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RE: Clarification of Recreational Camp Licensing Exemption for Programs
“Sponsored” By Municipal Recreation Departments

DATE: March 6, 2006

As the new camp season approaches, the Department of Public Health (“Department”) is providing this Advisory to clarify its interpretation of the exemption from the licensing requirement for recreational camps for children for programs that are sponsored by a municipal recreation department. This exemption applies to “single-purpose classes, workshops, clinics or programs sponsored by municipal recreation departments” (MGL c. 111, §127A). While this Advisory clarifies the Department’s interpretation of this exemption, the decision as to whether any particular programs must be licensed as a recreational camp for children must be made by the municipal recreation department and board of health in consultation with their city or town attorney. This Advisory replaces all previous advisories issued by the Department on this subject.

In order to protect the health and safety of young campers during the upcoming camp season, city and town recreation departments should take the time now to review the licensing status of all of their recreational programs for children to determine whether they meet the requirements for licensure as a recreational camp for children under 105 CMR 430.000 *Minimum Sanitation and Safety Standards for Recreational Camps for Children*. **It is important to remember that unlicensed programs may not meet the state's *minimum* standards designed to protect the health and safety of the campers**, including adequate medical oversight, specialized staff for high risk activities, adequate background checks (CORI and SORI) on counselors and volunteers, appropriate camper/counselor ratios and appropriate health forms and immunizations.

The Department interprets the exemption specified in MGL c. 111, §127A, for programs sponsored by municipal recreation departments to apply only when a program is operated by a city or town recreation department and run by employees hired by the city or town (i.e., the employees receive a W-2 form from the city or town). The Department believes that in most cases a program held at or using city or town facilities but operated by a third party (individual or organization) that does not have an employer-employee relationship with the municipality is not a sponsored program and therefore must be licensed as a recreational camp for children. While the statute does not require licensure for programs that do meet the requirements as a sponsored program, cities and towns may choose to voluntarily license these programs.

The Department believes that the only way to promote minimum standards of accountability within city and town recreation programs and protect the health and safety of the children attending these programs is for every city and town to ensure compliance with 105 CMR 430.000.