

**SUBSTITUTE FOR  
SENATE BILL NO. 692**

A bill to provide for the protection of certain individuals through the licensing and regulation of certain camps and camp programs; to provide for the establishment of standards of certain camps and camp programs; to require the promulgation of rules; to provide for the powers and duties of certain state and local governmental officers and entities; to create the camp licensing fund and to provide for contributions to and expenditures from the fund; to provide certain immunity from liability; and to prohibit certain conduct regarding reporting and provide penalties.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act may be cited as the "camp licensing act".

2           Sec. 2. As used in this act:

3           (a) "Administrator" means an individual that has oversight of

1 day-to-day camp management and ensures compliance with this act and  
2 rules promulgated under this act.

3 (b) "Adult camper" means an individual who is 18 years of age  
4 or older, who attends a residential camp, and who has a mental  
5 health disorder, is developmentally disabled, or is physically  
6 disabled.

7 (c) "Camp" means a day camp, residential camp, travel camp, or  
8 campsite.

9 (d) "Camp program" means a program that receives more than 4  
10 campers for care and supervision, apart from the camper's parents,  
11 relatives, or guardians, for 5 or more days in a 14-day period,  
12 stationed in a campsite or as a travel camp.

13 (e) "Camper" means a youth camper or an adult camper.

14 (f) "Campsite" means the area of a natural environment located  
15 where a residential camp or day camp primarily operates, including,  
16 but not limited to, land, bodies of water, indoor and outdoor  
17 facilities, furnishings, and installations that support outdoor  
18 living or activities.

19 (g) "Care" means continual responsibility of the licensee to  
20 take reasonable action to ensure the health, safety, and well-being  
21 of a camper while attending camp, including protection from  
22 physical harm, emotional harm, and personal exploitation under the  
23 supervision of the licensee or staff of the licensee.

24 (h) "Conviction" means a final conviction, the payment of a  
25 fine, a plea of guilty or nolo contendere if accepted by the court,  
26 a finding of guilt for a criminal law violation or a juvenile  
27 adjudication or disposition by the juvenile division of probate  
28 court or family division of circuit court for a violation that if  
29 committed by an adult would be a crime, or a conviction in a tribal

1 court or a military court.

2 (i) "Criminal history check" means a fingerprint-based  
3 criminal history record information background check through the  
4 department of state police and the Federal Bureau of Investigation,  
5 including, but not limited to, latent fingerprint searches.

6 (j) "Criminal history record information" means that term as  
7 defined in section 1a of 1925 PA 289, MCL 28.241a.

8 (k) "Day camp" means a camp program for youth campers located  
9 at a campsite where care and supervision are provided each day for  
10 more than 4 hours a day with no overnight sleeping.

11 (l) "Department" means the department of lifelong education,  
12 advancement, and potential, except, with respect to the licensing  
13 and regulatory matters of a residential camp for adult campers, the  
14 department means the department of licensing and regulatory  
15 affairs.

16 (m) "Developmentally disabled" means a severe and chronic  
17 disability that causes physical, learning, or behavioral  
18 impairment, that begins during an individual's developmental  
19 period, that usually lasts throughout an individual's lifetime, and  
20 that causes an individual to require care and supervision overseen  
21 by a parent or guardian.

22 Sec. 3. (a) "Guardian" means an individual granted authority  
23 over another individual by legal instrument or court of law.

24 (b) "Guest" means an individual at a camp, regardless of the  
25 individual's role, who is supervised by an adult staff member when  
26 campers are at camp.

27 (c) "High-risk special investigation" means an investigation  
28 that the department conducts regarding 1 or more of the conditions  
29 listed in section 8(3) of the child protection law, 1975 PA 238,

1 MCL 722.628.

2 (d) "Ineligible conviction" means any of the following:

3 (i) A conviction for any of the following crimes unless 15  
4 years or more have lapsed from the date the convicted individual  
5 completed all of the terms and conditions of sentencing for that  
6 conviction before the date of application for employment, the date  
7 of granting clinical privileges, or the date of the execution of a  
8 contract:

9 (A) A felony that involves the intent to cause death or  
10 serious impairment of a body function, that results in death or  
11 serious impairment of a body function, that involves the use of  
12 force or violence, or that involves the threat of the use of force  
13 or violence.

14 (B) A felony involving cruelty or torture.

15 (C) A felony under chapter XXA of the Michigan penal code,  
16 1931 PA 328, MCL 750.145m to 750.145r.

17 (D) A felony involving criminal sexual conduct.

18 (E) A felony involving abuse or neglect or a misdemeanor  
19 involving abuse or neglect of a vulnerable adult.

20 (F) A felony involving the use of a firearm or dangerous  
21 weapon.

22 (G) A felony involving the diversion or adulteration of a  
23 prescription drug or other medication.

24 (H) A felony under section 227b of the Michigan penal code,  
25 1931 PA 328, MCL 750.227b.

26 (I) A state or federal crime that is similar to a crime listed  
27 under sub-subparagraph (A) to (H).

28 (ii) Except for a conviction described under subparagraph (i), a  
29 conviction for any of the following crimes unless 10 years or more

1 have lapsed from the date the convicted individual completed all of  
2 the terms and conditions of sentencing for that conviction before  
3 the date of application for employment, the date of granting  
4 clinical privileges, or the date of the execution of a contract:

5 (A) A misdemeanor under chapter XXA of the Michigan penal  
6 code, 1931 PA 328, MCL 750.145m to 750.145r.

7 (B) A misdemeanor involving criminal sexual conduct.

8 (C) Except as provided in subparagraph (iv) (A), a misdemeanor  
9 involving cruelty or torture.

10 (D) A misdemeanor involving abuse or neglect.

11 (E) A misdemeanor involving a vulnerable adult as a victim.

12 (F) A misdemeanor or felony for a violation of this act.

13 (G) A state or federal misdemeanor that is similar to a  
14 misdemeanor listed under sub-subparagraph (A) to (F).

15 (H) A felony other than a felony for nonpayment of child  
16 support.

17 (iii) Except for a conviction described under subparagraph (i)  
18 or (ii), a conviction for any of the following misdemeanors unless 5  
19 years or more have lapsed from the date of conviction to the date  
20 of application for employment, the date of granting clinical  
21 privileges, or the date of the execution of a contract:

22 (A) A misdemeanor involving cruelty if the individual was less  
23 than 16 years of age at the time of the conviction.

24 (B) A misdemeanor involving embezzlement.

25 (C) A state or federal misdemeanor that is similar to a  
26 misdemeanor listed under sub-subparagraph (A) or (B).

27 (iv) Except for a conviction described under subparagraph (i)  
28 or (ii), a conviction for any of the following misdemeanors unless 3  
29 years or more have lapsed from the date of conviction to the date

1 of application for employment, the date of granting clinical  
2 privileges, or the date of the execution of a contract:

3 (A) A misdemeanor involving assault.

4 (B) A misdemeanor under part 74 of the public health code,  
5 1978 PA 368, MCL 333.7401 to 333.7461, if the individual convicted  
6 was 18 years of age or older at the time of the conviction.

7 (C) A misdemeanor involving the possession or delivery of a  
8 controlled substance, if the individual convicted was 18 years of  
9 age or older at the time of the conviction.

10 (D) A state or federal misdemeanor that is similar to a  
11 misdemeanor listed under sub-subparagraph (A) to (C).

12 (v) Except for a conviction described under subparagraphs (i)  
13 to (iii), a misdemeanor under part 74 of the public health code, 1978  
14 PA 368, MCL 333.7401 to 333.7461, or any other misdemeanor  
15 involving the possession or delivery of a controlled substance, if  
16 the individual was less than 18 years of age at the time of the  
17 conviction.

18 (vi) An order or disposition under section 16b of chapter IX of  
19 the code of criminal procedure, 1927 PA 175, MCL 769.16b.

20 (vii) A substantiated finding of neglect, abuse, or  
21 misappropriation of resident property by an agency of this state or  
22 a federal agency under 42 USC 1395i-3 or 1396r.

23 (e) "Legal entity" means a governmental entity, sole  
24 proprietorship, partnership, corporation, limited liability  
25 company, or any other nongovernmental entity authorized to conduct  
26 business in this state.

27 (f) "Licensee" means an individual or legal entity that has  
28 been issued a license under this act to operate a camp.

29 (g) "Licensee designee" means the individual designated in

1 writing by a legal entity to act on behalf of the legal entity on  
2 licensing matters. The individual must agree in writing to be  
3 designated as the licensee designee.

4 (h) "Listed offense" means that term as defined in section 2  
5 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

6 (i) "Mental health disorder" means a diagnosed mental health  
7 condition or disorder that affects an individual's mood, thinking,  
8 and behavior, and that causes an individual to require care and  
9 supervision overseen by a parent or guardian.

10 Sec. 4. (a) "Natural environment" means an out-of-doors  
11 setting where a camp is run at least 51% of the time.

12 (b) "Noncompliance" means a violation of this act, rules  
13 promulgated under this act, or the terms of a license.

14 (c) "Physically disabled" means a diagnosed, substantial, and  
15 long-term condition that affects a part of an individual's body,  
16 that impairs and limits that individual's physical functioning,  
17 mobility, stamina, or dexterity, and that causes an individual to  
18 require care and supervision overseen by a parent or guardian.

19 (d) "Program director" means an individual that assists with  
20 the management of the day-to-day operations for a camp program or  
21 campsite.

22 (e) "Provisional license" means a license issued to a camp  
23 that is temporarily unable to conform to the rules promulgated  
24 under this act.

25 (f) "Regular license" means a license issued indicating that  
26 the camp is in substantial compliance with this act and all rules  
27 promulgated under this act.

28 (g) "Relative" means in the relationship by blood, marriage,  
29 or adoption, as parent, grandparent, great-grandparent, great-

1 great-grandparent, aunt or uncle, great-aunt or great-uncle, great-  
2 great-aunt or great-great-uncle, sibling, stepsibling, nephew or  
3 niece, first cousin or first cousin once removed, and the spouse of  
4 any of the individuals described in this definition, even after the  
5 marriage has ended by death or divorce.

6 (h) "Residential camp" means a camp program conducted at a  
7 campsite that provides care and supervision to either adult campers  
8 or youth campers each day for at least 12 hours a day with  
9 overnight sleeping.

10 (i) "Staff member" means either a paid employee or volunteer  
11 of a camp who may have unsupervised access to campers.

12 (j) "Substantial noncompliance" means repeated violation or  
13 noncompliance of this act, rules promulgated under this act, or  
14 terms of a license that may jeopardize the health, safety, care,  
15 treatment, maintenance, or supervision of campers.

16 (k) "Supervision" means a licensee's continual responsibility  
17 to reasonably know, commensurate on a camper's maturity, physical  
18 condition, or mental abilities, the whereabouts and management of  
19 the camper.

20 (l) "Temporary license" means an original license issued to a  
21 camp, before operation, conveying that the camp is compliant with  
22 all statutes and rules promulgated under this act.

23 (m) "Terms and conditions of sentencing" means all terms and  
24 conditions of sentencing, parole, and probation for a conviction.  
25 Terms and conditions of sentencing excludes the payment of fines,  
26 costs, or restitution.

27 (n) "Travel camp" means a camp program that provides care and  
28 supervision to youth campers in a natural environment for 12 or  
29 more hours a day with overnight sleeping and is not stationed at a

1 specific campsite.

2 (o) "Willful noncompliance" means conduct that an applicant or  
3 licensee knew or had reason to know was a violation of this act,  
4 rules promulgated under this act, or the terms of a license.

5 (p) "Youth camper" means a child of at least 3 but less than  
6 18 years of age who receives care and supervision.

7 Sec. 5. (1) The department must promulgate rules for the care  
8 and supervision of youth campers in accordance with the  
9 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
10 24.328.

11 (2) The department of licensing and regulatory affairs must  
12 promulgate rules for the care and supervision of adult campers in  
13 accordance with the administrative procedures act of 1969, 1969 PA  
14 306, MCL 24.201 to 24.328.

15 (3) Rules promulgated under this section must include only the  
16 following standards and conduct:

17 (a) The operation and conduct of camps and the responsibility  
18 the camps assume for care and supervision of a youth camper or  
19 adult camper.

20 (b) The suitability, health, training, and qualifications of  
21 applicants and other persons directly responsible for the care and  
22 supervision of youth campers or adult campers served.

23 (c) The general financial ability and competence of applicants  
24 to provide necessary care and supervision for youth campers or  
25 adult campers and to maintain prescribed standards.

26 (d) The number of individuals or staff required to ensure  
27 adequate care and supervision of the youth campers or adult campers  
28 received.

29 (e) The appropriateness, safety, cleanliness, and general

1 adequacy of the premises, including maintenance of adequate fire  
2 prevention and health standards to provide for the physical  
3 comfort, care, and well-being of the youth campers or adult campers  
4 received.

5 (f) Provisions for food, clothing, educational opportunities,  
6 camp programs, equipment, and individual supplies to ensure the  
7 healthy physical, emotional, and mental development of youth  
8 campers or adult campers served.

9 (g) Provisions to safeguard the legal rights of youth campers  
10 or adult campers served.

11 (h) Maintenance of records pertaining to admission, progress,  
12 health, and discharge of youth campers or adult campers.

13 (i) Requirements for filing reports with the department.

14 (j) Appropriate behavior management of youth campers or adult  
15 campers.

16 (k) Standards for transportation safety.

17 (l) The inspection process for camps with deemed status.

18 (4) Before promulgating rules under subsection (1) or amending  
19 rules promulgated under subsection (1), the department shall seek  
20 input from individuals that would be impacted by the rules,  
21 including, but not limited to, any of the following:

22 (a) A representative of a camp organization.

23 (b) A parent or guardian of a child impacted by this act.

24 (c) An employee from the bureau of fire services.

25 (d) An employee from the department of health and human  
26 services.

27 (5) The department shall review and consider any proposed rule  
28 changes the department receives.

29 Sec. 6. (1) The rules promulgated by the department under this

1 act apply to the department, the bureau of fire services, and local  
2 authorities in the inspection of and reporting on camps covered by  
3 this act. The inspection of camps must be completed by department  
4 staff, the bureau of fire services, or local authorities upon  
5 request of the department, or according to subsection (2).

6 (2) If an inspection is not conducted according to subsection  
7 (1), a person owning or operating or who proposes to own or operate  
8 a camp may enter a contract with a local authority or other person  
9 qualified by the department to conduct an inspection according to  
10 subsection (1) and pay for that inspection after an inspection is  
11 completed according to this subsection.

12 (3) Inspection reports completed by state agencies and local  
13 authorities must be furnished to the department and become a part  
14 of its evaluation for licensing of camps. After careful  
15 consideration of the reports and consultation where necessary, the  
16 department shall assume responsibility for the final determination  
17 of the issuance, denial, revocation, or provisional nature of  
18 licenses issued under this act. A report of findings must be  
19 furnished to the applicant or licensee.

20 Sec. 7. (1) Within 24 hours after a camp receives notice that  
21 a high-risk special investigation is being conducted by the  
22 department, the camp shall make a good-faith effort to make oral  
23 notification to each parent or guardian of 1 or more of the  
24 following:

25 (a) Children who were under the camp care and supervision at  
26 the site and the time the incident being investigated occurred.

27 (b) If the individual being investigated is present at the  
28 camp at the time of the investigation, children who have or will  
29 come into contact with the individual being investigated as long as

1 that individual is present at the camp.

2 (2) The camp shall send written notification within 1 business  
3 day after the initial good-faith attempt under subsection (1) of  
4 oral notification. Written notification shall be given by 1 of the  
5 following:

6 (a) Mail service.

7 (b) Facsimile transmission.

8 (c) Email.

9 (d) Text message.

10 (3) If the department determines that a camp is not complying  
11 with either notification requirement in subsection (1) or (2), the  
12 department may suspend the camp license.

13 (4) If, upon completion of the high-risk special  
14 investigation, the department decides that there are no  
15 substantiated rule violations, the department shall provide the  
16 camp with written notification of that determination that the camp  
17 may share with the parents or guardians described in subsection  
18 (1).

19 Sec. 8. An inspection under this act must be unannounced,  
20 unless the department, in its discretion, considers it necessary to  
21 schedule an appointment for an inspection.

22 Sec. 9. The department shall provide consultation to camps to  
23 assist them in meeting the requirements of this act and the rules  
24 promulgated under this act. The department shall offer assistance,  
25 training, and education, within fiscal limitations, upon request,  
26 in developing methods for the improvement of service.

27 Sec. 10. (1) An individual or legal entity shall not establish  
28 or maintain a camp unless licensed by the department. An  
29 application for a license must be made on forms provided, and in

1 the manner prescribed, by the department. Before issuing or  
2 renewing a license, the department shall investigate the  
3 applicant's activities and proposed standards of care and  
4 supervision and shall make an on-site visit of the proposed or  
5 established camp as provided under section 17(3). Except as  
6 otherwise provided under this subsection, if the department is  
7 satisfied that the services and facilities are conducive to the  
8 care and supervision of campers, the department shall issue or  
9 renew the license, as applicable.

10 (2) Except as provided in section 11(6), the department shall  
11 not issue or renew the license of a camp under this act if a  
12 criminal history check required under section 11 has not been  
13 completed. If a criminal history check performed under section 11  
14 or information obtained because of notification from the department  
15 of state police under section 13 reveals that a licensee, licensee  
16 designee, administrator, or program director of a camp has been  
17 convicted of an ineligible conviction, the department shall not  
18 issue a license to that applicant. If a criminal history check  
19 performed under section 11 or information obtained because of  
20 notification from the department of state police under section 13  
21 reveals that a licensee, licensee designee, administrator, or  
22 program director seeking renewal of a license under this act has  
23 been convicted of an ineligible crime, the department shall not  
24 renew that license. If a criminal history check performed under  
25 section 11 or information obtained because of notification from the  
26 department of state police under section 13 reveals that a current  
27 licensee has been convicted of an ineligible crime, the department  
28 shall revoke the license of that licensee.

29 Sec. 11. (1) Except as provided in subsection (6), when 1 or

1 more of the following occurs, the department shall request the  
2 department of state police to perform a criminal history check on  
3 the individual, licensee, licensee designee, administrator, and  
4 program director of the camp, as applicable:

5 (a) An individual or legal entity applies for a camp license  
6 under section 10.

7 (b) A new licensee, licensee designee, administrator, or  
8 program director of a camp is appointed.

9 (2) Each person applying for a license to operate a camp and  
10 each person who may serve as a licensee designee, administrator, or  
11 program director of the camp must give written consent at the time  
12 of the license application for the department of state police to  
13 conduct the criminal history check required under this section. The  
14 department shall require the person to submit the person's  
15 fingerprints to the department of state police and the Federal  
16 Bureau of Investigation for the criminal history check described in  
17 subsection (1).

18 (3) The department shall request a criminal history check  
19 required under this section on a form and in the manner prescribed  
20 by the department of state police.

21 (4) Within a reasonable time after receiving a complete  
22 request by the department for a criminal history check on a person  
23 under this section, the department of state police must conduct the  
24 criminal history check and provide a report of the results to the  
25 department. The report shall contain any criminal history record  
26 information on the person maintained by the department of state  
27 police and the Federal Bureau of Investigation.

28 (5) The department of state police may charge the licensee or  
29 applicant a fee for a criminal history check required under this

1 section that does not exceed the actual and reasonable cost of  
2 conducting the check.

3 (6) If a person, licensee, licensee designee, administrator,  
4 or program director of a camp applying to renew a license to  
5 operate a camp has previously undergone a criminal history check  
6 required under subsection (1) and has remained continuously  
7 affiliated with the same licensee after the criminal history check  
8 has been performed and section 13 continues to apply, that person,  
9 licensee, licensee designee, administrator, or program director of  
10 a camp is not required to submit to another criminal history check  
11 upon renewal of the license obtained under section 8.

12 (7) Application fees for an individual or legal entity  
13 licensed or seeking licensure under this act for a temporary or  
14 renewal license are as follows:

15 (a) Camp program..... \$120.00

16 (b) Campsite..... \$120.00

17 (8) The camp licensing fund is created in the department. The  
18 money received from fees under this section must be deposited in  
19 the camp licensing fund. The state treasurer shall direct the  
20 investment of money in the fund and credit interest and earnings  
21 from the investments to the fund.

22 (9) Money in the camp licensing fund at the close of the  
23 fiscal year does not lapse to the general fund.

24 (10) The department is the administrator of the camp licensing  
25 fund for audits of the fund. The department shall expend money from  
26 the fund on appropriation to implement the licensing requirements  
27 under this act.

28 Sec. 12. (1) Before a camp allows a staff member to have  
29 unsupervised contact with a camper and at least annually

1 thereafter, the camp shall perform a background check on that staff  
2 member using the department of state police's internet criminal  
3 history access tool (ICHAT) or equivalent to check on that staff  
4 member from the state or country of residence.

5 (2) If a search of the department of state police's ICHAT or  
6 equivalent check on the individual or staff member from the state  
7 or country of residence reveals that the staff member described in  
8 subsection (1) has been convicted of a listed offense, the camp  
9 shall rescind an offer of employment or terminate that employee's  
10 employment. If a subsequent search of the department of state  
11 police's ICHAT reveals that a current staff member has been  
12 convicted of a listed offense, the camp shall not continue to  
13 employ that individual.

14 (3) If a search of the department of state police's ICHAT or  
15 equivalent check on the staff member from the state or country of  
16 residence reveals that the staff member described in subsection (1)  
17 has been convicted of any crime other than a listed offense, the  
18 licensee or licensee designee shall complete a written evaluation  
19 of each conviction. The evaluation must address the nature of the  
20 conviction, the length of time since the conviction, and the  
21 relationship of the conviction to the regulated activity to  
22 determine whether the prospective staff member is suitable for  
23 unsupervised access to campers.

24 (4) A camp may pass along the actual cost of a search of the  
25 department of state police's ICHAT or equivalent check on that  
26 person from the state or country of residence to the staff member  
27 or applicant on whom the search is being performed.

28 Sec. 13. (1) The department of state police shall store and  
29 retain all fingerprints submitted under this act in this state's

1 automated fingerprint identification system database that provides  
2 for an automatic notification at the time a subsequent criminal  
3 arrest fingerprint card submitted into the system matches a set of  
4 fingerprints previously submitted in accordance with this act. Upon  
5 that notification, the department of state police shall immediately  
6 notify the department, and the department shall immediately contact  
7 the respective camp with which that individual is associated. The  
8 criminal history record information must only be released to the  
9 individual to whom the criminal history record information  
10 pertains. Information in the database retained under this section  
11 is confidential, is not subject to disclosure under the freedom of  
12 information act, 1976 PA 442, MCL 15.231 to 15.246, and must not be  
13 disclosed to any person except for purposes of this act or for law  
14 enforcement purposes.

15 (2) When the department of state police is able to participate  
16 with the Federal Bureau of Investigation's automatic notification  
17 system similar to the system administered by the department of  
18 state police under subsection (1), all fingerprints submitted to  
19 the Federal Bureau of Investigation may be stored and retained.  
20 When a subsequent criminal arrest fingerprint card submitted into  
21 the system matches a set of fingerprints for an individual retained  
22 in accordance with this act, the department of state police shall  
23 immediately notify the department. The department shall immediately  
24 contact the camp with which the individual is associated if a  
25 conviction excludes an individual from employment. The criminal  
26 history record information must be released only to the individual  
27 to whom the criminal history record information pertains.

28 Sec. 14. (1) A person acting in good faith who makes a report,  
29 cooperates in an investigation, or assists in any other requirement

1 of this act is immune from civil or criminal liability that might  
2 otherwise be incurred by that action. A person making a report or  
3 assisting in any other requirement of this act is presumed to have  
4 acted in good faith. This immunity from civil or criminal liability  
5 extends only to an act performed according to this act for  
6 reporting a potential violation or assisting or cooperating with  
7 the department in an investigation conducted by the department.  
8 Except as provided in section 20(3), the identity of a person  
9 making a report and cooperating with or assisting the department  
10 relative to that report under this act is confidential, subject  
11 only to disclosure with the consent of that person or by judicial  
12 process.

13 (2) If the department receives a complaint by an individual  
14 remaining anonymous, the department may take no action on the  
15 complaint if the complaint does not include sufficient information  
16 to reasonably investigate.

17 (3) A person who intentionally makes a false report to the  
18 department regarding a camp that causes the department to initiate  
19 a high-risk special investigation for which the camp is required to  
20 send notice under section 7 is guilty of a crime as follows:

21 (a) If the incident reported would not constitute a crime or  
22 would constitute a misdemeanor if the report were true, the person  
23 is guilty of a misdemeanor punishable by imprisonment for not more  
24 than 93 days or a fine of not more than \$100.00, or both.

25 (b) If the incident reported would constitute a felony if the  
26 report were true, the person is guilty of a felony punishable by  
27 the lesser of the following:

28 (i) The penalty for the incident falsely reported.

29 (ii) Imprisonment for not more than 4 years or a fine of not

1 more than \$5,000.00, or both.

2 Sec. 15. (1) The department shall issue a temporary license  
3 for a camp upon approving a new application. A new camp must  
4 receive a temporary license before operation. The temporary license  
5 expires on August 31 following the issuance of the license. The  
6 renewal of a temporary license is contingent on the submission of a  
7 renewal application, fee, and approval by the department.

8 (2) At the completion of the temporary license period, the  
9 department shall issue a regular license, refuse to issue a license  
10 as provided in section 19, or issue a provisional license as  
11 provided under section 16(3).

12 (3) If an existing camp program relocates to a new address, a  
13 temporary license is not required, and a new license may be issued  
14 at the department's discretion at the new address.

15 Sec. 16. (1) A provisional license may be issued to a camp  
16 that is temporarily unable to conform to this act or the rules  
17 promulgated under this act. The issuance of a provisional license  
18 is contingent on the submission to the department of an acceptable  
19 plan to overcome the deficiency present in the camp within the time  
20 limitations of the provisional licensing period.

21 (2) A provisional license expires on August 31 following the  
22 date the provisional license was issued and may be issued not more  
23 than 2 consecutive times. The renewal of a provisional license is  
24 contingent on the submission of a new application, fee, and  
25 approval by the department. At the end of the provisional license,  
26 the department shall either issue a regular license, refuse to  
27 renew the license as provided in section 21, or modify to a second  
28 provisional license under this section.

29 (3) The department may modify the regular license of a camp to

1 a provisional license if the licensee is in willful noncompliance  
2 and substantial noncompliance with this act, the rules promulgated  
3 under this act, or the terms of the license. A license cannot be  
4 modified unless the licensee is given written notice of the grounds  
5 of the proposed modification. If the proposed modification is not  
6 appealed, the license will be modified. The proposed modification  
7 must be appealed within 30 days after receipt by writing the  
8 director or director's designee. Upon receipt of the appeal, the  
9 director or director's designee must initiate the provisions of  
10 chapters 4 and 5 of the administrative procedures act of 1969, 1969  
11 PA 306, MCL 24.271 to 24.292. Notice of a hearing must be given to  
12 the licensee by personal service or delivery to the proper address  
13 by certified mail not less than 2 weeks before the date of the  
14 hearing. The decision of the director must be made as soon as  
15 practicable after the hearing and forwarded to the licensee by  
16 certified mail not more than 10 days after that. The formal notice  
17 and hearing requirement in this subsection does not apply if the  
18 licensee and the department comply with subsection (4).

19 (4) The department may immediately modify a license without  
20 providing written notice of the grounds of the proposed action or  
21 giving the licensee 30 days to appeal if the licensee, in writing,  
22 does the following:

23 (a) Waives the requirement that the department provide written  
24 notice of the grounds for the proposed action.

25 (b) Waives the 30-day time frame in which to submit a written  
26 appeal to the proposed action.

27 (c) Waives the right to implement the provisions of chapters 4  
28 and 5 of the administrative procedures act of 1969, 1969 PA 306,  
29 MCL 24.271 to 24.292.

1           Sec. 17. (1) A regular license is effective for not more than  
2 1 year and expires on August 31 following the date the regular  
3 license is issued, except that a regular license may be revoked or  
4 renewal may be denied as provided in section 19, or may be modified  
5 to a provisional license as provided in section 14. The department  
6 will renew a regular license, if approved, following an application  
7 and payment of the applicable fee.

8           (2) The department may accept a licensee's written request to  
9 close a license if the department does not have an active  
10 investigation against the licensee or is not pursuing revocation or  
11 refusal to renew as provided in section 21.

12           (3) The department shall periodically assess a camp's  
13 continued compliance with this act and the rules promulgated under  
14 this act. The department shall make an on-site inspection of a camp  
15 at least once every 2 years.

16           Sec. 18. A license must be issued to a specific licensee at a  
17 specific location, is nontransferable, and remains the property of  
18 the department.

19           Sec. 19. (1) A licensee, licensee designee, administrator, or  
20 program director of a camp shall not be present in a camp if the  
21 licensee, licensee designee, or administrator has been convicted of  
22 either of the following:

23           (a) A listed offense.

24           (b) An ineligible crime.

25           (2) A staff member shall not have contact with campers who are  
26 in the care and supervision of a camp if the staff member has been  
27 convicted of either of the following:

28           (a) Child abuse under section 136b of the Michigan penal code,  
29 1931 PA 328, MCL 750.136b, or neglect under section 145 of the

1 Michigan penal code, 1931 PA 328, MCL 750.145.

2 (b) A felony involving harm or threatened harm to an  
3 individual within the 10 years immediately preceding the date of  
4 hire or appointment.

5 (3) A licensee, licensee designee, administrator, program  
6 director, or staff member who is 18 years of age or older may not  
7 have contact with a camper who is in the care of a camp, until the  
8 licensee, licensee designee, administrator, program director, or  
9 staff member provides the camp with documentation from the  
10 department that the staff member has not been named in a central  
11 registry case as the perpetrator of child abuse or child neglect.  
12 At least once every 5 years, a licensee, licensee designee,  
13 administrator, program director, or staff member shall provide the  
14 department with an updated authorization for central registry  
15 clearance. If an updated central registry clearance documents that  
16 a licensee, licensee designee, administrator, program director, or  
17 staff member is named as a perpetrator in a central registry case,  
18 the staff member may not be present in the camp. As used in this  
19 subsection, "child abuse" and "child neglect" mean those terms as  
20 defined in section 2 of the child protection law, 1975 PA 238, MCL  
21 722.622.

22 (4) A camp shall establish and maintain a policy regarding  
23 supervision of guests, including those who are parents or guardians  
24 of a camper receiving care and supervision at the camp.

25 Sec. 20. (1) The department may investigate, inspect, and  
26 examine conditions of a camp and may investigate and examine the  
27 licensee's books and records. The licensee must cooperate with the  
28 department's investigation, inspection, and examination by doing  
29 all of the following:

1 (a) Admitting members of the department into the camp, which  
2 includes access to all facilities at the camp, and access to the  
3 camp's books, records, reports, and any other document necessary to  
4 show compliance with this act and rules promulgated under this act.

5 (b) Allowing the department to perform routine investigative  
6 functions during an investigation, inspection, or examination.  
7 Routine investigative functions include, but are not limited to,  
8 interviewing potential witnesses, such as staff, guests, and  
9 campers, and taking photographs to assess and document the  
10 conditions of the camp and its compliance with this act and the  
11 rules promulgated under this act.

12 (c) Providing accurate and truthful information to the  
13 department, and encouraging witnesses, such as staff members and  
14 guests, to provide accurate and truthful information to the  
15 department.

16 (2) The licensee shall allow the department, the bureau of  
17 fire services, or local authorities access to the camp to carry out  
18 the provisions of this act and rules promulgated under this act  
19 related to the health or fire protection of campers.

20 (3) A licensee shall keep the records the department  
21 prescribes regarding each camper in its care and supervision and  
22 shall report to the department, if requested, the facts the  
23 department requires with reference to the campers. Except as  
24 otherwise provided in this subsection and subsection (4), records  
25 regarding campers and facts compiled about campers and their  
26 parents and guardians are confidential, and disclosure of this  
27 information must be properly safeguarded by the camp, the  
28 department, and any other entity in possession of the information.  
29 The department may release available records that are confidential

1 under this section to 1 or more of the following:

2 (a) A standing or select committee or appropriations  
3 subcommittee of the senate or house of representatives having  
4 jurisdiction of protective services matters for children, according  
5 to section 7 of the child protection law, 1975 PA 238, MCL 722.627.

6 (b) The children's ombudsman established in section 3 of the  
7 children's ombudsman act, 1994 PA 204, MCL 722.923.

8 (c) An employee of an agency, bureau, division, or other  
9 entity within the department or other investigative governmental  
10 agency but only to the extent necessary.

11 (4) Notwithstanding subsection (3) and sections 5 and 7(2) of  
12 the child protection law, 1975 PA 238, MCL 722.625 and 722.627,  
13 information or records in the possession of the department or the  
14 department of health and human services may be shared to the extent  
15 necessary for the proper functioning of the department or the  
16 department of health and human services in administering camp  
17 licensure under this act or in an investigation conducted under  
18 section 43b of the social welfare act, 1939 PA 280, MCL 400.43b.  
19 Information or records shared under this subsection must not be  
20 released by the department or the department of health and human  
21 services unless otherwise permitted under this act or other state  
22 or federal law. Neither the department nor the department of health  
23 and human services shall release or open for inspection any  
24 document, report, or record authored by or obtained from another  
25 agency or organization unless 1 of the conditions of section 7(5)  
26 of the child protection law, 1975 PA 238, MCL 722.627, applies.

27 (5) The department may suspend, deny, revoke, or refuse to  
28 renew a license of the camp if the licensee does not cooperate with  
29 an investigation, inspection, or examination under this section.

1           Sec. 21. (1) The department may deny, revoke, or refuse to  
2 renew a license of a camp if the licensee or applicant falsifies  
3 information on the application or is in willful noncompliance and  
4 substantial noncompliance with this act, the rules promulgated  
5 under this act, or the terms of the license. A license must not be  
6 revoked, a renewal of a license must not be refused, or an  
7 application for a license must not be denied, unless the licensee  
8 or applicant is given notice in writing of the grounds of the  
9 proposed revocation, denial, or refusal. If revocation, denial, or  
10 refusal is appealed within 30 days after receipt of the notice by  
11 writing addressed to the department director, the department  
12 director or the director's designee shall conduct a hearing at  
13 which the licensee or applicant may present testimony and confront  
14 witnesses. If the proposed revocation, refusal, or denial is not  
15 appealed, the license must be revoked, the license must be refused  
16 renewal, or the application must be denied. The proposed  
17 revocation, refusal, or denial must be appealed within 30 days  
18 after receipt by writing the department director or the director's  
19 designee. Upon receipt of the written appeal, the department  
20 director or the director's designee must initiate the provisions of  
21 chapters 4 and 5 of the administrative procedures act of 1969, 1969  
22 PA 306, MCL 24.271 to 24.292. Notice of the hearing must be given  
23 to the licensee or applicant by personal service or delivery to the  
24 proper address by certified mail not less than 2 weeks before the  
25 date of the hearing. The director's decision must be made as soon  
26 as practicable after the hearing and forwarded to the licensee or  
27 applicant by certified mail not more than 10 days after that. The  
28 formal notice and hearing requirements in this subsection do not  
29 apply if the licensee or applicant and the department comply with

1 the provisions of subsection (2).

2 (2) The department may immediately revoke or refuse to renew a  
3 license or deny an application for a license without providing  
4 written notice of the grounds of the proposed action or giving the  
5 licensee or applicant 30 days to appeal if the licensee or  
6 applicant, in writing, does the following:

7 (a) Waives the requirement that the department provide written  
8 notice of the grounds for the proposed action.

9 (b) Waives the 30-day time frame in which to submit a written  
10 appeal to the proposed action.

11 (c) Waives the right to implement the provisions of chapters 4  
12 and 5 of the administrative procedures act of 1969, 1969 PA 306,  
13 MCL 24.271 to 24.292.

14 (3) The director or the director's designee may issue a  
15 subpoena to do either of the following:

16 (a) Compel the attendance of a witness to testify at a  
17 contested case hearing.

18 (b) Produce books, papers, documents, or other items relevant  
19 to the investigation or hearing.

20 (4) If a subpoena is disobeyed, the director or the director's  
21 designee may petition the circuit court to require the attendance  
22 of a witness or the production of books, papers, documents, or  
23 other items. The circuit court may issue an order requiring a  
24 person to appear and give testimony or produce books, papers,  
25 documents, or other items. Failure to obey the order of the circuit  
26 court may be punished by the court as a contempt of court.

27 (5) A person, agency, or representative or officer of a firm,  
28 a corporation, an association, or an organization that has a  
29 license revoked, application denied, or renewal refused may be

1 refused a license, or be prohibited from being connected, directly  
2 or indirectly, with a licensee for a period of not less than 5  
3 years after the revocation, denial, or refusal to renew. The  
4 department, in its discretion, may reject an application from a  
5 person, agency, or representative or officer of a firm, a  
6 corporation, an association, or an organization described in this  
7 subsection. The department may reject the application on its face  
8 without taking further action after notifying the applicant of the  
9 rejection and the reason for the rejection.

10 Sec. 22. A person aggrieved by the decision of the director  
11 following a hearing under section 16 or 21 may appeal as provided  
12 in chapter 6 of the administrative procedures act of 1969, 1969 PA  
13 306, MCL 24.301 to 24.306.

14 Sec. 23. (1) The department may bring an action for injunctive  
15 relief in the circuit court for the county in which the person  
16 resides, in which the unlicensed operation is located, or in the  
17 circuit court for Ingham County, to enjoin a violation or  
18 threatened violation of this act or a rule promulgated under this  
19 act. An affidavit of an individual who is personally familiar with  
20 the basis of noncompliance must be filed with the action for  
21 injunctive relief.

22 (2) If an investigation discloses an imminent threat to the  
23 public health, safety, or welfare, or the well-being of a camper is  
24 endangered, the department may obtain an injunction to restrain or  
25 prevent a person from acting in a manner that threatens the public  
26 health, safety, or welfare, or to compel a person to affirmatively  
27 take reasonable corrective action. Before obtaining an injunction  
28 as provided by this subsection, the department must obtain an  
29 affidavit by a person familiar with the facts set forth in the

1 affidavit, or, if appropriate, based upon an affidavit, that an  
2 imminent threat to the public health, safety, or welfare exists or  
3 the well-being of a camper is endangered. The department is not  
4 required to provide warning to the person before obtaining an  
5 injunction under this section. The department is not required to  
6 demonstrate an imminent threat to the public health, safety, or  
7 welfare or camper endangerment if the person is operating a camp  
8 without a license.

9 (3) If the department is successful in obtaining an injunction  
10 as provided in this section, the department is entitled to actual  
11 costs and attorney fees for maintaining the action.

12 Sec. 24. (1) A parent or guardian of a camper who voluntarily  
13 places the camper in camp shall provide a statement signed by the  
14 parent or guardian that authorizes the camp to consent to emergency  
15 medical and surgical treatment of the camper and consent to  
16 routine, nonsurgical medical care. If there is a religious  
17 objection to consenting to the receipt of emergency medical or  
18 surgical treatment, the parent or guardian shall submit a written  
19 statement to the effect that the camper is in good health and that  
20 the parent or guardian assumes the health responsibility for the  
21 camper.

22 (2) As used in this section, "routine, nonsurgical medical  
23 care" does not include contraceptive treatment, services,  
24 medication, or devices.

25 Sec. 25. A rule adopted under this act may not authorize or  
26 require a medical examination, immunization, or treatment for a  
27 camper whose parent or guardian objects on religious grounds to the  
28 medical examination, immunization, or treatment.

29 Sec. 26. (1) If the conditions under subsection (2) are met,

1 notwithstanding any camp policy to the contrary, a camper may  
2 possess and use 1 or more of the following at the camp, on camp-  
3 sponsored transportation, or at any activity, event, or camp  
4 program sponsored by the camp or in which the camper is  
5 participating:

6 (a) A metered dose inhaler or a dry powder inhaler to  
7 alleviate asthmatic symptoms or for use before exercise to prevent  
8 the onset of asthmatic symptoms.

9 (b) An epinephrine auto-injector or epinephrine inhaler to  
10 treat anaphylaxis.

11 (2) Subsection (1) applies to a camper if all of the following  
12 conditions are met:

13 (a) The camper has written approval to possess and use the  
14 inhaler or epinephrine auto-injector as described in subsection (1)  
15 from the camper's physician or other health care provider  
16 authorized by law to prescribe an inhaler or epinephrine auto-  
17 injector and from the camper's parent or guardian.

18 (b) The director or other administrator of the camp has  
19 received a copy of each written approval required under subdivision  
20 (a) for the camper.

21 (c) There is on file at the camp a written emergency care plan  
22 that contains specific instructions for the camper's needs, that is  
23 prepared by a licensed physician in collaboration with the camper  
24 and the camper's parent or guardian, and that is updated as  
25 necessary for changing circumstances.

26 (3) A camp or an owner, director, or staff member of a camp is  
27 not liable for damages in a civil action for injury, death, or loss  
28 to person or property allegedly arising from either of the  
29 following:

1 (a) A staff member of the camp having prohibited a camper from  
2 using an inhaler or epinephrine auto-injector because the  
3 conditions prescribed in subsection (2) had not been satisfied.

4 (b) A staff member of the camp having permitted a camper to  
5 use or possess an inhaler or epinephrine auto-injector because the  
6 conditions prescribed in subsection (2) had been satisfied.

7 (4) This section does not eliminate, limit, or reduce any  
8 other immunity or defense that a camp or an owner, director, or  
9 staff member of a camp may have under other state law.

10 (5) A camp may request a camper's parent or guardian to  
11 provide an extra inhaler or epinephrine auto-injector to designated  
12 camp personnel for use in case of emergency. A parent or guardian  
13 is not required to provide an extra inhaler or epinephrine auto-  
14 injector to camp personnel.

15 (6) A director or other administrator of a camp who is aware  
16 that a camper possesses an inhaler or epinephrine auto-injector as  
17 authorized under this section shall notify each staff member who  
18 supervises the camper of that fact and of the provisions of this  
19 section.

20 Sec. 27. (1) Except as provided in subsection (2), a person  
21 that violates this act is guilty of a misdemeanor punishable by a  
22 fine of not less than \$500.00 or more than \$5,000.00.

23 (2) If a licensee, licensee designee, administrator, or  
24 program director of a camp intentionally violates a rule  
25 promulgated under this act and that violation causes the death of a  
26 child, the department shall permanently revoke the license.

27 (3) If a person is convicted under subsection (1), the  
28 conviction is sufficient ground for the revocation of that person's  
29 license, and the person that was convicted shall not be granted a

1 license, or be permitted to be connected, directly or indirectly,  
2 with a camp licensee for a period of not less than 5 years after  
3 the conviction.

4 (4) The department may refuse to issue a license to or refuse  
5 to accept an application from an individual or legal entity seeking  
6 to become licensed, a licensee designee, an administrator, or a  
7 program director of the camp that had a license revoked,  
8 application denied, or renewal refused within the 5 years  
9 immediately preceding the application. The department may reject  
10 the application described under this subsection on its face without  
11 taking further action after notifying the applicant of the  
12 rejection and the reason for the rejection.

13 Enacting section 1. This act takes effect September 1, 2025.