Legislative Update October, 2018

Maine, reported by Peter Hirsch

- With a new Governor and possibly a change in the control of the State House and Senate, we are not quite sure what threats or opportunities will come in ‘19. We sent out a mailing to all the candidates for both state and federal offices in July summarizing the positive impact the camp industry has on the state - in terms of revenue, employment and youth development - and are planning a camp day at the State House for late winter/early spring.

- The department within Health and Human Services that inspects camps has changed. We are now in the department that inspects and licenses child care facilities. Jack Erler, our counsel, and Ron Hall, the Executive Director, have spent a lot of time explaining to the new inspectors, that while we are committed to maintaining safe facilities, camps are different from child care facilities. Some camps hosted training sessions for them this spring re: ropes course, trip leaders and waterfront which worked well.

- Marijuana is now legal in Maine. We are waiting to see what regulations the Legislature comes up with and how much authority to regulate is left with municipalities.

Massachusetts, reported by Billy Hoch

- New camp regulations went into effect in the late spring so camps had to become educated on the changes and adapt to them very quickly. A few specialty camps that operate on rented sites were not able to get licenses to operate because they were late with paperwork or had other issues with the inspection process. We are working with our advocacy firm to identify specifically why these camps could not get licenses and then bring these issues to the attention of the state health department if they turn out to be related to the new regulations or inconsistent implementation by local inspectors.

- No new regulatory issues are on the horizon at the moment. We continue to be in conversations with the Department of Environmental Protection regarding Title V septic system regulations for seasonal systems and will keep members updated as these discussions progress.
**New Hampshire, reported by Greg Pierce**

- The Town of Freedom, NH, took Camp Marist, a not for profit Catholic camp to court challenging their not for profit status and won. It has since been heard by Supreme Court of NH and the lower court’s decision was overturned.

- The Governor has approved a commission to study the effect of seasonal docks on New Hampshire’s 5 big lakes. It’s too early to know the purpose of the study, but we’re following it closely.

- We successfully added “camps” to a bill that was introduced to reverse an old blue law stating that if an employee worked on Sunday they must have the following Monday off; which was an obvious issue for some resident camps.

- There was also a bill put forward by a NH Camp Owner; The NH Camper Protection Act, to create a buffer of 150 feet from all camp activity zones. It is a real issue for this camp owner but as an association, we do not want to come off as trying to limit the public to lake access. To date, the NHCDA Board has not made a decision whether to endorse the bill.

**New Jersey, reported by Jonathan Gold, Andy Pritikin and Claudine Leone**

- **Minimum Wage/OT Exemptions**

New Jersey's top advocacy priority has been to legislate an exemption from minimum wage for all summer camps. New Jersey currently only exempts non-profit summer camps. While we worked on this proactively in the past, we are now working on defense as New Jersey's proposal to increase NJ's minimum wage to $15/hr has traction with Governor Murphy.

However, as with previous years, this issue has been re-prioritized behind other pressing issues, including legalized marijuana, the budget and other priorities. That does not mean that the key players, Governor Murphy, Speaker Coughlin and Senate President Steve Sweeney, haven’t been negotiating and discussing the details behind the scenes. And, NJCGAP continues to meet with all of the above, staff and key legislators, as we have over the last 5 years working on this issue for youth camps.

This continues to be top priority for NJCGAP and the move to $15/hour impacts both our private and non-profit camp members, whether directly or indirectly. Once they all agree - it will move fast.
We believe that this issue will come up for debate early in 2019. Our greatest ally has been the Senate President. He has been publicly promoting exemptions for seasonal employees and 16-18-year-old employees (although under 18 camp employees are already exempt from Minimum wage - other industries do not share that exemption). Youth camps, if this type of exemption was approved, would be captured under the seasonal employee exemption. We are with him 100% and working to support his exemption proposal.

- **NJ Department of Health licensing/inspections and move 5-year ACA accreditation visits**
  - New Jersey ACA accredited camps are recognized by the state as having parity with the state requirements and are exempt from state health department regulations. As ACA has moved to the five-year accreditation cycle, we have had to be more engaged with NJDOH regulators each summer when ACA accredited camps are cited with potential violations. NJDOH was wary of the five-year change, so we are very sensitive to any appearance that ACA camps are not receiving the oversight that the NJDOH originally agreed to for the exemption.

**New York, reported by Doug Volan**

- New York now has a mandated Sexual Harassment Policy and Annual Training Requirement for ANY business that operates in New York State. All camps should have updated their personnel manuals to include a complaint form as well as meet the other requirements of the law and looked into trainings for its employees which must take place by January 1, 2019. For more information about this new law, please go to [https://www.ny.gov/combating-sexual-harassment-workplace/employers](https://www.ny.gov/combating-sexual-harassment-workplace/employers).

- As a reminder, New York’s minimum wage will once again be increasing as of December 31, 2018. The new amount depends upon where your business is located. For more information, please go to [https://www.labor.ny.gov/workerprotection/laborstandards/workprot/minwage.shtm](https://www.labor.ny.gov/workerprotection/laborstandards/workprot/minwage.shtm).

- The New York State Camp Directors Association (NYSCDA) is hard at work on two bills. The first would permit camps to hire mental health practitioners. It’s currently a felony to do so under the State’s Corporate Practice Ban. The second would require all unregulated “camps” to disclose to the public they don’t have a permit to operate from the Department of Health.

- The Department of Health has announced it will now consider the splash zone area at the bottom of inflatable water slides to be the equivalent of a pool and therefore must follow the same guidelines as a swimming pool (compliance with Subpart 6-1.) If there is just a runoff at the bottom of the slide and there is continuous clean water running...
down the slide, instead of a collection of water (splash zone), then DOH would not get involved.

**Pennsylvania, reported by Mark “Z” Zides**

- Epinephrine Auto-Injector Entity Act PA
  
  o After 3 years of discussion the Epinephrine Auto-Injector Entity Act Pennsylvania SB478/ HB126 has been unanimously approved by the PA House and Senate on October 5th...It just awaits the Governor’s signature later next week.

  o With our lobbyists involvement and local legislators in Wayne and Pike counties leading the effort, wording of the original bill was changed to reflect that entities can be trained by a nationally recognized organization experienced in training laypersons in emergency health treatment and **NOT ONLY by the Dept of Health** as previously written. The Act permits certain entities, including summer camps, to house non-patient specific epinephrine auto-injectors in their facilities....and allows for Good Samaritan protection.

  o Training will be available online or in person...with a certificate recognizing completion of the course.

  o When signed, the law will go into effect in 60 days.

  o Further information will be available later this winter.