The Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Public Health

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To: Commissioner Robert Goldstein and Members of the Public Health Council

From: Nalina Narain, Bureau Director, Bureau of Environmental Health

Date: February 14, 2024

RE: Request to Promulgate Amendments to 105 CMR 430.000, *Minimum Standards for Recreational Camps for Children* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**I. Introduction**

The purpose of this memorandum is to request that the Public Health Council (PHC) approve proposed amendments to 105 CMR 430.000, *Minimum Standards for Recreational Camps for Children.*

This regulation ensures minimum housing, health, safety, and sanitary protection for children in the care of recreational camps operating in the Commonwealth and sets forth inspection, licensing, hearing and procedures to be followed in enforcement of the State Sanitary Code established under M.G.L. c. 111, § 127A. This regulation assists local boards of health in their enforcement of the Sanitary Code and provides a method of notifying interested parties of violations of conditions which require immediate attention.

There were three major categories of proposed pre-comment amendments:

1. Changes made pursuant to the statutory authorization for unlicensed individuals to administer insulin at medical specialty camps, and related training and parental consent requirements for medication management (105 CMR 430.159 and .160)
2. Supervision and operation of specialized high-risk activities (105 CMR 430.103)
3. Miscellaneous and Technical Amendments (various locations)

**II. Public Comment**

A public hearing was held on June 27, 2023, and the public comment period closed on June 30, 2023. The Department received 45 comments from 12 commentors, including Local Boards of Health, camp operators, advocacy groups, and additional special interest groups. A complete summary of comments received and the Department’s response is attached to this memo – see “Comment Summary.”

The final proposed amendments were presented to the Building Code Coordinating Council (BCCC) in January 2024 and were unanimously approved.

**III. Summary of Proposed Changes**

As a result of the comments received, the Department of Public Health, Community Sanitation Program (CSP) recommends further amendments, below.

* **430.010(BT): Scope.** Language was added in response to comment to clarify that child care programs licensed by the Department of Early Education and Care (EEC) can operate a summer camp without also obtaining a Recreational Camp for Children license from the board of health. EEC programs operating as summer camps shall not be required to comply with 105 CMR 430, provided no specialized high-risk activities are offered unless approved in writing by the Department.
* **430.020: Definitions - CPR and First Aid.** Clarifying language was added to two definitions to update the name of the American Safety and Health Institute to the Health and Safety Institute.
* **430.020: Definitions - Health Care Consultant**. The proposed requirement for Physicians Assistants to have documented pediatric training was removed in response to comment. The Drug Control Program was consulted to confirm Physicians Assistants training requirements, which already includes pediatrics, so this requirement is not needed.
* **430.020: Definitions -Recreational Camp for Children.** Commenters argued that the use of “and” within the definition of a recreational camp would require operators to advertise as a camp to meet the definition of a recreational camp, which conflicts with the requirements of the code. As a result, this language was removed. Changes were also made in response to comment to clarify that if entities advertise or promote themselves as a camp, they must comply with these regulations.
* **430.091(B): Orientation and Training.** Current language requires the completion of an online head injury safety training. Clarifying language was added that the training be completed on an annual basis. This is not a new requirement, as it is already required to be completed as part of the annual orientation for all. CSP is asked multiple times each year if this is to be completed annually, and a comment was submitted seeking clarification, so this language was added.
* **430.103 (B)(2) and (3):** **Supervision and Operation of Specialized High-Risk Activities.** Language was included to ensure compliance and alignment with personal watercraft regulations (323 CMR 4.00).
* **430.103 (C): Supervision and Operation of Specialized High-Risk Activities**. Language was added to ensure that all diving activities are conducted in accordance with and alignment with M.G.L. c. 90B, Section 131A.
* **430.154(A)(5): Injury and Incident Reports.** Language added to clarify if life saving measures includes the use of an epi-pen.
* **430.154(A)(6): Injury and Incident Reports.** Language added to clarify that injury reporting requirements regarding medication administration are only for medication administration errors.
* **430.160(H): Storage and Administration of Medication.** Language added to permit campers to carry and self-administer inhalers with parental and health care consultant signatures, matching approval requirements for epi-pens. This is an important lifesaving measure and will not incur any costs to operators to implement or obtain approvals.
* **430.165 and .166: Tobacco Use and Alcohol and Recreational Marijuana Use.** Clarifying language was added to address an inconsistency in the current regulations. Current language allows nicotine products to be used during non-operational hours. Language was added to be consistent with prohibition of use of alcohol and recreational marijuana during camp operating hours.
* **430.204 (H): Waterfront and Boating Program Requirements.** Broad language was added clarifying that all watercraft and watercraft activities must comply with applicable MA boating laws and regulations. This is an existing obligation.
* **430.252: Qualifications of Driver.** Language was removed referring to the American Red Cross Standard First Aid Certificate or its equivalent and was replaced with “current First Aid certificate.”
* **430.373: Handwashing Facilities.** Changes were made to clarify that if a camp provides additional toilet facilities, beyond the minimum required, in areas where standard plumbing is unavailable, they can provide hand hygiene supplies for those additional toilet facilities instead of sinks.

**III. Next Steps**

The Department requests that the Public Health Council approve the amendments for promulgation. Following Public Health Council approval, the Department will file the amended regulation with the Secretary of the Commonwealth for final enactment.

The amendments to 105 CMR 430.000 are attached to this memorandum.