensure  
19 adequate care and supervision of the campers received.

20 (e) The appropriateness, safety, cleanliness, and general  
21 adequacy of the premises, including maintenance of adequate fire  
22 prevention and health standards to provide for the physical  
23 comfort, care, and well-being of the campers received.

24 (f) Provisions for food, clothing, educational opportunities,  
25 camp programs, equipment, and individual supplies to ensure the  
26 healthy physical, emotional, and mental development of campers  
27 served.

28 (g) Provisions to safeguard the legal rights of campers  
29 served.

1 (h) Maintenance of records pertaining to admission, progress,  
2 health, and discharge of campers.

3 (i) Requirements for filing reports with the department.

4 (j) Appropriate behavior management of campers.

5 (k) Standards for transportation safety.

6 (l) The inspection process for camps with deemed status.

7 Sec. 6. (1) The rules promulgated by the department under this  
8 act apply to the department, the bureau of fire services, and local  
9 authorities in the inspection of and reporting on camps covered by  
10 this act. The inspection of camps must be completed by department  
11 staff, the bureau of fire services, or local authorities upon  
12 request of the department, or according to subsection (2).

13 (2) If an inspection is not conducted according to subsection  
14 (1), a person owning or operating or who proposes to own or operate  
15 a camp may enter a contract with a local authority or other person  
16 qualified by the department to conduct an inspection according to  
17 subsection (1) and pay for that inspection after an inspection is  
18 completed according to this subsection.

19 (3) Inspection reports completed by state agencies and local  
20 authorities must be furnished to the department and become a part  
21 of its evaluation for licensing of camps. After careful  
22 consideration of the reports and consultation where necessary, the  
23 department shall assume responsibility for the final determination  
24 of the issuance, denial, revocation, or provisional nature of  
25 licenses issued under this act. A report of findings must be  
26 furnished to the applicant or licensee.

27 Sec. 7. (1) Within 24 hours after a camp receives notice that  
28 a high-risk special investigation is being conducted by the  
29 department, the camp shall make a good-faith effort to make oral

1 notification to each parent or guardian of 1 or more of the  
2 following:

3 (a) Children who were under the camp care and supervision at  
4 the site and the time the incident being investigated occurred.

5 (b) If the individual being investigated is present at the  
6 camp at the time of the investigation, children who have or will  
7 come into contact with the individual being investigated as long as  
8 that individual is present at the camp.

9 (2) The camp shall send written notification within 1 business  
10 day after the initial good-faith attempt under subsection (1) of  
11 oral notification. Written notification shall be given by 1 of the  
12 following:

13 (a) Mail service.

14 (b) Facsimile transmission.

15 (c) Email.

16 (d) Text message.

17 (3) If the department determines that a camp is not complying  
18 with either notification requirement in subsection (1) or (2), the  
19 department may suspend the camp license.

20 (4) If, upon completion of the high-risk special  
21 investigation, the department decides that there are no  
22 substantiated rule violations, the department shall provide the  
23 camp with written notification of that determination that the camp  
24 may share with the parents or guardians described in subsection  
25 (1).

26 Sec. 8. An inspection under this act must be unannounced,  
27 unless the department, in its discretion, considers it necessary to  
28 schedule an appointment for an inspection.

29 Sec. 9. The department shall provide consultation to camps to

1 assist them in meeting the requirements of this act and the rules  
2 promulgated under this act. The department shall offer assistance,  
3 training, and education, within fiscal limitations, upon request,  
4 in developing methods for the improvement of service.

5       Sec. 10. (1) An individual or legal entity shall not establish  
6 or maintain a camp unless licensed by the department. An  
7 application for a license must be made on forms provided, and in  
8 the manner prescribed, by the department. Before issuing or  
9 renewing a license, the department shall investigate the  
10 applicant's activities and proposed standards of care and  
11 supervision and shall make an on-site visit of the proposed or  
12 established camp as provided under section 17(3). Except as  
13 otherwise provided under this subsection, if the department is  
14 satisfied that the services and facilities are conducive to the  
15 care and supervision of campers, the department shall issue or  
16 renew the license, as applicable.

17       (2) Except as provided in section 11(6), the department shall  
18 not issue or renew the license of a camp under this act if a  
19 criminal history check required under section 11 has not been  
20 completed. If a criminal history check performed under section 11  
21 or information obtained because of notification from the department  
22 of state police under section 13 reveals that a licensee, licensee  
23 designee, administrator, or program director of a camp has been  
24 convicted of an ineligible conviction, the department shall not  
25 issue a license to that applicant. If a criminal history check  
26 performed under section 11 or information obtained because of  
27 notification from the department of state police under section 13  
28 reveals that a licensee, licensee designee, administrator, or  
29 program director seeking renewal of a license under this act has

1 been convicted of an ineligible crime, the department shall not  
2 renew that license. If a criminal history check performed under  
3 section 11 or information obtained because of notification from the  
4 department of state police under section 13 reveals that a current  
5 licensee has been convicted of an ineligible crime, the department  
6 shall revoke the license of that licensee.

7 Sec. 11. (1) Except as provided in subsection (6), when 1 or  
8 more of the following occurs, the department shall request the  
9 department of state police to perform a criminal history check on  
10 the individual, licensee, licensee designee, administrator, and  
11 program director of the camp, as applicable:

12 (a) An individual or legal entity applies for a camp license  
13 under section 10.

14 (b) A new licensee, licensee designee, administrator, or  
15 program director of a camp is appointed.

16 (2) Each person applying for a license to operate a camp and  
17 each person who may serve as a licensee designee, administrator, or  
18 program director of the camp must give written consent at the time  
19 of the license application for the department of state police to  
20 conduct the criminal history check required under this section. The  
21 department shall require the person to submit the person's  
22 fingerprints to the department of state police and the Federal  
23 Bureau of Investigation for the criminal history check described in  
24 subsection (1).

25 (3) The department shall request a criminal history check  
26 required under this section on a form and in the manner prescribed  
27 by the department of state police.

28 (4) Within a reasonable time after receiving a complete  
29 request by the department for a criminal history check on a person

1 under this section, the department of state police must conduct the  
2 criminal history check and provide a report of the results to the  
3 department. The report shall contain any criminal history record  
4 information on the person maintained by the department of state  
5 police and the Federal Bureau of Investigation.

6 (5) The department of state police may charge the licensee or  
7 applicant a fee for a criminal history check required under this  
8 section that does not exceed the actual and reasonable cost of  
9 conducting the check.

10 (6) If a person, licensee, licensee designee, administrator,  
11 or program director of a camp applying to renew a license to  
12 operate a camp has previously undergone a criminal history check  
13 required under subsection (1) and has remained continuously  
14 affiliated with the same licensee after the criminal history check  
15 has been performed and section 13 continues to apply, that person,  
16 licensee, licensee designee, administrator, or program director of  
17 a camp is not required to submit to another criminal history check  
18 upon renewal of the license obtained under section 8.

19 (7) Application fees for an individual or legal entity  
20 licensed or seeking licensure under this act for a temporary or  
21 renewal license are as follows:

- 22 (a) Camp program..... \$120.00
- 23 (b) Campsite..... \$120.00

24 (8) The camp licensing fund is created in the department. The  
25 money received from fees under this section must be deposited in  
26 the camp licensing fund. The state treasurer shall direct the  
27 investment of money in the fund and credit interest and earnings  
28 from the investments to the fund.

29 (9) Money in the camp licensing fund at the close of the

1 fiscal year does not lapse to the general fund.

2 (10) The department is the administrator of the camp licensing  
3 fund for audits of the fund. The department shall expend money from  
4 the fund on appropriation to implement the licensing requirements  
5 under this act.

6 Sec. 12. (1) Before a camp allows a staff member to have  
7 unsupervised contact with a camper and at least annually  
8 thereafter, the camp shall perform a background check on that staff  
9 member using the department of state police's internet criminal  
10 history access tool (ICHAT) or equivalent to check on that staff  
11 member from the state or country of residence.

12 (2) If a search of the department of state police's ICHAT or  
13 equivalent check on the individual or staff member from the state  
14 or country of residence reveals that the staff member described in  
15 subsection (1) has been convicted of a listed offense, the camp  
16 shall rescind an offer of employment or terminate that employee's  
17 employment. If a subsequent search of the department of state  
18 police's ICHAT reveals that a current staff member has been  
19 convicted of a listed offense, the camp shall not continue to  
20 employ that individual.

21 (3) If a search of the department of state police's ICHAT or  
22 equivalent check on the staff member from the state or country of  
23 residence reveals that the staff member described in subsection (1)  
24 has been convicted of any crime other than a listed offense, the  
25 licensee or licensee designee shall complete a written evaluation  
26 of each conviction. The evaluation must address the nature of the  
27 conviction, the length of time since the conviction, and the  
28 relationship of the conviction to the regulated activity to  
29 determine whether the prospective staff member is suitable for

1     unsupervised access to campers.

2             (4) A camp may pass along the actual cost of a search of the  
3     department of state police's ICHAT or equivalent check on that  
4     person from the state or country of residence to the staff member  
5     or applicant on whom the search is being performed.

6             Sec. 13. (1) The department of state police shall store and  
7     retain all fingerprints submitted under this act in an automated  
8     fingerprint identification system database that provides for an  
9     automatic notification at the time a subsequent criminal arrest  
10    fingerprint card submitted into the system matches a set of  
11    fingerprints previously submitted in accordance with this act. Upon  
12    that notification, the department of state police shall immediately  
13    notify the department, and the department shall immediately contact  
14    the respective camp with which that individual is associated. The  
15    criminal history record information must only be released to the  
16    individual to whom the criminal history record information  
17    pertains. Information in the database retained under this section  
18    is confidential, is not subject to disclosure under the freedom of  
19    information act, 1976 PA 442, MCL 15.231 to 15.246, and must not be  
20    disclosed to any person except for purposes of this act or for law  
21    enforcement purposes.

22            (2) When the department of state police is able to participate  
23    with the Federal Bureau of Investigation's automatic notification  
24    system similar to the system administered by the department of  
25    state police under subsection (1), all fingerprints submitted to  
26    the Federal Bureau of Investigation may be stored and retained.  
27    When a subsequent criminal arrest fingerprint card submitted into  
28    the system matches a set of fingerprints for an individual retained  
29    in accordance with this act, the department of state police shall



1 immediately notify the department. The department shall immediately  
2 contact the camp with which the individual is associated if a  
3 conviction excludes an individual from employment. The criminal  
4 history record information must be released only to the individual  
5 to whom the criminal history record information pertains.

6       Sec. 14. (1) A person acting in good faith who makes a report,  
7 cooperates in an investigation, or assists in any other requirement  
8 of this act is immune from civil or criminal liability that might  
9 otherwise be incurred by that action. A person making a report or  
10 assisting in any other requirement of this act is presumed to have  
11 acted in good faith. This immunity from civil or criminal liability  
12 extends only to an act performed according to this act for  
13 reporting a potential violation or assisting or cooperating with  
14 the department in an investigation conducted by the department.  
15 Except as provided in section 20(3), the identity of a person  
16 making a report and cooperating with or assisting the department  
17 relative to that report under this act is confidential, subject  
18 only to disclosure with the consent of that person or by judicial  
19 process.

20       (2) If the department receives a complaint by an individual  
21 remaining anonymous, the department may take no action on the  
22 complaint if the complaint does not include sufficient information  
23 to reasonably investigate.

24       (3) A person who intentionally makes a false report to the  
25 department regarding a camp that causes the department to initiate  
26 a high-risk special investigation for which the camp is required to  
27 send notice under section 7 is guilty of a crime as follows:

28       (a) If the incident reported would not constitute a crime or  
29 would constitute a misdemeanor if the report were true, the person

1 is guilty of a misdemeanor punishable by imprisonment for not more  
2 than 93 days or a fine of not more than \$100.00, or both.

3 (b) If the incident reported would constitute a felony if the  
4 report were true, the person is guilty of a felony punishable by  
5 the lesser of the following:

6 (i) The penalty for the incident falsely reported.

7 (ii) Imprisonment for not more than 4 years or a fine of not  
8 more than \$5,000.00, or both.

9 Sec. 15. (1) The department shall issue a temporary license  
10 for a camp upon approving a new application. A new camp must  
11 receive a temporary license before operation. The temporary license  
12 expires on August 31 following the issuance of the license. The  
13 renewal of a temporary license is contingent on the submission of a  
14 renewal application, fee, and approval by the department.

15 (2) At the completion of the temporary license period, the  
16 department shall issue a regular license, refuse to issue a license  
17 as provided in section 19, or issue a provisional license as  
18 provided under section 16(3).

19 (3) If an existing camp program relocates to a new address, a  
20 temporary license is not required, and a new license may be issued  
21 at the department's discretion at the new address.

22 Sec. 16. (1) A provisional license may be issued to a camp  
23 that is temporarily unable to conform to this act or the rules  
24 promulgated under this act. The issuance of a provisional license  
25 is contingent on the submission to the department of an acceptable  
26 plan to overcome the deficiency present in the camp within the time  
27 limitations of the provisional licensing period.

28 (2) A provisional license expires on August 31 following the  
29 date the provisional license was issued and may be issued not more

1 than 2 consecutive times. The renewal of a provisional license is  
2 contingent on the submission of a new application, fee, and  
3 approval by the department. At the end of the provisional license,  
4 the department shall either issue a regular license, refuse to  
5 renew the license as provided in section 21, or modify to a second  
6 provisional license under this section.

7 (3) The department may modify the regular license of a camp to  
8 a provisional license if the licensee is in willful noncompliance  
9 and substantial noncompliance with this act, the rules promulgated  
10 under this act, or the terms of the license. A license cannot be  
11 modified unless the licensee is given written notice of the grounds  
12 of the proposed modification. If the proposed modification is not  
13 appealed, the license will be modified. The proposed modification  
14 must be appealed within 30 days after receipt by writing the  
15 director or director's designee. Upon receipt of the appeal, the  
16 director or director's designee must initiate the provisions of  
17 chapters 4 and 5 of the administrative procedures act of 1969, 1969  
18 PA 306, MCL 24.271 to 24.292. Notice of a hearing must be given to  
19 the licensee by personal service or delivery to the proper address  
20 by certified mail not less than 2 weeks before the date of the  
21 hearing. The decision of the director must be made as soon as  
22 practicable after the hearing and forwarded to the licensee by  
23 certified mail not more than 10 days after that. The formal notice  
24 and hearing requirement in this subsection does not apply if the  
25 licensee and the department comply with subsection (4).

26 (4) The department may immediately modify a license without  
27 providing written notice of the grounds of the proposed action or  
28 giving the licensee 30 days to appeal if the licensee, in writing,  
29 does the following:

1 (a) Waives the requirement that the department provide written  
2 notice of the grounds for the proposed action.

3 (b) Waives the 30-day time frame in which to submit a written  
4 appeal to the proposed action.

5 (c) Waives the right to implement the provisions of chapters 4  
6 and 5 of the administrative procedures act of 1969, 1969 PA 306,  
7 MCL 24.271 to 24.292.

8 Sec. 17. (1) A regular license is effective for not more than  
9 1 year and expires on August 31 following the date the regular  
10 license is issued, except that a regular license may be revoked or  
11 renewal may be denied as provided in section 19, or may be modified  
12 to a provisional license as provided in section 14. The department  
13 will renew a regular license, if approved, following an application  
14 and payment of the applicable fee.

15 (2) The department may accept a licensee's written request to  
16 close a license if the department does not have an active  
17 investigation against the licensee or is not pursuing revocation or  
18 refusal to renew as provided in section 21.

19 (3) The department shall periodically assess a camp's  
20 continued compliance with this act and the rules promulgated under  
21 this act. The department shall make an on-site inspection of a camp  
22 at least once every 2 years.

23 Sec. 18. A license must be issued to a specific licensee at a  
24 specific location, is nontransferable, and remains the property of  
25 the department.

26 Sec. 19. (1) A licensee, licensee designee, administrator, or  
27 program director of a camp shall not be present in a camp if the  
28 licensee, licensee designee, or administrator has been convicted of  
29 either of the following:

1 (a) A listed offense.

2 (b) An ineligible crime.

3 (2) A staff member shall not have contact with campers who are  
4 in the care and supervision of a camp if the staff member has been  
5 convicted of either of the following:

6 (a) Child abuse under section 136b of the Michigan penal code,  
7 1931 PA 328, MCL 750.136b, or neglect under section 145 of the  
8 Michigan penal code, 1931 PA 328, MCL 750.145.

9 (b) A felony involving harm or threatened harm to an  
10 individual within the 10 years immediately preceding the date of  
11 hire or appointment.

12 (3) A licensee, licensee designee, administrator, program  
13 director, or staff member who is 18 years of age or older may not  
14 have contact with a camper who is in the care of a camp, until the  
15 licensee, licensee designee, administrator, program director, or  
16 staff member provides the camp with documentation from the  
17 department that the staff member has not been named in a central  
18 registry case as the perpetrator of child abuse or child neglect.  
19 At least once every 5 years, a licensee, licensee designee,  
20 administrator, program director, or staff member shall provide the  
21 department with an updated authorization for central registry  
22 clearance. If an updated central registry clearance documents that  
23 a licensee, licensee designee, administrator, program director, or  
24 staff member is named as a perpetrator in a central registry case,  
25 the staff member may not be present in the camp. As used in this  
26 subsection, "child abuse" and "child neglect" mean those terms as  
27 defined in section 2 of the child protection law, 1975 PA 238, MCL  
28 722.622.

29 (4) A camp shall establish and maintain a policy regarding

1 supervision of guests, including those who are parents or guardians  
2 of a camper receiving care and supervision at the camp.

3 Sec. 20. (1) The department may investigate, inspect, and  
4 examine conditions of a camp and may investigate and examine the  
5 licensee's books and records. The licensee must cooperate with the  
6 department's investigation, inspection, and examination by doing  
7 all of the following:

8 (a) Admitting members of the department into the camp, which  
9 includes access to all facilities at the camp, and access to the  
10 camp's books, records, reports, and any other document necessary to  
11 show compliance with this act and rules promulgated under this act.

12 (b) Allowing the department to perform routine investigative  
13 functions during an investigation, inspection, or examination.  
14 Routine investigative functions include, but are not limited to,  
15 interviewing potential witnesses, such as staff, guests, and  
16 campers, and taking photographs to assess and document the  
17 conditions of the camp and its compliance with this act and the  
18 rules promulgated under this act.

19 (c) Providing accurate and truthful information to the  
20 department, and encouraging witnesses, such as staff members and  
21 guests, to provide accurate and truthful information to the  
22 department.

23 (2) The licensee shall allow the department, the bureau of  
24 fire services, or local authorities access to the camp to carry out  
25 the provisions of this act and rules promulgated under this act  
26 related to the health or fire protection of campers.

27 (3) A licensee shall keep the records the department  
28 prescribes regarding each camper in its care and supervision and  
29 shall report to the department, if requested, the facts the

1 department requires with reference to the campers. Except as  
2 otherwise provided in this subsection and subsection (4), records  
3 regarding campers and facts compiled about campers and their  
4 parents and guardians are confidential, and disclosure of this  
5 information must be properly safeguarded by the camp, the  
6 department, and any other entity in possession of the information.  
7 The department may release available records that are confidential  
8 under this section to 1 or more of the following:

9 (a) A standing or select committee or appropriations  
10 subcommittee of the senate or house of representatives having  
11 jurisdiction of protective services matters for children, according  
12 to section 7 of the child protection law, 1975 PA 238, MCL 722.627.

13 (b) The children's ombudsman established in section 3 of the  
14 children's ombudsman act, 1994 PA 204, MCL 722.923.

15 (c) An employee of an agency, bureau, division, or other  
16 entity within the department or other investigative governmental  
17 agency but only to the extent necessary.

18 (4) Notwithstanding subsection (3) and sections 5 and 7(2) of  
19 the child protection law, 1975 PA 238, MCL 722.625 and 722.627,  
20 information or records in the possession of the department or the  
21 department of health and human services may be shared to the extent  
22 necessary for the proper functioning of the department or the  
23 department of health and human services in administering camp  
24 licensure under this act or in an investigation conducted under  
25 section 43b of the social welfare act, 1939 PA 280, MCL 400.43b.  
26 Information or records shared under this subsection must not be  
27 released by the department or the department of health and human  
28 services unless otherwise permitted under this act or other state  
29 or federal law. Neither the department nor the department of health

1 and human services shall release or open for inspection any  
2 document, report, or record authored by or obtained from another  
3 agency or organization unless 1 of the conditions of section 7(5)  
4 of the child protection law, 1975 PA 238, MCL 722.627, applies.

5 (5) The department may suspend, deny, revoke, or refuse to  
6 renew a license of the camp if the licensee does not cooperate with  
7 an investigation, inspection, or examination under this section.

8 Sec. 21. (1) The department may deny, revoke, or refuse to  
9 renew a license of a camp if the licensee or applicant falsifies  
10 information on the application or is in willful noncompliance and  
11 substantial noncompliance with this act, the rules promulgated  
12 under this act, or the terms of the license. A license must not be  
13 revoked, a renewal of a license must not be refused, or an  
14 application for a license must not be denied, unless the licensee  
15 or applicant is given notice in writing of the grounds of the  
16 proposed revocation, denial, or refusal. If revocation, denial, or  
17 refusal is appealed within 30 days after receipt of the notice by  
18 writing addressed to the department director, the department  
19 director or the director's designee shall conduct a hearing at  
20 which the licensee or applicant may present testimony and confront  
21 witnesses. If the proposed revocation, refusal, or denial is not  
22 appealed, the license must be revoked, the license must be refused  
23 renewal, or the application must be denied. The proposed  
24 revocation, refusal, or denial must be appealed within 30 days  
25 after receipt by writing the department director or the director's  
26 designee. Upon receipt of the written appeal, the department  
27 director or the director's designee must initiate the provisions of  
28 chapters 4 and 5 of the administrative procedures act of 1969, 1969  
29 PA 306, MCL 24.271 to 24.292. Notice of the hearing must be given



1 to the licensee or applicant by personal service or delivery to the  
2 proper address by certified mail not less than 2 weeks before the  
3 date of the hearing. The director's decision must be made as soon  
4 as practicable after the hearing and forwarded to the licensee or  
5 applicant by certified mail not more than 10 days after that. The  
6 formal notice and hearing requirements in this subsection do not  
7 apply if the licensee or applicant and the department comply with  
8 the provisions of subsection (2).

9 (2) The department may immediately revoke or refuse to renew a  
10 license or deny an application for a license without providing  
11 written notice of the grounds of the proposed action or giving the  
12 licensee or applicant 30 days to appeal if the licensee or  
13 applicant, in writing, does the following:

14 (a) Waives the requirement that the department provide written  
15 notice of the grounds for the proposed action.

16 (b) Waives the 30-day time frame in which to submit a written  
17 appeal to the proposed action.

18 (c) Waives the right to implement the provisions of chapters 4  
19 and 5 of the administrative procedures act of 1969, 1969 PA 306,  
20 MCL 24.271 to 24.292.

21 (3) The director or the director's designee may issue a  
22 subpoena to do either of the following:

23 (a) Compel the attendance of a witness to testify at a  
24 contested case hearing.

25 (b) Produce books, papers, documents, or other items relevant  
26 to the investigation or hearing.

27 (4) If a subpoena is disobeyed, the director or the director's  
28 designee may petition the circuit court to require the attendance  
29 of a witness or the production of books, papers, documents, or

1 other items. The circuit court may issue an order requiring a  
2 person to appear and give testimony or produce books, papers,  
3 documents, or other items. Failure to obey the order of the circuit  
4 court may be punished by the court as a contempt of court.

5 (5) A person, agency, or representative or officer of a firm,  
6 a corporation, an association, or an organization that has a  
7 license revoked, application denied, or renewal refused may be  
8 refused a license, or be prohibited from being connected, directly  
9 or indirectly, with a licensee for a period of not less than 5  
10 years after the revocation, denial, or refusal to renew. The  
11 department, in its discretion, may reject an application from a  
12 person, agency, or representative or officer of a firm, a  
13 corporation, an association, or an organization described in this  
14 subsection. The department may reject the application on its face  
15 without taking further action after notifying the applicant of the  
16 rejection and the reason for the rejection.

17 Sec. 22. A person aggrieved by the decision of the director  
18 following a hearing under section 16 or 21 may appeal as provided  
19 in chapter 6 of the administrative procedures act of 1969, 1969 PA  
20 306, MCL 24.301 to 24.306.

21 Sec. 23. (1) The department may bring an action for injunctive  
22 relief in the circuit court for the county in which the person  
23 resides, in which the unlicensed operation is located, or in the  
24 circuit court for Ingham County, to enjoin a violation or  
25 threatened violation of this act or a rule promulgated under this  
26 act. An affidavit of an individual who is personally familiar with  
27 the basis of noncompliance must be filed with the action for  
28 injunctive relief.

29 (2) If an investigation discloses an imminent threat to the

1 public health, safety, or welfare, or the well-being of a camper is  
2 endangered, the department may obtain an injunction to restrain or  
3 prevent a person from acting in a manner that threatens the public  
4 health, safety, or welfare, or to compel a person to affirmatively  
5 take reasonable corrective action. Before obtaining an injunction  
6 as provided by this subsection, the department must obtain an  
7 affidavit by a person familiar with the facts set forth in the  
8 affidavit, or, if appropriate, based upon an affidavit, that an  
9 imminent threat to the public health, safety, or welfare exists or  
10 the well-being of a camper is endangered. The department is not  
11 required to provide warning to the person before obtaining an  
12 injunction under this section. The department is not required to  
13 demonstrate an imminent threat to the public health, safety, or  
14 welfare or camper endangerment if the person is operating a camp  
15 without a license.

16 (3) If the department is successful in obtaining an injunction  
17 as provided in this section, the department is entitled to actual  
18 costs and attorney fees for maintaining the action.

19 Sec. 24. (1) A parent or guardian of a camper who voluntarily  
20 places the camper in camp shall provide a statement signed by the  
21 parent or guardian that authorizes the camp to consent to emergency  
22 medical and surgical treatment of the camper and consent to  
23 routine, nonsurgical medical care. If there is a religious  
24 objection to consenting to the receipt of emergency medical or  
25 surgical treatment, the parent or guardian shall submit a written  
26 statement to the effect that the camper is in good health and that  
27 the parent or guardian assumes the health responsibility for the  
28 camper.

29 (2) As used in this section, "routine, nonsurgical medical

1 care" does not include contraceptive treatment, services,  
2 medication, or devices.

3 Sec. 25. A rule adopted under this act may not authorize or  
4 require a medical examination, immunization, or treatment for a  
5 camper whose parent or guardian objects on religious grounds to the  
6 medical examination, immunization, or treatment.

7 Sec. 26. (1) If the conditions under subsection (2) are met,  
8 notwithstanding any camp policy to the contrary, a camper may  
9 possess and use 1 or more of the following at the camp, on camp-  
10 sponsored transportation, or at any activity, event, or camp  
11 program sponsored by the camp or in which the camper is  
12 participating:

13 (a) A metered dose inhaler or a dry powder inhaler to  
14 alleviate asthmatic symptoms or for use before exercise to prevent  
15 the onset of asthmatic symptoms.

16 (b) An epinephrine auto-injector or epinephrine inhaler to  
17 treat anaphylaxis.

18 (2) Subsection (1) applies to a camper if all of the following  
19 conditions are met:

20 (a) The camper has written approval to possess and use the  
21 inhaler or epinephrine auto-injector as described in subsection (1)  
22 from the camper's physician or other health care provider  
23 authorized by law to prescribe an inhaler or epinephrine auto-  
24 injector and from the camper's parent or guardian.

25 (b) The director or other administrator of the camp has  
26 received a copy of each written approval required under subdivision  
27 (a) for the camper.

28 (c) There is on file at the camp a written emergency care plan  
29 that contains specific instructions for the camper's needs, that is

1 prepared by a licensed physician in collaboration with the camper  
2 and the camper's parent or guardian, and that is updated as  
3 necessary for changing circumstances.

4 (3) A camp or an owner, director, or staff member of a camp is  
5 not liable for damages in a civil action for injury, death, or loss  
6 to person or property allegedly arising from either of the  
7 following:

8 (a) A staff member of the camp having prohibited a camper from  
9 using an inhaler or epinephrine auto-injector because the  
10 conditions prescribed in subsection (2) had not been satisfied.

11 (b) A staff member of the camp having permitted a camper to  
12 use or possess an inhaler or epinephrine auto-injector because the  
13 conditions prescribed in subsection (2) had been satisfied.

14 (4) This section does not eliminate, limit, or reduce any  
15 other immunity or defense that a camp or an owner, director, or  
16 staff member of a camp may have under other state law.

17 (5) A camp may request a camper's parent or guardian to  
18 provide an extra inhaler or epinephrine auto-injector to designated  
19 camp personnel for use in case of emergency. A parent or guardian  
20 is not required to provide an extra inhaler or epinephrine auto-  
21 injector to camp personnel.

22 (6) A director or other administrator of a camp who is aware  
23 that a camper possesses an inhaler or epinephrine auto-injector as  
24 authorized under this section shall notify each staff member who  
25 supervises the camper of that fact and of the provisions of this  
26 section.

27 Sec. 27. (1) Except as provided in subsection (2), a person  
28 that violates this act is guilty of a misdemeanor punishable by a  
29 fine of not less than \$500.00 or more than \$5,000.00.

1           (2) If a licensee, licensee designee, administrator, or  
2 program director of a camp intentionally violates a rule  
3 promulgated under this act and that violation causes the death of a  
4 child, the department shall permanently revoke the license.

5           (3) If a person is convicted under subsection (1), the  
6 conviction is sufficient ground for the revocation of that person's  
7 license, and the person that was convicted shall not be granted a  
8 license, or be permitted to be connected, directly or indirectly,  
9 with a camp licensee for a period of not less than 5 years after  
10 the conviction.

11          (4) The department may refuse to issue a license to or refuse  
12 to accept an application from an individual or legal entity seeking  
13 to become licensed, a licensee designee, an administrator, or a  
14 program director of the camp that had a license revoked,  
15 application denied, or renewal refused within the 5 years  
16 immediately preceding the application. The department may reject  
17 the application described under this subsection on its face without  
18 taking further action after notifying the applicant of the  
19 rejection and the reason for the rejection.