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TITLE 25	HEALTH SERVICES
PART 1	DEPARTMENT OF STATE HEALTH SERVICES
CHAPTER 265	GENERAL SANITATION
SUBCHAPTER B	TEXAS YOUTH CAMPS SAFETY AND HEALTH

§265.11. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the content clearly indicates otherwise.

(1) Act--Texas Youth Camp Safety and Health Act, Texas Health and Safety Code Chapter 141.

(2) Adult--A person at least 18 years of age or older.

(3) Broadband service--internet service with the capability of providing a:

(A) speed of not less than 100 megabits per second for a download;

(B) speed of not less than 20 megabits per second for an upload; and

(C) network round-trip latency of less than or equal to 100 milliseconds based on the 95th percentile of speed measurements.

(4) Cabin--A structure used to provide temporary sleeping quarters for campers.

(5) Camper--A minor child, younger than 18 years of age, who is attending a youth camp on either a day or boarding basis.

(6) Challenge course--Activity designed for educational purposes or team building, which may offer a variety of challenges, including zip lines, high and low rope courses, rappelling, and climbing walls.

(7) Commissioner--The commissioner of the Texas Department of State Health Services.

(8) Day camp--A camp that operates during the day or any portion of the day between 7:00 a.m. and 10:00 p.m. for four or more consecutive days and that offers no more than two overnight stays during each camp session. To be eligible to be licensed as a youth camp, the camp's schedule must be structured so that each camper attends for four hours or more per day for four consecutive days. The term does not include a facility that is required to be licensed with the Health and Human Services Commission.

(9) Department--Texas Department of State Health Services.

(10) Executive commissioner --Executive commissioner of the Health and Human Services Commission.

(11) Firearm--Any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or a burning substance, or any device readily convertible to that use.

(12) Floodplain--Any area within a 100-year floodplain identified by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Act of 1968 (42 United States Code (U.S.C.) Section 4001 et seq.). This term includes any area removed from the 100-year floodplain by a letter of map amendment, a letter of map revision based on fill, or a substantially similar administrative process conducted by FEMA.

(13) Floodway--An area identified on the most recent flood hazard map published by FEMA under the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et seq.) as a regulatory floodway.

(14) Governmental entity--This state or a state agency or political subdivision of this state.

(15) Municipal water supply--A public water supply owned or operated by or for a city or a corporation having the right of administering local government.

(16) Pellet gun--Any device designed, made, or adapted to expel a projectile through a barrel by using compressed air or carbon dioxide. This definition includes air guns, air rifles, BB guns, and paintball guns.

(17) Permanent structure--Man-made buildings such as dining halls, dormitories, cabins, or other buildings that are constructed to remain stationary.

(18) Person--An individual, partnership, corporation, association, or organization. In rules for this subchapter, a person does not include a government or governmental subdivision.

(19) Playground--A designated area designed for campers to play freely on equipment as defined in the U.S. Consumer Product Safety Commission Publication Number 325, "Public Playground Safety Handbook," July 2025 as amended.

(20) Primitive camp--A youth camp that does not provide either permanent structures or utilities for camper use.

(21) Public water system--A public water system, as defined in 30 Texas Administrative Code (TAC) §290.38 (relating to Definitions) is a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water in 30 TAC §290.38. Such a system must have at least 15 service

connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or greater at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual must be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.

(22) Resident camp--A camp that for a period of four or more consecutive days continuously provides residential services to each camper, including overnight accommodations for at least three consecutive nights.

(23) Supervised--A person is supervised if the person is within sight, except for infrequent momentary periods such as restroom breaks, and within reasonable hearing distance of a camper's outcry, of an adult with an obligation to report inappropriate or dangerous activities or behavior who has been made aware that the obligation is in effect at that time and who has willingly accepted the obligation. This definition is applicable only to rules relating to unsupervised contact with campers.

(24) Supervisor/counselor--A person, at least 18 years of age or older, who is responsible for the immediate supervision of campers.

(25) Swim test--A formalized test, specific to the body of water utilized, to determine each child's swimming ability. A swim test includes a skill evaluation, or some equivalent method of determining swimming ability, such as the following.

(A) A non-swimmer gets into the shallow water, sits down, stands up, and exits the water.

(B) An intermediate swimmer jumps feet first into water at least twelve inches deeper than the height of the child, levels off, swims 25 feet, turns around and swims back, then exits the water.

(C) A swimmer jumps feet-first into water at least twelve inches deeper than the height of the child and swims 75 yards in a strong stroke on the stomach or side (breaststroke, sidestroke, crawl, trudgen, or any combination); then swims 25 yards on the back (elementary back stroke), floats and rests on the back for one minute, then exits the water.

(26) TCEQ--Texas Commission on Environmental Quality.

(27) Travel camp--A day or resident camp, lasting for four or more consecutive days, that begins and ends at a fixed location, but may move from location to location on a daily basis.

(28) Waterfront--A natural or artificial body of water that includes a lake, ocean, bay, pond, river, swimming pool, or spa, which is the site of any water activity.

(29) Waterfront activity--A recreational or instructional activity, occurring in, on, or near a waterfront. Waterfront activity includes swimming, boating, water skiing, scuba diving, rafting, tubing, synchronized swimming, or sailing.

(30) Youth camp--A facility or property, other than a facility required to be licensed by the Health and Human Services Commission, that:

(A) has the general characteristics of a day camp, resident camp, or travel camp;

(B) provides supervision and instruction in recreational, athletic, religious, or educational activities;

(C) during a camp session, offers at least two youth camp specialized activities in an outdoor setting;

(D) accommodates at least five minors during each camp session who attend or temporarily reside at the camp, apart from parents or guardians, for all or part of at least four consecutive days;

(E) operates as a youth camp for four consecutive hours or more per day;

(F) operates as a youth camp only during school vacation periods;

(G) operates as a youth camp for no more than 120 days each calendar year; and

(H) is not a facility or program operated by or on the campus of an institution of higher education or a private or independent institution of higher education as those terms are defined by the Texas Education Code§61.003, that is regularly inspected by one or more local governmental entities for compliance with health and safety standards.

(31) Youth camp specialized activity--A camp activity such as waterfront activities, archery, horseback riding, challenge courses, or riflery that requires special technical skills, equipment, or safety regulations, and a high level of adult supervision at all times.

(32) Youth camp operator--Any person who owns, operates, controls, or supervises a youth camp, whether or not for profit.

§265.12. Directors, Supervisors, and Staff.

(a) On-site director required. Each youth camp shall be under the on-site direction of a qualified adult with at least two years of experience working with children. The director shall be knowledgeable in camp administrative practices and shall have at least one year of leadership experience with an organized youth camp, school or other youth-serving organization, such as the Boy Scouts of America or Young Men's Christian Association (YMCA).

(b) Adult supervisors. Each youth camp shall have at least one adult supervisor who is responsible for the supervision of no more than ten children in the camp. For any youth camp specialized activity, the supervisor(s) shall be in the immediate vicinity (within sight and/or hearing) of the campers. An "all camp" sedentary activity, not requiring physical activity must have at least one adult supervisor to every 25 campers. The camp director shall not be included in the supervisor to camper ratio in camps serving over 50 campers at one time.

(c) Supervision of youth camp specialized activity. Youth camp specialized activities shall be conducted by and under the direct supervision of a qualified adult capable of implementing safety standards established by the department or the camp who shall have either documented training or at least two years documented experience in conducting the activity.

(d) Written personnel policies and practices. A camp shall have written personnel policies and practices for both campers and staff. Supervisors shall be informed of these policies and practices prior to assuming responsibility for campers.

(e) Staff member character and integrity records. The camp management shall ascertain and have on record information, such as a letter of reference, attesting to the character and integrity of each staff member, and information, such as training certificates, attesting to the ability of each staff member to perform the tasks required in his or her position.

(f) Criminal conviction and sex offender background check requirements. The camp management shall have on file a record of any criminal conviction and a sex offender registration check for all adult staff members and all adult volunteers working at the camp before the staff member or volunteer has unsupervised contact with children at the camp. A criminal background check and sex offender registration check must be on file for any other adult that will have unsupervised contact with campers, other than their own children. If the records are located off-site, a letter from the national or regional headquarters of the camp organization stating the names of individuals at the camp site for whom background checks have been conducted, shall be available at the camp site. All records of criminal convictions and written evaluations for a camp or camping organization shall be made available to department personnel within two business days upon request. Youth camps are responsible for ensuring that criminal and sex offender background checks have been conducted for international staff obtained through the J-1 visa process, and that documentation of these checks are located with other

staff background checks. Records of criminal convictions and sex offender status shall be obtained by:

(1) performing an annual criminal background check using a criminal history database for each adult staff member's and each adult volunteer's permanent residence. If the staff member or adult volunteer has a temporary or an educational residence, an annual criminal background check shall include searching under the permanent, temporary and educational address, as applicable. The criminal history database used for the criminal background check is to be based on the individual's residences, and may include state, national or international databases. Documentation of the search results, whether or not the results are positive, shall be maintained with the sex offender background documentation; and

(2) performing an annual background check using a sex offender registration database for each adult staff member's and each adult volunteer's permanent residence and educational residence if applicable, such as the TXDPS - Sex Offender Registry, which may be accessed at Texas Department of Public Safety - Crime Records Service. Documentation of the search results, whether or not the results are positive, shall be maintained with the criminal background documentation.

(g) Persons whose presence at a youth camp shall be precluded. Youth camps shall not employ paid or unpaid staff members or volunteers at a youth camp, or permit any person to have unsupervised contact with campers other than their own children, if the person has the following types of criminal convictions or deferred adjudications: a misdemeanor or felony under Texas Penal Code, Title 5 (Offenses Against the Person) excluding a Class C misdemeanor under §22.01 (Assault), Title 6 (Offenses Against the Family), Chapter 29 (Robbery) of Title 7, Chapter 43 (Public Indecency) or §42.072 (Stalking) of Title 9, §15.031 (Criminal Solicitation of a Minor) of Title 4, §38.17 (Failure to Stop or Report Aggravated Sexual Assault of Child) of Title 8, or any like offense under the law of another state or under federal law.

(h) Persons whose presence at a youth camp may be precluded.

(1) Youth camps may preclude a person from being a paid or unpaid staff member or volunteer at a youth camp, or may preclude a person from having unsupervised contact with campers other than the person's own children, if the person has the following types of criminal convictions or deferred adjudications:

(A) a Class C misdemeanor committed within the past ten years under §22.01 (Assault) of Title 5 of the Texas Penal Code, or any like offense under the law of another state or under federal law;

(B) a misdemeanor or felony committed within the past ten years under §46.13 (Making a Firearm Accessible to a Child) or Chapter 49 (Intoxication and Alcoholic Beverage Offenses) of Title 10 of the Texas Penal Code, or any like offense under the law of another state or under federal law; or

(C) any other felony under the Texas Penal Code or any like offense under the law of another state or under federal law that the person committed within the past ten years.

(2) Camp management shall have on file a written evaluation by two or more camp executive staff for any staff member or volunteer whose presence at the youth camp may be precluded under this subsection showing that management has determined the person is suitable for a position at the youth camp despite a criminal conviction or deferred adjudication.

(i) Sexual abuse and child molestation awareness training and examination program.

(1) A youth camp licensee may not employ or accept the volunteer service of an individual for a position involving contact with campers at a youth camp, or permit any person to have unsupervised contact with campers, unless:

(A) the individual submits to the licensee or the youth camp has on file documentation that verifies the individual within the preceding two years has successfully completed the training and examination program required by this subsection; or

(B) the individual successfully completes the youth camp's training and examination program approved by the department during the individual's first workweek, and prior to any contact with campers unless supervised during the first workweek by an adult who has successfully completed the program.

(2) For purposes of this subsection, the term "contact with campers" does not include visitors such as a guest speaker, an entertainer, or a parent who visits for a limited purpose or a limited time if the visitor has no direct and unsupervised contact with campers. A visitor may have direct and unsupervised contact with a camper to whom the visitor is related. A camp may require training and an examination for visitors if it chooses.

(3) A youth camp licensee shall retain in the person's personnel record a copy of the documentation required or issued under paragraph (1)(A) and (B) of this subsection for each employee or volunteer until the second anniversary of the examination date.

(4) Prior to their use, the department may approve training and examination programs offered by trainers under contract with youth camps, by online training organizations, or programs offered in another format, such as a videotape, authorized by the department.

(5) A training and examination program on sexual abuse and child molestation approved by the department shall at a minimum include training and an examination on:

(A) the definitions and effects of sexual abuse and child molestation;

(B) the typical patterns of behavior and methods of operation of child molesters and sex offenders that put children at risk;

(C) the warning signs and symptoms associated with sexual abuse or child molestation, recognition of the signs and symptoms, and the recommended methods of reporting suspected abuse;

(D) the recommended rules and procedures for youth camps to implement to address, reduce, prevent, and report suspected sexual abuse or child molestation;

(E) the need to minimize unsupervised encounters between adults and minors; and

(F) the potential for consensual and nonconsensual sexual activity between campers, steps to prevent sexual activity between campers, and how to respond if sexual activity between campers occurs.

(6) The training program shall last for a minimum of one hour and discuss each of the topics described in paragraph (5) of this subsection.

(7) The examination shall consist of a minimum of 25 questions which shall cover each of the topics described in paragraph (5) of this subsection.

(8) To successfully complete the training program, each employee or volunteer shall achieve a score of 70% or more correct on an individual examination. If the examination is taken on-line, the employee or volunteer shall retain a certificate of completion indicating they successfully completed the course.

(9) The department may assess a fee of $125 to each applicant to cover the costs of the department's initial review and each follow-up review of a training and examination program.

(10) Applications and fees shall be mailed to the Environmental and Sanitation Licensing Group, Department of State Health Services, Mail Code 2003, P.O. Box 149347, Austin, Texas 78714-9347. Applications may be obtained by calling the Environmental and Sanitation Licensing Group at (512) 834-6600 or may be downloaded from http://www.dshs.state.tx.us/youthcamp/default.shtm.

(11) The department, at least every five years from the date of initial approval, shall review each training and examination program approved by the department to ensure the program continues to meet the criteria and guidelines established under this subsection.

(j) Supervised contact with campers.

(1) A person supervising another person who is prohibited from having unsupervised contact with campers:

(A) may include one or more paid or unpaid members of camp staff or management; law enforcement officers; security personnel; lifeguards or other responsible staff at any off-site facility; or parents or other adults;

(B) must be charged with responsibility to monitor, oversee, or supervise the person on behalf of the licensee or camp management; and

(C) must have the ability and means to summon competent assistance at all times while remaining within sight and hearing distance of the supervised person.

(2) A person who is prohibited from having unsupervised contact with campers must be supervised at all times during which that person has or might have any contact with one or more campers, whether intentional or unintentional, and whether part of scheduled camp activities or not. The potential for contact with campers by a person is presumed at all times during which one or more campers are present at the facility at which the person is present unless there is an impassable barrier between them.

(k) Records retention. All applications, background check reports, training documentation, and other required personnel documentation required by this subchapter shall be maintained in hard copy or electronic format for a minimum of two years following a person's last day of service. If the youth camp is notified of an investigation or conviction of a camp staff member for an act of sexual abuse, as defined by §21.02 of the Texas Penal Code, which occurred at the camp, the camp shall retain all records related to the investigation or conviction until the department notifies the camp that the record retention is no longer required.

§265.13. Site and Physical Facilities.

(a) Safety of camp facility. The buildings, structures, and grounds shall not present a fire, health, or safety hazard.

(b) Accumulation of refuse and debris. The premises of each camp shall be kept free of accumulations of refuse and debris.

(c) Compliance with building, plumbing, electrical and life safety codes. All camp buildings shall comply with applicable building, plumbing, electrical, life safety, and similar codes.

(d) Permanent living or sleeping structures. All permanent structures used for living or sleeping purposes in the camp shall be provided with walls, floors, and ceilings that shall be kept clean and in good repair.

(e) Separate beds, bunks or cots. A separate bed, bunk, or cot shall be required for each person. Beds shall be spaced in a manner that is free of obstruction for entering and exiting.

(f) Bunk bed guardrails. In all rooms housing campers, all bunk beds shall have at least two guardrails, one on each side of the bed for each bed having the underside of its foundation more than 30 inches from the floor in accordance with the Code of Federal Regulations (CFR), 16 CFR, Part 1513.3. Bunk beds securely attached to a wall may utilize the wall as one guardrail.

(g) Location of sleeping quarters. Sleeping shall not be permitted in kitchens or in rooms used for food preparation, storage, or service.

(h) Bedding provided by the camp. All articles of bedding provided by the camp, including mattresses and mattress covers, shall be kept clean and in good repair. Any bedroll provided by the camp and used by campers must be properly cleaned between use by different individuals.

(i) Toilets and urinals. The camp shall provide at least one toilet for every 15 females and one toilet for every 15 males. In each male toilet facility, up to 70% of the toilets required may be urinals. In facilities with more than one toilet, some means of privacy must be provided for each toilet.

(j) Lavatories. The camp shall provide at least one lavatory adjacent to toilet facilities. In facilities with more than five toilets or urinals in a room, there must be a minimum of two lavatories.

(k) Hand cleanser required. Each lavatory shall be equipped with one of the following methods to sanitize hands:

(1) lavatories with hot and cold running water shall have soap or hand cleanser available at all times;

(2) lavatories with only cold running water shall have hand sanitizer or anti-bacterial soap available at all times; or

(3) portable toilet facilities not equipped with lavatories providing water shall have waterless hand sanitizer available at all times.

(l) Shower facilities. Resident youth camps shall provide at least one shower for every 15 females and one shower for every 15 males. Each shower shall be equipped with water to meet the needs of the campers. There shall be soap or body cleanser available at all times.

(m) Cleanliness and sanitation of toilets, lavatories and bathing facilities. All toilets, lavatories, and bathing facilities shall be maintained in good repair and kept clean

at all times. Every shower room floor shall be washed daily with a suitable detergent or sanitizing agent.

(n) Availability of toilet tissue. Toilet tissue shall be available at all times for each toilet.

(o) Lighting and ventilation in toilet and bathing facilities. All permanent toilets and bathing structures shall be adequately ventilated and properly lighted.

(p) Public water supply. If a youth camp water supply meets the definition of a public water system, then all water used for human consumption or which may be used in the preparation of foods or beverages or for the cleaning of any utensil or article used in the course of preparation or consumption of food or beverages for human beings, or which is used for bathing, swimming in a pool or spa, or any other use in which incidental ingestion may occur, shall come from a Texas Commission on Environmental Quality (TCEQ) approved drinking water source that meets all applicable standards of 30 TAC Chapter 290, Subchapter D (relating to Rules and Regulations for Public Water Systems) and Subchapter F (relating to Drinking Water Standards Governing Drinking Water Quality And Reporting Requirements for Public Water Systems), as amended.

(q) Private water supply. Youth camps having water supplies that do not meet the definition of a public water system or that are not regulated by the TCEQ shall comply with the following requirements when the camp is open or operational unless otherwise indicated.

(1) Water supply. An adequate supply of water shall be available at all times in each camp in accordance with the following table.

Figure: 25 TAC §265.13(q)(1)

Type of Establishment	**Minimum Gallons/Person/Day (GPD)**
Youth camps without flush toilets, showers, or dining halls	6
Youth camps with flush toilets, but no showers or dining halls	24

Youth camps with flush toilets, showers, and dining halls	42
Camps with swimming pools - add this amount to GPD above	12

(2) Water pressure. The system shall be designed to maintain a minimum pressure of 35 pounds per square inch (psi) at all points within the distribution network at flow rates of at least 1.5 gallons per minute per connection. When the system is intended to provide fire fighting capability, it shall also be designed to maintain a minimum pressure of 20 psi under combined fire and drinking water flow conditions. Minimum distribution pressure shall not be less than 20 psi at any time.

(3) Bacteriological properties.

(A) Water systems serving camps shall submit a minimum of one water sample for testing for total coliform, fecal coliform,E. coli,or other fecal indicator organisms, for the month prior to camp opening and each month the camp is in operation.

(B) Testing for microbial contaminants shall be performed at a laboratory certified by TCEQ.

(C) If a routine distribution coliform sample is coliform-positive, then the camp shall issue a written boil water notification to all camp staff and volunteers. The notification shall state, "To ensure destruction of all harmful bacteria and other microbes, water for drinking, cooking, and ice making shall be boiled and cooled prior to consumption. The water shall be brought to a vigorous rolling boil and then boiled for two minutes. In lieu of boiling, purchased bottled water, water obtained from some other suitable source, or ice obtained from an approved source may be used."

(D) The boil water notification shall remain in effect until a repeat distribution coliform sample is coliform-negative.

(E) Records of all bacteriological tests and of any boil water notification shall be kept on site.

(4) Chemical properties.

(A) Camps shall submit a water sample obtained from the entry point to the distribution system to a laboratory for chemical analysis at least once every three years.

(B) The chemical analysis shall be for secondary constituent levels.

(C) Maximum secondary constituent levels are as described in the following table.

Figure: 25 TAC §265.13(q)(4)(C)

Constituent	**Level (mg/l except where otherwise stated)**
Aluminum	0.05 to 0.2
Chloride	300
Color	15 color units
Copper	1.0
Corrosivity	Non-corrosive
Fluoride	2.0
Foaming agents	0.5
Hydrogen sulfide	0.05
Iron	0.3
Manganese	0.05
Odor	3 Threshold Odor Number
pH	>7.0

Silver	0.1
Sulfate	300
Total Dissolved Solids	1,000
Zinc	5.0

(D) Records of all chemical testing shall be kept on site.

(5) Minimum residual disinfectant concentrations and maximum residual disinfectant levels (MRDLs).

(A) The minimum residual disinfectant concentration in the water entering the distribution system and the water within the distribution system shall be 0.2 milligrams per liter (mg/L) free chlorine or 0.5 mg/L chloramine.

(B) The MRDL of chlorine dioxide in the water entering the distribution system shall be 0.8 mg/L.

(C) The MRDL of free chlorine or chloramine in the water within the distribution system shall be 4.0 mg/L based on a running annual average.

(6) Backflow prevention. The plumbing system shall preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use, including on a hose bib, by:

(A) providing an air gap between the water supply inlet and the flood level rim of a plumbing fixture, equipment, or nonfood equipment that is at least twice the diameter of the water supply inlet and not less than 25 mm (1 inch); or

(B) installing an approved backflow prevention device that meets the American Society of Sanitary Engineering (ASSE) standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device.

(7) Disinfection of new or repaired water system facilities.

(A) When repairs are made to existing mains or when new main extensions are installed, they shall be disinfected using such amounts of chlorine compounds as to fill the repaired or new mains and appurtenances with water containing 50 ppm chlorine.

(B) After the water containing this amount of chlorine, which is greater than that normally present in drinking water, has been in contact with the pipe and appurtenances for at least 24 hours, the main shall be flushed until the free chlorine or chloramine in the water within the new or repaired distribution system is less than 4.0 mg/L.

(C) A sample of water from the new or repaired main shall be submitted to a laboratory certified by TCEQ for bacteriological examination so as to be assured that the disinfection procedure was effective.

(8) Calcium hypochlorite. A supply of calcium hypochlorite disinfectant shall be kept on hand for use when making repairs and repairing line breaks.

(9) Lead control. Use of pipes and pipe fittings that contain more than 8.0% lead or solders and flux that contain more than 0.2% lead is prohibited for installation or repair of any water supply and for installation or repair of any plumbing in a residential or nonresidential facility providing water for human consumption. This requirement may be waived for lead joints that are necessary for repairs to cast iron pipe.

(10) Flushing of water system mains. All dead-end mains should be flushed at monthly intervals or more frequently to maintain water quality.

(11) Collection system location.

(A) No sanitary sewers or septic tanks shall be allowed within a distance of 50 feet of any well used for drinking water. No cesspool or septic tank open-jointed drain field shall be allowed within a distance of 150 feet of any well used for drinking water.

(B) Storm sewers located within specified distances for sanitary sewers shall be constructed so as to prevent leakage from them.

(C) Water lines and sanitary sewers shall be installed no closer to each other than nine feet.

(12) Well logs. Copies of well material setting data, geological log, sealing information (pressure cementing and surface protection), disinfection information, bacteriological sample results, and a chemical analysis report of a representative sample of water from the well shall be kept on file.

(13) Interconnection. No physical connection between the distribution system of a camp water supply and that of any other water supply shall be permitted.

(14) Abandoned wells. Abandoned water supply wells owned by the camp shall be plugged with cement according to 16 TAC Chapter 76 (relating to Water Well Drillers and Water Well Pump Installers). Wells that are not in use and are non-

deteriorated as defined in those rules shall be tested every five years to demonstrate that they are in a non-deteriorated condition. Deteriorated wells shall be either plugged with cement or repaired to a non-deteriorated condition.

(r) Disposal of youth camp wastewater. All camp wastewater shall be disposed of into a community sanitary sewage system or an approved On-site Sewage Facility in accordance with 30 TAC Chapter 285 (relating to On-Site Sewage Facilities). In remote areas, the use of chemical toilets is allowed, if the facilities are built and maintained in accordance with manufacturer designs.

(s) Disposal of solid waste. Solid wastes shall be disposed of at a TCEQ approved sanitary landfill or other disposal facility approved by TCEQ under 30 TAC Chapter 330 (relating to Municipal Solid Waste).

(t) Permanent food preparation, storage and service areas. Permanent food preparation, storage and service areas shall be maintained in compliance with Chapter 228 of this title (relating to Retail Food). Items inspected may include, but are not limited to:

(1) proper cooling for cooked/prepared food;

(2) cold hold (41 degrees Fahrenheit/45 degrees Fahrenheit);

(3) hot hold (135 degrees Fahrenheit);

(4) proper cooking temperatures;

(5) rapid reheating (165 degrees Fahrenheit in 2 hours);

(6) personnel with infections restricted/excluded;

(7) proper/adequate hand washing;

(8) good hygienic practices (eating/drinking/smoking/other);

(9) approved source/labeling;

(10) sound condition - food is not from unapproved sources or in unsound condition;

(11) proper handling of ready-to-eat foods;

(12) no cross-contamination of raw/cooked foods/other;

(13) approved systems (HACCP (Hazard Analysis and Critical Control Points) plans/time as public health control);

(14) water supply - approved sources/sufficient capacity/hot and cold water under pressure;

(15) equipment adequate to maintain product temperature;

(16) hand wash facilities adequate and accessible;

(17) hand wash facilities equipped with soap and towels;

(18) no evidence of insect contamination;

(19) no evidence of rodents/other animals;

(20) toxic items properly labeled/stored/used;

(21) manual/mechanical ware washing and sanitizing at proper ppm/temperature;

(22) manager demonstration of knowledge of safe food handling procedures;

(23) approved sewage/wastewater disposal system, proper disposal;

(24) thermometers provided/accurate/properly calibrated (±2 degrees Fahrenheit);

(25) food contact surfaces of equipment and utensils cleaned/sanitized/good repair; and

(26) posting of consumer advisories (abdominal thrust/disclosure/reminder/buffet plate).

(u) Playgrounds and equipment. Playgrounds and playground equipment shall meet the standards set forth in the U.S. Consumer Product Safety Commission Publication Number 325, "Public Playground Safety Handbook," November 2010. Equipment that does not meet these standards may not be used by campers.

§265.14. Primitive or Wilderness Camp.

(a) Maintenance and operation of primitive campsites. Primitive campsites shall be maintained and operated in a safe and healthful manner.

(b) Drinking water at primitive camp, on hikes, or on trips away. Drinking water used at primitive camps and on hikes and trips away from permanent campsites shall be from a source known to be safe or shall be rendered safe.

(c) Toilet facilities at primitive campsites. Primitive campsites that are not provided with approved toilet facilities shall have a separate toilet area designated for each

sex. Slit trenches or cat holes with a readily available supply of clean earth backfill or other disposal methods approved by the department's Policy, Standards and Quality Assurance Unit, shall be utilized for the disposal of human excreta in these areas. Approval shall be received in writing prior to implementation. Toilet areas shall be located at least 150 feet from a stream, lake, or well, and at least 75 feet from a campsite, tent, or other sleeping or housing facility.

(d) Disposal of solid wastes at primitive campsites. Solid wastes that are generated in primitive camps shall be disposed of at a TCEQ approved sanitary landfill or other disposal facility approved by TCEQ under 30 TAC, Chapter 330, Municipal Solid Waste.

(e) Food service at primitive campsites. Only foods that can be maintained in a wholesome condition with the equipment available shall be used at primitive camps.

(f) Use of hot water and detergent to wash food utensils. Hot water and detergent shall be used to wash all food utensils after each meal at primitive campsites.

(g) Supervision of campers at primitive camps. Campers utilizing primitive camps shall be adequately supervised at all times by a responsible adult who is knowledgeable concerning proper wilderness camping techniques. A minimum ratio of one such supervising adult for each ten campers shall be maintained in the immediate vicinity (within sight and/or hearing) of the campers.

§265.15. Medical and Nursing Care.

(a) Record of an on-call physician required. Documentation shall be kept on file of a physician licensed to practice in Texas who is available to be on call at all times to advise health service personnel on all first aid and nursing services provided by the camp.

(b) Emergency transportation. Transportation shall be available at all times to transport any sick or injured camper in an emergency.

(c) Medical staffing requirements. A physician, registered nurse, licensed vocational nurse, or a person with an American Red Cross Emergency Response certificate, or its equivalent, shall be in the camp and on call at all times, and will be considered the Camp Health Officer. For camps having documented evidence, such as a letter from the local emergency medical services (EMS), that the camp is located within a 20-minute community EMS response time, a person certified in American Red Cross Community First Aid and Safety, or its equivalent, shall be in the camp and on call at all times, and will be considered the Camp Health Officer.

(d) Requirement to report incidents of abuse or neglect of a minor.

(1) Requirement to report incidents of abuse or neglect of a minor at a youth camp.

(A) If a person, including any member of camp staff, a camp counselor, or camp director has cause to believe that a minor has been or may have been abused or neglected as those terms are defined in the Texas Family Code, Chapter 261, and the abuse or neglect occurred at the youth camp, then that person shall immediately make a report, in accordance with Texas Family Code, §261.101(a) to one of the appropriate agencies designated by Texas Family Code, §261.103. Accordingly, a report shall be made to:

(i) any local or state law enforcement agency;

(ii) the Department of Family and Protective Services Abuse Hotline, which may be contacted at (800) 252-5400 or through the secure web site http://www.txabusehotline.org/; or

(iii) the Department of State Health Services.

(B) If a person making a report in accordance with subparagraph (A) of this paragraph has not already notified the Department of State Health Services as part of such a report, the person shall also immediately notify the Department of State Health Services' Policy, Standards, and Quality Assurance Unit by phone at (512) 834-6788, by fax at (512) 834-6707, or by email at PHSCPS@dshs.texas.gov that a minor has been or may have been abused or neglected at a youth camp.

(2) Requirement to report incidents of abuse or neglect of a minor other than at a youth camp. If a person, including any member of camp staff, a camp counselor, or camp director has cause to believe that a minor has been or may have been abused or neglected as those terms are defined in the Texas Family Code, Chapter 261, and the abuse or neglect did not occur at the youth camp, then that person shall immediately make a report, in accordance with Texas Family Code, §261.103.

(A) Except as provided by subparagraphs (B), (C) and (D) of this paragraph, a report shall be made to:

(i) any local or state law enforcement agency;

(ii) the Department of Family and Protective Services Abuse Hotline, which may be contacted at (800) 252-5400 or through the secure web site http://www.txabusehotline.org/; or

(iii) the agency designated by the court to be responsible for the protection of children.

(B) A report may be made to the Texas Juvenile Justice Department instead of the entities listed under subparagraph (A) of this paragraph if the report is based on information provided by a child while under the supervision of the Texas Juvenile Justice Department concerning the child's alleged abuse of another child.

(C) Notwithstanding subparagraph (A) of this paragraph, a report, other than a report under subparagraph (D) of this paragraph, shall be made to the Department of Family and Protective Services if the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child.

(D) A report of alleged abuse, neglect, or exploitation in any juvenile justice program or facility shall be made to the Texas Juvenile Justice Department and a local law enforcement agency for investigation.

(3) The youth camp must develop and maintain a written policy regarding the method for reporting to the Department of State Health Services suspected abuse or neglect of a minor occurring at the camp. This policy must be maintained on-site.

(4) The Department of State Health Services, by policy, shall forward a report of alleged abuse of a camper that is received by the Department of State Health Services to the Department of Family and Protective Services or another appropriate agency.

(e) Requirement to report camper death or communicable diseases. Camper death or confirmed cases of waterborne or foodborne diseases, such as cholera, dysentery, typhoid, salmonellosis, shigellosis, or infectious hepatitis, shall be reported to the Department of State Health Services' Policy, Standards, and Quality Assurance Unit, within 24 hours of occurrence (or confirmation in the case of disease) by fax at (512) 834-6707, or by email at PHSCPS@dshs.texas.gov.

(f) Designation of a first aid area. A first aid area, used exclusively to handle health and emergency cases, shall be designated and suitably equipped. Supplies should be in single use packaging. A first aid kit containing at the minimum the items listed in this subsection shall be available in the first aid area.

(1) Sterile adhesive bandages in assorted sizes.

(2) Sterile gauze pads in assorted sizes.

(3) Hypoallergenic adhesive tape.

(4) Triangular bandages.

(5) Sterile roller bandages in assorted sizes.

(6) Scissors.

(7) Tweezers.

(8) Moistened towelettes.

(9) Antiseptic.

(10) Thermometer.

(11) Splints.

(12) Petroleum jelly or other lubricant.

(13) Cleansing agent/soap.

(14) Exam quality gloves.

(15) Eye wash solution.

(g) Isolation of a child with a communicable disease. A child ill with a confirmed or suspected case of a communicable disease shall be isolated to provide safety to other children and quiet to the patient. Any child that is isolated shall be supervised as determined by the Camp Health Officer. A child with a staphylococcal skin infection is not required to be isolated, if the infection is kept completely covered by a bandage.

(h) Medical log required. A bound medical log, or other unalterable record keeping system, listing date, name of the patient, ailment, name of the Camp Health Officer, and the treatment prescribed shall be kept in the first aid area for the duration of the camp year for which the license is issued.

(i) Camper health records shall be kept on file. The first aid area shall keep a health record on each child with the child's name, allergies, immunizations, parent's name, address, and telephone number, and parent or guardian authorization for emergency medical care.

(j) Availability of an emergency telephone. The camp shall have a telephone readily available, preferably in the first aid area, for emergency use.

(k) Emergency plans required. A written plan of procedures to be implemented in case of a disaster, serious accident, epidemic, or fatality shall be formulated and posted in the camp's administrative on-site office or location and in each permanent and semi-permanent occupied building. The plan shall include procedures for emergency shelter and for evacuation of each occupied building and the facility. Campers shall be instructed as to their actions in the event of fire, disaster, or the need to evacuate. These procedures shall be reviewed by the staff with specific assignments made to each staff member and counselor. All camp staff and volunteers shall be made aware of this plan during the staff-training program or volunteer briefing. Documentation of this training shall be kept at the camp's administrative on-site office or location.

(l) Storing and dispensing prescription medication to campers. If a child is taking a prescription medication when he or she reports to camp, the medication shall be in the original container with the prescription label, and the medical staff shall place

that medication, sharps, and related paraphernalia or devices in a lockable cabinet or other secure location that is not accessible to campers. The medication shall be administered by the Camp Health Officer or camp counselor, if authorized in writing by the Camp Health Officer. At no time shall the child be allowed to self-administer the medication without adult supervision. Medications needed for immediate use for life-threatening conditions (e.g., bee-sting medication, inhaler) and limited medications approved for use in first-aid kits may be carried by a camper or staff person. The camp shall have on file a written statement of medical necessity from the prescribing doctor or the written approval of the Camp Health Officer for any camper to carry medication and related paraphernalia or devices.

(m) Camp trip first aid kits. First aid kits containing at the minimum the items listed in subsection (f) of this section shall be taken on all out-of-camp trips.

§265.16. Waterfront Safety.

(a) Adult waterfront director required at youth camps. An adult waterfront director, who holds a current lifeguard certificate or its equivalent, shall be in charge of all waterfront activities. While waterfront activities are in progress, the waterfront director or an adult certified lifeguard assistant shall be in the immediate vicinity (within sight and/or hearing) of the campers, supervising the program.

(b) Responsibilities of the waterfront director. The waterfront director is to be responsible for all waterfront supervision procedures and is responsible for ensuring that the waterfront procedures are strictly enforced. The waterfront staff shall not engage in personal recreational swimming, boating or any other waterfront activity while on waterfront duty. For every 35 campers, or fraction thereof, engaged in waterfront activities, there shall be one certified lifeguard and one additional person (either a certified lifeguard or trained adult lookout) on duty. Camps utilizing natural bodies of water such as rivers, lakes, or creeks may need to increase this ratio.

(c) Maintenance and operation of swimming areas.

(1) Swimming areas shall be maintained and operated in a safe and clean condition. Youth camp swimming pools are class C pools, and shall be built, operated, and maintained in accordance with 25 Texas Administrative Code (TAC), Chapter 265, General Sanitation, Subchapter L, Standards for Public Pools and Spas.

(2) Interactive water features and fountains at youth camps shall be maintained and operated in a safe and clean condition. Interactive water features and fountains at youth camps shall be built, operated, and maintained in accordance with 25 TAC, Chapter 265, General Sanitation, Subchapter M, Interactive Water Features and Fountains.

(d) Camper's swimming ability shall be determined in accordance with the camp's written swimming test policy. Camps shall test to determine each child's swimming ability. Children shall then be confined to the limits of swimming skills for which

they have been classified. Also, the swimming area shall have areas for non-swimmers, intermediate swimmers, and swimmers clearly marked.

(e) Checking campers in and out of the water. A method of checking campers in and out of the water shall be established and enforced.

(f) Waterfront lifesaving equipment shall be provided. Lifesaving equipment suitable for the waterfront activity shall be provided at the waterfront activity area and placed so the equipment is immediately available in case of an emergency. All lifesaving equipment shall be kept in good repair and ready condition. At a minimum, this equipment shall include the following.

(1) A rescue tube or rescue buoy with strap, or a ring buoy that is approved by the United States Coast Guard that has an outside diameter of 15 to 24 inches attached to a throwing rope that is at least two-thirds the maximum width of the pool with a diameter of 1/4-inch to 3/8-inch.

(2) One or more backboards with a minimum of 3 tie down straps and head immobilizer for back and neck injuries.

(3) A first aid kit that includes the items listed in §265.15(f) of this title (relating to Medical and Nursing Care).

(g) Providing a personal flotation device. A Coast Guard approved Personal Flotation Device (PFD) shall be readily available for each occupant of a watercraft. Each occupant of a watercraft 12 years of age and under shall wear a United States Coast Guard (USCG) approved inherently buoyant Type II PFD, or Near-Shore Buoyancy Vest at all times while in the watercraft. A non-swimmer shall wear a USCG approved inherently buoyant Type II PFD, or Near-Shore Buoyancy Vest and not be permitted in a watercraft unless accompanied by a counselor. A camper shall wear a vest type USCG approved preserver before entering and while in white water or before entering and while on a lake when the water is rough or while waterskiing.

(h) Location of swimming areas. Swimming areas shall be used exclusively for swimming while swimming is occurring. A watercraft docking area shall not be allowed in the swimming area and water skiers shall not launch, cross, or stop in the swimming area while swimming is occurring.

§265.17. Program Safety and Equipment.

(a) Firearm or pellet gun programs at youth camps. A firearm or pellet gun program shall be conducted on a range that meets or exceeds the specifications outlined by the National Rifle Association or its equivalent. Safety procedures shall be enforced whenever the range is in use. The range shall be conspicuously marked and configured to prevent entry of campers onto the range while it is in use.

(b) Archery program at youth camps. An archery program shall be conducted on a range that meets or exceeds the specifications outlined by the National Field Archery Association or its equivalent. The archery range shall be conspicuously marked and configured to prevent entry of campers onto the range while it is in use.

(c) Program equipment condition and use. Equipment used in all programs shall be kept in good condition and present no hazard as a result of poor condition to the user at any time.

(d) Storage of firearms, pellet guns, and archery equipment when not in use. Firearms, pellet guns, ammunition, and archery equipment shall be kept in a secured area when not in use.

(e) Safety and maintenance of tools used by campers. All tools, including power tools, used by campers shall be maintained in good repair, shall have the necessary safety guard attached, and shall be used only under supervision.

(f) Horseback riding programs.

(1) Camps providing horseback riding programs shall require the head instructor or director of the program to follow the camp's riding program and safety procedures outlined in a written document. This document shall include the following:

(A) procedures to be followed in the event of an accident;

(B) procedures to determine each horse's suitability for safe use;

(C) proper care of tack and equipment;

(D) proper procedure for mounting;

(E) the number of riders per supervisor; and

(F) any other information that is specific to the camp's equestrian program or is helpful to the horseback riding director.

(2) Camps providing horseback riding programs shall:

(A) ensure that horses that are in use are sound and in good physical condition;

(B) ensure that the stable area is kept clean and free of all hazards; and

(C) require all riders (campers and instructional staff) to wear appropriate protective helmets.

(g) Adventure/challenge courses. Camps providing an adventure/challenge program utilizing belaying, spotting, or non-spotting elements must:

(1) designate a certified adventure/challenge program manager, who shall be in attendance whenever the adventure/challenge program is operating;

(2) ensure that the adventure/challenge program is operated and maintained in a safe manner;

(3) develop a set of site-specific policies and procedures, which establish criteria for all adventure/challenge operations, including equipment used and safety precautions;

(4) ensure that spotters and belayers are instructed in the proper procedures prior to assuming their duties, and that they are directly supervised until competency is demonstrated;

(5) establish a method to control access to the equipment and the activity area in order to prevent use by unauthorized or unsupervised campers;

(6) perform safety checks of all equipment and ropes prior to each use and maintain a record of all inspections and maintenance;

(7) provide a safety orientation for each camper prior to allowing the camper to engage in adventure/challenge activities;

(8) ensure that all campers engaged in adventure/challenge activities are wearing appropriate personal protective equipment; and

(9) provide documentation of an annual physical inspection of the adventure/challenge course and equipment by an insured third party inspector.

§265.18. Fire Prevention.

(a) Fire and safety codes. Facilities at all youth camps that meet the definition of a campground as defined in Texas Health and Safety Code Section 762.001(2), except those described in subsection (d) of this section, must comply with the National Fire Protection Association 1194, Standard for Recreational Vehicle Parks and Campgrounds, 2021 Edition, other than Sections 1.1.1 and 5.1.1.1. Facilities at all youth camps must meet local fire and safety codes.

(b) Fire exits in buildings. All buildings where groups of people live, eat, sleep, or assemble must have ready exits for use in case of fire and these exits must be conspicuously marked.

(c) Storage of flammable or explosive materials. Containers of gasoline, flammables, or explosives must be plainly marked and stored in a locked area

separate and apart from any permanent and semi-permanent structures used by campers. The presence of flammable or explosive materials must be kept to a minimum.

(d) Subsection (a) of this section does not apply to a youth camp owned or controlled by a governmental entity. A governmental entity may adopt a policy, rule, ordinance, or order to regulate environmental health and sanitation, electrical distribution system safety, liquefied petroleum gas storage and dispensing safety, or fire protection only if the policy, rule, ordinance, or order does not impose standards more stringent than the standards described under subsection (a) of this section.

§265.19. Maintenance and Safe Use of Motor Vehicles.

(a) Inspection of vehicles used for transportation of campers. Any vehicle used for transporting children on public roadways shall have all current and applicable Department of Public Safety vehicle inspections.

(b) First aid kits in vehicles transporting campers or staff. Every vehicle used for transporting staff or campers off site shall be equipped with a first aid kit containing the items listed in §265.15(f) of this title (relating to Medical and Nursing Care) and emergency equipment such as fire extinguishers, tools, and flares.

(c) Drivers shall have a valid driver's license. All drivers shall be adults and hold a valid driver's license appropriate for the type of vehicle being driven.

(d) Safety belts. In any vehicle used for transportation of campers that is equipped with safety belts or that is required by any law to be equipped with safety belts:

(1) the safety belts shall be in good working condition; and

(2) all campers shall wear the safety belts provided when the vehicle is in motion.

§265.20. Farm and Domestic Animals.

(a) Location of animals. Horses and other animals maintained at any camp shall be quartered at a reasonable distance from any sleeping, living, eating, or food preparation area.

(b) Location of stables or corrals. Stables and corrals shall be located so as to prevent contamination of any water supply. Manure shall be removed from stalls and corrals as often as necessary to prevent a fly problem.

(c) Animals in waterfront areas prohibited. Horses, dogs, or other domestic animals or pets shall not be permitted on a beach or in the water near the beach when in use for waterfront activities.

(d) Rabies vaccinations of animals. All dogs and cats owned or under the supervision of anyone on the camp premises shall be currently vaccinated against rabies in compliance with Health and Safety Code, §826.021. Evidence of vaccination shall be provided to a department representative upon request.

§265.21. Insect and Rodent Control.

(a) Prevention of insect, rodent or other pest infestations. The camp management shall maintain every building used or intended for human habitation in a manner to keep it free from insects, rodents, and other pests.

(b) Storage of chemical control agents. Chemical control agents, insecticides, rodenticides, and other hazardous chemicals shall have the containers plainly marked and be stored in a locked area not accessible to campers. The presence of such chemicals shall be kept to a minimum.

§265.22. Nudity Prohibited.

A youth camp may not allow campers or staff to be nude except when bathing, showering, changing clothing, or receiving medical care.

§265.23. Application and Denial of a New License; Non-transferable.

(a) License required. A person must possess a valid youth camp license prior to operating a youth camp.

(1) Submitting an application. A complete application to operate a youth camp must be submitted to and received by the department's Environmental and Sanitation Licensing Branch between January 1 and March 31 of each calendar year, and include:

(A) an activity schedule showing dates and detailed information about the activities that are conducted both at the camp and at other locations;

(B) an emergency plan, as described in §265.31 of this subchapter (related to Emergency Preparedness and Response);

(C) the estimated number of campers attending the camp during the upcoming calendar year;

(D) any other requested documents and information; and

(E) the license fee, as described in §265.28 of this subchapter (relating to Fees).

(2) Applications and fees. Applications and fees may be submitted online to https://vo.ras.dshs.state.tx.us.

(3) Qualifying for a youth camp license. Subject to subsection (j) of this section, a facility qualifies for a youth camp license if the facility:

(A) meets the definition of a "youth camp," as described in §265.11 of this subchapter (relating to Definitions); and

(B) is in compliance, or has demonstrated a plan for compliance, with all provisions of the Act and the rules before operation as determined by:

(i) submitting a complete application as described in paragraph (1) of this subsection; and

(ii) passing a pre-licensing inspection conducted by the department, using the standard youth camp inspection form that may be found at https://www.dshs.texas.gov/youth-camp-program/applications-forms-youth-camp-program.

(b) Processing applications.

(1) A complete application must be submitted to the Environmental and Sanitation Licensing Branch at least 90 calendar days before camp operations begin. An application is considered incomplete until all required documentation, information, and fees are received. If the application is incomplete, the department issues a deficiency notice, including identification of deficiencies, a deadline for deficiency corrections, and the need for a pre-licensing inspection.

(2) Upon receipt of an application, the department issues the following documents in accordance with policy, as applicable:

(A) a license after the date of successfully passing the pre-licensing inspection—within 45 days;

(B) a letter of application deficiency—within 45 days; or

(C) a letter of pre-licensing inspection deficiency at the conclusion of the pre-licensing inspection.

(i) The camp must provide proof of all deficiency corrections, except for corrections to the emergency plan, within 10 days after the inspection or before camp operation, whichever comes first.

(ii) The camp must provide proof of all deficiency corrections for the emergency plan. The proof must be provided within 45 days after the camp received the department letter of pre-licensing inspection deficiency.

(3) In the event that an application for a new license is not processed within 120 days, and no good cause exists for the delay, the applicant may request

reimbursement of all fees paid in that particular application process so long as a complete application was submitted at least 120 calendar days prior to camp operation. Requests for reimbursement must be made in writing to the Environmental and Sanitation Licensing Branch. Good cause for exceeding the time period is considered to exist if the number of applications for licensure exceeds by 15% or more the number of applications processed the same calendar quarter of the preceding year or any other condition exists giving the department good cause for exceeding the time period.

(4) If the request for reimbursement as authorized by paragraph (3) of this subsection is denied, the applicant may then appeal to the commissioner for a resolution of the dispute. The applicant must give written notice to the commissioner requesting reimbursement of the fee paid because the application was not processed within the established time period. The department submits a written report of the facts related to the processing of the application and good cause for exceeding the established time periods. The commissioner makes the final decision and provides written notification of the decision to the applicant and to the department.

(c) Record availability. All records, except criminal background and sex offender registration database checks (including any written evaluation for any staff member or volunteer with a criminal conviction or deferred adjudication), required by this subchapter must be made available to the department immediately upon request. Criminal background and sex offender registration database checks (including any written evaluation for any staff member or volunteer with a criminal conviction or deferred adjudication) must be made available to the department within two business days upon request.

(d) Term of license. The term of a youth camp license is one year, beginning on the date of issuance.

(e) License non-transferable. A youth camp license is not transferable and may not be sold, assigned, or otherwise transferred. Any new business entity that acquires the operation of a youth camp through sale, assignment, or other transfer must obtain a new license.

(f) Ownership change. A new application, fee, pre-licensing inspection, and license is required if there is a change in ownership.

(g) Name change. If a camp changes its name during operation, but does not change location or ownership, then a new license certificate may be issued if requested by email to youthcamps.reg@dshs.texas.gov. A nonrefundable fee of $20 will be assessed.

(h) Location change. A new application, fee, pre-licensing inspection, and license is required if there is a change in physical camp location.

(i) Duplicate license. A duplicate license may be issued if requested by email to youthcamps.reg@dshs.texas.gov. A nonrefundable fee of $20 will be assessed.

(j) Denials.

(1) The department may deny an application for licensing to applicants who fail to meet the standards established by the Act and this subchapter. In making this determination, the department considers any violation by the applicant of the Act or this subchapter, including employment of an individual who was convicted of an act of sexual abuse, as defined by Texas Penal Code §21.02, that occurred at the camp. When the department proposes to deny an application, the department gives notice of the proposed action in writing and provides information on how to request an administrative hearing. The applicant must submit a written request for a hearing within 30 days from the date of the department's notice letter. The hearing is conducted in accordance with the Act; Texas Government Code Chapter 2001, the Administrative Procedure Act; and the formal hearing procedures in Chapter 1 of this title (relating to Miscellaneous Provisions).

(2) A letter of denial of licensure may be issued within 60 days after the receipt of application if the applicant does not meet the requirements of subsection (a)(3)(A) of this section.

(3) A letter of denial of licensure may be issued if the applicant does not meet the requirements of subsection (a)(3)(B) of this section:

(A) within 60 days following the first scheduled date of camp operations if a pre-licensing inspection has not been completed; or

(B) within 60 days following the first scheduled date of camp operations if the camp does not pass the pre-licensing inspection.

(4) A license holder whose license has been revoked may not reapply for a new license for two years from the date of final revocation.

(k) Refunds.

(1) If the applicant does not meet the requirements of subsection (a)(3)(A) of this section, the application may be denied and the license fee, less a handling fee of $50, may be refunded. If an application is denied because the facility does not meet the requirements of subsection (a)(3)(A) of this section, the applicant should determine if a license from another agency is required.

(2) If the applicant does not meet the requirements of subsection (a)(3)(B) of this section, the application may be denied and the license fee may not be refunded.

§265.24. Application and Denial of a Renewal License.

(a) Renewal of a youth camp license. A youth camp operator holding a license issued under this chapter must submit a complete renewal application to operate a youth camp. A renewal application must be submitted:

(1) annually to the department's Environmental and Sanitation Licensing Branch between January 1 and March 31 of each calendar year; and

(2) no later than the 30th day after the date the youth camp operator:

(A) alters the boundaries of a youth camp;

(B) completes construction of one or more new cabins located on the premises; or

(C) completes any renovation to one or more existing cabins located on the premises of the camp that:

(i) increases or decreases the number of beds in an affected cabin; or

(ii) alters the method of ingress or egress to an affected cabin.

(b) Renewal notice. At least 60 days before a license expires, the department, as a service to the licensee, may send a renewal notice to the licensee or registrant to the last address provided by the licensee. The licensee is responsible for renewing the license whether the licensee receives the department's notice or not. The renewal notice states:

(1) license type requiring renewal;

(2) time period allowed for renewal; and

(3) the amount of the renewal fee.

(c) Renewal requirements. Renewal applications and fees must be received by the department before the license's annual expiration date.

(1) Submitting an application. A complete renewal application must be submitted to the department and include:

(A) a completed youth camp renewal application;

(B) an activity schedule showing dates and detailed information about the activities that are conducted both at the camp and at other locations;

(C) an emergency plan, including any updated emergency plan, as described in §265.31 of this subchapter (relating to Emergency Preparedness and Response);

(D) the estimated number of campers attending the camp during the upcoming calendar year;

(E)any other requested documents and information; and

(F) the renewal license fee as described in §265.28 of this subchapter (relating to Fees).

(2) Applications and fees. Applications and fees may be submitted online to https://vo.ras.dshs.state.tx.us.

(3) Qualifying for renewal of a youth camp license. Subject to subsection (k) of this section, the department issues a renewal license if the facility:

(A) meets the definition of a "youth camp," as described in §265.11 of this subchapter (relating to Definitions); and

(B) is in compliance with all provisions of the Act and the rules before operation as determined by:

(i) submitting a complete renewal application as described in this subsection;

(ii) passing a pre-licensing inspection conducted by the department, if required; and

(iii) complying with all final orders resulting from any violations of this subchapter before the application for renewal is submitted.

(d) Processing renewal applications.

(1) A complete application for a license renewal issued under this subchapter must be received by the department's Environmental and Sanitation Licensing Branch before the expiration date of the license or 45 days before camp operation, whichever is earlier.

(A) An application is considered incomplete until all required documentation, information, and fees are received.

(B) If the application is incomplete, the department issues a deficiency notice, including identification of deficiencies, a deadline for deficiency correction, and the need for a pre-licensing inspection.

(C) If a camp is subject to pre-licensing inspection, a renewal license is issued after the inspection is completed and compliance with the Act and this subchapter is confirmed.

(2) Upon receipt of an application, the department issues the following documents in accordance with policy, as applicable:

(A) a license—within 30 days;

(B) a letter of renewal application deficiency—within 30 days; or

(C) a letter of pre-licensing inspection deficiency at the conclusion of the pre-licensing inspection.

(i) The camp must provide proof of all deficiency corrections, except for corrections to the emergency plan, within 10 days after the inspection or before camp operation, whichever comes first.

(ii) The camp must provide proof of all deficiency corrections for the emergency plan. The proof must be provided within 45 days after the camp received the department letter of pre-licensing deficiency.

(3) In the event that a timely and complete application for license renewal is not processed within timeframe established in department policy, and no good cause exists for the delay, the applicant has the right to request reimbursement of all fees paid in that particular application process. Requests for reimbursement must be made by email to youthcamps.reg@dshs.texas.gov. Good cause for exceeding the time period is considered to exist if the number of applications for licensure exceeds by 15% or more the number of applications processed the same calendar quarter of the preceding year or any other condition exists giving the department good cause for exceeding the time period.

(4) If the request for reimbursement as authorized by paragraph (3) of this subsection is denied, the applicant may then appeal to the commissioner for a resolution of the dispute. The applicant must give written notice to the commissioner requesting reimbursement of the fee paid because the application was not processed within the established time period. The department submits a written report of the facts related to the processing of the application and good cause for exceeding the established time periods. The commissioner makes the final decision and provides written notification of the decision to the applicant and to the department.

(e) Late renewal. If a license is not renewed within one year after the expiration date, the license cannot be renewed. A new license may be obtained by submitting a new application in compliance with §265.23 of this subchapter (relating to Application and Denial of a New License; Non-transferable). If the license is renewed after its expiration date, the renewed license expires on the date the license would have expired if the license had been renewed timely.

(f) Non-renewal. The department may refuse to renew a license if the applicant has not complied with all final orders resulting from any violations of these sections. Eligibility for license renewal may be reestablished by meeting all conditions of the

orders and complying with the requirements of this section. The department may not renew the license of a youth camp that has not corrected deficiencies identified in a final order before the application for renewal is submitted. Corrections must be submitted to and approved by the department's Environmental and Sanitation Licensing Branch before submitting the renewal application.

(g) Application determination affecting license expiration. If a license holder submits a timely and complete license renewal application, the existing license does not expire until the application has been finally determined by the department. If a license holder submits a late or incomplete application and the application is denied, the existing license does not expire until the last day to request a review of the agency order or a later date granted by order of the reviewing court.

(h) Reapplication for license upon revocation. A license holder whose license has been revoked may not reapply for a new license for two years from the date of final revocation.

(i) Opportunity for a hearing. When the department proposes to deny an initial or renewal application, the department gives notice of the proposed action in writing and provides information on how to request an administrative hearing. The applicant must submit a written request for a hearing within 30 days from the date of the notice letter.

(j) Pre-licensing inspections. A youth camp applying for a license renewal may be subject to a pre-licensing inspection. Youth camps must be in compliance with all provisions of the Act and the rules before operation.

(k) Denials.

(1) The department may deny a renewal application for licensing to applicants who fail to meet the standards established by the Act and this subchapter. The department considers any violations by the applicant of the Act or this subchapter, including employment of an individual who was convicted of an act of sexual abuse, as defined by Texas Penal Code §21.02, that occurred at the camp. When the department proposes to deny a renewal application, the department gives notice of the proposed action in writing and provides information on how to request an administrative hearing. The hearing is conducted in accordance with the Act; Texas Government Code Chapter 2001, the Administrative Procedure Act; and the formal hearing procedures in Chapter 1 of this title (relating to Miscellaneous Provisions).

(2) A letter of denial of license renewal may be issued within 60 days of the receipt of application if the applicant does not meet the requirements of subsection (c)(3)(A) of this section.

(3) A letter of denial of license renewal may be issued within 60 days following the first scheduled date of camp operations if the applicant does not meet the requirements of subsection (c)(3)(B) of this section.

(l) Refunds.

(1) If the applicant does not meet the requirements of subsection (c)(3)(A) of this section, the renewal application may be denied and the renewal license fee, less a handling fee of $50, may be refunded. If an applicant is denied because the facility does not meet the requirements of subsection (c)(3)(A) of this section, the applicant should determine if a license from another agency is required.

(2) If the applicant does not meet the requirements of subsection (c)(3)(B) of this section, the renewal application may be denied and the renewal license fee may not be refunded.

§265.25. Inspections.

(a) Inspections and corrections. An employee or agent of the department may enter any property for which a license is issued in accordance with the Act, property for which a license application to operate a youth camp is pending, or property on which a youth camp is operating without a license to investigate and inspect conditions relating to the health and safety of the campers. An employee or agent of the department who enters a youth camp to investigate and inspect conditions shall:

(1) notify the person in charge of the camp of the inspector's presence and shall present proper credentials;

(2) notify the person in charge of the camp or the person's designee of any violations as they are discovered; and

(3) allow the camp to correct the violations while the investigation and inspection is occurring.

(b) Investigation or inspection may not be delayed. An employee or agent of the department may not extend or delay an investigation or inspection in order to allow the youth camp to correct a violation noted during the investigation or inspection.

(c) Interference with an inspection. A department representative in pursuance of his/her official duties is not required to seek permission to conduct inspections or investigations. It is a violation of the Act for a person to interfere with, deny, or delay an inspection or investigation conducted by a department representative.

§265.26. Civil Penalties and Injunctions.

(a) A person violating the Act or a rule or order adopted under the Act is subject to a civil penalty of not less than $50 or more than $1,000 for each act of violation.

(b) If it appears that a person has violated, is violating, or is threatening to violate the Act or a rule or order adopted under the Act, the department may bring a civil action in a district court for injunctive relief, a civil penalty, or both.

(c) The district court, upon finding that the person is violating the Act, or a rule or order adopted under the Act, shall grant injunctive relief, assess a civil penalty, or both, as warranted by the facts.

(d) The department may petition a district court for a temporary restraining order to immediately halt a violation or other action creating an emergency condition if it appears that a person is:

(1) violating or threatening to violate the Act or a rule or order adopted under the Act; or

(2) taking any other action that creates an emergency condition that constitutes an imminent danger to the health, safety, or welfare of campers, staff or visitors at a youth camp.

(e) An action under this section may be brought in the county in which the defendant resides or in which the violation or threat of violation occurs.

(f) If an action for injunctive relief under this section is granted by the court, the court may grant any prohibitory or mandatory injunction warranted by the facts, including temporary restraining orders, temporary injunctions, and permanent injunctions. The court shall grant injunctive relief without a bond or other undertaking by the department.

(g) An appellate court shall give precedence to an action brought under this section over other cases of a different nature on the docket of the court.

§265.27. Revocation, Administrative Penalties, and Hearings.

(a) License revocation.

(1) If the department finds that a violation of the Act or of a rule has occurred or is occurring at a youth camp for which a license has been issued, the department shall give written notice to the licensee setting forth the nature of the violation and demanding that the violation cease.

(2) The department may initiate proceedings to revoke the license if the licensee fails to comply with the notice of violation in the time and manner directed in the notice.

(b) Assessment of an administrative penalty. The Commissioner may assess an administrative penalty if a person violates the Act, a rule of the department, or an order of the commissioner issued under the Act or rules.

(c) Determination of the penalty amount. In determining the amount of the penalty, the commissioner shall consider:

(1) previous compliance history;

(2) the seriousness of the violation;

(3) any hazard to public health and safety;

(4) the person's demonstrated good faith; and

(5) any other matters as justice may require.

(d) Administrative penalty limits. The administrative penalty may not exceed $1,000 a day for each violation. Each day a violation continues may be considered a separate violation.

(e) Opportunity for a hearing. Prior to revoking a license or assessing an administrative penalty, the department shall give the person charged an opportunity for a hearing. The hearing shall be conducted in accordance with the Act, the Administrative Procedures Act, Texas Government Code, Chapter 2001, and the formal hearing procedures of the department at 25 Texas Administrative Code §1.21et seq.

(f) Violation severity levels. Violations shall be categorized into severity levels I, II, and III. Administrative penalties may be imposed for:

(1) Critical violations. Severity level I violations have or could have a direct or immediate negative effect on the health, safety, and welfare of campers or the operation and management of a youth camp. These violations are assessed at $750 - $1,000 per violation per day. Examples of severity level I violations include, but are not limited to:

(A) operating a youth camp without a current license;

(B) failing to report an incident of camper abuse or neglect of a camper as required;

(C) providing drinking water from an unapproved source;

(D) policies or procedures not being followed in a way that has a direct negative impact on camper health or safety;

(E) unqualified or insufficient number of personnel staffing operations or activities;

(F) criminal conviction and sex offender records not on file;

(G) sexual abuse training and exam records not on file; and

(H) interfering with, denying, or delaying an inspection or investigation conducted by a department representative.

(2) Serious violations. Severity level II violations are those that could threaten the health, safety, and welfare of campers or the operation and management of a youth camp. These violations are assessed at $500 - $750 per violation per day. Examples of severity level II violations include, but are not limited to:

(A) written personnel practices and policies regarding camp and staff are not available as required;

(B) staff members not informed regarding personnel and camp practice policies;

(C) proper sanitation of all food utensils not achieved;

(D) policies or procedures not being followed in a way that could threaten the health, safety, and welfare of campers or the operation and management of a youth camp;

(E) swimming areas not maintained in clean condition; or

(F) disaster and/or fire evacuation procedures are not posted properly.

(3) Significant violations. Severity level III violations are those of concern that if left uncorrected could lead to more serious circumstances. These violations are assessed at $250 - $500 per violation per day. Examples of severity level III violations include, but are not limited to:

(A) toilets and bathing facilities not adequately lighted and ventilated;

(B) docking and waterskiing permitted in the swimming area;

(C) vehicles used to transport staff or campers not equipped with a first aid kit;

(D) policies or procedures not being followed in a way that if left uncorrected could lead to more serious circumstances; and

(E) unauthorized nudity allowed.

§265.28. Fees.

(a) All applicable fees must be paid to the department before the department issues a license.

(b) For all initial and renewal applications, the department is authorized to collect subscription and convenience fees, to recover costs associated with electronic application and renewal application processing.

(c) The annual fees, not including subscription and convenience fees, are as follows:

(1) initial license day youth camp:

(A) 99 or less campers per year--$950;

(B) 100 to 999 campers per year--$1,150;

(C) 1,000 to 1,999 campers per year--$2,000;

(D) 2,000 to 4,999 campers per year--$2,600; and

(E) 5,000 or more campers per year--$4,000;

(2) renewal license day youth camp:

(A) 99 or less campers per year--$750;

(B) 100 to 999 campers per year--$950;

(C) 1,000 to 1,999 campers per year--$1,750;

(D) 2,000 to 4,999 campers per year--$2,250; and

(E) 5,000 or more campers per year--$3,500;

(3) initial license residential youth camp:

(A) 99 or less campers per year--$2,150;

(B) 100 to 499 campers per year--$2,500;

(C) 500 to 999 campers per year--$6,500;

(D) 1,000 to 1,999 campers per year--$12,000;

(E) 2,000 to 4,999 campers per year--$15,000;

(F) 5,000 to 9,999 campers per year--$18,000; and

(G) 10,000 or more campers per year--$21,000;

(4) renewal license residential youth camp:

(A) 99 or less campers per year--$1,900;

(B) 100 to 499 campers per year--$2,250;

(C) 500 to 999 campers per year--$5,500;

(D) 1,000 to 1,999 campers per year--$10,000;

(E) 2,000 to 4,999 campers per year--$13,500;

(F) 5,000 to 9,999 campers per year--$16,500; and

(G) 10,000 or more campers per year--$19,500.

(d) Miscellaneous fees are as follows:

(1) duplicate license fee--$20;

(2) camp name change during operation--$20; and

(3) non-sufficient fund fee--$20.

(e) Late fees will be assessed for applications received after March 31 as follows:

(1) initial late fee--$500; and

(2) renewal late fee--$250.

(f) An applicant or licensee whose license fee payment is returned for any reason, including insufficient funds, account closed, or payment stopped, must pay the department the amount of the license fee within 30 days after the date of the department's notice. An application is incomplete until the fee is received and cleared through the appropriate financial institution.

(g) The department may notify the applicant or the license holder that the person has failed to comply with this section and that any license issued is invalid.

(h) Initial application or renewal fees are refunded only if the fee amounts paid exceed the correct fee amount or if there is a double payment. The department does not refund fees if the applicant fails to respond to a written request from the department within 90 days.

(i) All fees must be submitted online at https://vo.ras.dshs.state.tx.us.

§265.29. Youth Camp Safety Multidisciplinary Team.

(a) The Youth Camp Safety Multidisciplinary Team (YCSMT) is composed of at least one representative from:

(1) the department;

(2) the Texas Division of Emergency Management (TDEM);

(3) the Texas Department of Insurance (TDI), State Fire Marshal's Office;

(4) the Texas Parks and Wildlife Department (TPWD);

(5) the Texas Water Development Board (TWDB);

(6) the Texas A&M Forest Service (TAMFS); and

(7) the Texas Department of Public Safety (DPS).

(b) The commissioner or the commissioner's designee serves as the chair of the team.

(c) The YCSMT meets regularly to develop proposed minimum standards for youth camps. The YCSMT presents the proposed minimum standards to the executive commissioner as recommendations for adoption.

§265.30. Waiver; Appeal.

(a) The department may grant a waiver from the requirements of this chapter to a program that meets the conditions described in Texas Health and Safety Code (HSC), §141.0025(a). The program seeking the waiver must provide proof to the department that the program meets the conditions described in HSC §141.0025(a) before the department may grant a waiver. To ensure the program continues to be eligible for a waiver, the department may require the program to resubmit proof of meeting the conditions described in HSC §141.0025(a) no more frequently than one time per calendar year or as part of an investigation described in subsection (c) of this section.

(b) A waiver granted by the department under subsection (a) of this section is valid until the waiver is revoked for cause by the department. Examples of cause for revocation include:

(1) the failure to ensure the health, safety, or welfare of persons at the program; or

(2) the failure to report abuse or neglect occurring at the program as required by Texas Family Code Chapter 261.

(c) The department may conduct an investigation in response to an allegation that there is cause to revoke a program's waiver or that a program no longer meets the conditions described in HSC §141.0025(a).

(d) A person who operates a program for which an application for a waiver under this section has been denied or for which a waiver under this section has been revoked may appeal the action in the manner provided for appeal of contested cases under Texas Government Code Chapter 2001. When the department proposes to deny or revoke a waiver granted under this section, it must give notice of the proposed action in writing and must provide information on how to request an administrative hearing. The program must make a written request for a hearing within 30 days from the date on the notice letter sent by the department.

(e) The department will not grant a waiver from the requirements provided in HSC §141.0091 or HSC Chapter 762.

§265.31. Emergency Preparedness and Response.

(a) A youth camp operator must develop an emergency plan that:

(1) specifies areas where campers and camp staff are to gather in an emergency event that requires evacuation from any location within the premises of the camp;

(2) establishes procedures for responding to an emergency event, including:

(A) a lost camper;

(B) a fire on the premises;

(C) a severe injury, severe illness, serious accident, or death of one or more campers, visitors, camp staff, or camp volunteers that occurs:

(i) on camp premises; or

(ii) while under the supervision of camp staff;

(D) an aquatic emergency if the camp borders a watercourse, lake, pond, or any other body of water;

(E) an epidemic;

(F) an unauthorized or unknown individual present on the camp's premises;

(G) a transportation emergency; and

(H) any other applicable natural disaster, including flood, hurricane, tornado or wildfire; or emergency event;

(3) establishes procedures to identify and account for each camper affected by the emergency event;

(4) establishes procedures to notify and communicate with:

(A) local emergency management services, including the designated emergency management director or coordinator by the political subdivision where the camp is located;

(B) camp administrative and medical services staff; and

(C) the parents or legal guardians of each camper identified under paragraph (3) of this subsection; and

(5) designates a camp emergency preparedness coordinator.

(b) A youth camp operator must develop an emergency evacuation plan for:

(1) evacuating campers who are at a camp within a floodplain on issuance of a flash flood or flood warning;

(2) evacuating campers on issuance of an evacuation order by the emergency management director or coordinator for the county or, if applicable, the municipality in which the camp is located, due to wildfire, hurricane, or other disaster; and

(3) sheltering campers in place on issuance of:

(A) a tornado warning; or

(B) an order to shelter in place issued by the emergency management director or coordinator for the county or, if applicable, the municipality in which the camp is located.

(c) A youth camp operator must:

(1) implement the emergency evacuation plan developed under subsection (b)(1) of this section on issuance by the National Weather Service (NWS) of a flash flood or flood warning for an area of the camp; and

(2) implement the emergency evacuation plan developed under subsection (b)(3) of this section on issuance by the NWS of a tornado warning for an area of the camp.

(d) A youth camp operator must send a copy of an emergency evacuation plan developed under subsection (b) of this section to:

(1) the emergency management director or coordinator for the municipality (for camps located in a municipality); and

(2) the emergency management director or coordinator for the county.

(e) A youth camp operator must provide a copy of the camp's emergency plan not later than the 10th business day following the date the department approves the emergency plan or, if the department determines the plan is deficient under §265.23 of this subchapter (relating to Application and Denial of a New License; Non-transferable) or §265.24 of this subchapter (relating to Application and Denial of a Renewal License), the youth camp must provide a copy of the camp's revised and approved emergency plan to:

(1) the designated emergency management director or coordinator for the municipality (for camps located in a municipality); and

(2) the designated emergency management director or coordinator for the county.

(f) In developing the youth camp's emergency plan, a youth camp operator may consult with an emergency management director or coordinator described in subsection (d) of this section.

(g) A youth camp operator must:

(1) provide the most recent version of a youth camp's emergency plan submitted under this section to the parent or legal guardian of:

(A) a camper who is participating in a camp session; or

(B) a camper who is registered to participate in a future camp session;

(2) notify the parent or legal guardian of a camper described by paragraph (1) of this subsection if any area of the camp is located within a floodplain; and

(3) ensure the parent or legal guardian signs and submits to the operator a statement acknowledging receipt of the notice required under paragraph (2) of this subsection.

(h) A youth camp operator must:

(1) maintain an operable radio providing real-time weather alerts issued by the NWS or a similar professional weather service at the camp;

(2) install and maintain at the camp an emergency warning system:

(A) alerting all campers and camp occupants of an emergency; and

(B) including a public address system operable without reliance on an internet connection;

(3) monitor safety alerts issued:

(A) by the NWS or a similar professional weather service; and

(B) by local river authorities, if applicable to the camp, or through other local emergency notification systems; and

(4) certify the operator's compliance with this subsection.

(i) The youth camp operator or a youth camp staff member must conduct a mandatory safety orientation, not more than 48 hours after each youth camp session begins. The safety orientation:

(1) notifies each camper of the camp's boundaries and any hazards present on the camp premises;

(2) instructs each camper on behavioral expectations in an emergency event; and

(3) provides each camper developmentally appropriate instruction on the appropriate actions and procedures to follow in an emergency event, in accordance with the camp's emergency plan required under this section.

(j) At least once a year, a youth camp operator must:

(1) provide each youth camp staff member and volunteer a copy of the camp's most recent emergency plan;

(2) ensure each staff member and volunteer successfully completes training on the camp's emergency plan in compliance with any minimum standards and required hours established by department rule;

(3) instruct each staff member and volunteer on the proper procedures to follow in an emergency under the plan; and

(4) maintain written records documenting each staff member's and volunteer's successful completion of the training required under this subsection.

(k) A youth camp operator must:

(1) post the proper evacuation route described in the youth camp's emergency plan in a conspicuous place in each cabin on the youth camp premises; and

(2) ensure each evacuation route on the camp premises is illuminated at night.

(l) A youth camp operator must notify the department as described in §265.24 of this subchapter of any modification to:

(1) a structure intended to facilitate youth camp activities; or

(2) the location of a camp activity on the camp's premises.

(m) On receiving notification of a modification described by subsection (l) of this section, the department may require the youth camp operator to update the youth camp's emergency plan.

(n) The department must store in a digital database each emergency plan submitted to the department under this section and provide access to that database to:

(1) TDEM; and

(2) each member of the Youth Camp Safety Multidisciplinary Team (YCSMT) created under §265.29 of this subchapter (relating to Youth Camp Safety Multidisciplinary Team).

§265.32. Minimum Overnight Camper to Counselor Ratios.

The minimum camper to counselor ratios for overnight stays at youth camps are as follows.

(1) For campers from four to five years of age--one counselor for every five campers.

(2) For campers from six to eight years of age--one counselor for every six campers.

(3) For campers from nine to 14 years of age--one counselor for every eight campers.

(4) For campers from 15 to 17 years of age--one counselor for every 10 campers.

§265.33. Online Youth Camp Registry.

The department will post, maintain, and update on the department's internet website a list of each youth camp with an active license issued under this subchapter.

§265.34. Additional Inspection Required; Parental Complaints.

(a) A youth camp operator's public-facing website must include a prominent, clearly marked link to the department's complaint website where campers, parents, camp staff, and volunteers can report noncompliance with the subchapter.

(b) The department will investigate each youth camp complaint filed with the department to ensure the youth camp operator is properly implementing the camp's approved emergency plan submitted as required under §265.31 of this subchapter (relating to Emergency Preparedness and Response).

(c) A department investigation under this section must include an inspection to ensure the youth camp's compliance with this subchapter. The inspection will be performed in the same manner as a compliance inspection, as described in §265.25 of this subchapter (relating to Inspections).

§265.36. Prohibited Operation of Cabins within Floodplains.

(a) A youth camp must not operate a cabin located within a Federal Emergency Management Agency (FEMA) identified 100-year floodplain, unless:

(1) each cabin located within a floodplain is a result of the cabin's proximity to a lake, pond, or other still body of water that:

(A) is not connected to a stream, river, or other watercourse; or

(B) is dammed; or

(2) each cabin is at least 1,000 feet from a floodway.

(b) A youth camp that operates a cabin within the floodplain as described in subsection (a) of this section must install and maintain an emergency ladder capable of providing access to the cabin's roof.

§265.37. Redundant Internet Connections Required.

A youth camp operator must provide and maintain for a youth camp:

(1) internet services through a broadband service that connects to the internet using end-to-end fiber optic facilities; and

(2) a secondary internet connection through a broadband service distinct from the service described under paragraph (1) of this section.