

26: 12-1 et seq

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26:12-1 et seq (NJ Youth Camp Safety Act)
LAWS OF: 1973 CHAPTER: 375
Bill No: S1062
Sponsor(s): Epstein
Date Introduced: June 15, 1972
Committee: Assembly: Commerce, Industry and Professions
Senate: Labor, Industry and Professions
Amended during passage: Yes
Date of Passage: Assembly: January 8, 1974
Senate: February 22, 1973
Date of Approval: January 9, 1974
Following statements are attached if available:
Sponsor statement: No
Committee statement: Assembly No
Senate Yes
Fiscal Note: No
Veto Message: No
Message on Signing: No
Following were printed:
Reports: No
Hearings: No

DEPOSITION COPY
Do Not Remove From Library

[OFFICIAL COPY REPRINT]

SENATE, No. 1062

STATE OF NEW JERSEY

INTRODUCED JUNE 15, 1972

By Senators EPSTEIN, McDERMOTT, WALLWORK and
SCHLUTER

Referred to Committee on Labor, Industry and Professions

AN ACT prescribing standards for certain youth camps, supplementing Title ***[34]*** *26* of the Revised Statutes and making an appropriation.

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. This act shall be known and may be cited as the "New Jersey
2 Youth Camp Safety Act."

1 2. It is the purpose of this act to *promote,* protect and safe-
2 guard the health and well-being of the youth of the State attending
3 day camps and resident camps by providing for establishment of
4 standards for the safe operation of such camps, thereby providing
5 assurance to parents and interested citizens that youth camps meet
6 minimum safety standards.

1 3. As used in this act:

2 a. "Youth camp" means any parcel or parcels of land having
3 the general characteristics and features of a camp as the term is
4 generally understood, used wholly or in part for recreational or
5 educational purposes and accommodating five or more children
6 under 18 years of age***[**, living apart from their relatives, parents
7 or legal guardians]**]*** for a period of, or portions of, ***[5]*** *2* days
8 or more, and includes a site that is operated as a day camp or as a
9 resident camp.

10 b. "Youth camp safety standards" means criteria directed
11 toward safe operations of youth camps, in such areas as, but not
12 limited to, personnel qualifications for director and staff, ratio of
13 staff to campers, sanitation and public health, personal health, first
14 aid and medical services, food handling, mass feeding and cleanli-
15 ness, water supply and waste disposal, water safety including use
16 of lakes and rivers, swimming and boating equipment and practices,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

17 vehicle condition and operation, building and site design, equip-
 18 ment, condition and density of use, emergency evacuation pro-
 19 cedures and fire safety.

20 c. "Youth camp operator" means any private agency, organiza-
 21 tion, or person, and any individual, who operates, controls or
 22 supervises a youth camp, whether such camp is operated for profit
 23 or not for profit.

24 d. "Commissioner" means the Commissioner of ***[Labor and**
 25 **Industry]*** **Health or any of his authorized deputies, representa-*
 26 *tives, agents or employees*.*

1 4. Every youth camp operator shall provide to each camper
 2 safe and healthful conditions, facilities and equipment which are
 3 free from ***[recognized]*** hazards that are causing, or ***[are**
 4 **likely]*** **may reasonably be expected** to cause, death, serious ill-
 5 ness, or serious physical harm, as well as adequate and qualified
 6 instruction and supervision at all times, wherever or however such
 7 camp activities are conducted and with due consideration of condi-
 8 tions existing in nature.

1 5. The commissioner shall develop, and shall by rule and regula-
 2 tion promulgate, modify or revoke youth camp safety standards.
 3 In developing such standards, the commissioner shall consult with
 4 other State and local officials and with representatives of ap-
 5 propriate public and private organizations, and shall consider
 6 existing State and local regulations and standards and standards
 7 developed by private organizations which are applicable to youth
 8 camp health and safety. The commissioner shall make the initial
 9 promulgation of standards required by this act within 6 months of
 10 the effective date of this act.

1 **6. No youth camp which is now or hereafter shall be established*
 2 *shall be operated or conducted, except by authority of a valid*
 3 *certificate of approval issued by the commissioner under the rules*
 4 *and regulations prescribed by him. Application for the issuance or*
 5 *renewal of certificate shall be made upon a form prescribed by the*
 6 *commissioner, shall set forth the location of the camp and the*
 7 *operator thereof, and shall be accompanied by a fee to be set in the*
 8 *discretion of the commissioner but not to exceed \$50.00 for day*
 9 *camps and \$100.00 for resident camps which fee shall be returned if*
 10 *the application is denied.*

1 7. *Each certificate of approval shall be valid for a period of 1*
 2 *year from the date of issue. The commissioner may issue a provi-*
 3 *sional certificate subject to later approval by the commissioner,*
 4 *after inspection of the youth camp during the period when the camp*
 5 *is operational,**

1 ***[6.]*** *8.* The commissioner shall be responsible for the enforce-
2 ment of youth camp safety standards in this State *and the com-*
3 *missioner is empowered to hold hearings and otherwise to investi-*
4 *gate charges of any violation of this act*.*

1 ***[7.]*** *9.* a. In order to ***[cary]*** *carry* out his duties under
2 this act, the commissioner may enter and inspect any youth camp
3 and its records, may question employees, and may investigate facts,
4 conditions, practices or other matters to the extent he deems it
5 necessary or appropriate.

6 *b. *The commissioner shall have the power to administer oaths*
7 *and examine witnesses under oath, issue subpoenas, compel the*
8 *attendance of witnesses and the production of papers, books, ac-*
9 *counts, records, payrolls, documents and testimony and to take*
10 *depositions and affidavits in any proceeding before the commis-*
11 *sioner.**

12 ***[b.]*** *c.* To determine the areas in which safety standards are
13 necessary and to aid in promulgating meaningful regulations,
14 camps subject to the provisions of this act shall be required to
15 report annually, on the date prescribed by the commissioner, all
16 accidents resulting in death, injury and illness, other than minor
17 injuries which require only first aid treatment and which do not
18 involve medical treatment, loss of consciousness, restriction of
19 activity or motion, or premature termination of the camper's term
20 at the camp. The commissioner shall compile the statistics reported
21 and include summaries thereof in his annual report to the Governor
22 and the Legislature.

1 ***[8.]** a. Any youth camp operator who willfully or repeatedly
2 violates the provisions of this act or any rule or regulation
3 promulgated by the commissioner or order issued pursuant thereto
4 shall be subject to a penalty of not more than \$1,000.00 for each
5 violation.

6 b. Any youth camp operator who has received a second or sub-
7 sequent citation for a serious violation of the provisions of this act
8 or any rule or regulation promulgated or order issued pursuant
9 thereto shall be subject to a penalty of not more than \$1,000.00 for
10 each such violation.

11 c. Any youth camp operator who fails to correct a violation for
12 which a citation has been issued within the period permitted for its
13 correction shall be subject to a penalty of not more than \$500.00 for
14 each day during which such failure or violation continues, or until
15 the camp closes in its normal course of business.

16 d. For the purposes of subsection b., a serious violation shall be
17 deemed to exist in a youth camp if there is substantial probability

18 that death or serious physical harm could result from a condition
 19 which exists, or from one or more practices, means, methods, opera-
 20 tions or processes which have been adopted or are in use in such
 21 camp, unless the operator did not, and could not, with the exercise
 22 of reasonable diligence, know the presence of the violation.

23 e. Any penalty imposed pursuant to this act shall be used for,
 24 and recovered by and in the name of the commissioner in a civil
 25 action by a summary proceeding under the Penalty Enforcement
 26 Law (N. J. S. 2A:58-1 et seq.). Where any violation of this act or
 27 of any rule or regulation duly issued hereunder is of a continuing
 28 nature, each day during which such violation continues after the
 29 date fixed by the commissioner in any order or notice for the correc-
 30 tion or termination of such violation, shall constitute a separate and
 31 distinct offense, except during the time an appeal from said order
 32 or notice may be taken or is pending.]*

1 *10. *The commissioner, upon notice and hearing, may revoke the*
 2 *certificate of approval and may impose a penalty not exceeding*
 3 *\$1,000.00 for any violation of this act or of any rule or regulation*
 4 *duly issued hereunder or order issued pursuant thereto. If any*
 5 *penalty imposed pursuant to this act is not paid, then the penalty*
 6 *shall be sued for and recovered by and in the name of the commis-*
 7 *sioner in a summary proceeding under the Penalty Enforcement*
 8 *Law (N. J. S. 2A:58-1 et seq.). In such summary proceeding, the*
 9 *commissioner need only prove that notice was given, a hearing held,*
 10 *a decision rendered and a penalty imposed which has not been paid.*

11 *Where any violation of this act or of any rule or regulation duly*
 12 *issued hereunder is of a continuing nature, each day during which*
 13 *such violation continues after the date fixed by the commissioner*
 14 *in any order or notice for the correction or termination of such*
 15 *violation or each day the camp operates without a valid certificate*
 16 *of approval or continues to operate after notification of revocation*
 17 *of its certificate of approval, shall constitute an additional, separate*
 18 *and distinct violation, except during the time an appeal from said*
 19 *order or notice may be taken or is pending.**

1 *9. a. The Superior Court shall have jurisdiction, upon applica-
 2 tion of the commissioner, to restrain any conditions or practices in
 3 any youth camp, or in any place where camp activities are con-
 4 ducted, which are such that a danger exists which could reasonably
 5 be expected to cause death or serious physical harm immediately
 6 or before the imminence of such danger can be eliminated through
 7 the enforcement procedures otherwise provided under this act.
 8 Any order issued under this section may require such steps to be
 9 taken as may be necessary to avoid, correct or remove such im-

10 minent danger and prohibit the presence of any individual in loca-
 11 tions or under conditions where such imminent danger exists,
 12 except individuals whose presence is necessary to avoid, correct
 13 or remove such imminent danger.

14 b. Upon the filing of any such application, the Superior Court
 15 shall have jurisdiction to grant such injunctive relief or temporary
 16 restraining order pending the outcome of an enforcement proceed-
 17 ing pursuant to this act.

18 c. Whenever and as soon as an inspector concludes that condi-
 19 tions or practices described in subsection a. exist in any camp site
 20 or place of camp activity, he shall inform the affected campers,
 21 camp owners, and camp supervisory personnel of the danger and
 22 of the fact that he is recommending to the Commissioner that relief
 23 be sought.】*

1 *11.* *Upon a violation of this act or of any rules and regula-*
 2 *tions promulgated hereunder, the commissioner shall be entitled to*
 3 *institute a civil action in a court of competent jurisdiction for in-*
 4 *injunctive relief to restrain such violation and for such other relief*
 5 *as the court shall deem proper, and the court may proceed in a*
 6 *summary manner in such action. Neither the institution of such*
 7 *action, nor any of the proceedings therein shall relieve any party to*
 8 *such proceedings from the penalty prescribed for a violation of this*
 9 *act.**

1 *【10.】* *12.* The commissioner, upon *【appliacion】* *applica-
 2 tion* by a camp owner showing extraordinary circumstances or un-
 3 due hardship, and upon the determination by a field inspector, after
 4 inspection of the affected premises and facilities, that the condi-
 5 tions, practices, or activities proposed to be used are as safe and
 6 healthful as those which would prevail if the camp owner complied
 7 with the standard, may exempt such camp or activity from specific
 8 requirements of this act, but the terms of such exemption shall
 9 require appropriate notice thereof to parents or other relatives of
 10 affected campers.

1 *【11.】* *13.* There is hereby established in the Department of
 2 *【Labor and Industry】* *Health* an Advisory Council on Youth
 3 Camp Safety to advise and consult on policy matters relating to
 4 youth camp safety, particularly the promulgation of youth camp
 5 safety standards. The council shall consist of the commissioner,
 6 who shall be chairman, and six members appointed by the Governor
 7 from persons who are specially qualified by experience and com-
 8 petence to render such service. Members shall be appointed for a
 9 4-year term, except that of those first appointed, one shall be ap-
 10 pointed for a term of 1 year, one shall be appointed for a term of 2

11 years, two shall be appointed for a term of 3 years, and two shall be
 12 appointed for a term of 4 years. Each member shall hold office until
 13 his successor has been appointed and qualified. Vacancies shall be
 14 filled for the unexpired term.

15 Members of the council shall serve without compensation but
 16 shall be entitled to be reimbursed for actual expenses incurred in
 17 the performance of their duties.

18 The commissioner may appoint such special advisory or technical
 19 experts and consultants as may be necessary to assist the council in
 20 carrying out its functions.

1 ***[12.]*** *14.* a. The commissioner shall prepare and submit to the
 2 Governor and the Legislature at least once during each fiscal year
 3 a comprehensive report on the administration of this act*, *which*
 3A *report may be contained in the general annual report of the depart-*
 3B *ment.**

4 b. The commissioner is authorized to request directly from any
 5 other department or agency of State Government information,
 6 suggestions and other data that may be needed to carry out his
 7 functions under this act; and such department or agency is au-
 8 thorized to furnish the information, suggestions or other data
 9 requested.

1 ***[13.]*** *15.* Nothing in this act shall authorize the commissioner
 2 or any other official acting under this act to restrict, determine, or
 3 influence the curriculum, program or ministry of any youth camp.

1 ***[14.]*** *16.* Nothing in this act shall be deemed to authorize or
 2 require medical examination, immunization or treatment for those
 3 who object thereto on religious grounds, except where such is nec-
 4 essary for the protection of the health or safety of others.

1 ***[15.]*** *17.* There is hereby appropriated to the Department of
 2 ***[Labor and Industry]*** *Health* the sum of ***[\$150,000.00]***
 3 *\$100,000.00* or so much thereof as may be necessary to carry out
 4 the purposes of this act.

1 ***[16.]*** *18.* This act shall take effect immediately but remain
 2 inoperative for 120 days following enactment.

SENATE LABOR, INDUSTRY AND
PROFESSIONS COMMITTEE

STATEMENT TO

SENATE, No. 1062

STATE OF NEW JERSEY

DATED: JANUARY 29, 1973

Entitled the New Jersey Youth Camp Safety Act, the bill provides for the regulation of youth camps by broadly outlining the responsibility of youth camp operators, and empowering the Commissioner of Labor and Industry to promulgate youth camp safety standards and to enforce such standards and the provisions of this act. The commissioner would have the authority to inspect youth camps and to require the filing of accident reports.

Violators of the act or rules or regulations promulgated by the commissioner would be subject to fines of up to \$1,000.00 per violation. The commissioner could also obtain injunctions and restraining orders relative to hazardous conditions or operations in youth camps, including orders to take action to avoid imminent danger. The bill would also establish an Advisory Council on Youth Camp Safety, consisting of the commissioner and six members appointed by the Governor, to advise and consult on policy matters relating to youth camp safety. There is a \$150,000.00 appropriation to the Department of Labor and Industry to carry out the purposes of the act.