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RFD: State Government

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SYNOPSIS:

Under existing law, the Alabama Department of Public Health regulates the sanitation of food preparation and lodging facilities at campsites, but there are no standards to ensure that camp operators have plans in place to address a range of situations in which campers and staff may be endangered, such as severe storms, flash flooding, or other natural or man-made emergencies.

This bill would require camps with residential facilities for campers to obtain an emergency preparedness license from the Alabama Emergency Management Agency as a condition for operation by demonstrating that certain requirements are met. These include requirements for hiring staff members, effective means of communication between staff members and campers in the event of an emergency, flood safety, sheltering, and emergency and evacuation plans, to include coordination with the local emergency management organization.

A BILL
TO BE ENTITLED
AN ACT



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Regarding camp safety; to provide minimum requirements for emergency preparedness licensure of residential camp sites by the Alabama Emergency Management Agency, including staff retention and training, weather monitoring and communication, flood and weather safety, and emergency and evacuation plans.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Sarah Marsh Heaven's 27 Camp Safety Act.

Section 2. For purposes of this act, the following terms have the following meanings:

(1) AGENCY. The Alabama Emergency Management Agency.

(2) CABIN. Any structure in which campers sleep, including, but not limited to, a cabin, dormitory, or bunkhouse, regardless of camper capacity.

(3) CAMP. Any dedicated site in the State of Alabama where campers temporarily gather for recreational, religious, social, educational, or therapeutic purposes, whether operated for profit or nonprofit purposes, and which provides camp operations that require campers to stay overnight. The term does not include a dedicated location or structure for hunting or fishing or the use of available dormitory space or other residences at an educational institution for a gathering of campers for educational, instructional, or training purposes.

(4) CAMP OPERATIONS. Physical custody of campers outside of the presence of parents or legal guardians for a period of days which requires staying overnight, during which the camp operator and staff supervise campers' participation



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in recreational, religious, social, educational, or therapeutic activities.

(5) CAMP OPERATOR. An individual or entity that administers camp operations, including the provision of staff, regardless of any ownership interest in the camp operations, assets, personal property, or the site on which the camp is located. The term does not include either of the following:

a. A religious or nonprofit organization that leases a camp.

b. A person that leases a camp for a retreat, seminar, or training in which the majority of participants are individuals who are 19 years of age or older.

(6) CAMPER. An individual who is 16 years of age or younger who is present and lodging at a camp for the purpose of participating in the recreational, religious, social, educational, or therapeutic activities provided under the supervision of the camp operator and staff.

(7) EMERGENCY PREPAREDNESS LICENSE. The license issued by the agency to a camp operator which certifies that a camp complies with this act.

(8) FLOODPLAIN. Any area within a 100-year floodplain as designated by the Federal Emergency Management Agency pursuant to the National Flood Insurance Act of 1968, 42 U.S.C. § 4001 et seq., including any area removed from the 100-year floodplain by a letter of map amendment, a letter of map revision based on fill, or a similar administrative process by the Federal Emergency Management Agency.

(9) LOCAL ORGANIZATION. The local organization for



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emergency management as authorized in Section 31-9-10, Code of Alabama 1975.

(10) STAFF MEMBER. An individual who is retained on an employment, contractual, or volunteer basis by a camp operator to provide camp operations that require the individual to stay overnight, including security, maintenance, orientation, organization, scheduling, instruction, hospitality, emotional support, counseling, worship, meals or refreshments, first aid, or supervision of recreation, sports, or crafts.

Section 3. (a) On and after January 1, 2027, a camp operator shall apply for and obtain an emergency preparedness license in accordance with the requirements of this act as a condition for conducting camp operations.

(b) An emergency preparedness license shall be valid for a period of five years from the date of approval, unless a camp operator within that period makes a material change to the camp as described in subsection (c).

(c) A supplemental application to maintain an emergency preparedness license that has been issued shall be submitted at any time within 45 days of any of the following material changes to the camp:

(1) The boundaries of the camp are altered.

(2) The number of cabins is increased or reduced by any means, including construction, renovation, closure, demolition, or conversion to another use.

(3) Any renovation to an existing cabin which results in a change in the camper capacity.

(d) (1) When granting an approval to an application for



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an emergency preparedness license, the agency shall include in the notice of approval to the camp operator the date on which the five-year period shall expire, which shall be the deadline by which the license shall be renewed by submission of a supplemental application.

(2) If a camp operator submits a supplemental application to maintain an emergency preparedness license in compliance with subsection (c), upon approval of the supplemental application, the agency may extend the deadline required under subdivision (1), but no extension may be made for a period longer than five years from the date of approval of the supplemental application.

(3) No less than 90 days before the deadline set by the agency under subdivision (1) or subdivision (2), the agency shall remind the camp operator by a written or digital notice of the deadline for submission of the supplemental application for renewal of the license. Notwithstanding the deadline, a license shall remain valid pending the agency's determination to renew the license on a supplemental application that is submitted no later than the deadline.

(e) No camp operator may apply for an emergency preparedness license without presenting documentation to the agency: (i) that the camp is regulated by the Alabama Department of Public Health for the sanitation of food preparation and lodging facilities as evidenced by a valid permit; and (ii) that the camp and camp operations are covered by liability insurance.

(f) When an initial application is submitted for an



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141 emergency preparedness license, within 90 days the agency
142 shall notify the camp operator of the determination approving
143 or disapproving the application.

144 (g) The agency may prescribe by rule any conditions
145 required to implement the application and approval period
146 conditions required in this section, and shall develop
147 application forms and written instructions to a camp operator
148 for documentation necessary to substantiate compliance with
149 each section of this act.

150 (h) If a camp operator administers camp operations at
151 more than one camp, a separate emergency preparedness license
152 shall be required for each camp.

153 (i) The agency shall post, maintain, or update on the
154 agency's website a list of each camp that has a valid license
155 pursuant to this act.

156 Section 4. (a) No individual may be retained as a staff
157 member who has been convicted of a felony or any crime
158 involving any unlawful sexual or violent act, or any act
159 involving theft, forgery, fraud, or any similar act, as
160 disclosed by the Alabama State Law Enforcement Agency or a
161 contractor that is: (i) recognized as reliable among
162 professional camping organizations to perform background
163 checks on prospective staff members; and (ii) is approved by
164 the agency.

165 (b) Each camp operator shall submit to the agency proof
166 of compliance with this section for each staff member retained
167 by a camp: (i) in the initial emergency preparedness license
168 application; or (ii) any supplemental application for renewal



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of the license due to expiration of an application deadline set by the agency pursuant to Section 3(d).

Section 5. As of January 1, 2027, no camp shall operate a cabin as defined in this act which is located in a floodplain.

Section 6. As a condition for receiving an emergency preparedness license, a camp shall operate with all of the following equipment or capabilities:

(1) A NOAA Weather Radio that transmits "all-hazards" notifications.

(2) A protocol to alert essential staff members of an emergency, including a redundant procedure that does not rely on text messaging or cellular service.

(3) A notification system that does not rely on an Internet connection and that is capable of providing an alarm and notification of an emergency which is audible both indoors and outdoors to staff members and campers.

Section 7. Each camp shall have as many designated sheltering spaces as are necessary to afford capacity for the maximum number of campers and staff members who are overnight residents.

Section 8. (a) The agency shall not approve an emergency preparedness license for a camp unless the camp maintains an emergency plan that provides for the protection and safety of campers and complies with the requirements of this section.

(b) An emergency plan shall contain procedures for responding to all of the following situations:



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197 (1) A lost camper.

198 (2) A fire on camp premises.

199 (3) A severe illness, injury, or death of a camper,
200 staff member, or visitor which occurs on camp premises or
201 while under the supervision of a staff member.

202 (4) An incident or condition involving a watercourse,
203 lake, or pond within or near the camp.

204 (5) A warning of impending severe weather, such as
205 torrential rain, hail, thunderstorm, or a tornado.

206 (6) An outbreak of sickness or an epidemic.

207 (7) An unauthorized individual on the campsite.

208 (8) Any natural disaster that threatens life or
209 property.

210 (9) An emergency or incident related to transportation
211 of campers or staff members.

212 (c) An emergency plan shall designate one or more
213 locations for campers and staff members to gather in case of
214 an emergency that requires an evacuation of the camp or a
215 shelter in place.

216 (d) (1) An emergency plan shall contain a procedure for
217 responses to a flash flood, wildfire, hurricane, or other
218 appropriate threat as adopted by rule of the agency, which
219 shall include, but not be limited to, both of the following:

220 a. Communication to campers and staff members on use of
221 prescribed evacuation routes.

222 b. Procedures for safe nighttime evacuation.

223 (2) The agency may prescribe that each camp have one or
224 more staff members to be the designated emergency preparedness



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coordinators to monitor weather conditions, act as liaison with the local organization, and ensure compliance with staff training pursuant to Section 10(c)(2).

(e) An emergency plan shall contain a procedure to shelter in place in case of a tornado, a severe thunderstorm warning, or other sudden threat in which evacuation is impractical or increases the risk of harm to campers.

(f) The procedures developed pursuant to subsections (b) through (e) shall include all of the following:

(1) A protocol for identifying and accounting for each camper affected by the emergency event.

(2) Notification of the local organization, with a provision for ongoing communication with the local organization as conditions unfold during an emergency.

(3) Ongoing communication between the camp operator and all essential staff members pursuant to Section 6(2).

(4) Notification to each parent or legal guardian of a camper of the emergency event and the safety measures taken as soon as reasonably possible in relation to the emergency.

(g) In the preparation of an emergency plan, a camp operator or emergency preparedness coordinator may consult with the local organization, the agency, the American Camp Association, or another professional group for camps concerning the implementation of best practices.

Section 9. (a)(1) A camp operator shall submit the emergency plan required in Section 8 to the agency for approval with the initial application for a emergency preparedness license.



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(2) The plan shall be updated or amended if a supplemental application to maintain an emergency preparedness license is required pursuant to Section 3(c) and included with the supplemental application as a condition for approval.

(3) If the plan is updated or amended for any reason other than for a mandatory condition pursuant to Section 3(c), the updated plan shall be immediately submitted to the agency for approval, and the agency may dispense with resubmission of the updated or amended plan with the next required supplemental application for a renewal license in compliance with a deadline set by the agency pursuant to Section 3(d).

(4) If the agency determines that the emergency plan does not meet the minimum standards prescribed by Section 8 or by agency rule, the agency shall notify the camp operator of the plan's deficiencies, and the camp operator shall remedy and resubmit a revised plan no later than 45 days after receiving the notice.

(5) Upon approval by the agency, the agency shall also provide a copy of an updated or amended version of the emergency plan to the local organization.

(b) The agency shall store the most recent version of an approved emergency plan in a digital database for immediate access by the Alabama State Law Enforcement Agency, the Department of Conservation and Natural Resources, emergency service providers, and any other department, agency, or political subdivision upon a showing of reasonable cause.

Section 10. (a) (1) Upon request, a camp operator shall provide the most recent version of the emergency plan to the



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parent or legal guardian of: (i) a camper who is registered in a pending camp session; or (ii) a prospective camper who may be registering for a camp session scheduled within 12 months.

(2) The information required under subdivision (1) shall include notice to the parent or legal guardian if any area of the camp is located within a floodplain.

(b) Not more than 24 hours after the start of a camp session, the camp operator and staff members shall conduct a mandatory safety orientation that includes all of the following information:

(1) The camp's boundaries and any hazards present on camp premises.

(2) Behavioral expectations.

(3) Developmentally appropriate instruction on the appropriate actions, including evacuation procedures, to take in case of an emergency event which conform to the emergency plan.

(c) (1) Each staff member shall participate in a review of the most recent version of the camp's emergency plan at least once a year or upon approval of the agency of an amendment or update to the plan pursuant to Section 9(a).

(2) Each staff member shall successfully complete annual training on the proper procedures to follow according to the emergency plan.

(3) A camp operator shall maintain a written or digital record documenting each staff member's successful completion of the training required under subdivision (2).

Section 11. (a) An agency disapproval of an initial or



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supplemental application for an emergency preparedness license, including disapproval of an emergency plan, shall specify in writing the condition or requirement in this act or in an agency rule which the applicant failed to meet or satisfy with sufficient detail that the applicant may understand the action or measure required to remedy the deficiency.

(b) (1) Any applicant, upon receipt of an agency disapproval under subsection (a), may submit a written appeal to the director of the agency within 30 days of receiving the decision of disapproval for reconsideration. The applicant may include with the appeal a written explanation as to why the application or submission should be approved. The director may afford the applicant an informal hearing to explain the reason the application or submission should be approved.

(2) Upon reconsideration, the director may:

a. Reverse the decision based on the applicant's written explanation or information gathered at an informal hearing; or

b. Uphold the decision based on the applicant's written explanation or information gathered at an informal hearing.

(3) The decision of the agency director pursuant to subdivision (2) shall be final, but without prejudice to the applicant's right to again apply for approval at any time.

(c) The agency may adopt rules to govern appeals, with criteria for granting a variance to a condition or requirement when an applicant demonstrates that the measures being planned or implemented otherwise protect the safety of campers.



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Section 12. By receiving a emergency preparedness license pursuant to this act, a camp operator consents to on-site inspection of the camp and camp operations by the agency at any time to verify compliance, the procedures for which may be adopted by rule of the agency.

Section 13. (a) A Youth Camp Safety Advisory Council (advisory council) is established as an independent council to fulfill the following responsibilities:

(1) Advise the agency on the adoption of rules to implement, administer, and interpret the requirements of this act: (i) during the period between the passage of this act and January 1, 2027; and (ii) on an ongoing basis after the act takes effect.

(2) Monitor nationwide developments or innovation in camp safety and emergency response.

(3) Advise and recommend to the agency additional legislation to ensure that safety standards for youth camps in the state are current.

(4) Solicit information or concerns from stakeholders, such as camp operators, parents or guardians of campers, and the agency.

(b) (1) The membership of the advisory council shall consist of all of the following:

a. The Director of the Alabama Emergency Management Agency, or his or her designee.

b. The Director of the Bureau of Prevention, Promotion, and Support of the Alabama Department of Public Health, or his or her designee.



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c. The Commissioner of the Department of Conservation and Natural Resources, or his or her designee.

d. The Chair of the State Forestry Commission, or his or her designee.

e. The Chief of the Alabama Office of Water Resources of the Alabama Department of Economic and Community Affairs, or his or her designee.

f. The Secretary of the Alabama State Law Enforcement Agency, or his or her designee.

g. Two representatives from the Association of Alabama Camps, to be appointed by the president.

h. A representative from the Alabama Association of Rescue Squads, to be appointed by the executive board director.

i. A representative from the Campaign for Camp Safety, to be chosen by the membership.

j. A representative from the Alabama Association of Emergency Managers.

(2) Appointments to the advisory council shall be coordinated to assure that council membership is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state.

(3) Members from state departments or agencies shall serve terms that coincide with their respective offices or appointments. No individual shall continue to serve on the advisory council when he or she or, if applicable, the designating officer, no longer serves in the office to which he or she was appointed.



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393 (4) Members shall serve without compensation and be
394 reimbursed by their respective departments or agencies or, if
395 applicable, according to the policy of their respective
396 organizations.

397 (c) (1) The advisory council shall hold an
398 organizational meeting in person no later than 45 days after
399 the enactment of this section at the call of the chair, who
400 shall be the Director of the Alabama Emergency Management
401 Agency or his or her designee.

402 (2) At the organizational meeting, the council shall
403 elect a cochair, who shall be one of representatives from the
404 Association of Alabama Camps.

405 (3) After the organizational meeting, the advisory
406 council shall meet at the call of the chair and proceedings
407 may be conducted by electronic means.

408 (4) The advisory council shall meet as necessary to
409 fulfill the responsibilities described in subsection (a).

410 (d) The advisory council shall dissolve three years
411 from the date this section takes effect.

412 Section 14. Evidence that a camp operator failed to
413 comply with any requirement imposed by this act which is a
414 condition for receiving an emergency preparedness license
415 shall not be admissible for the purpose of establishing prima
416 facie proof of negligence.

417 Section 15. The agency is authorized to adopt any rule
418 necessary to implement, administer, interpret, and enforce the
419 requirements of this act.

420 Section 16. This act shall become effective on January



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421 1, 2027, except Section 13 shall take effect immediately upon
422 approval by the Governor.