

## 902 KAR 10:040. Kentucky youth camps.

RELATES TO: KRS 194A.005(1), 194A.381-383, 217.005-217.215

STATUTORY AUTHORITY: KRS 194A.050(1), 211.090(3), 211.180(1)(c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 211.180(1)(c) requires the cabinet to enforce administrative regulations promulgated for the regulation and control of the sanitation of public and semipublic recreational areas. This administrative regulation establishes uniform standards for youth camps necessary to insure a safe and sanitary environment to protect the health and safety of children attending camps in this state.

Section 1. Definitions. (1) "Cabinet" is defined by KRS 194A.005(1).

(2) "Camp" or "youth camp":

(a) Means an area, parcel, or tract of land, under the control of a person on which facilities are established, maintained, or operated for recreational, educational, or vacation purposes for five (5) or more children to attend no longer than two (2) weeks, either free of charge or for payment of a fee;

(b) Includes a:

1. Day camp;
2. Primitive or outpost camp; or
3. Residential camp; and

(c) Does not include a:

1. Camp, campsite, or camping session operated solely for family or adult camping;
2. Privately owned camp or campsite intended for the sole use of the owner, their family, or invited guests;
3. Weekend or similar overnight troop or trip camping activities conducted by an organized youth troop or association of less than seventy-two (72) hours duration, and not a part of an established youth camp operating session;
4. Facility that is operated as an instructional studio or center that provides lessons or other activities for school age children individually or collectively during parents' working hours, before or after school, or during school vacation periods;
5. A vacation bible school, bible day school, or similar activity held in a church for school age children individually or collectively during parents' working hours, before or after school, or during school vacation periods; or

6. A wilderness camp licensed as a private child caring facility pursuant to 922 KAR 1:460.

(3) "Camp director" means the individual agent of the camp operator on the premises of any youth camp who has the primary responsibility for the administration, operation, and supervision of the camp and its staff.

(4) "Camp operator" means the person that owns a youth camp, whether the camp is operated for profit or not for profit.

(5) "Camper" means a child under eighteen (18) years of age living apart from relatives, parents, or legal guardians, while attending a youth camp.

(6) "Day camp":

(a) Means a camp operated for all or part of the day; and

(b) Does not include:

1. Overnight lodging of campers; or
2. A camp operating at a facility under a different cabinet license or permit or that is already

subject to routine sanitation and safety inspection by the cabinet.

(7) "Disqualifying offense" means, pursuant to KRS 194A.380, a conviction of or a plea of guilty to a:

- (a) Criminal offense against a minor;
- (b) Sex crime; or
- (c) Violent offense.

(8) "Permanent structure" means a building and appurtenances owned or operated by the camp management for living, dining, kitchen, sleeping, toilet, bathing, shelter, tool shed, storage, assembly, infirmary, or stabling purposes, constructed to be immobile and permanent.

(9) "Person" means an individual, firm, partnership, company, corporation, organization, trustee, association, or other public or private entity.

(10) "Primitive or outpost camp" means a portion of the residential camp premises or other site under control of the camp operator that is intended only for occasional use as an overnight tent camping site and has no permanent structure or facility.

(11) "Residential camp" means a camp operated on a permanent campsite with overnight lodging facilities.

(12) "Semipermanent structure" means a building, tent, structure, or trailer, and appurtenances owned or operated by the camp management for sleeping, living, dining, toilet, bathing, kitchen, tool shed, storage, assembly, infirmary, or animal sheltering purposes, that is constructed to be movable, easily disassembled, and not permanent in nature.

Section 2. Permits. (1) A permit to operate a youth camp issued pursuant to this administrative regulation shall not exempt a child-care facility or program from the licensure required by 922 KAR Chapter 2.

(2) A person shall not operate a youth camp within the Commonwealth of Kentucky without possession of a valid permit issued by the cabinet.

(3) Only a person who complies with the requirements of this administrative regulation shall be entitled to receive and retain a permit.

(4) A permit shall not be transferable from one (1) person to another person or place.

(5) The permit shall be posted or readily available at every camp.

(6) Each permit shall expire on the December 31 following its date of issuance.

Section 3. Application for a Permit. (1) A person desiring to operate a camp shall complete and submit form DFS-200, Application for a Permit.

(2) A person desiring to operate a day camp shall complete and submit form DFS-200, Application for a Permit, and form DFS-340, Application and Permit to Operate Day Camp Facilities.

(3) Upon receipt of an application, the cabinet shall inspect the camp to determine compliance with the provisions of this administrative regulation. If inspection discloses that the applicable requirements of this administrative regulation have been met, a permit shall be issued to the applicant by the cabinet.

Section 4. Camp Site. The camp site shall be located on land that provides natural drainage. The area on which tents, buildings, or structures are erected, and other areas frequently used for camp activities, shall be drained and shall not be located in a swamp or similar place in which mosquitoes can breed.

Section 5. Camp Facilities. (1) All camp structures used for human occupancy or assembly,

and all electrical, heating, ventilating, air conditioning, plumbing, and lighting systems in those structures shall be designed and constructed pursuant to 815 KAR 7:120, Kentucky Building Code.

(2) All camp food preparation and service facilities shall comply with the provisions of KRS 217.005 – 217.215 and 902 KAR 45:005. If food for campers and staff is not prepared by the camp, food shall be obtained from a commercial food service establishment holding a valid permit from the cabinet.

(3) Floors, walls, ceilings, and attached or freestanding appurtenances, fixtures, and equipment in all permanent and semipermanent structures shall be kept clean and in good repair.

(4) All gas or oil burning heating and cooking facilities used in any camp shall meet applicable state fire codes for installation, operation, and maintenance, in accordance with 815 KAR 7:120.

(5) All structures used as sleeping quarters shall have all outer openings screened or protected to prevent the entry of insects and other vermin.

Section 6. Sleeping Facilities. (1) A minimum of thirty (30) square feet of floor space shall be provided for each camper in all structures used for sleeping purposes.

(2)(a) All structures used as sleeping quarters shall be designed to provide a minimum of two (2) feet separation between beds, cots, or sleeping bags on all sides.

(b) Beds, cots, or sleeping bags shall be placed so that the heads of campers are at least six (6) feet apart.

(c) If double-decked beds are used, there shall be not less than twenty-seven (27) inches of separation between the lower mattress and the bottom of the upper bed.

(3)(a) Mattresses shall be covered in materials that are water repellent, easily cleanable, and meet the federal flammability standards in 16 C.F.R. Part 1632, or shall be encased in a separate mattress cover that meets these requirements.

(b) Each occupied bed or cot shall be provided with one (1) sheet, one (1) pillow, one (1) pillowcase, and one (1) blanket either by the camp or by the individual camper, except that this requirement shall not apply if a camper provides his or her own sleeping bag.

(4)(a) All articles of bedding provided by the camp shall be kept clean and in good repair.

(b) Linen shall be changed at least once weekly and more often, if necessary, or if there is a new camper occupying the bed or cot.

Section 7. Personal Hygiene Facilities. (1) Each residential or day camp shall provide personal hygiene facilities consisting of water closets and hand-washing and shower facilities for each sex accommodated, pursuant to the design, construction, and sanitary fixture requirements of the State Plumbing Code, 815 KAR Chapter 20.

(2) Personal hygiene facilities shall have natural and artificial lighting of at least twenty (20) foot-candles.

(3) Personal hygiene facilities shall be located no more than 500 feet from any permanent structure used for human occupancy or assembly.

(4) Hot and cold or tempered water service shall be provided to all lavatories and showers, and approved temperature limited devices meeting State Plumbing Code requirements in 815 KAR Chapter 20 shall be used to prevent delivery of water at a temperature above 120 degrees Fahrenheit.

(5) Lavatories or hand-washing facilities shall be conveniently located to all toilet facilities. Water, hand-cleansing soap, and approved sanitary towels or other approved hand-drying device shall be provided at all lavatories and hand-washing facilities.

(6) All personal hygiene facilities shall be maintained in good repair and shall be kept clean at all times.

(7) Adequate toilet tissue shall be provided at each toilet facility.

(8) Flame retardant, easily cleanable refuse containers shall be provided in all toilet facilities. Covered waste receptacles shall be accessible in each toilet stall designed for females.

(9) All windows used for room ventilation shall be screened and outer openings protected in toilet and personal hygiene facilities.

Section 8. Sewage and Waste Water Disposal. (1) All sewage and waste water shall be disposed of into a public sewer system if available.

(2) If a public sewer system is not available, disposal shall be made into a private sewage disposal system designed, constructed, and operated pursuant to the requirements of the cabinet in 902 KAR 10:085 and the Energy and Environment Cabinet in KAR Title 401;

(3) If a public sewer system subsequently becomes available, connections shall be made to it and the camp sewer system shall be discontinued upon failure of the private system.

Section 9. Water Supply System. (1) The water supply shall be potable, adequate, and from an approved public supply of a municipality or water district if available.

(2) If a public water supply of a municipality or water district is not available, the supply for the camp shall be developed and approved pursuant to applicable requirements of the Energy and Environment Cabinet in KAR Title 401;

(3) If a public water supply of a municipality or water district subsequently becomes available, connections shall be made to it and the camp supply shall be discontinued.

(4) Adequate drinking fountains meeting State Plumbing Code requirements in 815 KAR Chapter 20 or portable drinking water containers of an approved type shall be used within the camp. Common drinking cups, glasses, and vessels shall be prohibited.

(5) If portable drinking water containers are used, they shall be easily cleanable, kept securely closed and designed so that water is withdrawn from the container only by water tap or faucet and shall be maintained in a sanitary condition.

(6) All ice used shall be from an approved source of water, in accordance with Title 401 KAR and 902 KAR 45:005, and shall be handled and stored in a manner to prevent contamination. If ice is made on the premises of any camp, the ice-making machine shall be of approved construction in accordance with 902 KAR 45:005, and the water shall be of the same bacteriological quality as approved drinking water.

Section 10. Refuse Handling. (1) The storage, collection, and disposal of refuse shall be conducted to avoid a health hazard, rodent harborage, insect breeding area, accident or fire hazard, or air pollution violation and shall conform to all other requirements of the Energy and Environment Cabinet in KAR Title 401.

(2) All refuse shall be stored in flytight, watertight, rodent proof containers, and containers shall be emptied and cleaned at a frequency necessary to prevent a nuisance.

(3) Container storage that has been approved by the local health department shall be provided and shall be designed and maintained to avoid a nuisance.

(4) All refuse containing garbage shall be collected at least once per week or more often if necessary.

Section 11. Maintenance of Animal Facilities. (1) Barns, stables, corrals or other structures used to house animals shall be located at least 500 feet from any sleeping, eating, or food

preparation area. Tie-rails or hitching posts shall not be located within 200 feet of a dining hall, kitchen, or other place where food is prepared, cooked, or served.

(2) Barns, stables, and corrals shall be located on a well-drained sloping area and situated to prevent contamination of any water supply.

(3)(a) Manure shall be removed from barns, stalls, and corrals as often as necessary to prevent a fly problem. Fly repellents or other precautions shall be used to prevent these shelters from attracting flies or becoming a breeding place for flies.

(b) Manure disposal shall be handled in a manner that does not create a nuisance or contaminate surface or groundwater.

Section 12. Swimming Facilities and Recreational Water Activities. (1) A public swimming and bathing facility shall comply with 902 KAR 10:120.

(2) All small craft and boating activities shall be conducted in compliance with requirements of the Tourism, Arts, and Heritage Cabinet, pursuant to 301 KAR Chapter 6..

(3) All swimming and small craft and boating activities shall be under the supervision of a person holding a current American Red Cross Lifeguard Certification or its equivalent at all times.

Section 13. Insect, Rodent and Pest Control. (1) Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestations. Extermination methods and other measures to control insects and rodents shall be pursuant to KAR Title 302.

(2) Camps shall be maintained free of accumulations of debris that can provide rodent harborage or breeding places for other pests.

(3) Storage areas shall be maintained to prevent rodent harborage. Lumber, pipe, and other building materials shall be stored at least one (1) foot above the ground.

Section 14. Camp Director, Records and Reports, Medical Supervision, and First Aid. (1) The camp operator shall assure that a camp director or an authorized agent is available within the camp boundaries at all times while the camp is in operation.

(2)(a) Pursuant to KRS 194A.382, the camp operator shall require a prospective employee, contractor, or volunteer to complete the form DPP-156 pursuant to 922 KAR 1:470, Section 3.

(b) The prospective employee, contractor, or volunteer shall submit a letter to the camp operator from the cabinet stating that a background check of child abuse and neglect records maintained by the cabinet has not revealed any findings of substantiated child abuse or neglect prior to the individual's presence at the camp or involvement in any program of the camp. The applicant, contractor, or volunteer shall submit to the camp operator a letter from the cabinet stating that the individual has no findings of substantiated child abuse or neglect found through a background check of child abuse and neglect records maintained by the cabinet prior to the individual's presence at the camp or involvement in any program of the camp.

(3) The requirements of subsection (2) of this section shall be deemed to have been met if the prospective employee, contractor, or volunteer provides to the camp operator documentation of a:

(a) Background check performed pursuant to 922 KAR 2:280 finding no disqualifying offense; or

(b) A state and national criminal background check finding no disqualifying offense.

(4) The documentation required by subsection (2) or (3) of this section shall be kept on camp premises and made available for examination upon request of the cabinet.

(5) Records or personal data, including a medical history, shall be kept on each person at-

tending a camp. Minimum records shall include:

- (a) The name, date of birth, and address of each person in the camp;
- (b) The name, address, and telephone number of parents or guardians; and
- (c) The medical history and dates of hospital admission and discharge, if applicable, of each camper.

(6) Residential camps shall have facilities for isolation of persons suspected of having a communicable disease. Other camps shall provide for the immediate isolation of campers suspected of having a communicable disease.

(7) Adequate first aid supplies and equipment as designated by the available or on call physician, required by subsection (9) of this section, shall be located within the camp. An American Red Cross certificate required by paragraph (a) or (b) of this subsection shall be kept on camp premises and made available for examination upon request of the cabinet.

(a) Residential camps shall have a person holding an American Red Cross Standard First Aid and Personal Safety Certificate or its equivalent on site twenty-four (24) hours a day while the camp is in session.

(b) All other camps shall have a person holding, as a minimum, a first aid course certificate from the American Red Cross or its equivalent on site while camp is in session.

(8) All prescription drugs shall be kept in a locked cabinet or container with the exception of medications for which a patient has documentation from a licensed health care provider that states:

- (a) The purpose of the medication;
- (b) How the medication is to be administered; and
- (c) That the medication may be retained by the patient for immediate use.

(9) A nearby physician or emergency room shall be available or on call for medical emergencies, and the camp shall have access to a telephone with emergency telephone numbers posted. Transportation shall be available at all times for any emergencies.

(10) All serious illnesses and accidents resulting in death or injury, other than minor injuries that require only first aid treatment and that do not involve medical treatment, shall be reported to the cabinet by the next business day on form DFS-309, Kentucky Youth Camp Accident/Illness Report.

Section 15. Safety and Accident Prevention. (1) All camps shall comply with KRS 227.200 to 227.400 and applicable local fire codes pertaining to fire safety, fuel supply, and fuel connections.

(2) In every camp with an electrical system, the wiring, fixtures, and equipment shall be installed and maintained pursuant to applicable local codes and 815 KAR 7:120.

(3) Protection from natural hazards.

(a) Potential hazards occurring naturally in the environment within the boundaries of the camp shall be plainly marked, and measures and procedures shall be followed to insure the safety of the campers.

(b) Poison plants, such as poison sumac and poison ivy, shall be subject to control and elimination from areas where their presence is hazardous to campers.

(4) Elimination of artificial hazards.

(a) All buildings, grounds, and equipment shall be maintained in a manner to eliminate or minimize the danger from holes, glass, splinters, sharp projections, and other hazardous conditions to protect the safety of all persons residing in or using the facilities at the camp site.

(b) All insecticides, pesticides, and chemical poisons shall be plainly labeled and stored in a locked and secured place.

(c) Gasoline and other highly flammable fluids shall be plainly marked and stored in a locked container or building not occupied by residents of the camp and at a safe distance from sleeping quarters or buildings where people congregate.

Section 16. Plan Review for Future Construction. (1) Any person contemplating construction, alteration, addition to, or change in the construction of any permanent camp shall, prior to the initiation of any construction, submit plans in triplicate, through the local health department concerned, of any proposed camp, additions, alterations, or change in construction.

(2) The plans shall show:

(a) The name and address of the owner or operator of the camp;

(b) The area and dimension of the site;

(c) The property lines;

(d) A separate floor plan of all buildings and other improvements constructed or to be constructed, including:

1. Location and number of personal hygiene facilities; and

2. A plumbing riser diagram.

(e) Detailed drawings of sewage disposal facilities, including written specifications;

(f) Detailed drawings of water supply if the source is not public; and

(g) The location and size of water and sewer lines within the camp.

(3) If central food preparation and food service buildings are to be provided, plans and specifications shall be submitted showing the kitchen floor plan, layout, and type of equipment, storage area, restrooms, and dining area pursuant to 902 KAR 45:005.

(4) If artificially constructed swimming pools or beaches are planned, the plans and specifications shall be submitted to the cabinet for review and approval prior to construction pursuant to 902 KAR 10:120.

Section 17. Inspection of Camp. (1) Each camping season, the cabinet shall inspect each camp at least once prior to the opening of the camp and at least once while the camp is in actual operation. The cabinet shall make as many additional inspections and reinspections as are necessary for the enforcement of this administrative regulation.

(2) If an agent of the cabinet makes an inspection of a camp, findings shall be recorded on an official cabinet inspection report form, DFS-308, Youth Camp Inspection Report, and a copy provided to the permit holder or operator. The inspection report shall:

(a) Set forth any violation found;

(b) Establish a specific and reasonable period of time for the correction of any violation found; and

(c) State that failure to comply with a notice issued pursuant to the provisions of this administrative regulation can result in suspension or revocation of the permit.

Section 18. Suspension of Permit. (1) If the cabinet has reason to believe that an imminent public health hazard exists, or if the permit holder has interfered with the authorized agents of the cabinet in the performance of their duties, the permit shall be suspended immediately upon notice to the permit holder prior to holding a hearing on form DFS-212, Request for Hearing. The permit holder may request a hearing, which shall be granted as soon as practicable.

(2) Failure to comply with the criminal background check and employment requirements established in KRS 194A.382 shall result in penalties pursuant to KRS 194A.383.

(3)(a) In all other instances of violation of the provisions of this administrative regulation, the cabinet shall serve upon the holder of the permit a written notice specifying the violation in

question and afford the holder a reasonable opportunity to correct it.

(b) If a permit holder or operator has failed to comply with written notice issued under the provisions of this administrative regulation, the permit holder or operator shall be notified in writing that the permit shall be suspended at the end of five (5) business days following service of the notice, unless a written request for a conference is submitted to the cabinet by the permit holder within the five (5) business day period.

(4) All administrative conferences shall be conducted in accordance with 902 KAR 1:400.

Section 19. Reinstatement of Suspended Permits. (1) A person whose permit has been suspended may apply for reinspection on form DFS-215, Application for Reinstatement of Suspended Permits for the purpose of reinstatement of the permit.

(2) Within five (5) business days following receipt of the written request, including a statement signed by the applicant that in his or her opinion the conditions causing the suspension of the permit have been corrected, the cabinet shall make a reinspection.

(3) If the applicant is found to be in compliance with the requirements of this administrative regulation, the permit shall be reinstated.

Section 20. Revocation of Permits. (1) For repeated violations of any of the requirements of this administrative regulation, the permit may be permanently revoked after an opportunity for a conference has been provided in accordance with 902 KAR 1:400.

(2) Prior to permanent revocation, the cabinet shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten (10) business days following service of the notice, unless a request for a conference is filed with the cabinet by the permit holder, in accordance with 902 KAR 1:400 within the ten (10) business day period.

Section 21. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "DFS-200, Application for a Permit", 6/2018;

(b) "DFS-308, Youth Camp Inspection Report", 6/2018;

(c) "DFS-309, Kentucky Youth Camp Accident/Illness Report", 3/2018; and

(d) "DFS-340, Application and Permit to Operate Day Camp Facilities", 3/2018.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, 275 East Main Street, Frankfort Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. (San 7; 1 Ky.R. 642; Am. 1227; eff. 5-14-1975; 5 Ky.R. 933; eff. 7-17-1979; 17 Ky.R. 474; 1372; eff. 9-19-1990; 22 Ky.R. 2369; eff. 8-1-1996; 44 Ky.R. 2277; 45 Ky.R. 100, 351; eff. 8-13-2018.)