105 CMR 430.000: MINIMUM STANDARDS FOR RECREATIONAL CAMPS FOR CHILDREN (STATE SANITARY CODE, CHAPTER IV)

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430.001: Purpose

The purpose of 105 CMR 430.000 is to insure minimum housing, health, safety and sanitary protection for children in the care of recreational camps operating in the Commonwealth.

430.002: Authority

105 CMR 430.000 is adopted under authority of M.G.L. c. 111, §§ 3 and 127A.

430.003: Citation

105 CMR 430.000 shall be known, and may be cited as 105 CMR 430.000: *Minimum Sanitation and Safety Standards for Recreational Camps for Children (State Sanitary Code, Chapter IV)*.

430.010: Scope

(A) No person, corporation, trust, authority, government agency, political subdivision or any other entity shall operate a recreational camp for children which does not comply with the requirements of 105 CMR 430.000.

(B) During the period of its use as a part of a recreational camp for children, the minimum standards of fitness for human habitation required in 105 CMR 410.000: *Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II)*, shall not be applicable to any structure which is required to conform to the minimum sanitation and safety standards contained in 105 CMR 430.000.

430.020: Definitions

Bathing Beach means a natural or artificial flowing or impounded pond, lake, stream, river or other body of fresh or salt water at the location where it is used for bathing and swimming purposes together with equipment and appurtenances, if any, and the land areas used in connection therewith.

Board of Health means the appropriate and legally designated health authority of a city, town, or other legally constituted governmental unit, having the usual powers and duties of the board of health of a city or town, and includes any authorized agent or representative of said board of health. In any case in which a camp extends into the geographic jurisdiction of two or more boards, those boards may coordinate activities in effecting compliance with 105 CMR 430.000.

Camp Director means an individual who has primary and direct responsibility for the day to day operation and supervision of a recreational camp for children including oversight of program operations, supportive services, business affairs, health matters, food, staff supervision and transportation.

Camper means a child who attends a recreational camp for children.

Certificate of Immunization shall mean either:
(1) any form or letter signed and dated by a physician or designee, or
(2) a dated report from the Massachusetts Immunization Information System,
provided that either document specifies the month and year of administration and the type/name of the vaccines(s) administered to the camper.

Child and Children mean an individual or individuals who is or are less than 18 years of age.

Counselor means an individual who has a supervisory role with and who may have exclusive responsibility for campers.

Day Camp means a program which:
(1) operates on a site for more than two hours but less than 24 hours a day;
(2) operates for at least five days during a two week period; and
(3) meets the definition of a recreational camp for children.

430.020: continued

Garbage means the animal, vegetable or other organic waste resulting from the handling, preparing, cooking, consumption or cultivation of food, and containers and cans which have contained food unless such containers and cans have been cleaned or prepared for recycling.

Habitation means that portion inside a building, tent, or other structure which is used for living, sleeping, cooking, or consumption of food.

Health Supervisor means that person on the staff of a recreational camp for children who is responsible for the day to day operation of the health program or component.

Junior Counselor means an individual who assists counselors in the performance of their duties, but who is not exclusively responsible for them without the presence of a counselor or instructor.

Medical Specialty Camp means a camp, which has one of its defined purposes to provide programs for campers with specific medical/health needs.

A Mildly Disabled Camper means a camper who can function on his or her own in providing total self care but needs assistance in other camp activities.

Operator means an owner of a recreational camp for children and shall include any individual
(1) who alone or jointly or severally with others owns a recreational camp for children or
(2) has care, charge or control of a recreational camp for children as agent or lessee of the owner or as an independent contractor.
The camp director shall also be responsible as if he were the operator.

Primitive or Outpost Camp means a portion of the permanent camp premises or other site at which the basic needs for camp operation such as places of abode, water supply systems and permanent toilet and cooking facilities are not usually provided.

Qualified Dietitian means a person who is eligible for registration by the American Dietetic Association or has at least a baccalaureate degree in food and nutrition, dietetics, or food service management.

Recreational Camp for Children means any day, primitive or outpost, residential, sports, travel or trip camp conducted wholly or in part for recreation or recreational instruction which:
(1) operates for profit or philanthropic or charitable purposes, whether or not a fee is charged;
(2) serves five or more children who are not members of the family or personal guests of the operator; and
(3) operates for any period of time between June 1 and September 30 of any year or not more than 14 consecutive days during any other time of the year.
(4) Recreational Camp for Children shall also mean any program which promotes or advertises itself as a camp, even if it does not meet the criteria listed above.

Provided that it is not promoted or advertised as a camp, none of the following shall be deemed to be a recreational camp for children:
(a) a child care program licensed by the Office of Child Care Services in accordance with M.G.L. c. 28A § 10;
(b) single purpose classes, workshops, clinics or programs sponsored by municipal recreation departments, or neighborhood playgrounds designed to serve primary play interests and needs of children, as well as affording limited recreation opportunities for all people of a residential neighborhood, whether supervised or unsupervised, located on municipal on non-municipal property, whether registration is required or participation is on a drop-in basis as provided in M.G.L. c. 111, § 127A;
(c) a program operated solely on a drop-in basis;
(d) a classroom based instructional program provided that no specialized or high risk activities (See 105 CMR 430.103) are conducted as part of the program;
(e) a summer school program accredited by a recognized educational accreditation agency, where the accreditation includes standards for specialized and high risk activities, if the program involves such activities (See 105 CMR 430.130), and the summer program meets those accreditation standards.

430.020: continued

Residential Camp means a program which operates on a permanent site for four or more consecutive overnights and meets the definition of a recreational camp for children.

Rubbish means combustible and noncombustible waste materials, except garbage, and includes but is not limited to such material as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, grass clippings, tin cans, metals, mineral matter, glass, crockery, dust and the residue from the burning of wood, coal, coke, and other combustible materials.

A Severely Disabled Camper means a camper who needs assistance in self-care and camp activities.

Sports means athletic activities including, but not limited to, football, soccer, dance, baseball, gymnastics, swimming, horseback riding, tennis, skating and basketball.

Sports Camp means, a program which operates for two or more hours per day with a primary focus on one or more sports activities and meets the definition of a day or residential camp for children.

Staff means any person employed by a recreational camp for children who:

(1) is or may be present at any time at the camp when campers are present and is in the service of the camp under any contract of hire, express or implied, oral or written, where the camp operator has the power or right to control and direct the person in the material details of how his/her work is to be performed; and

(2) is paid directly by the camp operator. This does not include any person at the camp performing emergency services when under the supervision of the camp operator or his/her designee.

Stairway means any group of stairs having three or more risers.

Swimming and Diving Areas means and includes those aquatic facilities and operations generally known as swimming pools, wading pools, diving tanks, beaches, rivers, lakes, other natural bodies or water and similar areas and facilities.

Swimming Pool means and includes every artificial pool of water having a depth of two feet or more at any point and used for swimming or bathing, located indoors or outdoors, together with equipment, land, decks and appurtenances used in connection with the pool.

Tent means any structure of which 25% or more of the roof or walls or both are constructed of canvas, or covered or protected by any fabric material.

Travel Camp means a program which provides care for not less than a 72-hour period, uses motorized transportation to move campers as a group from one site to another and meets the definition of a recreational camp for children.

Trip Camp means a program which provides care for not less than a 72-hour period, moves campers under their own power or by a transportation mode permitting individual guidance of a vessel, vehicle or animal from one site to another and meets the definition of a recreational camp for children. Trip camp includes, for example, a program which leads campers by bicycle, canoe or horseback from one site to another.

Volunteer means any person who performs services in an unpaid capacity at a recreational camp for children.

430.090: Background Information

(A) The operator shall develop and follow written procedures for the review of the background of each staff person and volunteer.

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(B) Each staff person and volunteer shall have a background free of conduct that bears adversely upon his or her ability to provide for the safety and well-being of the campers. The operator shall determine, whether each staff person's and volunteer's conduct, criminal or otherwise, shall disqualify that person from employment or service at the camp. In making this determination, the operator shall consider at a minimum that information required under 105 CMR 430.090(C) and (D).

(C) At a minimum the operator shall require for each camping season, the following with regard to each staff person:

(1) Prior work history, including name, address and phone number of a contact person at each place of employment for the previous five years, and

(2) Three positive reference checks from individuals not related to the staff person including, but not limited to, previous employers or school administrators. Returning staff persons may use references on record with the camp from the preceding year to satisfy the requirements of 105 CMR 430.090(C)(2). However, if there is a gap in employment with the camp for at least one camp season, new references shall be required.

(3) Inquiry by the operator into each staff person's prior criminal history. Such inquiry shall include, at a minimum, self-reporting of any felony conviction and a criminal history inquiry as indicated:

(a) The operator shall obtain a sex offender registry information check from the Massachusetts Sex Offenders Registry Board for all prospective staff. International staff entering the country pursuant to a visa and who have not previously been in the United States are exempt;

(b) In accordance with M.G.L. c. 6, § 172G, operators shall obtain a CORI/Juvenile Report from the Massachusetts Criminal History Systems Board for all prospective staff.

(c) For prospective staff whose permanent residence is not Massachusetts (out of state and international), the operator, where practicable, shall also obtain from the applicant's state criminal information system, local chief of police, or other local authority with access to relevant information, a criminal record check or its recognized equivalent.

(d) If there is no interruption in the staff person's employment by the camp/organization from the time of the initial background check, no new criminal or sex offender history is required for each camping season. This applies only to permanent employees of the same camp/organization. Any break in employment service requires a new criminal history and sex offender inquiry for the staff person.

(D) At a minimum the operator shall require for each camping season the following with regard to each volunteer:

(1) Prior work or volunteer history, including name, address and phone number of a contact person at each place of employment or volunteer service for the previous five years.

(2) A sex offender registry information check from the Massachusetts Sex Offenders Registry Board.

(3) In accordance with M.G.L. c. 6, § 172G, operators shall obtain a CORI/Juvenile Report from the Massachusetts Criminal History Systems Board.

(E) The operator shall maintain written documentation verifying the background and character of each staff person and volunteer for three years, or as required by M.G.L. c. 149, § 52C, if applicable.

(F) No person shall be employed or allowed to volunteer at a recreational camp for children until such time as the operator is in receipt of, reviews and makes a determination with regard to all background information required pursuant to 105 CMR 430.090(C) and (D).

430.091: Staff Orientation

The operator shall provide orientation for all staff and volunteers. The operator shall describe, in writing, the camp's plan for orientation that shall include at a minimum, but not be limited to, the camp's philosophy, organization, policies and procedures. The operator shall not assign any person to be responsible for a group of children nor utilize any staff or volunteer to supervise others until such person has received the minimum orientation described in 105 CMR 430.090.

430.093: Prevention of Abuse and Neglect

(A) The operator shall have procedures in place which protect campers from abuse and neglect while in the camp's care and custody.

NON-TEXT PAGE

430.093: continued

(B) The operator shall develop and follow written procedures for reporting of any suspected incidents of child abuse and neglect in accordance with procedures described in M.G.L. c. 119, § 51A. The procedures shall include:

(1) All staff shall immediately report any suspected child abuse or neglect. The report shall be made either to the Massachusetts Department of Social Services or to the camp director.

(2) The camp director shall immediately report suspected abuse or neglect to the Massachusetts Department of Social Services.

(3) The camp director shall notify the board of health if a 51A report alleging abuse or neglect of a child while in the care of the recreational camp for children or during a program related activity is filed. The 51A report itself shall not be forwarded to the Board of Health.

(C) The operator shall cooperate in all official investigations of abuse and neglect alleged to have occurred at the camp, including identifying parents of campers currently or previously enrolled in the camp who may have been in contact with the subject of the investigation.

(D) The operator shall ensure that an allegedly abusive or neglectful staff person does not work directly with campers until the Massachusetts Department of Social Services investigation is completed.

430.100: Camp Counselor and Junior Counselor Requirements

(A) Each counselor in a recreational camp for children shall:

(1) have at least four weeks experience as a participant in structured group camping and/or at least four weeks experience in a supervisory role with children; or

(2) have satisfactorily completed a camp counselor orientation program prior to the arrival of campers.

(B) Each junior counselor in a recreational camp for children shall have satisfactorily completed a junior counselor orientation program prior to the arrival of campers.

(C) The age of counselors shall be as follows:

(1) in residential, primitive, sports, travel, trip and special needs camps:

(a) counselors shall have attained 18 years of age or have graduated from high school;

(b) junior counselors shall have attained 16 years of age;

(2) In a day camp

(a) counselors shall have attained 16 years of age;

(b) junior counselors shall have attained 15 years of age.

(3) All counselors and junior counselors shall be at least three years older than the campers whom they supervise.

(D) For the purpose of 105 CMR 430.000, age shall be determined at the start of the camp season.

430.101: Required Ratio of Supervisory Staff or Counselors to Campers

Each recreational camp for children shall have the following minimum ratio:

(A) Residential and Day Camps. Residential and day camps shall have at least one supervisory staff person for every ten campers over the age of six. There shall be one supervisory staff person for every five campers age six or under. Junior counselors may be included in meeting up to one half of the camper/staff ratio within each unit, living or general activity group, but only if they have received training and supervision to verify their ability to handle camper groups independently.

(B) Primitive, travel and Trip Camps. Each primitive, travel and trip camp shall have at least one counselor for every ten campers, with a minimum of two counselors.

(C) Special Needs Camps. Each camp serving special needs campers shall have at least:

(1) one counselor for every four mildly disabled campers needing occasional assistance in activities;

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(2) one counselor for every two severely disabled campers needing frequent or constant assistance in activities.

430.102: Camp Director Requirements

Each recreational camp for children shall have at the camp at all times a Director who meets the following:

(A) Residential Camp. Each residential camp shall have a director who is at least 25 years of age and who meets at least one of the following:
(1) Have successfully completed a course in camping administration such as those offered by national professional camping associations, national agencies or their equivalent, or
(2) Have at least two seasons previous experience as part of an administrative staff of a recreational camp for children.

(B) Day Camp. Each day camp shall have a director who is at least 21 years of age and who meets at least one of the following:
(1) Have successfully completed a course in camping administration such as those offered by national professional camping associations, national agencies, or their equivalent, or
(2) Have at least two seasons previous experience as part of the administrative staff of a recreational camp for children.

(C) Primitive, Travel and Trip Camps. Each primitive, travel and trip camp shall have a director accompany the campers who shall:
(1) Be at least 21 years old; and
(2) Possess demonstrated proof of experience supervising a recreational camp for children in similar camping activities.

(D) The operator shall inform all staff on duty as to who is responsible for administration of the camp at any given time. In the event of the absence of the director for more than 12 consecutive hours, the director or operator shall appoint a designee who shall be at the camp at all times. The designee shall meet the qualifications as required by 105 CMR 430.102(A), (B) or (C).

430.103: Supervision of Specialized Activities

Each recreational camp for children which conducts specialized or high risk activities, either on or off-site, including, but not limited to, horseback riding, hiking, scuba diving, rock climbing, firearms, canoeing and aquatic events shall conduct such activities only under the supervision of a counselor who has evidence of appropriate training, certification and experience in each activity under his or her supervision. Said counselor shall be present during periods of such activity. The operator shall make adequate provisions to assure any special training necessary for camp personnel to protect the safety and health of disabled campers.

(A) Aquatics. Aquatics activities, including those events associated with swimming, boating, canoeing, watercraft and water skiing, shall if conducted at the camp, be directly supervised by an aquatics director who holds the following current certifications:
(1) A current American Red Cross Lifeguard Training Certificate, Royal Bronze Medallion, Boy Scouts of America Lifeguard Certificate, or National YMCA Lifeguard Certificate or an equivalent certification;
(2) A current American Red Cross CPR Certificate for the Professional Rescuer or American Heart Association Health Care Provider CPR Certificate; and
(3) A current American Red Cross Standard First Aid Certificate, or Community First Aid and Safety Certificate (which certification may be evidenced by a notation on the back of any American Red Cross Lifeguard Training Certificate), or an equivalent certification.
(4) When an aquatics director supervises two or more aquatics staff members, the aquatics director shall be at least 21 years old and have experience in a management or supervisory position at a similar aquatics area of at least six weeks duration.

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(B) Swimming. In addition to the aquatics director, swimming supervision shall include one counselor for every ten campers in the water or on the beach to supervise swimming. For every 25 campers, or portion thereof, there shall be at least one counselor who shall hold the certifications required in 105 CMR 430.103(A)(1), (2) and (3). If swimming activities occur away from the camp, the camp shall provide supervision as required in 105 CMR 430.103 without the need to provide an aquatics director.

(C) Watercraft.

(1) All watercraft activities carried out on flat water shall be supervised by a minimum of one counselor for every ten campers in watercraft. Each counselor shall hold certification as required in 105 CMR 430.103(A)(1) through (3), or American Red Cross certification in Small Craft Safety and Basic Water Rescue.

(2) All watercraft activities carried out on white water, hazardous salt water, or hazardous fresh water shall be supervised by a minimum of one counselor to every ten campers in watercraft. However, regardless of the number of campers, there shall be a minimum of two counselors, each in separate watercraft, supervising the activity. In addition to the certification and training required by 105 CMR 430.103(C)(1), each counselor shall have evidence of previous training and experience with this type of water activity totaling at least six hours on the water.

(3) Campers shall possess at least an American Red Cross Level 4 or higher Program Certificate or its equivalent before being allowed to participate in white water, hazardous salt water or hazardous fresh water boating activities. All white water activities must be carried out on water determined to be no more difficult than Class III as defined by the International Scale of River Difficulty. No trips shall be taken on unclassified white water.

(4) All staff and participants in water craft activities shall wear U.S. Coast Guard approved personal floatation devices appropriate to the activity.

(D) Scuba Diving. Scuba diving activities shall be supervised by individuals who are currently certified by a national or regional scuba training program such as, the YMCA, National Association of Scuba Diving Schools, Professional Association of Diving Instructors, National association of Underwater Instructors, Scuba Schools International, or equivalent program.

(E) Firearms. Firearm activities shall be supervised by an individual who possesses a current National Rifle Association Instructor's card or its equivalent. A ratio of one counselor for every ten campers on the range shall be maintained at all times. This ratio may include the instructor.

(F) Archery. A ratio of one counselor per ten campers shall be maintained on the archery range at all times.

(G) Horseback Riding. All riding instructors used by a recreational camp for children whether staff of the camp or of another facility used by the camp, shall be licensed in accordance with M.G.L. c. 128, § 2A.

430.150: Health Records

(A) Each recreational camp for children shall maintain a health record for each camper and for each staff person who is younger than 18 years old, that shall include at least the following:

(1) The camper's or staff member's name and home address;

(2) The name, address and telephone number of the camper's or staff member's parent(s) or guardian(s);

(3) A written authorization for emergency medical care signed by a parent or guardian;

(4) The travel location(s) and telephone number(s) of the camper's or staff member's parent(s) or guardian(s) if the parent(s) or guardian(s) will be traveling during the camping season;

(5) The name, address and telephone numbers of the camper's or staff member's family health care provider or health maintenance organization, if any:

(6) If the camper or staff member brings a prescribed medication from home, a written authorization to administer the medication signed by a parent or guardian;

(7) Copies of injury reports, if any, required by 105 CMR 430.154;

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(8) A certificate of immunization indicating compliance with 105 CMR 430.152(A); and
(9) In addition, in each residential, sports, travel and trip camp: the health history and report of physical examination required by 105 CMR 430.151.

(B) Each recreational camp for children shall maintain for each staff person who is 18 years of age or older, a health record that shall include at least the following:
(1) The staff member's name and home address;
(2) The name, address and phone number of an individual, if any, to be contacted in the case of emergency;
(3) The name, address and phone numbers of the staff member's health care provider or health maintenance organization, if any;
(4) Copies of injury reports, if any, required by 105 CMR 430.154;
(5) A certificate of immunization indicating compliance with 105 CMR 430.152(B); and
(6) In addition, in each residential, sports, travel and trip camp: the health history, and report of physical examination required by 105 CMR 430.151.

430.151: Physical Examinations by Physician and Certificate of Immunization

(A) Every camper and full time staff person shall prior to attending or after receiving a conditional offer of employment from a residential, travel sports, or trip camp, furnish to the camp the following, prepared and signed by a licensed health care provider:
(1) A health history;
(2) A report of a physical examination conducted during the preceding 24 months; and
(3) A certificate of immunization.

(B) Every camper and full time staff person shall prior to attending or after receiving a conditional offer of employment from a day camp, furnish to the camp:
(1) A current medical history which lists allergies, required medications and any health conditions or impairments which may affect the individual's activities while attending the camp. The medical history shall be signed by a parent or guardian, or by a licensed health care provider, however, in the case of a staff member 18 years of age or older, the staff member's signature shall be sufficient.
(2) A certificate of immunization.

(C) No person known to be suffering from tuberculosis in a communicable form, or having evidence of symptoms thereof, shall be allowed to work or attend a recreational camp for children in any capacity which might bring him into contact with any camper at such camp.

430.152: Required Immunizations

Written documentation of immunization shall be required for all campers and staff as follows:

(A) For Campers and Staff under 18 Years Old:
(1) Measles, Mumps and Rubella (MMR) Vaccine: A minimum of one dose of MMR vaccine(s) must be administered at or after 12 months of age. A second dose of live measles-containing vaccine given at least four weeks after the first, is required for all campers and staff, who will be entering grades K-12 or college in the school year immediately following the camp session (or in case of an ungraded classroom or the camper/staff does not attend school/college, campers or staff five years of age or older). Laboratory evidence of immunity is acceptable.
(2) Polio Vaccine: A minimum of three doses of either inactivated polio vaccine (IPV) or oral polio vaccine (OPV) are required. If a mixed (IVP/OPV) schedule was used, four doses are required;
(3) Diptheria and Tetanus Toxoids and Pertussis Vaccine: A minimum of four doses of DTaP/DTP/DT or at least three doses of Td is required. Where a camper or staff person is seven or more years of age and requires additional immunizations to satisfy 105 CMR 430.152(A)(3), Td is to be substituted for DTaP, DTP or DT vaccine. Effective January 1, 2004, a booster dose of Td is required for all campers and staff who will be entering grades seven through ten (or in the case of an ungraded classroom or the camper or staff does not

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attend school, campers or staff 12 through 15 years of age) if it has been more than five years since the last dose of DTaP/DTP/DT. For all campers and staff who will be entering grades 11 and 12 (or in the case of an ungraded classroom or the camper or staff does not attend school, campers or staff 16 through 17 years of age) a booster of Td is required if it has been more than ten years since the last dose of DTaP/DTP/DT/Td.

(4) Hepatitis B: For all children born on or after January 1, 1992, three doses of Hepatitis B vaccine are required. Laboratory evidence of immunity is acceptable.

(B) For Camper and Staff 18 Years of Age or Older:

(1) Measles Vaccine: Unless born before 1957, two doses of live measles-containing vaccine administered at/or after 12 months of age (at least four weeks apart) are required Laboratory evidence of immunity is acceptable.

(2) Mumps Vaccine: Unless born before 1957, at least one dose of mumps vaccine administered at/or after 12 months of age is required. Laboratory evidence of immunity is acceptable.

(3) Rubella Vaccine: Unless born before 1957, at least one dose of rubella vaccine administered at/or after 12 months of age is required. Laboratory evidence of immunity is acceptable.

(4) Diphtheria and Tetanus Toxoids: At least three doses of DTaP/DTP/DT/Td are required. A booster dose of tetanus/diphtheria, adult type toxoid (Td) is required if more than ten years have elapsed since the last dose of DTaP/DTP/DT/Td vaccine.

430.153: Physical Examinations or Immunizations Excepted

(A) Religious Exceptions. If a camper or staff member has religious objections to physical examinations or immunizations, the camper or staff member shall submit a written statement, signed by a parent or legal guardian of the camper, to the effect that the individual is in good health and stating the reason for such objections.

(B) Immunization Contraindicated. Any immunization specified in 105 CMR 430.152 shall not be required if the health history required by 105 CMR 430.151 includes a certification by a physician that he or she has examined the individual and that in the physician's opinion the physical condition of the individual is such that his or her health would be endangered by such immunization.

430.154: Injury Reports

A report shall be completed on a form prescribed by the Massachusetts Department of Public Health for each fatality or serious injury as a result of which a camper or staff person is sent home, is brought to the hospital or physician's office and where a positive diagnosis is made. Such injuries shall include but shall not necessarily be limited to those where suturing or resuscitation is required, bones are broken, or the child is admitted to the hospital. A copy of each injury report shall be sent to the Massachusetts Department of Public Health within seven days of the occurrence of the injury.

430.155: Medical Log

Each recreational camp for children shall maintain a medical log which shall contain a record of all camper and staff health complaints and treatment. The medical log shall list the date, name of patient, complaint and treatment. The medical log shall be a bound book with pre-numbered pages in sequential order and lined pages. No lines shall be skipped and all entries shall be in ink.

430.156: Availability of Health Records and Logs

All medical records and logs shall be readily available to the health supervisor, camp nurse or camp doctor or other health personnel.

All medical records and logs shall be made available upon request to authorized representatives of the Massachusetts Department of Public Health and of the local board of health which licenses the camp. The Department of Public Health and the local board of health shall maintain the confidentiality of information relating to individual campers and staff.

430.157: Communicable Disease Reporting

The operator of a recreational camp for children shall be responsible for insuring that each case of any such communicable disease occurring in a camp is immediately reported to the local board of health. The report shall be made by the operator. Such report shall include the name and home address of any individual in the camp known to have or suspected of having such disease. Until action on such case has been taken by the camp health care consultant, strict isolation shall be maintained.

430.158: Reporting of Outbreak of Disease

The operator of a recreational camp for children shall be responsible for insuring that each suspected case of food poisoning or any unusual prevalence of any illness in which fever, rash, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom is reported immediately to the local board of health *and* to the Massachusetts Department of Public Health, verbally or by telegram or telephone. This report shall be made by the camp physician, or if there is no physician in attendance, by the camp nurse, or if there is no nurse in attendance, by the camp director or by the camp operator.

430.159: Health Care Staff to be Provided

The operator of each recreational camp for children shall provide:

(A) A designated Massachusetts licensed physician, nurse practitioner or physician assistant with pediatric training as the camp's health care consultant. The consultant shall:

(1) Assist in the development of the camp's health care policy as described in 105 CMR 430.159(B);
(2) Review and approve the policy initially and at least annually thereafter;
(3) Approve any changes in the policy;
(4) Review and approve the first aid training of staff;
(5) Be available for consultation at all times; and
(6) Develop and sign written orders to be followed by the on-site camp health supervisor in the administration of his/her health related duties.

(B) A written camp medical policy, approved by the local board of health and by the camp health care consultant. Such policy shall include, but not be limited to, daily health supervision, infection control, handling of health emergencies and accidents, available ambulance services, provision for medical, nursing and first aid services, the name of the designated on-site camp health supervisor, the name address and phone number of the camp health care consultant required by 105 CMR 430.159(A) and the name of the health supervisor required by 105 CMR 430.159(E), if applicable.

(1) Each full time staff member shall receive a copy of the policy and shall be trained in the program's infection control procedures and implementation of the policy during staff orientation.
(2) Prior to admitting a child to the camp, the parents shall be provided a copy of the policy pertaining to the care of mildly ill campers, administration of medication and the procedures for providing emergency health care. A complete copy of the policy shall be furnished to parents upon their request.

(C) A health supervisor, who is at least 18 years of age and is present at the camp at all times. The health supervisor shall be a Massachusetts licensed physician, physician assistant, nurse practitioner, registered nurse, licensed practical nurse, or other person specially trained in first aid. First aid training shall mean at least current certification in American Red Cross Standard First Aid, or its equivalent and CPR.

Primitive, Travel, and Trip Camps shall have at least one individual in addition to the health supervisor accompanying the campers, who is adequately trained to render first aid. Said individual shall possess at least current certification in Red Cross Standard First Aid, or its equivalent.

(D) In residential camps in which the total number of campers and staff is less than 150 and in all day camps, the health supervisor may have additional non-health related duties, but shall at all times be available at the camp to render emergency first aid.

430.159: continued

(E) In camps operated for children who are physically and/or mentally handicapped, medical specialty camps, residential camps for children where the total number of campers and staff is 150 or greater and at any other camp when so advised by the health care consultant described in 105 CMR 430.159(A), the health supervisor shall be;

(1) A nurse registered to practice in the Commonwealth;
(2) A physician licensed to practice in the Commonwealth;
(3) A nurse practitioner or physician assistant licensed to practice in the Commonwealth; or
(4) A Massachusetts licensed practical nurse.

430.160: Storage and Administration of Medication

(A) Medication prescribed for campers shall be kept in original containers bearing the pharmacy label, which shows the date of filling, the pharmacy name and address, the filling pharmacist's initials, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner, the name of the prescribed medication, directions for use and cautionary statements, if any, contained in such prescription or required by law, and if tablets or capsules, the number in the container. All over the counter medications for campers shall be kept in the original containers containing the original label, which shall include the directions for use.

(B) All medication prescribed for campers shall be kept in a locked storage cabinet used exclusively for medication, which is kept locked except when opened to obtain medication. The cabinet shall be substantially constructed and anchored securely to a solid surface. Medications requiring refrigeration shall be stored at temperatures of 38° to 42°F in a locked box, used exclusively for medications, and physically affixed to the refrigerator.

(C) Medication shall only be administered by the health supervisor or by a licensed health care professional authorized to administer prescription medications. If the health supervisor is not a licensed health care professional authorized to administer prescription medications, the administration of medications shall be under the professional oversight of the health care consultant. The health care consultant shall acknowledge in writing a list of all medications administered at the camp. Medication prescribed for campers brought from home shall only be administered if it is from the original container, and there is written permission from the parent/guardian.

(D) When no longer needed, medications shall be returned to a parent or guardian whenever possible. If the medication cannot be returned, it shall be destroyed as follows:

(1) Destruction of prescription medication shall be accomplished by the health care consultant, witnessed by a second person and recorded in a log maintained by the camp for this purpose. Said log shall include the name of the camper, the name of the medication, the quantity of the medication destroyed, and the date and method of destruction. The health care consultant and the witness shall sign each entry in the medication destruction log.
(2) The medication log shall be maintained for at least three years following the date of the last entry.

430.161: Emergency/Medical Facilities and Equipment

(A) The operator of each residential camp and each day camp shall provide a single facility identified as an infirmary or first aid facility. Such facility in a residential camp shall have an exterior light remaining lit all night which is visible from a distance.

(B) In every residential camp, space shall be designated for isolation of a child ill with a communicable disease or suspected of such illness or otherwise in need of quiet and rest, at a location suitably separated from the regular living and sleeping quarters so as to insure both quiet to the patient and safety to other persons. The space shall be suitably equipped and not utilized for any other purpose. An isolated child shall be provided with adequate adult supervision.

430.161: continued

(C) First aid supplies shall be readily available to the staff wherever the health care consultant deems necessary. Said determination shall be part of the written orders required by 105 CMR 430.159(A). First aid kits shall contain emergency first aid supplies to meet the needs of the campers and staff, including but not limited to non-perfumed soap, sterile gauze squares, compresses, adhesive tape, bandage scissors, triangular and rolled bandages, a mask with a one way valve, tweezers, a cold pack and barrier protection gloves, preferably of non-latex composition.

430.162: Personal Hygiene and Laundry

The operator shall provide adequate facilities and time in order that the campers and staff are encouraged to carry out good personal hygiene practices. Furthermore, he shall cause the personal laundry of each person in a residential camp who is in attendance for more than 14 consecutive days to be washed at least once every 14 days.

430.163: Protection From The Sun

The operator shall at all times encourage campers and staff to reduce exposure to ultraviolet exposure from the sun. Such measures shall include, but need not be limited to, encouraging the use of wide brim hats, long sleeve shirts, long pants, screens with a solar protection factor of 15 or greater and lip balm.

430.165: Tobacco Use

Tobacco use, if any, shall be restricted to designated areas not accessible to campers. An operator may designate a tobacco use area, but only if non-tobacco use areas are of sufficient size and capacity to accommodate non-users and is in compliance with local ordinance(s) regarding tobacco use.

430.190: General Program Requirements

(A) The operator of each recreational camp for children shall provide a program of activities and physical environment which shall meet the generally recognized needs of the campers and shall in no respect be in conflict with their best interests nor a hazard to their health and safety.

(B) The operator shall release campers only to the camper's parent or an individual designated in writing by the camper's parent unless alternative arrangements are approved in writing by the board of health.

(C) The operator shall print on any promotional literature or brochures the following, "This camp must comply with regulations of the Massachusetts Department of Public Health and be licensed by the local board of health."

(D) The operator shall inform parents at the time application forms are provided that they may request copies of background check, health care and discipline policies as well as procedures for filing grievances.

430.191: Requirements for Discipline

(A) Discipline and guidance shall be consistent and based upon an understanding of the individual needs and development of a child. The operator shall direct discipline to the goal of maximizing the growth and development of the children and for protecting the group and individuals within it.

(B) Prohibitions.
(1) Corporal punishment, including spanking, is prohibited;
(2) No camper shall be subjected to cruel or severe punishment, humiliation, or verbal abuse;
(3) No camper shall be denied food or shelter as a form of punishment;
(4) No child shall be punished for soiling, wetting or not using the toilet.

(C) The operator shall describe in writing, the camp's procedures for disciplining campers. The written plan shall also include the prohibitions of 105 CMR 430.191(B)(1) through (4).

430.201: Riflery Program Requirements

If riflery is a camp activity it shall be conducted with the following precautions:

(A) Firearms shall be kept in good condition and stored in a locked cabinet when not in use. Ammunition shall also be stored in a locked facility in a location separate from the firearms.

(B) Shooting ranges shall be located well away from other activity areas and shall be constructed in accordance with standards of the National Rifle Association.

(C) Single shot rifles shall be used and persons shall stay behind the firing line at all times except when ordered by the range instructor to retrieve targets.

430.202: Archery Program Requirements

If archery is a camp activity it shall be conducted with the following precautions:

430.202: continued

(A) Archery equipment shall be kept in good condition and stored under lock and key when not in use.

(B) The archery range shall be located in an area well away from other program activities, clearly marked to warn passersby away from the danger area. The shooting area shall be large enough to provide at least 25 yards (75m) of clearance behind each target. All bowmen shall fire from a common firing line. A ready line shall be marked at a sufficiently safe distance behind the firing line.

430.203: Personal Weapons Restricted

No personal weapons, bows, rifles or similar equipment shall be brought to camp without the camp operator's written permission. If articles of such nature are brought into camp, they shall be kept under lock by the camp operator or director and used by the owner only under the supervision of an individual who meets the requirements of 105 CMR 430.103(E) or (F), and in accordance with camp safety regulations.

430.204: Waterfront and Boating Program Requirements

The following waterfront safety requirements shall be observed:

(A) Swimming shall be prohibited at sites other than the permanent camp waterfront without the prior approval of the camp operator and the aquatics director required by 105 CMR 430.103(A).

(B) All bathing beaches utilized by the campers shall be in compliance with 105 CMR 445.000: *Minimum Standards for Bathing Beaches (State Sanitary Code, Chapter VII)*.

(C) A method of supervising and checking bathers such as the "buddy system" shall be established and enforced. A written "lost swimmer plan" shall be established and all staff shall know exactly what their duties are in case of an emergency at the waterfront.

(D) Swimming shall be prohibited during the hours of darkness unless adequate lighting is provided and swimming is restricted to shallow water.

(E) All piers, floats, and platforms shall be in good repair.

(F) Small craft shall be used only by a qualified person having permission of the aquatics director or camp director. No small craft shall be allowed in the swimming area unless operated by lifeguards on waterfront duty.

(G) All watercraft shall be equipped with U.S. Coast Guard approved personal flotation devices of types I, II, III or IV as prescribed for the specific type of craft and number and age of occupants. Water skiers shall wear a vest as approved by the U.S. Coast Guard for that particular activity. Watercraft towing a water skier shall have an observer aboard.

(H) Campers shall possess at least an American National Red Cross Level 4 or higher Program Certificate or its equivalent before being allowed to participate in either white water or hazardous salt water boating activities. All white water activities must be carried out on water determined to be no more difficult than Class III as defined by the International Scale of River Difficulty. No trips shall be taken on unclassified white water.

430.205: Crafts Equipment

Equipment used for arts and crafts shall be in good repair, of safe design, properly installed and used with proper safety precautions.

430.206: Playground and Athletic Equipment and Facilities Requirements

(A) Athletic equipment including but not limited to gymnastics apparatus, volleyball and/or basketball standards, football, hockey and soccer goals shall be set up and maintained in accordance with the manufacturer's standards.

430.206: continued

(B) All playing fields and surfaces shall be kept free of holes and other obstructions which may create an accident hazard.

(C) Playground equipment such as but not limited to climbing apparatus, slides, and swing sets shall:

(1) be in good repair and of safe design. Safe design includes being free of rough edges, protruding bolts and possibility of entrapment of extremities;
(2) be securely anchored to a concrete or other suitable footing;
(3) not have an asphalt or concrete surface under and around it; and
(4) have canvas or other pliable seats on swings.

430.207: Storage and Operation of Power Equipment

Power equipment shall not be stored, operated, or left unattended in areas accessible to the campers without proper safeguards. All power tools shall be stored in a locked place. Power tools and out board motors shall be used by campers only under the direction and supervision of counselors.

430.208: Horseback Riding Program Requirements

If horseback riding is a camp activity:

(A) A competent riding instructor (see 105 CMR 430.103(G)) shall determine each camper's riding experience and level of skill and take these into account in assigning horses and deciding whether the camper shall ride in the ring or on the trail. Each rider shall wear a hard hat at all times. At least one experienced instructor shall be assigned for every ten riders for each trail excursion, and a minimum of two staff members shall accompany any such excursion.

(B) All horses must be boarded in a stable licensed by the Board of Health in accordance with M.G.L. c. 111, §§ 155 and 158.

430.209: Telephones Required

All residential and day camps shall have immediate access to a telephone. The operator shall maintain and post by each phone a current roster of telephone numbers of the health care consultant described in 105 CMR 430.159(A) and of all police, emergency medical services and fire departments serving the camp.

430.210: Plans Required to Deal with Natural Disasters or other Emergencies (Residential and Day Camps)

The operator of each residential camp and each day camp shall develop written contingency plans and related procedures dealing with circumstances such as natural disasters and other emergencies and shall develop a written fire evacuation plan.

(A) Fire Drills. Fire drills shall be held within the first 24-hours of the beginning of each camping session. The fire evacuation plan shall be in writing and approved by the local fire department. The plan shall indicate the frequency of fire drills to be held during the camping season.

(B) Disaster Plan. Each camp shall have at the campsite a written disaster plan. All campers and staff shall be advised of the procedures contained in the plan. Arrangements for transporting individuals from the camp to emergency facilities shall be included in the plan.

(C) Lost Camper and Swimmers Plan. Lost camper and lost swimmer plans shall be formulated and kept on file. All staff shall be trained in the procedures contained in these plans. These plans shall be in writing.

(D) Traffic Control. A written plan relating to the control of the movement of vehicular traffic through the camp shall be on file.

430.211: Special Contingency Plans for Day Camps

Day camp operators shall set forth procedures to be followed in dealing with the following contingencies:

(A) Children who are registered and on the camp roll but fail to arrive for a given day's activities.

(B) Children who fail to arrive at the point of pickup following a given day's activities.

(C) Children who appear at camp without having registered and without prior notification.

430.212: Emergency Procedures - Primitive, Travel and Trip Camps

(A) The operator of each primitive, travel and trip camp shall establish a written day-to-day itinerary before departure, and shall provide a copy of this itinerary to the parent(s) or guardian(s) of each camper before departure.

(B) Sources of Emergency Care. The sources of emergency care such as hospitals, police and park patrol, and the method of communicating with them shall be identified for each point on the itinerary prior to departure, and shall be included in the written itinerary.

(C) Contingency Plan. Written contingency plans for natural disasters, lost campers, lost swimmers, illnesses and injuries shall be established and accompany the camp. Staff shall have the ability to carry out these plans.

430.213: Emergency Communication System Required

Each camp shall have a means of emergency communication so that all campers and staff recognize it as such and will elicit a pre-determined response. Such system may include but not necessarily be limited to a public address system, triangle, bell or voice.

430.214: Storage of Hazardous Materials

(A) Storage of Gasoline and Flammable Substances. The operator of each recreational camp for children shall cause containers for gasoline, kerosene, explosives and flammable materials to be plainly marked and stored in a locked building not occupied by campers or staff, and located at a safe distance from other buildings. Campers shall not have access to such locked buildings and the materials described above shall be used only under qualified supervision.

(B) Storage of Disinfectant and Other Hazardous Chemicals. The operator of each recreational camp for children shall cause containers for insecticides, disinfectants, and other hazardous chemicals to be plainly marked and stored in a locked closet or compartment separate from food storage areas and not accessible to campers.

430.215: Fire Prevention

The operator of each recreational camp for children shall provide such facilities, equipment, and fire breaks, for fire prevention and fire fighting, as may be recommended by the local fire department. A written statement of compliance from the local fire department shall be available to the local board of health which licenses the camp.

430.216: Smoke Detectors Required

Smoke detectors shall be required for existing and new residential units in accordance with 780 CMR 1216.0 (State Building Code) and may be either A.C. wired or battery operated. Tents and other temporary shelters which are designed to sleep less than eight persons and which have an open side consisting of greater than 1/6 of the perimeter of the shelter or which have built-in provisions for emergency escape are exempted from 105 CMR 430.216.

430.217: Requirements for Tents

Any tent purchased for use at a recreational camp shall be constructed of fire-retardant and non-toxic material. No open flames shall be used near any tent.

430.250: Vehicle Requirements

(A) Any motor vehicle used for the transportation of children enrolled in a camp program shall comply with the pertinent sections of M.G.L c. 90, in particular, §§ 7B and 7D and with all applicable regulations of the Massachusetts Registry of Motor Vehicles.

(B) Any vehicle used for transportation of children shall be annually inspected in accordance with the laws of the Commonwealth.

430.251: Transportation Safety

(A) Only that number of children or adults for whom there is seating space shall be transported in a vehicle, however, when loaded with passengers and gear, the gross weight of the vehicle including trailer tongue weight, shall not exceed the gross vehicle weight specified by the manufacturer regardless of whether or not the number of passengers is within the specified number of seats.

(B) Standing while in transit, sitting on the floors or in the aisles, riding in the open beds of trucks and projection of head or limbs outside of the vehicle are prohibited.

(C) All campers, attendants and driver shall utilize seat belts in accordance with Massachusetts laws;

(D) When more than eight campers under the age of five are being transported, and when transporting more than two campers with physical handicaps, an attendant other than the driver is required;

(E) When transporting campers, sharp, heavy or potentially dangerous objects shall not be transported unless they are securely restrained;

(F) The operator shall ascertain the nature or any need or problem of a child which may cause difficulty during transporting such as seizures, a tendency towards motion sickness and disabilities and shall communicate such information to the driver of any vehicle transporting campers;

(G) The driver of the vehicle shall release campers only to the camper's parent or an individual designated in writing by the camper's parent unless alternative arrangements are approved in writing by the parent;

(H) Campers under the age of seven shall not be regularly transported for periods longer than one hour, one way, between their home and the location of the camp.

430.252: Qualifications of Driver

(A) The driver of a vehicle transporting campers and staff shall be at least 18 years of age, have at least two year's driving experience as a licensed driver, possess the required license for the type of vehicle and possess a current American Red Cross Standard First Aid Certificate, or its equivalent. If there is a second staff person in the vehicle possessing the required first aid certification, the driver need not be so certified.

(B) The driver of any vehicle transporting children shall have a valid driver's license recognized by the Commonwealth.

430.253: Automobile Insurance

The operator shall not allow any camp-owned or staff member's vehicle to transport campers unless it has the following minimum amounts of liability insurance:

(1)	injury per person,	$100,000
(2)	injury per accident	$300,000
(3)	property damage	$5,000

430.300: Potable Water Required

(A) The operator of each recreational camp for children shall provide water of safe and sanitary quality in an amount and pressure necessary to meet the needs of the campers and staff and the requirements of 105 CMR 430.000. The water supply shall be obtained only from:

(1) A public water supply; or

(2) A private water supply meeting the following requirements:

(a) If the camp serves 25 or more persons, 60 or more days a year, the water supply shall be obtained from a source approved by the Department of Environmental Protection and subject to 310 CMR 22.00: *Drinking Water*.

(b) If the camp serves less than 25 persons, less than 60 days a year, the water shall be obtained from a private source meeting the following requirements and approved by the Board of Health:

1. Camps with a private source applying for a license after January 1, 2000, except those that have previously completed such testing, shall take and analyze a water sample for Volatile Organic Compounds, Inorganic Compounds, Radionuclides and any other contaminants identified by the Department of Environmental Protection in its document entitled, "Parameters and Testing Frequency for Private Wells". The results of these analyses must not exceed the Maximum Contaminant Level (MCL) or Action Level listed in the Massachusetts Drinking Water Regulations 310 CMR 22.00;

2. All licensed camps with a private source, no more than 45 days prior to the annual opening of camp, shall take and analyze a water sample for coliform bacteria, nitrate, nitrite, sodium and lead. The results of these analyses must not exceed the MCL or Action Level as listed in 310 CMR 22.00: *Drinking Water*; and

3. any other test and standard required by the Board of Health or the Department.

(B) In each residential, day or short term group camp adequate drinking facilities shall be provided and centrally located.

430.301: Installation and Maintenance of Plumbing

The operator shall install all pipes, pumps and other plumbing fixtures in accordance with 248 CMR (the Massachusetts State Plumbing Code) and shall maintain them in good working order.

430.302: Cross Connections Prohibited

The operator shall not permit any physical connection to exist between any pipe carrying drinking water and any waste pipe, soil pipe, service drain or any pipe carrying water from any source or system not approved by the Massachusetts Department of Environmental Protection (DEP), unless said connection is maintained in compliance with 310 CMR 22.22: *Cross Connections* promulgated by DEP, and said connection has been approved in writing by DEP.

430.303: Testing of Private Water Supplies

All chemical and bacterial analyses shall be conducted in a laboratory certified for that purpose by the Department of Environmental Protection. The results of the bacterial analyses shall be kept on file at the camp for five years. The results of the test for volatile organic compounds shall be retained until such time as subsequent test results are available. The result of any other chemical analysis shall be kept on file for ten years.

430.304: Common Drinking Cup Prohibited

The operator shall not make available nor permit the use of any common drinking utensil. Every drinking fountain shall be of a sanitary design and construction.

430.320: Compliance with 105 CMR 590.000 *State Sanitary Code Article X - Minimum Sanitation Standards for Food Establishments*, Required

The operator of each recreational camp for children which prepares and/or serves meals shall provide and maintain all food service areas and facilities in a sanitary manner and in compliance with applicable provisions of 105 CMR 590.000 *State Sanitary Code Article X - Minimum Sanitation Standards for Food Establishments*, and shall have a food service permit issued by the local board of health. The required permit to operate a food establishment shall be prominently posted in the food service facility.

430.321: Special Provisions for Primitive, Travel and Trip Camps

(A) All food taken with the camp, or purchased, or prepared en route by campers and/or staff, shall be appropriate to the length and type of trip, taking into consideration the lack of refrigeration and problems of sanitation that may be encountered.

(B) Commercially packaged dry milk products and dry egg products may be utilized but shall be consumed within one hour after being reconstituted, and shall be discarded if not consumed within one hour of being reconstituted.

430.330: Nutritious Meals to be Served

The operator of camps where food is prepared and/or served shall provide sufficient numbers of adequately trained personnel to plan, prepare and serve nutritionally adequate meals.

(A) Menus shall be planned and written at least two weeks in advance. The operator shall note on the menu any changes in the meal actually served.

(B) Current menus shall be posted and copies of all menus used during the season shall be kept on file.

(C) The menus shall be planned so as to provide for a sufficient variety of foods.

430.331: Minimum Daily Food Requirements for Camps Providing Three Meals

The operator of each recreational camp for children, all with the exception of day camps, shall provide at least three meals per day that are nutritious and suited to the special needs of the campers.

(A) Foods shall be served that meet the most recently revised "Recommended Dietary Allowances" of the Food and Nutrition Board, National Academy of Sciences, National Research Council, adjusted for age, sex and activity. The only exception shall be by written medical direction.

(B) The minimum daily food allowance offered to each camper shall be based on the following:
(1) Milk - 24 fluid ounces or equivalent as a beverage or in food preparation.
(2) Protein - two or more two ounce edible portions or its equivalent.
(3) Vegetables and Fruit - four or more servings per day including at least one serving of a fruit or vegetable high in ascorbic acid and a vegetable or fruit high in vitamin A at least every other day. Every effort should be made to incorporate the use of fresh fruits and vegetables whenever possible. Fruit flavored beverages with or without vitamins added shall not be considered a fulfillment of these requirements and the use thereof is discouraged.
(4) Bread, cereal or other grain product - four or more servings of enriched, restored or whole grain.

430.332: Minimum Daily Food Requirements for Day Camps

All day camps providing one or two meals per day shall serve meals that meet _ or _ respectively of the "Recommended Dietary Allowances" adjusted for age, sex and activity.

430.333: Therapeutic Diets

All camps which serve meals and accept campers who are on medically prescribed diets, including but not limited to weight reduction camps, shall provide food which adequately meets the requirements of such diets. All therapeutic diets shall:

(A) Be prescribed, dated (no earlier than two months before arrival at camp) and signed by a licensed physician;

(B) Be precise as to specific dietary requirements or limitations;

(C) Be planned, prepared and served with the consultation from a qualified dietitian; and

(D) Meet, if possible, the "Recommended Dietary Allowances" of the Food and Nutrition Board, National Academy of Sciences, National Research Council.

430.334: Feeding

(A) Adequate Staff and Equipment. All camps that accept physically, mentally, visually or emotionally handicapped campers shall provide sufficient numbers of adequately trained personnel and proper equipment to insure the campers are eating nutritionally adequate meals.

(B) Meals Shall Not Be Denied. No camper shall be denied a meal for any reason other than by written medical direction.

(C) Meals Shall Not Be Forced. Campers should be encouraged to eat a well balanced diet, but no camper shall be forced or otherwise coerced to eat against his will.

430.335: Meals Provided From Home

(A) The operator shall have a method of properly storing meals provided from home to maintain safe temperatures and to protect from contamination.

(B) The operator shall have a method for providing a nutritious meal to a camper who arrives at camp without a bag lunch.

430.350: Facilities for Solid Waste Storage

The operator of each recreational camp for children shall provide and maintain in a clean and sanitary condition as many receptacles for the storage of garbage and rubbish as are necessary to contain the accumulation between collections, and shall so locate them that no objectionable odors enter any facility used for habitation.

(A) Garbage and mixed garbage and rubbish shall be stored in water tight receptacles with tight fitting covers. Said receptacles and covers shall be of metal or other durable, rodent-proof material. Rubbish shall be stored in receptacles of metal or other durable rodent-proof material.

(B) Plastic bags shall be used to store garbage or mixed rubbish and garbage only if used as a liner in watertight receptacles with tight-fitting covers as required in 105 CMR 430.350(A), or placed in enclosures that are rodent, insect and pest proof. Plastic bags may be put out for collection on the day of collection except in those places where such practice is prohibited by local rule or ordinance or except in those cases where the board of health determines that such practice constitutes a health problem. For purposes of the preceding sentence, in making its determination the board of health shall consider, among other things, evidence of strewn garbage, torn garbage bags or evidence of rodents.

430.355: Final Disposal of Solid Wastes

The operator of each recreational camp for children shall be responsible for the final collection or ultimate disposal of garbage and rubbish by means of:

(A) the regular municipal collection system; or

(B) any other collection system approved by the board of health; or

(C) when otherwise lawful, a garbage grinder which grinds garbage into the kitchen sink drain finely enough to ensure its free passage, and is otherwise maintained in a sanitary condition; or

(D) when otherwise lawful, a garbage or rubbish incinerator located at the camp which is properly installed and is maintained so as to not create a safety or health hazard; or

(E) any other method of disposal which does not endanger any person and which is approved in writing by the board of health and the Department of Environmental Protection.

430.360: Sewage Disposal

The operator of each recreational camp for children shall provide for all waste waters a sanitary drainage system connected to the public sewerage system; provided, that if because of non-availability, distance or ground conditions, connection to a public sewerage system is not practicable, any other means of such disposal of sewage approved in writing by the board of health and in compliance with 310 CMR 15.00 or approved by the Massachusetts Department of Environmental Protection in compliance with 310 CMR 5.00 or 314 CMR 3.00 may be installed, as applicable.

430.370: Toilet Facilities Required

The operator of each recreational camp for children shall provide at least two toilets or privy seats for each sex, and,

(A) For each camp other than a day camp where the number of persons of one sex is in excess of 20, the operator shall provide one additional toilet or privy seat for each additional ten persons or fraction thereof of that sex.

(B) At a day camp where the number of persons of one sex is in excess of 60, the operator shall provide one additional toilet or privy seat for each additional 30 persons or fraction thereof of that sex.

430.371: Urinals May Be Substituted

For males, one urinal or two lineal feet (0.6m) of urinal trough may be substituted for up to _ of the number of toilets or privy seats required.

430.372: Location and Maintenance of Toilet Facilities

The operator of each recreational camp for children shall so locate the toilets so that they are not more than 200 feet (60m) from the door of the sleeping rooms of those people who are expected to use them. The operator shall provide an adequate supply of toilet paper and shall screen each window or other exterior opening with screening containing not less than 16 meshes per inch (2.54 cm). Every screen door shall be equipped with a self-closing device.

430.373: Handwashing Facilities

The operator of each recreational camp for children shall provide handwashing facilities and shall meet the following minimum requirements:

(A) Residential camps shall provide at least one lavatory or wash basin, or space for one person at an industrial-type lavatory, for every ten people.

430.373: continued

(B) Day camps shall provide at least one lavatory or wash basin or space for one person at an industrial-type lavatory, for every 30 people.

(C) Wash basins shall be located so as to facilitate their use, particularly after use of toilets.

430.374: Bathing Facilities

(A) Minimum Requirements - Residential Camps. The operator of each residential camp shall provide at least one shower head or bathtub for each 20 people. A bathtub/shower combination shall count as a single unit.

(B) Required Cleaning of Shower-Room Floor. The operator shall cause every shower-room floor to be washed daily with a suitable detergent and hot water. It is recommended that a rinse with a chlorine solution having a strength of not less than .05% available chlorine be used as an additional safeguard.

(C) Duckboards Prohibited. The operator shall not permit the use of wooden duckboards in a shower.

430.375: Ventilation Required

The operator shall provide for the ventilation of each toilet room, shower room and bathroom to the outdoors.

430.376: Hot Water Temperatures

Where hot water is provided to hand wash basins, lavatories, showers and bathtubs it shall not exceed 112°F (44°C) at the point of delivery.

430.377: Maintenance of Sanitary Facilities

The operator shall maintain all lavatories, wash basins, showers, bathtubs, and toilets in good working order and in a clean and sanitary condition.

430.378: Toilet Facilities for Special Needs Campers

Toilets used by campers with special toilet needs or practices shall be assured privacy and be provided with facilities that meet their needs.

430.379: Handwash Basins for Special Needs Campers

All wash basins or lavatories used by campers with special needs shall be so adapted as to allow for easy access and use.

430.380: Shower Facilities for Special Needs Campers

All showers or bathtubs used by campers with special needs will have aids such as chairs on casters, stools and footrests, non-slip surfaces, and flexible shower heads attached to hoses in order to provide for the increased independence of the campers and to make it easier and safer for the staff to assist the campers.

430.400: Rodent and Insect Control - Residential and Day Camps

(A) Buildings and Structures to be Maintained Free. The operator shall maintain every building used or intended for human habitation free from insect infestation, rodents, and other pests.

(B) Extermination Methods. Extermination methods and other measures to control insects and rodents shall conform with the requirements of 333 CMR (Pesticide Board of the Massachusetts Department of Agriculture).

430.401: Weed Control - Residential and Day Camps

(A) Harborage Places to be Controlled. The growth of brush, weeds grass and plants shall be controlled in central camp areas to minimize harborage of ticks, chiggers, and other insects which may adversely affect public health.

(B) Noxious Plants to be Controlled. The central camp area shall be maintained to prevent growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious plants considered detrimental to health.

430.430: Swimming Pools

The operator of each recreational camp for children shall insure that all swimming and wading pools used by campers and staff shall be in compliance with 105 CMR 435.00: *Minimum Standards for Swimming Pools (State Sanitary Code: Chapter V)*. A copy of the written approval to operate the pool, issued by the local board of health, shall be kept on file at the camp whether or not the swimming pool is located on the camp property or is part of the camp facility.

430.431: Swimming Pools to be Fenced

All swimming pools constructed after the effective date of 105 CMR 430.000 shall be enclosed by a fence five feet (1.5m) in height and firmly secured at ground level. If over five feet (1.5m) in height the fence shall be chain link. Such enclosures, including the gate therein shall not be less than five feet (1.5m) above the ground, and any gate shall be selflatching with latches placed four feet (1.2m) above the ground or otherwise made inaccessible from the outside to children up to eight years of age.

Any swimming pool constructed prior to the effective date of 105 CMR 430.000 shall have fencing so as to provide adequate protection against accidental injury or death to children and animals.

430.432: Bathing Beaches

(A) Physical and Bacteriological Water Quality. Bathing and swimming shall not be permitted at any bathing beach where such water is determined by the board of health, the Department of Public Health or the Department of Environmental Protection to be polluted or subject to pollution so as to constitute a menace to health if used for bathing or swimming purposes, or where:

(1) Sludge deposits, solid refuse, floating waste solids, oils, grease or scum are present; or

(2) A black disk, six inches (15.3cm) in diameter, on a white field placed at a depth of at least four feet (1.2m) of water is not readily visible from the surface of the water; or when, under normal usage, such disk is not readily visible from the surface of the water when placed on the bottom where the depth is less than four feet (1.2m); or

(3) A hazardous substance is discharged onto any bathing beach waters to a degree considered by the board of health, the Department of Public Health or the Department of Environmental Protection to be of public health significance; or

(4) The bacteriological quality of bathing beach waters indicates that sewage or other hazardous substance is being discharged onto the bathing and swimming areas; or that

(5) High bathing density has created a condition which is or may be dangerous to the public health. A coliform count over 1000 per ml. shall be considered a guide requiring additional investigation.

(B) Sampling. Bacterial sampling of bathing beaches shall be done in accordance with the requirements of 105 CMR 445.000. The results of the required testing shall be provided by the operator to the board of health within one business day of receipt from the testing laboratory.

(C) Diving Areas.

(1) There shall be a minimum water depth of ten feet (3m) for a one meter and 12 feet (3.6m) for a three meter diving board.

(2) For natural diving areas, the bottom shall be cleared of stumps, rocks, weeds and other obstacles.

430.432: continued

(3) Diving boards shall be mounted on a firm foundation and never on an insecure base that can be affected by shifting weight loads and wave action. The entire length of the toe surface of diving boards shall be covered with nonskid material. The front end of the board shall project at least six feet beyond the edge of the pool or dock. Clearance from the sides of the board shall be at least ten feet (3.0m), the distance between diving boards shall be at least eight feet (2.4m), and at least 13 feet (3.9m) of free and unobstructed head room shall be provided above all diving boards and platforms.

(4) There shall be an adequate number of stairs or ladders for all diving towers, platforms, and flats. All stairs and ladders shall be provided with a handrail. Treads of stairs and ladders shall be of non-slip material.

(D) Required Safety Equipment. For each 2000 square feet or major fraction thereof of water surface area used for bathing, the owner shall provide, in a readily accessible location, one ring with a minimum inside diameter of 15 inches (0.9m), weighing 2½ pounds (1.15kg) and with an attached ¼ inch (6.35mm) rope no less than 60 feet (18.3m) in length. All swimming pools and man-made swimming areas shall have at least one shepard's crook pole with a minimum handle length of 12 feet (3.6m).

430.450: Site Location

No person shall operate a recreational camp for children unless it is located:

(A) so as to be accessible at all times during the designated camping season;

(B) where surface drainage conditions create no health or safety hazard;

(C) where approved water supply and sewage disposal facilities can be and are provided; and

(D) where traffic conditions create no undue safety hazards.

430.451: Certificate of Occupancy Required

All camp structures used for sleeping or assembly purposes shall have a current certificate issued by the local building inspector (*See* 780 CMR: *State Building Code*). Furthermore, the buildings shall be easy to keep clean and have a roof which is weathertight and waterproof.

430.452: Screening Required

The operator of each recreational camp for children shall provide the exterior openings in every building used for food preparation, food service, and every permanent building used for sleeping, with screens containing not less than 16 meshes per inch (2.54cm). Screen doors will open in the direction of the flow of traffic out of the building. If no screen door is possible the building door shall be equipped with a self-closing device. Every screen door shall be equipped with a self-closing device. 105 CMR 430.000 shall not apply to areas used for outdoor cooking.

430.453: Lighting Required

The operator of each recreational camp for children shall provide adequate lighting for the safe and sanitary use of each kitchen, dining room, mess hall, infirmary, toilet room and stairway.

430.454: Maintenance of Floors

The operator of each recreational camp for children shall maintain the floors in all buildings used for sleeping, food preparation or food service, smooth, clean and free from chronic dampness. Except if a cellar exists, wooden floors in buildings used for human habitation shall be elevated no less than six inches (15.2cm) above average ground level, provided, the requirements of 780 CMR shall be followed in new construction or reconstruction at new or existing camps. The operator shall keep the space beneath the floors clean and free from obstruction.

430.455: Egresses Required

All egresses shall be in compliance with the requirements if 780 CMR: *The State Building Code.*

430.456: Egress to be Free of Obstructions

The operator of each recreational camp for children shall be responsible for maintaining all means of egress free of obstructions.

430.457: Shelters for Day Camps

The operator of each day camp shall provide shelter, on or off the site, sufficiently large to house and provide for on-going camp activities. Such structure shall comply with 105 CMR 430.451.

430.458: Shelters for Residential Camps

In all permanent buildings or structures space shall be so arranged as to provide a minimum of 40 square feet (3.7 square meters) of floor area for each person occupying a single bed. 35 square (3.2 square meters) of space shall be provided for each person occupying a two tiered (bunk) bed or for each person sleeping in a tent. 50 square feet (4.7 square meters) per person of sleeping space shall be required for persons needing special appliances or equipment such as wheelchairs or walkers for ambulation. Space shall include the area occupied by the bed, but shall not include space such as closets or bathrooms.

430.459: Non-ambulatory Campers

All campers and staff members with problems of mobility shall be housed on ground floor level with the egresses leading directly to grade or to a ramp inclined no greater than one foot (0.3m) in 12 feet (3.6m).

430.470: Separate Beds to be Furnished

The operator of each residential camp shall furnish in each sleeping cabin or tent a separate bed, bunk or cot for each camper or staff member. Sleeping shall be so arranged as to provide a minimum of three feet (0.9m) between sleepers if single decked and 4½ feet (1.3m) if double decked. A distance of at least six feet (1.8m) should be provided between the heads of sleepers. Triple decked beds shall not be used. 105 CMR 430.470 shall not apply to primitive, short-term group, travel and trip camps.

430.471: Sleeping Prohibited in Food Areas

The operator of each recreational camp for children shall not permit sleeping in kitchens or rooms used for food preparation, storage or service.

430.472: All Bedding and Towels to be Cleaned

The operator of each recreational camp for children shall maintain all operator-supplied mattresses and pillows in a clean and sanitary manner. Bedding and towels provided by the operator shall have been washed or dry cleaned prior to each issue.

(A) The operator shall cause sheets, towels, and pillow cases to be laundered, at least once a week whether they are operator or camper supplied. Sleeping bags shall be aired at least every five days.

(B) The operator shall not allow a common towel to be used.

430.631: Original License

An applicant for an original license under this section for a recreational camp for children shall file with the board of health at least 90 days prior to desired opening date, a plan showing the buildings, structures, fixtures and facilities, including the proposed source of water supply and works for the disposal of sewage and waste water which he plans to have upon said premises if and when the license may issue.

430.632: Board of Health Shall Grant, Suspend or Revoke License

The board of health shall grant, suspend or revoke licenses for recreational camps for children in accordance with the provisions of M.G.L. c. 140, §§ 32B and 32C. All licenses for recreational camps granted under 105 CMR 430.000 shall state the maximum number of occupants authorized for such camp and the capacity shall not be exceeded by the operator at any time. Upon the issuance of a license, the local board of health shall notify the Massachusetts Department of Environmental Protection and the Massachusetts Department of Public Health. Said notification shall include the name and address of the camp, the name of the owner, the number of campers and staff, and the number of days per year that the camp will be in operation.

430.633: Posting of License

The operator of each recreational camp for children shall post the license in a prominent place at the camp site.

430.650: Inspections Required

No recreational camp for children shall receive a license to operate in each year until it has been inspected by the local board of health and found by the board to meet all the requirements of 105 CMR 430.000. Provided, however, that a day camp timely applying for renewal of licensure, pursuant to M.G.L. c. 140, § 32B, may, at the discretion of the local board of health, be granted a license without prior inspection if:

(1) the camp is under the same ownership and directorship as the prior camping season;

(2) the camp has had a satisfactory inspection report the prior camping season;

(3) the board of health determines, based upon the record of the camp, that there is no evident risk to the health and safety of the campers; and

(4) the camp is subsequently inspected by the board of health within the camping season.

The local board of health shall also inspect a recreational camp for children at any time that the board has reason to believe that a violation or violations of 105 CMR 430.000 exist, or upon the request or complaint of any person.

430.651: Inspection Report Forms

The local board of health shall prepare for each inspection a written report which must include but need not be limited to the following:

(A) the name of the inspector;

(B) the date and time the of inspection or investigation;

(C) the location of the facility inspected;

430.651: continued

(D) the date and time of any scheduled follow-up inspection;

(E) a description of each condition constituting a violation of 105 CMR 430.000; and

(F) a listing of each specific provision of 105 CMR 430.000 that appear to be violated.

A copy of the inspection report shall be completed and mailed or delivered to the operator within seven days of the day of inspection.

430.700: Orders to Correct Violations

If an examination pursuant to 105 CMR 430.650 or pursuant to 105 CMR 400.100: *State Sanitary Code Chapter I: General Administrative Procedures* reveals that a recreational camp for children does not comply with the provisions of 105 CMR 430.000, the local board of health shall order the operator to comply with the violated provision of 105 CMR 430.000.

430.701: Violation Which May Endanger or Materially Impair the Health, Safety or Well-Being of the Public

If an examination pursuant to 105 CMR 430.650 or pursuant to 105 CMR 400.100: *State Sanitary Code Chapter I: General Administrative Procedures* reveals that any condition at a recreational camp for children fails to comply with the provisions of 105 CMR 430.000 so as to endanger or materially impair the health, safety, or well being of the occupants or the public, the local board of health shall order the operator to comply with 105 CMR 430.000 or may order any building condemned and vacated if appropriate or may order the camp program to be terminated.

430.702: Contents of Order

Subject to the emergency provisions of 105 CMR 400.200(B), any order issued under the provision of 105 CMR 430.000 shall:

(A) Include a statement of the violation or defect, a citation of the provision which is violated, and may suggest action which if taken will effect compliance with 105 CMR 430.000; and

(B) allot a reasonable time for any action it requires; and

(C) inform the person to whom it is directed of the right to a hearing; of the deadline and proper procedure for requesting a hearing; the right to inspect and obtain copies of all relevant inspection or investigation reports, orders, notices and other documentary information in the possession of the board of health; the right to be represented at the hearing and that any interested person has a right to appear at said hearing and present evidence, testimony or argument.

430.703: Service of Orders

Every order authorized by 105 CMR 430.000 shall be in writing. Orders issued under the provisions of 105 CMR 430.700 and 430.701 shall be served on the operator or his authorized agent:

(A) personally, by any person authorized to serve civil process, or

(B) by leaving a copy of the order at his last and usual place of abode, by any person authorized to serve civil process, or

(C) by sending him a copy of the order by registered or certified mail, return receipt requested, if he is within the Commonwealth, or

(D) if his last and usual place of abode is unknown or outside the Commonwealth, by posting a copy of the order in a conspicuous place on or about the building or portion thereof affected.

430.730: Request for Hearing

The person or persons to whom any order served pursuant to 105 CMR 430.700 and 430.701 has been directed may request a hearing before the local board of health by filing within seven days after the day the order was served in the office of the board of health a written petition requesting a hearing on the matter.

430.731: Hearing to be Held

Upon receipt of a petition pursuant to 105 CMR 430.730 the board of health shall set a time and a place for such hearing and shall inform the petitioner thereof in writing. The hearing shall be commenced not later than ten days after the day on which the petition was filed; provided, that upon application of the petitioner the board of health may postpone the date of the hearing for a reasonable time beyond such ten-day period if in the judgment of the board of health the petitioner has submitted a good and sufficient reason for such postponement. At the hearing the petitioner shall be given an opportunity to be heard and to show why the order should be modified or withdrawn.

430.732: Decision of Board of Health

The board of health shall sustain modify, or withdraw the order and shall inform the petitioner in writing of its decision within seven days after the conclusion of the hearing. If the board of health sustains or modifies the order, it shall be carried out within the time period allotted in the original order or in the modification.

430.733: Public Record

Every notice, order or other record prepared by the board of health in connection with the hearing shall be entered as a matter of public record in the office of the clerk of the city or town, or in the office of the board of health.

430.734: Appeal of the Board of Health Decision

Any person aggrieved by the decision of the board of health with respect to the provisions of 105 CMR 430.000 may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth.

430.735: Compliance

If a written petition for a hearing is not filed in the office of the local board of health within seven days after an order as provided in 105 CMR 430.700 and 430.701 through 430.703 inclusive has been issued, or if after a hearing the order has been sustained in any part, each day's failure to comply with the order as issued or modified shall constitute an additional offense.

430.750: Operation Without License

Whoever operates a recreational camp for children without a license shall upon conviction be fined not less than $10 nor more than $100 in accordance with M.G.L. c. 140, § 32E.

430.751: Failure to Comply with Order of the Board of Health

Any person who fails to comply with any order issued pursuant to 105 CMR 430.000 shall upon conviction be fined not less than $10 nor more than $100. Each day's failure to comply with an order shall constitute a separate violation.

430.752: Failure to Comply with Provisions of 105 CMR 430.000

Any person who shall violate any provision of 105 CMR 430.000 shall upon conviction be fined not less than $10 nor more than $100.

430.800: Board of Health May Grant Variance

The local board of health may vary the application of any provision of 105 CMR 430.000 with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice; provided, that the decision of the board of health shall not conflict with the intent and spirit of these minimum standards. Any variance or other modification authorized to be made by 105 CMR 430.000 may be subject to such qualification, revocation, suspension, or expiration as the board of health expresses in its grant. A variance or other modification authorized to be made by 105 CMR 430.000 may otherwise be revoked, modified, or suspended in whole or in part, only after the holder thereof has been notified in writing and has given the opportunity to be heard, in conformity with the requirements for an order and hearing as required by 105 CMR 430.000.

430.801: Variance to be in Writing

Any variance granted by the board of health shall be in writing. A copy of any such variance shall, while it is in effect, be available to the public at all reasonable hours in the office of the clerk of the city or town, or in the office of the board of health, and notice of the grant of variance shall be filed with the Commissioner of Public Health of the Commonwealth. A copy of any variance shall also be posted in the office of the recreational camp for children.

430.830: Severability

In the event that any section of 105 CMR 430.000 is found to be invalid or unconstitutional, the remaining sections shall not be affected.

REGULATORY AUTHORITY

105 CMR 430.000: M.G.L. c. 111, §§ 3 and 127A.

NON-TEXT PAGE