

105 CMR: DEPARTMENT OF PUBLIC HEALTH

105 CMR 430.000: MINIMUM STANDARDS FOR RECREATIONAL CAMPS FOR CHILDREN  
(STATE SANITARY CODE, CHAPTER IV)

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430.001: Purpose

The purpose of 105 CMR 430.000 is to provide minimum standards for housing, health, safety and sanitary conditions for minors attending recreational camps for children in the Commonwealth.

430.010: Scope

(A) No person, corporation, trust, authority, government agency, political subdivision or any other entity shall operate a recreational camp for children in the Commonwealth which does not comply with the requirements of 105 CMR 430.000.

(B) Any building which is required to conform to the minimum sanitation and safety standards contained in 105 CMR 430.000 shall not be required to comply with 105 CMR 410.000: *Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II)* during the period of its use as a part of a recreational camp for children.

430.020: Definitions

Age means the age of a person on the day a camp session begins.

Aquatics Director means a trained water safety professional with current certifications as a lifeguard who has responsibility for supervising aquatic activities. The aquatics director shall be at least 21 years of age and have experience in a management or supervisory position at a similar aquatics area of at least six weeks duration.

Bathing Beach means the land where access to the bathing water is provided pursuant to 105 CMR 445.000: *Minimum Standards for Bathing Beaches (State Sanitary Code, Chapter VII)*. For the purposes of 105 CMR 430.000, Bathing Beaches shall not include swimming pools, wading pools and other artificial bodies of water.

Board of Health means a municipal board of health, a municipal health department, a regional health district, or any other legally constituted city, town, or county governmental unit within the Commonwealth serving as a public health agency, as established under M.G.L. c. 41, § 1, or M.G.L. c. 111, §§ 26, 26A, 27A, or 27B, or its authorized agent or representative under M.G.L. c. 111, § 30. Board of Health shall also mean an inspectional services department in a city or town where the inspectional services department is responsible for the enforcement of 105 CMR 430.000. In any case in which a camp extends into the geographic jurisdiction of two or more boards, those boards may coordinate activities in effecting compliance with 105 CMR 430.000.

Camp Director means an individual who has primary and direct responsibility for the day to day operation and supervision of a recreational camp for children including oversight of program operations, supportive services, business affairs, health matters, food, staff supervision and transportation.

Camper means a child who attends a recreational camp for children, including Counselors-in-Training.

Certificate of Immunization shall mean either:

(1) any form or letter signed and dated by a physician or designee, or

(2) a dated report from the Massachusetts Immunization Information System;

provided that either document specifies the month and year of administration and the type/name of the vaccine(s) administered to the camper or staff person, or alternative evidence of immunity.

430.020: continued

Child and Children means individuals who are younger than 18 years old.

Counselor means an individual who supervises campers and who may have exclusive responsibility for campers.

Counselor-in-training means a camper who is training to become a counselor.

CPR Certificate means a current certification in cardiopulmonary resuscitation (CPR) including the American Red Cross CPR Certificate for the Professional Rescuer, American Heart Association CPR Certificate for Health Care Provider, National Safety Council CPR Training or any equivalent CPR training recognized by the Department.

Day Camp means a program which:

- (1) operates on a site for more than two hours but less than 24 hours a day;
- (2) operates for at least four days during a 14 consecutive day period in a city or town; and
- (3) meets the definition of a recreational camp for children.

Department means the Massachusetts Department of Public Health.

First Aid Training means at least current certification in American Red Cross Standard First Aid, American Heart Association, or its equivalent with a current CPR Certificate.

Garbage means the animal, vegetable or other organic waste resulting from the handling, preparing, cooking, consumption or cultivation of food, and containers and cans which have contained food unless such containers and cans have been cleaned or prepared for recycling.

Habitation means a portion inside a building, tent, or other structure which is used for living, sleeping, cooking, or consumption of food.

Health Care Supervisor means a person on the staff of a recreational camp for children who is 18 years of age or older and who is responsible for the day to day operation of the health program or component. The Health Care Supervisor shall be a Massachusetts licensed physician, physician assistant, certified nurse practitioner, registered nurse, licensed practical nurse, or other person specially trained in first aid.

Junior Counselor means an individual who assists counselors in the performance of their duties, but who does not have exclusive responsibility for supervising campers.

Lifeguard means a trained water safety professional who is at least 16 years old and holds the following current certifications:

- (1) An American Red Cross Lifeguard Training Certificate, Royal Bronze Medallion, Boy Scouts of America Lifeguard Certificate, National YMCA Lifeguard Certificate, or an equivalent certification, as determined by the Department;
- (2) A CPR Certificate; and
- (3) An American Red Cross Standard First Aid Certificate, Red Cross Community First Aid and Safety Certificate, or National Safety Council First Aid Training, Level 2, or an equivalent certification recognized by the Department.

Medical Specialty Camp means a camp with a primary purpose to provide programs for campers with special medical or health needs.

Mild Disability means a condition in which a person can function on his or her own in providing total self-care but needs assistance in other camp activities.

Operator means any person who:

- (1) alone or jointly with others owns a recreational camp for children; or
- (2) has care, charge or control of a recreational camp for children as agent or lessee of the owner or as an independent contractor; or
- (3) is the camp director.

430.020: continued

Person or Entity means an individual or his or her estate upon his or her death, or a corporation, a government agency, a partnership, a trust, an association, or an organized group of persons, whether incorporated or not, or any receiver, trustee, or other liquidating agent of any of the foregoing while acting in such capacity.

Primitive or Outpost Camp means a portion of the permanent camp premises or other site at which the basic needs for camp operation such as places of abode, water supply systems and permanent toilet and cooking facilities may not be provided.

Qualified Dietitian means a person who is eligible for registration by the American Dietetic Association or has at least a baccalaureate degree in food and nutrition, dietetics, or food service management.

Recreational Camp for Children means:

- (1) Any day, primitive or outpost, residential, sports, travel or trip camp conducted wholly or in part for recreation or recreational instruction which:
  - (a) operates for profit or philanthropic or charitable purposes, whether or not a fee is charged;
  - (b) serves five or more children who are not members of the family or personal guests of the operator; and
  - (c) operates for any period of time between June 1<sup>st</sup> and September 30<sup>th</sup> of any year or fewer than 15 business days during any other time of the year.
- (2) Provided it is not promoted or advertised as a camp, none of the following shall be deemed to be a recreational camp for children:
  - (a) a child care program licensed by the Department of Early Education and Care in accordance with M.G.L. c. 15D;
  - (b) single purpose classes, workshops, clinics or programs sponsored by municipal recreation departments, or neighborhood playgrounds designed to serve primary play interests and needs of children, as well as affording limited recreation opportunities for all people of a residential neighborhood, whether supervised or unsupervised, located on municipal or non-municipal property, whether registration is required or participation is on a drop-in basis as provided in M.G.L. c. 111, § 127A;
  - (c) a program operated solely on a drop-in basis;
  - (d) a classroom-based instructional program provided no specialized high risk activities (*see* 105 CMR 430.103) are conducted as part of the program;
  - (e) a summer school program accredited by a recognized educational accreditation agency, where the accreditation includes standards for specialized high risk activities, if the program involves such activities (*see* 105 CMR 430.103), and the summer program meets those accreditation standards.

Residential Camp means a program which:

- (1) meets the definition of a recreational camp for children;
- (2) operates on a permanent site for three or more consecutive overnights; and
- (3) operates for at least four days during a 14 consecutive calendar day period in a city or town.

Rubbish means waste materials including, but not limited to, such material as paper, rags, cartons, boxes, wood, rubber, leather, tin cans, metals, machine or machine parts, mineral matter, glass, plastic bags and containers, crockery, dust and the residue from the burning of wood, coal, coke, and other combustible materials. Rubbish does not include garbage, yard waste, recyclable material, or bulk items.

Severe Disability means a condition in which a person needs assistance in self-care and camp activities.

430.020: continued

Specialized High Risk Activities means those activities posing an inherent risk of serious injury or death due to the nature of the activity regardless of reasonable precautions and supervision. Such activities present an increased risk to health and safety beyond the routine risk of exercising and being active in various weather conditions. Specialized high risk activities shall include, but not limited to, horseback riding, hiking, scuba diving, rock climbing, firearms, archery, challenge courses, climbing walls, and aquatic activities (e.g., swimming, watercraft activities, scuba diving).

Sports means athletic activities including, but not limited to, football, soccer, dance, baseball, gymnastics, swimming, horseback riding, tennis, skating and basketball.

Sports Camp means a program which:

- (1) meets the definition of a recreational camp for children;
- (2) has a primary focus on one or more sports activities;
- (3) operates on a site for more than two hours but less than 24 hours a day; and
- (4) operates for at least four days during a 14 consecutive calendar day period in a city or town.

Staff means any person employed by a recreational camp for children, not including a volunteer, who:

- (1) is or may be present at any time at the camp when campers are present and is in the service of the camp under any contract of hire, express or implied, oral or written, where the camp operator has the power or right to control and direct the person in the material details of how his or her work is to be performed; and
- (2) is paid directly by the camp operator. This does not include any person at the camp performing contracted services (e.g., delivery person, maintenance staff, bus driver, or third party vendors) while under the supervision of the camp operator or his or her designee.

Stairway means any group of stairs having three or more risers.

Swimming and Diving Areas means aquatic facilities and operations generally known as swimming pools, wading pools, diving tanks, beaches, rivers, lakes, other natural bodies or water and similar areas and facilities.

Swimming Pool means every artificial pool of water licensed as a swimming pool by the Board of Health in accordance with 105 CMR 435.000: *Minimum Standards for Swimming Pools (State Sanitary Code, Chapter V)*.

Tent means any structure of which 25% or more of the roof or walls or both are constructed of canvas, or covered or protected by any fabric material.

Travel Camp means a program which provides care for not less than a 72-hour period, uses motorized transportation to move campers as a group from one site to another and meets the definition of a recreational camp for children.

Trip Camp means a program which provides care for not less than a 72-hour period, moves campers under their own power or by a transportation mode permitting individual guidance of a vessel, vehicle or animal from one site to another and meets the definition of a recreational camp for children. Trip Camp includes, for example, a program which leads campers by bicycle, canoe or horseback from one site to another.

Volunteer means any person who performs services in an unpaid capacity at a recreational camp for children.

430.050: License Required

No recreational camp for children shall operate without a license from the Board of Health. Any person or program that promotes or advertises itself as a camp, even if it does not meet the criteria of a Recreational Camp as defined within 105 CMR 430.020, must be licensed as a recreational camp for children prior to operating.

430.090: Background Information

- (A) The operator shall develop and follow written procedures for the review of the background of each staff person and volunteer.
- (B) Each staff person and volunteer shall have a background free of conduct that bears adversely upon his or her ability to provide for the safety and well-being of the campers. The operator shall determine whether each staff person's and volunteer's conduct, criminal or otherwise, shall disqualify that person from employment or service at the camp. In making this determination, the operator shall consider at a minimum information required under 105 CMR 430.090(C) and (D).
- (C) At a minimum the operator shall require for each camping season the following with regard to each staff person:
- (1) Prior work history, including name, address and phone number of a contact person at each place of employment for the previous five years, and
  - (2) Three positive reference checks from individuals not related to the staff person including, but not limited to, previous employers or school administrators. Returning staff persons may use prior references on record with the camp provided if there is a gap in employment with the camp for one or more camp seasons, new references shall be required.
  - (3) Inquiry by the operator into each staff person's prior criminal history. Such inquiry shall include, at a minimum, a criminal history inquiry as indicated:
    - (a) The operator shall obtain a sex offender registry information check from the Massachusetts Sex Offenders Registry Board for all prospective staff. International staff entering the country pursuant to a visa and who have not previously been in the United States are exempt.
    - (b) In accordance with M.G.L. c. 6, § 172G, operators shall obtain a CORI/Juvenile Report from the Department of Criminal Justice Information Services for all prospective staff.
    - (c) For prospective staff whose permanent residence is not Massachusetts (out of state and international), the operator, where practicable, shall also obtain from the applicant's state criminal information system, local chief of police, or other local authority with access to relevant information, a criminal record check or its nationally recognized equivalent (*e.g.*, biometric data).
    - (d) If there is no interruption in the staff person's employment by the camp or organization operating the camp from the time of the initial background check, a new criminal or sex offender history is required at a minimum every three years. This applies only to permanent employees of the same camp or organization operating the camp. Any break in employment service requires a new criminal history and sex offender inquiry for the staff person.
- (D) At a minimum, the operator shall require for each camping season the following with regard to each volunteer:
- (1) Prior work or volunteer history, including name, address and phone number of a contact person at each place of employment or volunteer service for the previous five years.
  - (2) A sex offender registry information check from the Massachusetts Sex Offenders Registry Board.
  - (3) In accordance with M.G.L. c. 6, § 172G, operators shall obtain a CORI/Juvenile Report from the Department of Criminal Justice Information Services.
- (E) The operator shall maintain written documentation verifying the background and character of each staff person and volunteer for three years, or as required by M.G.L. c. 149, § 52C, if applicable.
- (F) No person shall be employed or allowed to volunteer at a recreational camp for children until such time as the operator is in receipt of, reviews and makes a determination with regard to all background information required pursuant to 105 CMR 430.090(C) and (D).

430.091: Staff Orientation and Training

The operator shall provide orientation and training for all counselors, junior counselors, and other applicable camp staff and volunteers. The operator shall describe, in writing, the camp's plan for orientation including at a minimum the camp's organization, policies and procedures. Training shall include any necessary training specific to overseeing certain camp activities or any specialized training to meet the needs of campers with unique physical or behavioral needs, as applicable. As part of the orientation, all counselors, junior counselors, and other staff and volunteers shall complete one online head injury safety training program, such as the Centers for Disease Control and Prevention's "Heads-Up" training, or an equivalent training approved by the Department. The operator shall not assign any person to be responsible for a group of children nor utilize any staff or volunteer to supervise others until such person has received the minimum orientation described in 105 CMR 430.091. Documentation of specific training components and attendance records for such trainings shall be maintained according to 105 CMR 430.145.

430.093: Prevention of Abuse and Neglect

(A) The operator shall have written policies and procedures in place to protect campers from both abuse and neglect (as defined in 110 CMR 2.00: *Glossary*) while in the camp's care and custody.

(B) The operator shall develop and follow written procedures for reporting of any suspected incidents of child abuse or neglect in accordance with procedures described in M.G.L. c. 119, § 51A. The procedures shall include:

(1) All staff shall immediately report any suspected child abuse or neglect. The report shall be made either to the Massachusetts Department of Children and Families or its successor, or to the camp director.

(2) The camp director shall immediately report suspected abuse or neglect to the Massachusetts Department of Children and Families, or its successor.

(3) The camp director shall notify in writing the Department and the Board of Health if a report is filed pursuant to M.G.L. c. 119, § 51A alleging abuse or neglect of a child while in the care of the recreational camp for children or during a program-related activity. The report filed pursuant to M.G.L. c. 119, § 51A itself shall not be forwarded to the Department or Board of Health.

(C) The operator shall cooperate in all official investigations of abuse or neglect, including identifying parents of campers currently or previously enrolled in the camp who may have been in contact with the subject of the investigation.

(D) The operator shall ensure an allegedly abusive or neglectful staff person shall not have any unsupervised contact with campers until the Massachusetts Department of Children and Families investigation is completed.

430.100: Camp Counselor and Junior Counselor Requirements

(A) Each counselor in a recreational camp for children shall:

(1) have at least four weeks experience as a junior counselor, have participated in structured group camping, or have at least four weeks experience in a supervisory role with children; and

(2) have satisfactorily completed a camp counselor orientation and training program as specified in 105 CMR 430.091 prior to the arrival of campers.

(B) Each junior counselor in a recreational camp for children shall have satisfactorily completed a junior counselor orientation program prior to the arrival of campers.

(C) The age of counselors shall be as follows:

(1) in residential, primitive, sports, travel, trip and medical specialty camps:

(a) counselors shall be 18 years of age or older or have graduated from high school;

(b) junior counselors shall be 16 years of age or older;



430.100: continued

- (2) In a day camp
  - (a) counselors shall be 16 years of age or older;
  - (b) junior counselors shall be 15 years of age or older.
- (3) All counselors and junior counselors shall be at least three years older than the campers whom they supervise.

430.101: Required Ratio of Counselors to Campers

Each recreational camp for children shall have the following minimum ratio of counselors to campers:

(A) Residential and Day Camps. Residential, day, and sports camps shall have at least one counselor for every ten campers seven years of age or older and one counselor for every five campers younger than seven years old. To meet these required ratios, counselors shall be within the line of sight or close proximity to campers at all times. Junior counselors may be included in meeting up to 50% of the camper to staff ratio within each unit, living or general activity group, but shall always be under the direct supervision of a counselor. Each residential or day camp serving campers with mild or severe disabilities shall have a staffing plan in place to ensure adequate staffing to supervise children with disabilities.

(B) Primitive, Travel and Trip Camps. Each primitive, travel and trip camp shall have at least one counselor for every ten campers, with a minimum of two counselors, one of which shall be at least 21 years old. Each primitive, travel or trip camp serving campers with mild or severe disabilities shall have a staffing plan in place to ensure adequate staffing to supervise children with disabilities.

430.102: Camp Director Requirements

Each recreational camp for children shall have at the camp at all times a director who meets the following:

(A) Residential Camp. Each residential camp shall have a director who is 25 years of age or older and who meets at least one of the following:

- (1) Successful completion of a course in camping administration such as those offered by national professional camping associations, national agencies or their equivalent, or
- (2) At least two seasons of previous experience working as part of an administrative staff of a recreational camp for children.

(B) Day Camp. Each day camp shall have a director who is 21 years of age or older and who meets at least one of the following:

- (1) Successful completion of a course in camping administration such as those offered by national professional camping associations, national agencies, or their equivalent, or
- (2) At least two seasons of previous experience working as part of the administrative staff of a recreational camp for children.

(C) Primitive, Travel and Trip Camps. Each primitive, travel and trip camp shall have a director who shall:

- (1) Be 25 years of age or older; and
- (2) Possess demonstrated proof of experience supervising a recreational camp for children in similar camping activities.

(D) The operator shall inform all staff on duty as to who is responsible for administration of the camp at any given time. In the event of the absence of the director, the director or operator shall appoint a designee who shall be at the camp at all times. The designee shall meet the qualifications as required by 105 CMR 430.102(A), (B) or (C).

430.103: Supervision of Specialized High Risk Activities

Each recreational camp for children which conducts specialized high risk activities, either on or off-site, including, but not limited to, horseback riding, hiking, scuba diving, rock climbing, firearms, archery, challenge courses, climbing walls, watercraft and aquatic activities, shall conduct such activities only under the supervision of a counselor who has evidence of appropriate training, certification and experience in each activity under his or her supervision. Said counselor shall be present during periods of specialized high risk activity. The operator shall make adequate provisions to assure any special training necessary for camp personnel to protect the safety and health of campers with disabilities.

(A) Swimming and Other Aquatics Activities. Swimming and other aquatics activities shall be supervised by one counselor for every ten campers in the water or near the water. For every 25 campers, or portion thereof, there shall also be at least one lifeguard. If 50 or more campers are in the water or near the water, the aquatics director must be present to directly supervise the activities and may be one of the on-duty lifeguards to meet the requirement above. If swimming activities occur at a location separate from the camp, the camp shall provide supervision by lifeguards as required in 105 CMR 430.103 but is not required to provide an aquatics director. Supervision of swimming, if not provided by camp staff, may be allowed through a contractual agreement between the camp and the owner or operator of the swimming venue to supply dedicated lifeguards at the required ratio of one lifeguard for each 25 campers in or near the water.

(B) Watercraft.

(1) All watercraft activities shall be supervised by a minimum of one counselor for every ten campers in watercraft. Each counselor shall hold a lifeguard certification or American Red Cross certification in Small Craft Safety and Basic Water Rescue, or an equivalent certification recognized by the Department that demonstrates water rescue procedures specific to the type of water and activities conducted.

(2) All watercraft activities carried out on white water, or hazardous salt or fresh water, regardless of the number of campers, shall have a minimum of two counselors, each in separate watercraft, supervising the activity. In addition to the certification and training required by 105 CMR 430.103(B)(1), each counselor shall have evidence of previous training and experience with this type of water activity totaling at least six hours on the water.

(3) Campers shall possess at least an American Red Cross Level 4 or higher Program Certificate, or an equivalent recognized by the Department, in swimming proficiency before being allowed to participate in white water, hazardous salt water or hazardous fresh water boating activities. All white water activities must be carried out on water determined to be no more difficult than Class III as defined by the International Scale of River Difficulty. No trips shall be taken on unclassified white water.

(4) All staff and participants engaging in water craft activities shall wear U.S. Coast Guard approved personal floatation devices appropriate to the activity.

(C) Scuba Diving. Scuba diving activities shall be supervised by individuals who are currently certified by a national or regional scuba training program such as the YMCA, National Association of Scuba Diving Schools, Professional Association of Diving Instructors, National association of Underwater Instructors, Scuba Schools International, or equivalent program recognized by the Department.

(D) Firearms. All firearm activities shall be directly supervised by an individual who possesses a current National Rifle Association Instructor's certification and maintains compliance with M.G.L. c. 140, § 129B - Firearm identification cards; M.G.L. c. 140, § 129C(m) - Exemption for instruction, or M.G.L. c. 140, § 131 - Licenses to carry firearms, as applicable. A ratio of one counselor for every ten campers on the range shall be maintained at all times. This ratio may include the instructor.

(E) Archery. A ratio of one counselor per ten campers shall be maintained on the archery range at all times.

(F) Horseback Riding. All riding instructors used by a recreational camp for children whether staff of the camp or of another facility used by the camp, shall be licensed in accordance with M.G.L. c. 128, § 2A.

430.103: continued

- (G) Challenge Course or Climbing Wall. All challenge courses or climbing walls shall:
- (1) Be licensed and maintained pursuant to 520 CMR 5.00: *Amusement Devices*;
  - (2) Comply with the following requirements of *American Camp Association Accreditation Process Guide* Standard PD 24.1:
    - (a) at least an annual inspection by qualified personnel to ensure the integrity of the hardware, material and equipment for each element of the challenge course, climbing wall or other apparatus, and
    - (b) a written report of such inspection(s) including recommendations concerning the safety of the challenge course or climbing wall and appropriate remedial actions needed to correct any deficiencies noted in the report; and
  - (3) Maintain a ratio of one counselor for every ten campers at all times.

430.140: Medical Waste

Any medical waste, as defined in 105 CMR 480.000: *Minimum Requirements for the Management of Medical or Biological Waste (State Sanitary Code, Chapter VIII)*, shall be maintained and disposed of in accordance with the requirements of 105 CMR 480.000.

430.145: Maintenance of Records

Camp operators shall maintain all records relating to campers, staff and volunteers for a minimum of three years.

430.150: Health Records

Each recreational camp for children shall maintain, a health record for each camper and for each staff person who is younger than 18 years old. The health record shall be readily available at all times in electronic or hard copy form that is secure from unauthorized access and shall include at least the following:

- (A) The camper's or staff member's name and home address;
- (B) The name, address and telephone number of the camper's or staff member's parent(s) or guardian(s);
- (C) A written authorization for emergency medical care signed by a parent or guardian;
- (D) The travel location(s) and telephone number(s) of the camper's or staff member's parent(s) or guardian(s) if the parent(s) or guardian(s) will be traveling during the camping season;
- (E) The name, address and telephone numbers of the camper's or staff member's family health care provider or health maintenance organization, if any;
- (F) If the camper or staff member brings a prescribed medication from home, a written authorization to administer the medication signed by a parent or guardian;
- (G) Copies of injury reports, if any, required by 105 CMR 430.154;
- (H) A certificate of immunization indicating compliance with 105 CMR 430.152(A); and
- (I) In addition, in each residential, sports, travel and trip camp: the health history and report of physical examination required by 105 CMR 430.151.

430.151: Physical Examinations by Physician and Certificate of Immunization

- (A) Every camper and full time staff person shall prior to attending or after receiving a conditional offer of employment from a residential, travel, sports, or trip camp, furnish to the camp the following, prepared and signed by a licensed health care provider:

430.151: continued

- (1) A current medical history which lists allergies, required medications, and any health conditions or impairments which may affect the individual's activities while attending the camp;
- (2) A report of a physical examination conducted during the preceding 18 months; and
- (3) A certificate of immunization.

(B) Every camper and full time staff person shall prior to attending or after receiving a conditional offer of employment from a day camp, furnish to the camp:

- (1) A current medical history which lists allergies, required medications, and any health conditions or impairments which may affect the individual's activities while attending the camp. The medical history shall be signed by a parent or guardian, or by a licensed health care provider, however, in the case of a staff member 18 years of age or older, the staff member's signature shall be sufficient; and
- (2) A certificate of immunization.

(C) No person known to be suffering from tuberculosis in a communicable form, or having evidence of symptoms thereof, shall be allowed to work or attend a recreational camp for children in any capacity which might bring him or her into contact with any camper at such camp. Screening and testing for tuberculosis shall be in accordance with the most current guidance issued by the Department's Tuberculosis Prevention Program.

430.152: Required Immunizations

Written documentation of immunization in accordance with the most current Department immunization schedules developed pursuant to recommendations of the Centers for Disease Control and Prevention shall be required for all campers and staff.

430.153: Physical Examination or Immunization Exemptions

(A) Religious Exemption. If a camper or staff member has religious objections to physical examinations or immunizations, the camper or staff member shall submit a written statement, signed by a parent or legal guardian of the camper or staff member if a minor, stating that the individual is in good health and stating the general reason for such objections.

(B) Immunization Contraindicated. Any immunization specified in 105 CMR 430.152 shall not be required if the health history required by 105 CMR 430.151 includes a certification by a physician certifying he or she has examined the individual and in the physician's opinion the physical condition of the individual is such that his or her health would be endangered by such immunization.

(C) Exclusion. In situations when one or more cases of a vaccine-preventable or any other communicable disease are present in a camp, all susceptible children, including those with medical or religious exemptions, are subject to exclusion as described in 105 CMR 300.000: *Reportable Diseases and Isolation and Quarantine Requirements*.

430.154: Injury Reports

A report shall be completed on a form available from the Department for each fatality or serious injury as a result of which a camper, staff person, or volunteer is sent home or brought to the hospital or physician's office, and where a positive diagnosis is made. Such injuries shall include, but shall not necessarily be limited to, those for which suturing or resuscitation is required, bones are broken, or the camper, staff person, or volunteer is admitted to the hospital. A copy of each injury report shall be sent to the Department, as well as the Board of Health, as soon as possible but no later than seven calendar days after the occurrence of the injury. In addition, any camp operator that is an owner of a challenge course or climbing wall operating at the camp and licensed pursuant to 520 CMR 5.00: *Amusement Devices* shall comply with the reporting requirements in 520 CMR 5.00 for each fatality or serious injury, as defined in 520 CMR 5.00, related to the challenge course or climbing wall.

430.155: Medical Log

Each recreational camp for children shall maintain a medical log which shall contain a record of all camper and staff health complaints and treatment. The medical log shall list the date and time, name of patient, complaint, and treatment for each incident. The medical log shall be maintained in a readily available format and shall be signed by an authorized staff person.

430.156: Availability of Health Records and Logs

All medical records and logs shall be readily available to the health care supervisor, camp nurse or camp doctor or other health personnel.

All medical records and logs shall be made available upon request to authorized representatives of the Department and of the Board of Health which licenses the camp. The Department and the Board of Health shall maintain the confidentiality of information relating to individual campers and staff.

430.157: Communicable Disease Reporting and Parental Education Requirements

(A) The operator of a recreational camp for children, in consultation with the camp's health care consultant, shall immediately report each case of communicable disease listed as reportable under 105 CMR 300.000: *Reportable Diseases and Isolation and Quarantine Requirements* occurring in a camp to the Board of Health and the Department. Such report shall include the name and home address of any individual in the camp known to have or suspected of having such disease. Until action on such case has been taken by the camp health care consultant, strict isolation of affected individuals shall be maintained.

(B) The operator of a recreational camp for children, in consultation with the camp's health care consultant, shall be responsible for ensuring each suspected case of food poisoning or any unusual prevalence of any illness in which fever, rash, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom is reported immediately to the Board of Health and to the Department, by email or telephone. This report shall be made by the health care consultant, health care supervisor, or the camp director or operator.

(C) Information regarding meningococcal disease and immunization shall be provided annually to the parent or legal guardian of each camper in accordance with M.G.L. c. 111, § 219.

430.159: Health Care Staff to be Provided

The operator of each recreational camp for children shall provide:

(A) A designated Massachusetts licensed physician, certified nurse practitioner, or physician assistant having documented pediatric training, as the camp's health care consultant. The consultant shall:

- (1) Assist in the development of the camp's health care policy as described in 105 CMR 430.159(B);
- (2) Review and approve the policy initially and at least annually thereafter;
- (3) Approve any changes in the policy;
- (4) Review and approve the first aid training of staff;
- (5) Be available for consultation at all times; and
- (6) Develop and sign written orders, including for prescription medication administration, to be followed by the on-site camp health care supervisor in the administration of his or her health related duties; and
- (7) Provide trainings as required by 105 CMR 430.160 to the health care supervisor(s) and other camp staff.

(B) A written camp health care policy, approved by the Board of Health and by the camp health care consultant. Such policy shall include, but not be limited to: daily health supervision; infection control; medication storage and administration, including self-administration when appropriate, pursuant to the requirements of 105 CMR 430.160; procedures for using insect repellent; conducting tick checks; promoting allergy awareness; handling health emergencies and accidents, including parental/guardian notifications; available ambulance services; provision for medical, nursing and first aid services; the name of the designated on-site camp health care

## 430.159: continued

supervisor; the name, address, and phone number of the camp health care consultant required by 105 CMR 430.159(A); and the name of the health care supervisor(s) required by 105 CMR 430.159(E), if applicable.

(1) Each full time staff member shall receive a copy of the policy and shall be trained in the program's infection control procedures and implementation of the policy during staff orientation.

(2) Prior to admitting a child to the camp, parents and guardians shall be provided a copy of the policy pertaining to the care of mildly ill campers, administration of medication and the procedures for providing emergency health care. A complete copy of the policy shall be furnished to parents and guardians upon their request.

(C) At least one health care supervisor, or more as determined by the camp operator based on camp size and ability to provide for the needs of the camp, who is present at the camp at all times. Primitive, travel, and trip camps shall have at least one individual who is trained in first aid in addition to the health care supervisor accompanying the campers. Said individual shall possess at least current certification in Red Cross Standard First Aid, or its equivalent.

(D) In residential camps in which the total number of campers and staff is less than 150 and in all day camps, the health care supervisor may have additional non-health related duties, but shall at all times be available at the camp to render emergency first aid.

(E) In camps operated specifically for children with mild or severe disabilities, medical specialty camps, residential camps for children where the total number of campers and staff is 150 or greater and at any other camp when so advised by the health care consultant described in 105 CMR 430.159(A), the health care supervisor shall be:

(1) A nurse registered to practice in the Commonwealth;

(2) A physician licensed to practice in the Commonwealth;

(3) A certified nurse practitioner or physician assistant licensed to practice in the Commonwealth; or

(4) A Massachusetts licensed practical nurse.

430.160: Storage and Administration of Medication

(A) Medication prescribed for campers shall be kept in original containers bearing the pharmacy label, which shows the date of filling, the pharmacy name and address, the filling pharmacist's initials, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner, the name of the prescribed medication, directions for use and cautionary statements, if any, contained in such prescription or required by law, and if tablets or capsules, the number in the container. All over the counter medications for campers shall be kept in the original containers containing the original label, which shall include the directions for use. (M.G.L. c. 94C, § 21).

(B) All medication prescribed for campers shall be kept in a secure manner (*e.g.*, locked storage or in the controlled possession of the individual responsible for administering them, according to *American Camp Association Standard HW 19*). Medications requiring refrigeration shall be stored at temperatures of 36° to 46°F in accordance with Massachusetts Board of Registration in Pharmacy guidance regarding proper storage of refrigerated and frozen medications.

(C) Medication shall only be administered by the health care supervisor or by a licensed health care professional authorized to administer prescription medications. If the health care supervisor is not a licensed health care professional authorized to administer prescription medications, the administration of medications shall be under the professional oversight of the health care consultant. The health care consultant shall acknowledge in writing a list of all medications administered at the camp. Medication prescribed for campers brought from home shall only be administered if it is from the original container, and there is written permission from the parent/guardian.

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(D) A written policy for the administration of medications at the camp shall identify the individuals who will administer medications. This policy shall:

(1) List individuals at the camp authorized by scope of practice (such as licensed nurses) to administer medications; and/or other individuals qualified as health care supervisors who are properly trained or instructed, and designated to administer oral or topical medications by the health care consultant.

(2) Require health care supervisors designated to administer prescription medications to be trained or instructed by the health care consultant to administer oral or topical medications.

(3) Document the circumstances in which a camper, health care supervisor, or other employee may administer epinephrine injections. A camper prescribed an epinephrine auto-injector for a known allergy or pre-existing medical condition may:

(a) Self-administer and carry an epinephrine auto-injector with him or her at all times for the purposes of self-administration if:

1. the camper is capable of self-administration; and

2. the health care consultant and camper's parent/guardian have given written approval

(b) Receive an epinephrine auto-injection by someone other than the health care consultant or person who may give injections within their scope of practice if:

1. the health care consultant and camper's parent/guardian have given written approval; and

2. the health care supervisor or employee has completed a training developed by the camp's health care consultant in accordance with the requirements in 105 CMR 430.160.

(4) Document the circumstances in which a camper may self-administer insulin injections. If a diabetic child requires his or her blood sugar be monitored, or requires insulin injections, and the parent or guardian and the camp health care consultant give written approval, the camper, who is capable, may be allowed to self-monitor and/or self-inject himself or herself. Blood monitoring activities such as insulin pump calibration, etc. and self-injection must take place in the presence of the properly trained health care supervisor who may support the child's process of self-administration.

(E) The camp's health care consultant shall train health care supervisors on the signs and symptoms of hypo or hyperglycemia, and appropriate diabetic plan management.

(F) The camp shall dispose of any hypodermic needles and syringes or any other medical waste in accordance with 105 CMR 480.000: *Minimum Requirements for the Management of Medical or Biological Waste*.

(G) The required training for health care supervisors and other camp employees designated to administer an epinephrine auto-injector pursuant to 105 CMR 430.160.(D)(3) shall:

(1) be provided under the direction of the health care consultant; and

(2) at a minimum, include content standards and a test of competency developed and approved by the Department;

(H) The health care consultant shall:

(1) document the training and evidence of competency of unlicensed personnel designated to assume the responsibility for prescription medication administration; and

(2) provide a training review and informational update at least annually for those camp staff authorized to administer an epinephrine auto-injector pursuant to 105 CMR 430.160(D)(3).

(G) When no longer needed, medications shall be returned to a parent or guardian whenever possible. If the medication cannot be returned, it shall be disposed of as follows:

(1) Prescription medication shall be properly disposed of in accordance with state and federal laws and such disposal shall be documented in writing in a medication disposal log.

(2) The medication disposal log shall be maintained for at least three years following the date of the last entry.

430.161: Emergency/Medical Facilities and Equipment

(A) The operator of each residential camp and each day camp shall provide a single facility identified as an infirmary or first aid facility. Such facility in a residential camp shall be easily recognizable and accessible during the day and the night.

(B) In accordance with guidance from the Department, every residential camp shall have designated space for isolation of a child ill with a communicable disease or suspected of such illness or otherwise in need of quiet and rest, at a location suitably separated from the regular living and sleeping quarters so as to ensure both quiet to the patient and safety to other persons. The space shall be suitably equipped, including a ventilation system capable of providing negative pressure. An isolated child shall be provided with adequate adult supervision. Camps shall notify parents or guardians as soon as possible if their child is isolated.

(C) First aid supplies shall be readily available to the staff wherever the health care consultant deems necessary, and shall be part of the written orders required by 105 CMR 430.159(A). First aid kits shall meet American National Standards Institute Z308.1-2015 requirements including, at a minimum, one Class B Kit and one or more Class A Kits, as necessary.

430.162: Personal Hygiene and Laundry

The operator shall provide adequate facilities and time for the campers and staff to carry out good personal hygiene practices. In a residential camp, campers and staff who are in attendance for more than 14 consecutive calendar days shall be provided laundry facilities and encouraged to wash personal laundry at least once every 14 days.

430.163: Protection from the Sun

The operator shall at all times encourage campers and staff to reduce exposure to ultraviolet exposure from the sun. Such measures shall include, but need not be limited to, encouraging the use of wide brim hats, long sleeve shirts, long pants, screens with a solar protection factor of 25 or greater and lip balm. The operator shall establish written procedures for the topical application of sunscreen, including parent or legal guardian authorization.

430.165: Tobacco Use

Tobacco use in any form, including nicotine delivery systems (*e.g.*, electronic cigarettes) but excluding cessation products approved by the U.S. Food and Drug Administration, shall not be allowed by staff, campers or any other person at a licensed recreational camp for children.

430.166: Alcohol and Recreational Marijuana Use

Use of alcohol and recreational use of marijuana in any form is prohibited at a recreational camp for children during camp operating hours.

430.190: General Program Requirements

(A) The operator of each recreational camp for children shall provide a program of activities and physical environment which shall meet the generally recognized needs of the campers and shall in no respect be in conflict with their best interests nor a hazard to their health and safety.

(B) The operator shall release campers only to the camper's parent or legal guardian or an individual designated in writing by the camper's parent or legal guardian unless alternative documented arrangements are authorized in writing by the Board of Health.

(C) The operator shall print on any promotional literature or brochures the following, "This camp must comply with regulations of the Massachusetts Department of Public Health and be licensed by the local board of health."



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(D) The operator shall inform parents at the time application forms are provided they may request copies of background check, health care and discipline policies as well as procedures for filing grievances.

(E) The operator shall maintain and implement an effective protocol for the appropriate identification and handling of unrecognized persons (*i.e.*, non-campers, staff, volunteers, contractors, or parents or legal guardians) at camp.

430.191: Requirements for Discipline

(A) Discipline and guidance shall be consistent and based upon current American Academy of Pediatrics Childcare Guidance on effective discipline or other guidance approved by the Department, and an understanding of the individual needs and development of a child. The operator shall have written policies and procedures to direct discipline to the goal of maximizing the growth and development of the children and for protecting the group and individuals within it.

(B) Prohibitions

- (1) Corporal punishment, including spanking, is prohibited;
- (2) No camper shall be subjected to cruel or severe punishment, humiliation, or verbal abuse;
- (3) No camper shall be denied food, water or shelter;
- (4) No child shall be punished for soiling, wetting or not using the toilet.

(C) The operator shall describe in writing the camp's procedures for disciplining campers. The written plan shall also include the prohibitions of 105 CMR 430.191(B)(1) through (4).

430.201: Riflery Program Requirements

If riflery is a camp activity it shall be conducted with the following precautions:

(A) Firearms shall be kept in good condition and stored in a locked cabinet when not in use. Ammunition shall also be stored in a locked facility in a location separate from the firearms.

(B) Shooting ranges shall be located well away from other activity areas and shall be constructed and operated in accordance with standards of the National Rifle Association.

(C) Only a non-large capacity rifle loaded with a single shot shall be used.

(D) Campers and staff shall stay behind the firing line at all times except when ordered by the range instructor to retrieve targets.

(E) All rifles shall be unloaded with actions open, and shall be verified to be unloaded by the range instructor, prior to any camper or staff member crossing the firing line, at the conclusion of instruction, or at any other time the range instructor directs.

430.202: Archery Program Requirements

If archery is a camp activity it shall be conducted with the following precautions:

(A) Archery equipment shall be kept in good condition and stored under lock and key when not in use.

(B) The archery range shall be located in an area well away from other program activities, clearly marked to warn passersby away from the danger area. The shooting area shall be large enough to provide at least 25 yards (75 feet ) of clearance behind each target. All bowmen shall fire from a common firing line. A ready line shall be marked at a sufficiently safe distance behind the firing line.

430.203: Personal Weapons Restricted

No personal weapons, bows, rifles or similar equipment shall be brought to camp without the camp operator's written permission. If articles of such nature are brought into camp, they shall be kept under lock by the camp operator or director and used by the owner only under the supervision of an individual who meets the requirements of 105 CMR 430.103(B), and in accordance with camp safety policies.

430.204: Waterfront and Boating Program Requirements

The following waterfront safety requirements shall be observed:

(A) Swimming shall be prohibited at sites other than the permanent camp waterfront without the prior approval of the camp operator and the aquatics director required by 105 CMR 430.103(A).

(B) All bathing beaches utilized by the campers shall be in compliance with 105 CMR 445.000: *Minimum Standards for Bathing Beaches (State Sanitary Code, Chapter VII)*.

(C) All recreational camps having swimming or diving activities, excluding those activities at swimming pools, wading pools and other artificial bodies of water, shall, at a minimum, meet the requirements of M.G.L. c. 111, § 127A½ (Christian's Law) and all applicable Department regulation and guidelines issued thereunder.

(D) A method of supervising and checking bathers such as the "buddy system" shall be established and enforced. A written "lost swimmer plan" shall be established and all staff shall know exactly what their duties are in case of an emergency at the waterfront.

(E) Swimming shall be prohibited during the hours of darkness unless adequate lighting is provided and swimming is restricted to shallow water.

(F) All piers, floats, and platforms shall be in good repair.

(G) Small craft shall be used only by a qualified person having permission of the aquatics director or camp director. No small craft shall be allowed in the swimming area unless operated by lifeguards on waterfront duty.

(H) All watercraft shall be equipped with U.S. Coast Guard approved personal flotation devices of types I, II, III or IV as prescribed for the specific type of craft and number and age of occupants. Water skiers shall wear a vest approved by the U.S. Coast Guard for that particular activity. Watercraft towing a water skier shall have an observer aboard.

(I) Campers shall possess at least an American National Red Cross Level 4 or higher Program Certificate or its equivalent before being allowed to participate in either white water or hazardous salt water boating activities. All white water activities must be carried out on water determined to be no more difficult than Class III as defined by the International Scale of River Difficulty. No trips shall be taken on unclassified white water.

430.205: Crafts Equipment

Equipment used for arts and crafts shall be in good repair, of safe design, properly installed and used with proper safety precautions.

430.206: Playground, Athletic Equipment and Facilities Requirements

(A) Athletic equipment used for, gymnastics, volleyball, basketball, football, hockey, soccer and other sports shall be set up and maintained in accordance with the manufacturer's guidelines.

(B) All playing fields and surfaces shall be kept free of holes and other obstructions which may create an accident hazard.

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(C) Playground equipment including, but not limited to, climbing apparatus, slides, and swing sets shall:

- (1) be in good repair and of safe design in accordance with the *Consumer Product Safety Commission Public Playground Safety Handbook*. Safe design includes being free of rough edges, protruding bolts and possibility of entrapment of extremities;
- (2) be securely anchored to a concrete or other suitable footing;
- (3) not have an asphalt or concrete surface under or around it; and
- (4) have canvas or other pliable seats on swings.

430.207: Storage and Operation of Power Equipment

Power equipment shall not be stored, operated, or left unattended in areas accessible to the campers without proper safeguards. All power tools shall be stored in a locked place. Power tools and outboard motors shall be used by campers only under the direction and supervision of counselors.

430.208: Horseback Riding Program Requirements

If horseback riding is a camp activity:

(A) A competent riding instructor (*see* 105 CMR 430.103(G)) shall determine each camper riding experience and level of skill and take these into account in assigning horses and determining whether the camper shall ride in the ring or on the trail. Each rider shall wear a hard hat at all times. At least one experienced instructor shall be assigned for every ten riders for each trail excursion, and a minimum of two staff members shall accompany any such excursion.

(B) All horses must be boarded in a stable licensed by the Board of Health in accordance with M.G.L. c. 111, §§ 155 and 158.

430.209: Telephones Required

All residential and day camps shall have immediate access to a reliable telephone. The operator shall maintain and post by each phone, or otherwise have readily accessible, a current roster of telephone numbers of the health care consultant described in 105 CMR 430.159(A) and of all police, emergency medical services and fire departments serving the camp, as well as drafting instructions for each phone.

430.210: Plans Required to Deal with Natural Disasters or Other Emergencies (Residential and Day Camps)

The operator of each residential camp and each day camp shall develop written contingency plans and related procedures dealing with circumstances such as natural disasters and other emergencies and shall develop a written fire evacuation plan. All staff shall be trained in the procedures contained in these plans.

(A) Fire Drills. Fire drills shall be held within the first 24 hours of the beginning of each camping session. The fire evacuation plan shall be in writing and approved by the local fire department. The plan shall indicate the frequency of fire drills to be held during the camping season.

(B) Disaster/Emergency Plans. Each camp shall have at the campsite written disaster/emergency plans in accordance with *American Camp Association Standard Accreditation Process Guide OM 8.1*. All campers and staff shall be advised of the procedures contained in the plan. Arrangements for transporting individuals from the camp to emergency or other facilities shall be included in the plan.

(C) Lost Camper and Swimmers Plan. Written lost camper and lost swimmer plans shall be formulated and kept on file.

430.210: continued

(D) Traffic Control. A written plan relating to the control of the movement of vehicular traffic through the camp shall be on file.

430.211: Special Contingency Plans for Day Camps

Day camp operators shall set forth and follow procedures to deal with the following contingencies:

(A) Children who are registered and on the camp roll but fail to arrive for a given day's activities. Whenever feasible camps shall notify parents/guardians of any changes to the itinerary prior to departure of any field trips.

(B) Children who fail to arrive at the point of pickup following a given day's activities.

(C) Children who appear at camp without having registered and without prior notification.

430.212: Field Trips

(A) The operator of each camp, including primitive, travel and trip camps, shall establish a written itinerary before departure for all field trips, and shall provide a copy of this itinerary to the parent(s) or guardian(s) of each camper before departure. Whenever feasible camps shall notify parents/guardians of any changes to the itinerary prior to departure of any field trips.

(B) Sources of Emergency Care. All field trips away from any camp shall include at least one designated health care supervisor. For primitive, travel and trip camps, the sources of emergency care such as hospitals, police and park patrol, and the method of communicating with them shall be identified for each point on the itinerary prior to departure, and shall be included in the written itinerary.

(C) Health Records, Medications and First Aid Kits. For all day and residential camps, including primitive, travel and trip camps, having field trips away from camp, the operator shall ensure health records and medications for each staff person and camper in attendance on the trip are readily accessible and that a first aid kit is available.

(D) Contingency Plan. Written contingency plans for natural disasters, lost campers, lost swimmers, illnesses and injuries shall be established and accompany all field trips from the camp. Staff shall have the ability to carry out these plans.

430.213: Emergency Communication System Required

Each recreational camp for children shall have an operating system for emergency communication to alert all campers and staff and elicit a predetermined response. Such system may include, but not necessarily be limited to, various electronic devices, signals, a public address system, triangle, bell or voice.

430.214: Storage of Hazardous Materials

(A) Storage of Gasoline and Flammable Substances. The operator of each recreational camp for children shall ensure all containers for gasoline, kerosene, explosives and flammable materials are plainly marked and stored in a locked building not occupied by campers or staff, and located at a safe distance from other buildings. Campers shall not have access to such locked buildings and the materials described above shall be used only under qualified supervision.

(B) Storage of Disinfectant and Other Hazardous Chemicals. The operator of each recreational camp for children shall ensure all containers for insecticides, disinfectants, and other hazardous chemicals are plainly marked and stored in a locked closet or compartment separate from food storage areas and not accessible to campers.

430.215: Fire Prevention

The operator of each recreational camp for children shall provide such facilities, equipment, and fire breaks, for fire prevention and firefighting, as may be recommended by the local fire department. A written statement of compliance from the local fire department shall be available to the Board of Health which licenses the camp.

430.216: Smoke and Carbon Monoxide Detectors Required

Smoke and carbon monoxide detectors shall be required for existing and new residential units in accordance with 780 CMR: *State Board of Building Regulations and Standards* and 527 CMR 1.00: *Massachusetts Comprehensive Fire Safety Code*. Tents and other temporary shelters which are designed to sleep fewer than eight persons and which have an open side consisting of greater than  $\frac{1}{6}$  of the perimeter of the shelter or which have built-in provisions for emergency escape are exempted from 105 CMR 430.216.

430.217: Requirements for Tents

Any temporary, transportable tent, less than 400 square feet, used at a recreational camp for children shall be clearly identified by the manufacturer as constructed of fire-resistant material. No open flames shall be used in or near any tent.

430.250: Vehicle Requirements

(A) Any motor vehicle used for the transportation of children enrolled in a camp program shall be in compliance with the pertinent sections of M.G.L c. 90, in particular, §§ 7B and 7D, and with all applicable regulations of 540 CMR: *Registry of Motor Vehicles*.

(B) Any vehicle used for transportation of children shall have passed an annual safety inspection in accordance with the laws of the Commonwealth.

430.251: Transportation Safety

(A) Only that number of children or adults for whom there is seating space shall be transported in a vehicle, however, when loaded with passengers and gear, the gross weight of the vehicle including trailer tongue weight, shall not exceed the gross vehicle weight specified by the manufacturer regardless of whether or not the number of passengers is within the specified number of seats.

(B) Passengers shall not be allowed to stand while in transit, sit on the floors or in the aisles, ride in the open beds of trucks and project head or limbs outside of the vehicle.

(C) All campers, attendants and drivers shall utilize seat belts in accordance with Massachusetts laws.

(D) When more than eight campers under the age of five are being transported, and when transporting more than two campers with physical handicaps, an attendant other than the driver is required.

(E) A minimum of at least one staff person shall accompany and monitor campers during any bus or van transport, either from the morning pickup to the camp or an afternoon return trip, for off-site drop-off.

(F) Unless safely secured, sharp, heavy or potentially dangerous objects shall not be allowed in vehicles transporting campers.

(G) The camp operator shall communicate any need or problem of campers or staff which may cause difficulty during transport, such as seizures, a tendency towards motion sickness, or disabilities, to the driver of any vehicle transporting campers.

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(H) The driver of the vehicle shall release campers only to the camper's parent or guardian or an individual designated in writing by the camper's parent or guardian unless alternative arrangements are approved in writing by the parent or guardian.

(I) Campers under the age of seven shall not be transported for periods longer than one hour non-stop.

430.252: Qualifications of Driver

(A) The camp operator shall ensure all drivers of vehicles transporting campers and staff are:

- (1) 18 years of age or older;
- (2) have at least two year's driving experience as a licensed driver;
- (3) possess the required license for the type of vehicle; and
- (4) possess a current American Red Cross Standard First Aid Certificate, or its equivalent. If there is a second staff person in the vehicle possessing the required first aid certification, the driver need not be certified.

(B) The driver of any vehicle transporting children shall have a valid driver's license recognized by the Commonwealth.

430.253: Automobile Insurance

The camp operator shall not allow any camp-owned or staff member's vehicle to transport campers unless it has the following minimum amounts of liability insurance:

- (1) injury per person, \$100,000
- (2) injury per accident, \$300,000
- (3) property damage, \$5,000

430.300: Potable Water Required

(A) The operator of each recreational camp for children shall provide water of safe and sanitary quality in an amount and pressure necessary to meet the needs of the campers and staff and the requirements of 105 CMR 430.000. The water supply shall be obtained from:

- (1) A public water supply; or
- (2) A private water supply meeting the following requirements:
  - (a) If the camp serves 25 or more persons, 60 or more days per year, the water supply shall be obtained from a source approved by the Department of Environmental Protection and subject to 310 CMR 22.00: *Drinking Water*.
  - (b) If the camp serves less than 25 persons, or operates less than 60 days per year, the water obtained from a private source shall be collected and analyzed by a laboratory certified by the Department of Environmental Protection, no more than 45 days prior to the annual opening of a camp, in order to meet requirements of and be approved by the Board of Health.
    1. Water test analyses may include, but not be limited to the following:
      - a. coliform bacteria, nitrate, nitrite, sodium and lead;
      - b. other contaminants identified by the Department of Environmental Protection in its document entitled, *Parameters and Testing Frequency for Private Wells*; and
      - c. any other tests required by the Board of Health or the Department.
    2. The results of these analyses must not exceed the Maximum Contaminant Level (MCL) or Action Level listed in the Massachusetts Drinking Water Regulations 310 CMR 22.00. *Drinking Water* and shall be kept on file for ten years.

(B) In each residential or day camp, adequate drinking facilities shall be centrally located.

430.301: Installation and Maintenance of Plumbing

The operator shall install all pipes, pumps and other plumbing fixtures in accordance with 248 CMR: *The Massachusetts State Plumbing Code* and shall maintain them in good working order.

430.302: Cross Connections Prohibited

The operator shall not permit any physical connection to exist between any pipe carrying drinking water and any waste pipe, soil pipe, service drain or any pipe carrying water from any source or system not approved by the Massachusetts Department of Environmental Protection (DEP), unless said connection is maintained in compliance with 310 CMR 22.22: *Cross Connections* promulgated by DEP, and said connection has been approved in writing by DEP.

430.304: Common Drinking Cup Prohibited

The operator shall not make available nor permit the use of any common drinking utensil. Every drinking fountain shall be of a sanitary design and construction.

430.320: Food Service - Compliance with 105 CMR 590.000: *State Sanitary Code Chapter X – Minimum Sanitation Standards for Food Establishments, Required*

(A) The operator of each recreational camp for children which prepares and/or serves meals shall provide and maintain all food service areas and facilities in a sanitary manner and in compliance with applicable provisions of 105 CMR 590.000 *State Sanitary Code Article X - Minimum Sanitation Standards for Food Establishments*, and shall have and prominently display a food service permit issued by the Board of Health.

(B) Camp operators using a federal United States Department of Agriculture (USDA) Summer Food Service Program managed by the Massachusetts Department of Elementary Education and Secondary Education, or its successor, shall provide written documentation of a food compliance inspection conducted by either the municipality, the state or a contracted third party, pursuant to 105 CMR 590.000: *State Sanitary Code Chapter X – Minimum Sanitation Standards for Food Establishments*

430.321: Special Provisions for Primitive, Travel and Trip Camps

(A) All food taken with the camp, or purchased, or prepared en route by campers and/or staff, shall be appropriate to the length and type of trip, taking into consideration the lack of refrigeration and problems of sanitation that may be encountered.

(B) Commercially packaged dry milk products and dry egg products may be utilized but shall be consumed within one hour after being reconstituted, and shall be discarded if not consumed within one hour of being reconstituted.

430.330: Nutritious Meals to Be Served

The operator of camps where food is prepared and/or served shall provide sufficient numbers of adequately trained personnel to plan, prepare and serve nutritionally adequate meals.

(A) Menus shall be planned and written at least two weeks in advance, and provide for a sufficient variety of foods.

(B) Current menus shall be posted and copies of all menus used during the season shall be kept on file.

430.331: Minimum Daily Food Requirements for Residential, Travel or Trip Camps

(A) The operator of each residential, travel or trip camp shall provide at least three meals per day for every full day that campers are present and shall provide nutritious meals suited to the specific needs of the campers.

430.331: continued

(B) Foods served shall meet the recommendations of the *Dietary Guidelines for Americans - Nutritional Goals for Age/Sex Groups Based on Dietary Reference Intakes and Dietary Guidelines*, of the Federal Dietary Guidelines Advisory Committee, adjusted for age, sex and activity. The only exception shall be by written medical direction.

430.332: Minimum Daily Food Requirements for Day Camps

All day camps providing one or two meals per day shall serve meals meeting the *Dietary Guidelines for Americans - Nutritional Goals for Age/Sex Groups Based on Dietary Reference Intakes and Dietary Guidelines*, of the Federal Dietary Guidelines Advisory Committee, adjusted for age, sex and activity.

430.333: Therapeutic Diets

All camps which serve meals and accept campers who are on medically prescribed diets, including but not limited to weight reduction camps, shall provide food which adequately meets the requirements of such diets. All therapeutic diets shall:

- (A) Be prescribed, dated (no earlier than two months before arrival at camp) and signed by a licensed physician;
- (B) Be precise as to specific dietary requirements or limitations;
- (C) Be planned, prepared and served with the consultation from a qualified dietitian; and
- (D) Meet, if possible, the *Dietary Guidelines for Americans - Nutritional Goals for Age/Sex Groups Based on Dietary Reference Intakes and Dietary Guidelines*, of the Federal Dietary Guidelines Advisory Committee.

430.334: Feeding

(A) Adequate Staff and Equipment. All camps accepting campers with mild or severe disabilities shall provide sufficient numbers of adequately trained personnel and proper equipment to ensure campers are eating nutritionally adequate meals.

(B) Meals Shall Not Be Denied. No camper shall be denied a meal for any reason other than by written medical direction.

(C) Meals Shall Not Be Forced. Campers should be encouraged to eat a well-balanced diet, but no camper shall be forced or otherwise coerced to eat against his or her will.

430.335: Meals Provided from Home

(A) The operator shall have a method of properly storing meals provided from home to maintain safe temperatures and to protect from contamination.

(B) The operator shall have a method for providing a nutritious meal to a camper who arrives at camp without a bag lunch.

430.350: Facilities for Solid Waste Storage

The operator of each recreational camp for children shall provide and maintain in a clean and sanitary condition as many receptacles for the storage of garbage and rubbish as are necessary to contain the accumulation between collections, and shall so locate them where no objectionable odors enter any facility used for habitation.

(A) Garbage and mixed garbage and rubbish shall be stored in water tight receptacles with tight fitting covers. Said receptacles and covers shall be of metal or other durable, rodent-proof material. Rubbish shall be stored in receptacles of metal or other durable rodent-proof material.



430.350: continued

(B) Plastic bags shall be used to store garbage or mixed rubbish and garbage only if used as a liner in watertight receptacles with tight-fitting covers as required in 105 CMR 430.350(A), or placed in enclosures that are rodent, insect and pest proof. Plastic bags may be put out for collection on the day of collection except in those places where such practice is prohibited by local rule or ordinance or except in those cases where the Board of Health determines such practice constitutes a health problem due to evidence of strewn garbage, torn garbage bags or evidence of rodents.

430.355: Final Disposal of Solid Wastes

The operator of each recreational camp for children shall be responsible for the final collection or ultimate disposal of garbage and rubbish by means of:

- (A) the regular municipal collection system; or
- (B) any other collection system approved by the Board of Health; or
- (C) when otherwise lawful, a garbage grinder which grinds garbage into the kitchen sink drain finely enough to ensure its free passage, and is otherwise maintained in a sanitary condition; or
- (D) any other method of disposal which does not endanger any person and which is approved in writing by the Board of Health and the Department of Environmental Protection.

430.360: Sewage Disposal

The operator of each recreational camp for children shall provide for all waste waters a sanitary drainage system connected to the public sewerage system; provided however, that if because of non-availability, distance or ground conditions, connection to a public sewerage system is not practicable, any other means of such disposal of sewage approved in writing by the Board of Health and in compliance with 310 CMR 15.00: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage* or approved by the Massachusetts Department of Environmental Protection in compliance with 310 CMR 5.00: *Administrative Penalty* or 314 CMR 3.00: *Surface Water Discharge Permit Program* may be installed, as applicable.

430.370: Toilet Facilities Required

The operator of each recreational camp for children shall provide at least two toilets or privy seats for each gender, and,

- (A) For each camp other than a day camp where the number of persons of one gender is in excess of 20, the operator shall provide one additional toilet or privy seat for each additional ten persons or fraction thereof of that gender.
- (B) At a day camp where the number of persons of one gender is in excess of 60, the operator shall provide one additional toilet or privy seat for each additional 30 persons or fraction thereof of that gender.

430.371: Urinals May Be Substituted

For males, one urinal or two lineal feet of urinal trough may be substituted for up to 33% of the number of toilets or privy seats required.

430.372: Location and Maintenance of Toilet Facilities

The operator of each recreational camp for children shall locate the toilets so they are not more than 200 feet from the door of the sleeping rooms of those people who are expected to use them. The operator shall provide an adequate supply of toilet paper and shall screen each window or other exterior opening with screening containing not less than 16 meshes per inch. Every screen door shall be equipped with a self-closing device.

430.373: Handwashing Facilities

The operator of each recreational camp for children shall provide handwashing facilities in compliance with 248 CMR: *Board of State Examiners of Plumbers and Gas Fitters*, and shall meet the following minimum requirements:

(A) Residential camps shall provide at least one lavatory or wash basin, or space for one person at an industrial-type lavatory, for every ten people.

(B) Day camps shall provide at least one lavatory or wash basin or space for one person at an industrial-type lavatory, for every 30 people.

(C) Wash basins shall be located so as to facilitate their use, particularly after use of toilets.

430.374: Bathing Facilities

(A) Minimum Requirements - Residential Camps. The operator of each residential camp shall provide at least one shower head or bathtub for each 20 people. A bathtub/shower combination shall count as a single unit.

(B) Required Cleaning of Shower-room Floor. The operator shall cause every shower-room floor to be washed daily with a suitable detergent and hot water and rinsed with a sanitizer at the manufacturer's recommended concentration.

(C) Duckboards Prohibited. The operator shall not permit the use of wooden duckboards in a shower.

430.375: Ventilation Required

All bathhouses, dressing rooms, shower rooms, and water closets at both indoor and outdoor pools shall be properly and adequately ventilated pursuant to 780 CMR: *The Massachusetts State Building Code*.

430.376: Hot Water Temperatures

Where hot water is provided to hand wash basins, lavatories, showers and bathtubs it shall be:

(A) In a quantity and pressure sufficient to satisfy the ordinary use of all plumbing fixtures which normally need hot water for their proper use and function.

(B) In a temperature range of not less than 110°F (43°C) and not greater than 130°F (54°C) for fixtures other than a bathtub or shower.

(C) In a temperature range of not less than 100°F (38°C) and not greater than 112°F (44°C) for a bathtub and shower.

430.377: Maintenance of Sanitary Facilities

The operator shall maintain all lavatories, wash basins, showers, bathtubs, and toilets in good working order and in a clean and sanitary condition.

430.378: Toilet Facilities for Campers with Special Needs

Campers with special toilet needs or practices shall be assured privacy and be provided with facilities meeting their needs.

430.379: Handwash Basins for Campers with Special Needs

All wash basins or lavatories used by campers with special needs shall be so adapted as to allow for easy access and use.

430.380: Shower Facilities for Campers with Special Needs

All showers or bathtubs used by campers with special needs shall have aids such as chairs on casters, stools and footrests, non-slip surfaces, and flexible shower heads attached to hoses in order to provide for the increased independence of the campers and to make it easier and safer for the staff to assist the campers.

430.400: Rodent and Insect Control - Residential and Day Camps

(A) Buildings and Structures to be Maintained Free. The operator shall maintain every building used or intended for human habitation free from insect infestation, rodents, and other pests.

(B) Extermination Methods. Extermination methods and other measures to control insects and rodents shall conform with the requirements of 333 CMR (Pesticide Board of the Massachusetts Department of Agriculture).

430.401: Weed Control - Residential and Day Camps

(A) Harborage Places to be Controlled. The growth of brush, weeds, grass and plants shall be controlled in central camp areas to minimize harborage of ticks, chiggers, and other insects which may adversely affect public health.

(B) Noxious Plants to be Controlled. The central camp area shall be maintained to prevent growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious plants considered detrimental to health.

430.430: Swimming Pools - Compliance with 105 CMR 435.000: *Minimum Standards for Swimming Pools (State Sanitary Code, Chapter V)*, Required

(A) The operator of each recreational camp for children shall ensure all swimming and wading pools used by campers and staff shall be in compliance with 105 CMR 435.000: *Minimum Standards for Swimming Pools (State Sanitary Code: Chapter V)*, including the pool fence requirements in 105 CMR 430.431, M.G.L. c. 140, § 206, and 780 CMR: *The Massachusetts State Building Code*, and drain cover safety provisions as provided in the federal *Virginia Graeme Baker Pool and Spa Safety Act*. A copy of the written approval to operate the pool, issued by the Board of Health, shall be kept on file at the camp whether or not the swimming pool is located on the camp property or is part of the camp facility.

(B) At the first pool swimming session, a camp operator shall ensure a determination is made of each camper's swimming ability. Campers shall be confined to swimming areas consistent with the limits of their swimming ability or to swimming areas requiring lesser skills than those for which they have been classified.

430.432: Bathing Beaches - Compliance with 105 CMR 445.000: *Minimum Standards for Bathing Beaches (State Sanitary Code, Chapter VII)*, Required

(A) Physical and Bacteriological Water Quality. Bathing and swimming shall not be permitted at any bathing beach:

- (1) that does not meet the requirements of 105 CMR 445.000: *Minimum Standards for Bathing Beaches (State Sanitary Code, Chapter VII)*; or

430.432: continued

(2) that has limited water visibility when a black secchi disk, six inches in diameter, on a white field placed at a depth of at least four feet of water is not readily visible from the surface of the water; or when, under normal usage, such disk is not readily visible from the surface of the water when placed on the bottom where the depth is less than four feet.

(B) Diving Areas.

(1) There shall be a minimum water depth of ten feet for a one meter diving board and 12 feet for a three meter diving board.

(2) For natural diving areas, the bottom shall be cleared of stumps, rocks, weeds and other obstacles.

(3) Diving boards shall be mounted on a firm foundation and never on an insecure base that can be affected by shifting weight loads and wave action. The entire length of the toe surface of diving boards shall be covered with non-skid material. The front end of the board shall project at least six feet beyond the edge of the pool or dock. Clearance from the sides of the board shall be at least ten feet, the distance between diving boards shall be at least eight feet, and at least 13 feet of free and unobstructed head room shall be provided above all divingboards and platforms.

(4) There shall be an adequate number of stairs or ladders for all diving towers, platforms, and flats. All stairs and ladders shall be provided with a handrail. Treads of stairs and ladders shall be of nonslip material.

(C) Required Safety Equipment. For each 2000 square feet or major fraction thereof of water surface area used for bathing, the owner shall provide, in a readily accessible location, one ring with a minimum inside diameter of 15 inches, weighing 2½ pounds and with an attached ¼ inch rope no less than 60 feet in length. All swimming pools and man-made swimming areas shall have at least one safety hook with a minimum handle length of 12 feet.

430.450: Site Location

No person shall operate a recreational camp for children unless it is located:

(A) so as to be accessible at all times during the designated camping season;

(B) where surface drainage conditions create no health or safety hazard;

(C) where approved water supply and sewage disposal facilities can be and are provided; and

(D) where traffic conditions create no undue safety hazards.

430.451: Certificate of Inspection Required

All camp structures used for sleeping or assembly purposes shall have a current certificate issued by the local building inspector (*see 780 CMR: The Massachusetts State Building Code*). Furthermore, the buildings shall be easy to keep clean and have a roof which is weathertight and waterproof.

430.452: Screening Required

The operator of each recreational camp for children shall provide the exterior openings in every building used for food preparation, food service, and every permanent building used for sleeping, with screens containing not less than 16 meshes per inch. Screen doors shall open in the direction of the flow of traffic out of the building. If no screen door is possible, the building door shall be equipped with a self-closing device. Every screen door shall be equipped with a self-closing device.

430.453: Lighting Required

The operator of each recreational camp for children shall provide adequate lighting for the safe and sanitary use of each kitchen, dining room, mess hall, infirmary, toilet room and stairway.

430.454: Structural and Interior Maintenance

All structural elements of camp facilities including, but not limited to, foundations, cellars, floors, walls, doors, windows, ceilings, roofs, staircases, porches, and chimneys, shall be maintained in good repair, fit for the use intended, and in compliance with the requirements of 780 CMR: *The Massachusetts State Building Code*. The interior of the facility shall be maintained in good repair and in a safe, clean, and sanitary condition, free from accumulation of dirt and rubbish.

430.456: Egresses

All egresses shall be in compliance with the requirements of 780 CMR: *The State Building Code* and maintained free of obstructions.

430.457: Shelters for Day Camps

The operator of each day camp shall provide shelter, on or off the site, sufficiently large to house and provide for on-going camp activities. Such structure shall comply with 105 CMR 430.451.

430.458: Shelters for Residential Camps

In all permanent buildings or structures space shall be so arranged as to provide a minimum of 40 square feet of floor area for each person occupying a single bed. 35 square feet of space shall be provided for each person occupying a two tiered (bunk) bed. 50 square feet per person of sleeping space shall be required for persons needing special appliances or equipment such as wheelchairs or walkers for ambulation. Space shall include the area occupied by the bed, but shall not include space such as closets or bathrooms.

430.459: Non-ambulatory Campers

All campers and staff members with problems of mobility shall be housed on ground floor level with the egresses leading directly to grade or to a ramp inclined no greater than one foot in 12 feet.

430.470: Separate Beds to Be Furnished

The operator of each residential camp shall furnish in each sleeping cabin or tent a separate bed, bunk or cot for each camper or staff member. Sleeping shall be so arranged as to provide a minimum of three feet between individuals if single decked and 4½ feet if double decked. A distance of at least six feet shall be provided between the heads of individuals while sleeping. Triple decked beds shall not be used. 105 CMR 430.470 shall not apply to primitive, short-term group, travel and trip camps.

430.471: Sleeping Prohibited in Food Areas

The operator of each recreational camp for children shall not permit sleeping in kitchens or rooms used for food preparation, storage or service.

430.472: All Bedding and Towels to Be Cleaned

The operator of each recreational camp for children shall maintain all operator-supplied mattresses and pillows in a clean and sanitary condition. Bedding and towels provided by the operator shall be washed or dry cleaned prior to distribution.

430.472: continued

(A) The operator shall ensure sheets, towels, and pillow cases are laundered at least once a week whether they are operator or camper supplied. Sleeping bags shall be aired at least every five days.

(B) The operator shall not allow a common towel to be used.

430.631: Application for a License

An applicant for a license for a recreational camp for children shall file an application with the Board of Health at least 90 days prior to desired opening date, using a form provided by the Department or available from the Board of Health documenting all required information including, but not limited to, a plan showing the buildings, structures, fixtures and facilities, as needed.

430.632: Board of Health Shall Grant, Suspend or Revoke License; Annual Notification

The Board of Health shall grant, suspend or revoke licenses for recreational camps for children in accordance with the provisions of M.G.L. c. 140, §§ 32B and 32C. All licenses for recreational camps granted under 105 CMR 430.000 shall state the maximum number of occupants authorized for such camp and the capacity shall not be exceeded by the operator at any time. Upon the issuance of a license, the Board of Health shall notify the Massachusetts Department of Environmental Protection and the Department annually on a form provided by the Department. Said notification shall include the name and address of the camp, the name of the owner, the number of campers and staff, and the number of days per year the camp will be in operation.

430.633: Posting of License

The operator of each recreational camp for children shall post the license in a prominent place at the camp site.

430.650: Inspections Required

No recreational camp for children shall receive a license to operate in each year until it has been inspected by the Board of Health and found by the Board to meet all the requirements of 105 CMR 430.000. Provided, however, a day camp timely applying for renewal of licensure, pursuant to M.G.L. c. 140, § 32B, may, at the discretion of the Board of Health, be granted a license without prior inspection if:

- (1) the camp is under the same ownership and directorship as the prior camping season;
- (2) the camp has had a satisfactory inspection report the prior camping season;
- (3) the Board of Health determines, based upon the record of the camp, there is no evident risk to the health and safety of the campers; and
- (4) the camp is subsequently inspected by the Board of Health during the camping season.

The Board of Health shall also inspect a recreational camp for children at any time the Board has reason to believe a violation of 105 CMR 430.000 exists, or upon the request or complaint of any person.

430.651: Inspection Report Forms

(A) The Board of Health shall prepare for each inspection a written report which must include, but need not be limited to the following:

- (1) the name of the inspector;
- (2) the date and time the of inspection or investigation;
- (3) the location of the facility inspected;
- (4) the date and time of any scheduled follow-up inspection;
- (5) a description of each condition constituting a violation of 105 CMR 430.000; and
- (6) a listing of each specific provision of 105 CMR 430.000 that appear to be violated.

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430.651: continued

(B) A copy of the inspection report shall be completed and mailed or delivered to the operator within seven days of the day of inspection.

430.700: Orders to Correct Violations

If an examination pursuant to 105 CMR 430.650 or pursuant to 105 CMR 400.100: *State Sanitary Code Chapter I: General Administrative Procedures* reveals a recreational camp for children does not comply with the provisions of 105 CMR 430.000, the Board of Health shall order the operator to comply with the violated provision of 105 CMR 430.000.

430.701: Violation Which May Endanger or Materially Impair the Health, Safety or Well-being of the Public

If an examination pursuant to 105 CMR 430.650 or pursuant to 105 CMR 400.100: *State Sanitary Code Chapter I: General Administrative Procedures* reveals any condition at a recreational camp for children fails to comply with the provisions of 105 CMR 430.000 so as to endanger or materially impair the health, safety, or well being of the occupants or the public, the Board of Health shall order the operator to comply with 105 CMR 430.000 or may order any building condemned and vacated if appropriate or may order the camp program to be terminated.

430.702: Contents of Order

Subject to the emergency provisions of 105 CMR 400.200(B): *Emergency Procedures*, any order issued under the provision of 105 CMR 430.000 shall:

(A) Include a statement of the violation or defect, a citation of the provision which is violated, and may suggest action which if taken will effect compliance with 105 CMR 430.000; and

(B) allot a reasonable time for any action it requires; and

(C) inform the person to whom it is directed of the right to a hearing; of the deadline and proper procedure for requesting a hearing; the right to inspect and obtain copies of all relevant inspection or investigation reports, orders, notices and other documentary information in the possession of the Board of Health; the right to be represented at the hearing and that any interested person has a right to appear at said hearing and present evidence, testimony or argument.

430.703: Service of Orders

Every order authorized by 105 CMR 430.000 shall be in writing. Orders issued under the provisions of 105 CMR 430.700 and 430.701 shall be served on the operator or his authorized agent:

(A) personally, by any person authorized to serve civil process, or

(B) by leaving a copy of the order at his last and usual place of abode, by any person authorized to serve civil process, or

(C) by sending him a copy of the order by registered or certified mail, return receipt requested, if he is within the Commonwealth, or

(D) if his last and usual place of abode is unknown or outside the Commonwealth, by posting a copy of the order in a conspicuous place on or about the building or portion thereof affected.

430.730: Request for Hearing

The person or persons to whom any order served pursuant to 105 CMR 430.700 and 430.701 has been directed may request a hearing before the Board of Health by filing within seven days after the day the order was served in the office of the Board of Health a written petition requesting a hearing on the matter.

430.731: Hearing to Be Held

Upon receipt of a petition pursuant to 105 CMR 430.730 the Board of Health shall set a time and a place for such hearing and shall inform the petitioner thereof in writing. The hearing shall be commenced not later than ten days after the day on which the petition was filed; provided, upon application of the petitioner the Board of Health may postpone the date of the hearing for a reasonable time beyond such ten-day period if in the judgment of the Board of Health the petitioner has submitted a good and sufficient reason for such postponement. At the hearing the petitioner shall be given an opportunity to be heard and to show why the order should be modified or withdrawn.

430.732: Decision of Board of Health

The Board of Health shall sustain modify, or withdraw the order and shall inform the petitioner in writing of its decision within seven days after the conclusion of the hearing. If the Board of Health sustains or modifies the order, it shall be carried out within the time period allotted in the original order or in the modification.

430.733: Public Record

Every notice, order or other record prepared by the Board of Health in connection with the hearing shall be entered as a matter of public record in the office of the clerk of the city or town, or in the office of the Board of Health.

430.734: Appeal of the Board of Health Decision

Any person aggrieved by the decision of the Board of Health with respect to the provisions of 105 CMR 430.000 may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth.

430.735: Compliance

If a written petition for a hearing is not filed in the office of the Board of Health within seven days after an order as provided in 105 CMR 430.700 and 430.701 through 430.703 inclusive has been issued, or if after a hearing the order has been sustained in any part, each day's failure to comply with the order as issued or modified shall constitute an additional offense.

430.750: Operation without License

Whoever operates a recreational camp for children without a license shall upon conviction be fined not less than \$10 nor more than \$100 in accordance with M.G.L. c. 140, § 32E.

430.751: Failure to Comply with Order of the Board of Health

Any person who fails to comply with any order issued pursuant to 105 CMR 430.000 shall upon conviction be fined not less than \$10 nor more than \$100. Each day's failure to comply with an order shall constitute a separate violation.

430.752: Failure to Comply with Provisions of 105 CMR 430.000

Any person who shall violate any provision of 105 CMR 430.000 shall upon conviction be fined not less than \$10 nor more than \$100.



430.800: Board of Health May Grant Variance

Variances may be granted only as follows:

(A) The Board of Health may vary the application of any provisions of 105 CMR 430.000 with respect to any particular case when, in its opinion:

- (1) the enforcement thereof would do manifest injustice;
- (2) the applicant has proved the same degree of protection required under 105 CMR 430.000 can be achieved without strict application of the particular provision(s); and
- (3) when insurance is utilized, the applicant has provided written confirmation from the insurance carrier confirming the continuation of full coverage(s) if the minimum health and safety provision(s) are varied.

(b) Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore. Any variance granted by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial. A copy of each variance shall be available to the public at all reasonable hours in the office of the city or town clerk or the office of the Board of Health while it is in effect. Notice of the grant of each variance shall be filed with the Department.

430.830: Severability

In the event any section of 105 CMR 430.000 is found to be invalid or unconstitutional, the remaining sections shall not be affected.

REGULATORY AUTHORITY

105 CMR 430.000: M.G.L. c. 111, §§ 3 and 127A.