

Legislative Analysis



CAMP LICENSING ACT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bills 692 (S-2) and 695 (S-1) as passed by the Senate
Sponsor: Sen. Sam Singh

Analysis available at
<http://www.legislature.mi.gov>

Senate Bill 693 (S-2) as passed by the Senate
Sponsor: Sen. Veronica Klinefelt

Senate Bill 694 (S-2) as passed by the Senate **Senate Bill 798 (S-1) as passed by the Senate**
Sponsor: Sen. Mary Cavanagh **Sponsor: Sen. Kevin Hertel**

House Committee: Families, Children and Seniors
Senate Committee: Oversight
Revised 12-5-24

SUMMARY:

Senate Bill 692 would create a new act, the Camp Licensing Act, to provide for the licensing and regulation of camps and camp programs and establish relevant standards and procedures, to prohibit certain conduct and provide penalties, to provide immunity from liability under certain circumstances, and to create the Camp Licensing Fund, among other changes described below. The Department of Licensing and Regulatory Affairs (LARA) would be responsible for residential camps for adult campers under the bill, while the Department of Lifelong Education, Advancement, and Potential (MiLEAP) would be responsible for camps for youth campers. Currently, those departments have those respective responsibilities under the Adult Foster Care Facility Licensing Act and 1973 PA 116, known as the child care licensing act. Senate Bills 694 and 695 would amend those acts to remove provisions related to camps. The bills would take effect September 1, 2025.

Senate Bill 692 would prohibit an individual or legal entity from establishing or maintaining a camp (a *day camp*, *residential camp*, *travel camp*, or *campsite*) unless licensed by the applicable department.¹

Day camp would mean a *camp program* for *youth campers* located at a campsite where care and supervision are provided each day for more than four hours a day with no overnight sleeping.

Camp program would mean a program that receives more than four campers for care and supervision, apart from the camper's parents, relatives, or guardians, for five or more days in a 14-day period, stationed in a campsite or as a travel camp.

Youth camper would mean a child who is at least three years old, but under 18, and who receives care and supervision.

¹ As noted above, that department would be MiLEAP for youth camps and LARA for adult residential camps.

Residential camp would mean a camp program conducted at a campsite that provides care and supervision to either **adult campers** or youth campers each day for at least 12 hours a day with overnight sleeping.

Travel camp would mean a camp program that provides care and supervision to youth campers in a natural environment for 12 or more hours a day with overnight sleeping and is not stationed at a specific campsite.

Campsite would mean the area of an outdoors setting where a camp is run at least 51% of the time and that is located where a residential camp or day camp primarily operates, including land, bodies of water, indoor and outdoor facilities, furnishings, and installations that support outdoor living or activities.

Adult camper would mean an individual attending a residential camp who is at least 18 years old and who has a mental health disorder, is developmentally disabled, or is physically disabled.

A license application would have to be made as prescribed by the applicable department. Application fees for a temporary or renewal license would be \$120 for a camp program and \$120 for a campsite. Before issuing or renewing a license, the department would have to investigate the applicant's activities and proposed standards of care and supervision and make an on-site visit of the proposed or established camp. The department would have to issue or renew the license if it is satisfied that the applicant's services and facilities are conducive to the care and supervision of campers. A license would be issued to a specific licensee at a specific location, would be nontransferable, and would remain the property of the department.

Licenses

A **regular license** (a license issued indicating that the camp is in substantial compliance with the new act and its applicable rules) would be effective for up to one year and would expire on the August 31 following its issuance. However, a regular license could be revoked, denied renewal, or modified to a provisional license as described below. If approved, the applicable department would have to renew a regular license after application and payment of the applicable fee.

Upon approving a new application for a camp, the applicable department would have to issue a **temporary license** (an original license issued to a camp, before operation, conveying that the camp is compliant with all statutes and the applicable rules promulgated under the new act). A new camp would have to receive a temporary license before operation. (If an existing camp program relocates to a new address, a temporary license would not be required, and a new license could be issued at the new address at the department's discretion.) A temporary license would expire on the August 31 following its issuance. Renewal of a temporary license would be contingent on the submission of a renewal application, fee, and approval by the department. At the end of the temporary license period, the department would have to issue a regular license, refuse to issue a license, or issue a provisional license as described below.

A **provisional license** could be issued to a camp that is temporarily unable to conform to the new act or its applicable rules. A provisional license would expire on the August 31 following its issuance and could be issued up to two consecutive times. Issuance of a provisional license would be contingent on the submission to the applicable department of an acceptable plan to overcome the deficiency present in the camp within the time limitations of the provisional licensing period. Renewal of a provisional license would be contingent on the submission of a new application, fee, and approval by the department. At the end of the provisional license, the department would have to issue a regular license, refuse to renew the license, or modify to a second provisional license.

The applicable department would have to periodically assess a camp's continued compliance with the new act and its applicable rules. The department would have to make an on-site inspection of a camp at least once every two years.

Inspections under the act would have to be unannounced, unless the applicable department, in its discretion, considers it necessary to schedule an appointment for an inspection.

License modification

The applicable department could modify the regular license of a camp to a provisional license if the licensee is in both ***willful noncompliance*** and ***substantial noncompliance*** with the new act, its applicable rules, or the terms of the license. A licensee would have to be given written notice of the grounds of the proposed modification. The licensee could appeal the proposed modification by writing the department director or the director's designee within 30 days after receiving the notice. If the proposed modification is not appealed, the license would be modified.

Willful noncompliance would mean conduct that an applicant or licensee knew or had reason to know was a violation of the new act, its applicable rules, or the terms of a license.

Substantial noncompliance would mean repeated violation of the new act, its applicable rules, or the terms of a license that may jeopardize the health, safety, care, treatment, maintenance, or supervision of campers.

Upon receiving an appeal, the director or director's designee would have to initiate the provisions of Chapters 4 and 5 of the Administrative Procedures Act. Notice of a hearing would have to be given to the licensee by personal service or delivery to the proper address by certified mail at least two weeks before the hearing. The director's decision would have to be made as soon as practicable after the hearing and forwarded to the licensee by certified mail no more than 10 days after that. A person aggrieved by the director's decision following a hearing could appeal as provided in Chapter 6 of the Administrative Procedures Act.

The applicable department also could immediately modify a license without providing written notice or giving the licensee 30 days to appeal if the licensee, in writing, waives

the above requirements related to notice, the time frame for appeal, and implementation of Chapters 4 and 5 of the Administrative Procedures Act.

The applicable department could accept a licensee's written request to close a license if the department does not have an active investigation against the licensee and is not pursuing revocation or refusal to renew as described below.

Denial, revocation, or refusal to renew

The applicable department could deny, revoke, or refuse to renew a license of a camp if the licensee or applicant falsifies information on the application or is in both willful noncompliance and substantial noncompliance with the new act, its applicable rules, or the terms of the license. The licensee or applicant would have to be given written notice of the grounds of the proposed action. The licensee or applicant could appeal the proposed action by writing the department director within 30 days after receiving the notice. If the proposed action is not appealed, the license would be revoked, denied, or refused renewal, as applicable.

Upon receiving an appeal, the director or director's designee would have to initiate the provisions of Chapters 4 and 5 of the Administrative Procedures Act and conduct a hearing at which the licensee or applicant may present testimony and confront witnesses. Notice of the hearing would have to be given to the licensee or applicant by personal service or delivery to the proper address by certified mail at least two weeks before the hearing. The director's decision would have to be made as soon as practicable after the hearing and forwarded to the licensee or applicant by certified mail no more than 10 days after that. A person aggrieved by the director's decision following a hearing could appeal as provided in Chapter 6 of the Administrative Procedures Act.

The director or the director's designee could issue a subpoena to compel the attendance of a witness to testify at a contested case hearing or to produce books, papers, documents, or other items relevant to the investigation or hearing. If a subpoena is disobeyed, the director or the director's designee could petition the circuit court to require the attendance of a witness or the production of books, papers, documents, or other items. The circuit court could issue an order requiring a person to appear and give testimony or produce books, papers, documents, or other items. Failure to obey the order of the circuit court could be punished as contempt of court.

The applicable department also could immediately revoke, deny, or refuse renewal of a license without providing written notice or giving the licensee or applicant 30 days to appeal if the licensee or applicant, in writing, waives the above requirements related to notice, the time frame for appeal, and implementation of Chapters 4 and 5 of the Administrative Procedures Act.

A person, an agency, or a representative or officer of a firm, corporation, association, or organization that has a license revoked, application denied, or renewal refused could be refused a license, or be prohibited from being connected, directly or indirectly, with a licensee for a period of at least five years after the revocation, denial, or refusal to renew.

The applicable department, in its discretion, could reject an application from a person, an agency, or a representative or officer of a firm, a corporation, an association, or an organization described above. After notifying the applicant of the rejection and the reason for the rejection, the department could reject the application on its face without taking further action.

License sanctions

The applicable department could refuse to accept an application from, or issue a license to, a person seeking licensure, a licensee designee, an administrator, or a program director of a camp that had a license revoked, application denied, or renewal refused within the five years immediately preceding the application. The department may reject the application described under this subsection on its face without taking further action after notifying the applicant of the rejection and the reason for the rejection.

If a licensee, licensee designee, administrator, or program director of a camp intentionally violates a rule issued under the act and causes the death of a child, the applicable department would have to permanently revoke the license.

Rules

The applicable department would have to develop and issue rules for the care and supervision of campers in accordance with the Administrative Procedures Act. Before doing so, and before amending the rules, the department would have to seek input from individuals the rules would affect, including at least the following:

- A representative of a camp organization.
- A parent or guardian of a child impacted by the bill.
- An employee from the Bureau of Fire Services.
- An employee from the Department of Health and Human Services.

The rules could include only the following standards and conduct:

- The operation and conduct of camps and the responsibility the camps assume for care and supervision of a camper.
- The suitability, health, training, and qualifications of applicants and other persons directly responsible for the care and supervision of campers served.
- The general financial ability and competence of applicants to provide necessary care and supervision for campers and maintain prescribed standards.
- The number of individuals or staff required to ensure adequate care and supervision of the campers received.
- The appropriateness, safety, cleanliness, and general adequacy of the premises, including maintenance of adequate fire prevention and health standards to provide for the physical comfort, care, and well-being of the campers received.
- Provisions for food, clothing, educational opportunities, camp programs, equipment, and individual supplies to ensure the healthy physical, emotional, and mental development of campers served.
- Provisions to safeguard the legal rights of campers served.
- Maintenance of records pertaining to admission, progress, health, and discharge of campers.

- Requirements for filing reports with the applicable department.
- Appropriate behavior management of campers.
- Standards for transportation safety.
- The inspection process for camps with deemed status.

A rule could not authorize or require a medical examination, immunization, or treatment for a camper whose parent or guardian objects to it on religious grounds.

The applicable department would have to review and consider any proposed rule changes it receives.

Background check

Before a camp allows a staff member (defined as including volunteers) to have unsupervised contact with a camper and at least annually thereafter, it would have to perform a background check on that staff member using the Internet Criminal History Access Tool (ICHAT) of the Department of State Police (MSP) or an equivalent tool to check on that staff member from their state or country of residence. If the background check reveals that the staff member has been convicted of a *listed offense*,² the camp would have to rescind an offer of employment or terminate that employee's employment, as applicable. If the background check reveals that the staff member has been convicted of a crime other than a listed offense, the licensee or licensee designee would have to complete a written evaluation, addressing the nature of the conviction, the time since the conviction, and the relationship of the conviction to the regulated activity, to determine whether the staff member is suitable for unsupervised access to campers. A camp could pass the actual cost of a background check along to the individual it is performed on.

Criminal history check

When a person applies for a camp license or a new licensee, licensee designee,³ administrator,⁴ or program director⁵ of a camp is appointed, the applicable department would have to request MSP to perform a criminal history check on the applicable individual. Each applicant for a license to operate a camp and each individual who may serve in any of the above roles would have to give written consent to such a criminal history check at the time of the license application. The applicable department would have to require the individual to submit their fingerprints to MSP and the Federal Bureau of Investigation (FBI).

Within a reasonable time after receiving a complete request, MSP would have to complete a criminal history check and provide a report containing any criminal history record information on the person maintained by MSP and the FBI. MSP could charge the licensee

² This would mean a tier I, tier II, or tier III offense under the Sex Offenders Registration Act, as defined here: <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-28-722>

³ The individual designated in writing by a legal entity, and agrees in writing to be designated, to act on behalf of the legal entity on licensing matters.

⁴ An individual who has oversight of day-to-day camp management and ensures compliance with the new act and its applicable rules.

⁵ An individual who assists with the management of the day-to-day operations of a camp program or campsite.

or applicant a fee that does not exceed the actual and reasonable cost of conducting the criminal history check.

MSP would have to store and retain all fingerprints submitted under the bill in a confidential, automated fingerprint identification system database that provides for an automatic notification when a subsequent criminal arrest fingerprint card matches a set of fingerprints in the system. If MSP receives such a notification, it would have to immediately notify the applicable department, which would have to immediately contact the camp that individual is associated with. The criminal history record information could be released only to the individual it pertains to. When MSP is able to participate with the FBI's automatic notification system, all fingerprints submitted to the FBI could be stored and retained, with the same procedures regarding notifications when there is a fingerprint match.

A person described above who has undergone a criminal history check and remained continuously affiliated with the same licensee would not have to submit to another criminal history check upon renewal of the license.

The applicable department could not issue or renew the license of a camp if a required criminal history check has not been completed. If a criminal history check or notification from MSP reveals that a person described above has an *ineligible conviction*, the applicable department could not issue or renew a license to that person or would have to revoke the person's license, as applicable.

Ineligible conviction would mean any of the following:

- A conviction for any of the following if less than 15 years have elapsed between the date the convicted individual completed all of the terms and conditions⁶ of sentencing for the conviction and the date of application for employment, the date of granting clinical privileges, or the date of the execution of a contract:
 - A felony that involves the intent to cause death or serious impairment of a body function, that results in death or serious impairment of a body function, that involves the use of force or violence, or that involves the threat of the use of force or violence.
 - A felony involving cruelty or torture.
 - A felony under Chapter XXA (Vulnerable Adults) of the Michigan Penal Code.
 - A felony involving criminal sexual conduct.
 - A felony involving abuse or neglect.
 - A misdemeanor involving abuse or neglect of a vulnerable adult.
 - A felony involving the use of a firearm or dangerous weapon.
 - A felony involving the diversion or adulteration of a prescription drug or other medication.
 - A felony under section 227b of the Michigan Penal Code (possession of firearm while committing a felony).
 - A state or federal crime that is similar to a crime listed above.

⁶ As used here and below, this would not include the payment of fines, costs, or restitution.

- Except for convictions listed above, a conviction for any of the following if less than 10 years have elapsed between the date the convicted individual completed all of the terms and conditions of sentencing for the conviction and the date of application for employment, the date of granting clinical privileges, or the date of the execution of a contract:
 - A misdemeanor under chapter XXA of the Michigan Penal Code.
 - A misdemeanor involving criminal sexual conduct.
 - Except for a misdemeanor involving assault as described below, a misdemeanor involving cruelty or torture.
 - A misdemeanor involving abuse or neglect.
 - A misdemeanor involving a vulnerable adult as a victim.
 - A misdemeanor or felony for a violation of the bill.
 - A state or federal misdemeanor that is similar to a misdemeanor listed above.
 - A felony other than a felony for nonpayment of child support.
- Except for convictions listed above, a conviction for any of the following misdemeanors unless less than five years have elapsed between the date of the conviction and the date of application for employment, the date of granting clinical privileges, or the date of the execution of a contract:
 - A misdemeanor involving cruelty if the individual was less than 16 years of age at the time of the conviction.
 - A misdemeanor involving embezzlement.
 - A state or federal misdemeanor that is similar to a misdemeanor listed above.
- Except for convictions listed above, a conviction for any of the following misdemeanors unless less than three years have elapsed between the date of the conviction and the date of application for employment, the date of granting clinical privileges, or the date of the execution of a contract:
 - A misdemeanor involving assault.
 - A misdemeanor under Part 74 of the Public Health Code (controlled substances offenses), or any other misdemeanor involving the possession or delivery of a controlled substance, if the individual was 18 or older at the time of the conviction.
 - A state or federal misdemeanor that is similar to a misdemeanor listed above.
- Except for convictions described above, a misdemeanor under Part 74 of the Public Health Code, or any other misdemeanor involving the possession or delivery of a controlled substance, if the individual was under 18 years old at the time of the conviction.
- An order or disposition under section 16b of Chapter IX of the Code of Criminal Procedure (a finding of not guilty by reason of insanity).
- A substantiated finding of neglect, abuse, or misappropriation of resident property by a Michigan or federal agency under 42 USC 1395i-3 or 1396r (skilled nursing facilities and nursing facilities).

Persons excluded from camps

A licensee, licensee designee, administrator, or program director of a camp could not be present in a camp if the licensee, licensee designee, or administrator [but not program director] has been convicted of a listed offense or an ineligible crime as described above

A staff member who has been convicted of any of the following could not have contact with campers who are in the care and supervision of the camp:

- Child abuse under section 136b of the Michigan Penal Code.⁷
- Contributing to the delinquency of a minor under section 145 of the Michigan Penal Code.⁸
- If the conviction is within the 10 years immediately preceding the date of hire or appointment, a felony involving harm or threatened harm to an individual.

A licensee, licensee designee, administrator, program director, or staff member who is 18 years of age or older could not have contact with a camper who is in the care of a camp, until they provide the camp with documentation from the applicable department that the staff member has not been named in a Central Registry case as the perpetrator of child abuse or child neglect as defined in the Child Protection Law. At least once every five years, a licensee, licensee designee, administrator, program director, or staff member would have to provide the applicable department with an updated authorization for Central Registry clearance. If an updated Central Registry clearance documents that they are named as a perpetrator in a Central Registry case, they may not be present in the camp.

A camp would have to establish and maintain a policy regarding supervision of guests by adult staff members when campers are at camp, including guests who are parents or guardians of a camper receiving care and supervision at the camp.

Inspections

The rules developed and issued by the applicable department would apply to that department, the Bureau of Fire Services, and local authorities in the inspection of and reporting on camps covered by the new act. The inspection of camps would have to be completed by department staff, the Bureau of Fire Services, or local authorities upon request of the department. Alternatively, a person who owns or operates a camp, or who proposes to do so, could enter a contract with a local authority or other person qualified by the applicable department to conduct an inspection and pay for that inspection when completed.

Inspection reports completed by state agencies and local authorities would have to be furnished to the applicable department and become a part of its evaluation for licensing of camps. After careful consideration of the reports and consultation where necessary, the department would have to assume responsibility for the final determination of the issuance, denial, revocation, or provisional nature of licenses issued under the new act. A report of findings would have to be furnished to the applicant or licensee.

⁷ <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-750-136B>

⁸ <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-750-145>

Investigations

The applicable department could investigate, inspect, and examine conditions of a camp and investigate and examine the licensee's books and records. The licensee would have to cooperate by doing all of the following:

- Admitting members of the department into the camp, including providing access to all facilities at the camp and access to the camp's books, records, reports, and any other document necessary to show compliance with the new act and its applicable rules.
- Allowing the department to perform routine investigative functions during an investigation, inspection, or examination, such as interviewing potential witnesses and taking photographs to assess and document the conditions of the camp and its compliance with the new act and its applicable rules.
- Providing, and encouraging witnesses to provide, accurate and truthful information to the department.

A licensee would have to keep the records the applicable department prescribes regarding each camper in its care and supervision and report to the department, if requested, the facts the department requires with reference to the campers. Except as otherwise provided, records and facts regarding campers and their parents and guardians would be confidential, and disclosure of this information would have to be properly safeguarded by the camp, the department, and any other entity in possession of the information. However, the department could release available records that are confidential to one or more of the following:

- A standing or select committee or appropriations subcommittee of the Senate or House of Representatives that has jurisdiction of protective services matters for children.
- The children's ombudsman (the name of which has been changed to the Office of the Child Advocate).⁹
- An employee of an agency, bureau, division, or other entity in the department or other investigative governmental agency—but only to the extent necessary.

In addition, information or records in the possession of the applicable department or the Department of Health and Human Services (DHHS) could be shared to the extent necessary for the proper functioning of the department or DHHS in administering camp licensure under the new act or in an investigation conducted under section 43b of the Social Welfare Act. Information or records shared under these provisions could not be released by the department or DHHS unless otherwise allowed under the new act or other state or federal law. The department and DHHS could not release or open for inspection any document, report, or record authored by or obtained from another agency or organization unless one of the conditions of section 7(5) of the Child Protection Law applies.

A licensee would have to allow the applicable department, the Bureau of Fire Services, or local authorities access to the camp to carry out the new act and its applicable rules related to the health or fire protection of campers.

⁹ <https://www.michigan.gov/oca>

The applicable department could suspend, deny, revoke, or refuse to renew a license of the camp if the licensee does not cooperate with an investigation, inspection, or examination under the above provisions.

High-risk special investigation

Within 24 hours receiving notice that a ***high-risk special investigation*** is being conducted by the applicable department, a camp would have to make a good-faith effort to provide oral notification to all of the following, as applicable:

- Each parent or guardian of children who were under the camp care and supervision at the site and at the time the incident being investigated occurred.
- If the individual being investigated is present at the camp at the time of the investigation, each parent or guardian of children who have or will come into contact with the individual being investigated as long as that individual is present at the camp.

High-risk special investigation would mean a departmental investigation regarding one or more of the following conditions:

- Child abuse or child neglect is the suspected cause of a child's death.
- A child is the victim of suspected sexual abuse or sexual exploitation.
- Child abuse or child neglect resulting in serious physical harm to a child.
- Law enforcement intervention is necessary for the protection of a child, a department employee, or another person involved in the investigation.
- The alleged perpetrator of a child's injury is not a person responsible for the child's health or welfare.
- A child has been exposed to or had contact with methamphetamine production.

The camp would have to send written notification by mail, fax, email, or text message within one business day after the initial good-faith attempt at oral notification described above.

The applicable department could suspend the camp license of a camp the department determines is not complying with either notification requirement described above,.

If, upon completion of the high-risk special investigation, the applicable department decides that there are no substantiated rule violations, the department would have to provide the camp with written notification of that determination that the camp may share with relevant parents and guardians.

Indemnity for good-faith reports

A person acting in good faith who makes a report, cooperates in an investigation, or assists in any other requirement of the new act would be immune from civil or criminal liability that might otherwise be incurred by that action, but only to the extent the action was performed for reporting a potential violation or assisting or cooperating with the applicable department in an investigation conducted by that department. A person making a report or assisting in any other requirement of the act would be presumed to be acting in good faith.

The identity of a person making a report and cooperating with or assisting the department relative to that report would be confidential, except for allowed disclosures by the department described in “Investigations,” above, or disclosure with the consent of that person or by judicial process.

If a complaint by an individual remaining anonymous does not include sufficient information to reasonably investigate, the applicable department could take no action on it.

Medical treatment consent

A parent or guardian of a camper who voluntarily places the camper in camp would have to provide a signed statement that authorizes the camp to consent to emergency medical and surgical treatment of the camper and consent to routine, nonsurgical medical care (not including contraceptive treatment, services, medication, or devices). If there is a religious objection to consenting to emergency medical or surgical treatment, the parent or guardian would have to submit a written statement to the effect that the camper is in good health and that the parent or guardian assumes the health responsibility for the camper.

Inhalers and epi-pens

Notwithstanding any camp policy to the contrary, if the conditions described below are met, a camper could possess and use either or both of the following at the camp, on camp-sponsored transportation, or at any activity, event, or camp program sponsored by the camp or in which the camper is participating:

- A metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms or for use before exercise to prevent the onset of asthmatic symptoms.
- An epinephrine auto-injector or epinephrine inhaler to treat anaphylaxis.

All of the following conditions would have to be met for the above provision to apply:

- The camper has written approval to possess and use the inhaler or epinephrine auto-injector from both the camper’s physician or other health care provider authorized by law to prescribe an inhaler or epinephrine auto-injector and the camper’s parent or guardian.
- The director or other administrator of the camp has received a copy of each written approval described above.
- There is on file at the camp a written emergency care plan that contains specific instructions for the camper’s needs, that is prepared by a licensed physician in collaboration with the camper and the camper’s parent or guardian, and that is updated as necessary for changing circumstances.

A camp or an owner, director, or staff member of a camp would not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from either of the following:

- A staff member of the camp having prohibited a camper from using an inhaler or epinephrine auto-injector because the conditions described above were not satisfied.

- A staff member of the camp having allowed a camper to use or possess an inhaler or epinephrine auto-injector because the conditions described above were satisfied.

These provisions would not eliminate, limit, or reduce any other immunity or defense that a camp or an owner, director, or staff member of a camp may have under other state law.

A camp could request a camper's parent or guardian to provide an extra inhaler or epinephrine auto-injector to designated camp personnel for use in case of emergency, but a parent or guardian would not have to provide it.

A director or other administrator of a camp who is aware that a camper possesses an inhaler or epinephrine auto-injector as authorized above would have to notify each staff member who supervises the camper of that fact and of the provisions described above.

Camp Licensing Funds

The bill would create a Camp Licensing Fund in both MiLEAP and LARA. The money received from license application fees (and possibly fees charged an applicant for a criminal history check by MSF) would have to be deposited in the applicable fund. The state treasurer would direct the investment of money in each fund and credit it with interest and earnings. Money in the funds at the close of the fiscal year would not lapse to the general fund. Each department would be the administrator of the applicable Camp Licensing Fund for audits. Upon appropriation, the applicable department could expend money from the fund to implement the licensing requirements of the new act.

Injunctive relief

The applicable department could bring an action for injunctive relief in the circuit court for the county where the person resides or where the unlicensed operation is located, or in the circuit court for Ingham County, to enjoin a violation or threatened violation of the new act or its applicable rules. An affidavit of an individual who is personally familiar with the basis of the violation would have to be filed with the action.

If an investigation discloses an imminent threat to the public health, safety, or welfare, or if the well-being of a camper is endangered, the applicable department could obtain an injunction to restrain or prevent a person from acting in a manner that threatens the public health, safety, or welfare [but not the well-being of a camper] or to compel a person to affirmatively take reasonable corrective action. Before obtaining such an injunction, the applicable department would have to obtain an affidavit by a person familiar with the facts set forth in the affidavit, or, if appropriate, based upon an affidavit, that an imminent threat to the public health, safety, or welfare exists or the well-being of a camper is endangered. The applicable department would not have to demonstrate an imminent threat to the public health, safety, or welfare or camper endangerment if the person is operating a camp without a license.

The applicable department would not have to provide warning to the person before obtaining an injunction under either set of circumstances described above.

If the applicable department is successful in obtaining an injunction as described above, the department would be entitled to actual costs and attorney fees for maintaining the action.

Penalties

A person that violates the new act would be guilty of a misdemeanor punishable by a fine of \$500 to \$5,000. A conviction would be sufficient ground for the revocation of that person's license, and for a period of at least five years after the conviction the person could not be granted a license or be allowed to be connected, directly or indirectly, with a camp licensee.

A person who intentionally makes a false report regarding a camp to the applicable department would be guilty of a crime as follows if the report causes the department to initiate a high-risk special investigation as described above:

- If the incident reported would, if true, constitute a misdemeanor or not constitute a crime, the person would be guilty of a misdemeanor punishable by imprisonment for up to 93 days or a fine of up to \$100, or both.
- If the incident reported would, if true, constitute a felony, the person would be guilty of a felony punishable by the lesser of the following:
 - The penalty for the incident falsely reported.
 - Imprisonment for up to four years or a fine of up to \$5,000, or both.

Consultation

The applicable department would have to provide consultation to camps to help them meet the requirements of the new act and its applicable rules. Within fiscal limitations, the department would have to offer assistance, training, and education, upon request, in developing methods to improve service.

Senate Bill 693 would amend the Code of Criminal Procedure to add the felony of making a false report that initiates a high-risk special investigation (as proposed by SB 692) to the sentencing guidelines as a Class F crime against a person with a variable statutory maximum term of imprisonment.

MCL 777.15g

Senate Bill 694 would amend 1973 PA 116, known as the child care licensing act, to delete references to licensure of children's camps under the child care licensing act; to exclude camps licensed under the Camp Licensing Act (SB 692) from being considered child care organizations under the child care licensing act; and to repeal section 17a, which now governs the use of an inhaler and epinephrine auto-injector by a child at a children's camp licensed under the child care licensing act.

MCL 722.111 and 722.119

Senate Bill 695 would amend the Adult Foster Care Facility Licensing Act to exclude camps licensed under the Camp Licensing Act (SB 692) from being considered adult foster

care facilities under the act. In addition, the act now allows LARA to deny, suspend, revoke, or refuse to renew a license, or modify a regular license to a provisional license, if the licensee willfully and substantially violates the act. The bill would instead allow the department to take those actions if the licensee is in ***willful noncompliance*** or ***substantial noncompliance***.

Willful noncompliance would mean conduct that an applicant or licensee knew or had reason to know is conduct that is a violation of the act, its rules, or the terms of a license.

Substantial noncompliance would mean either of the following:

- Repeated violations of the act, its rules, or the terms of a license.
- A violation of the act, its rules, or the terms of a license that jeopardizes the health, safety, care, treatment, maintenance, or supervision of an individual who is receiving or (if an applicant) may receive services.

Finally, the bill would create the Adult Foster Care Facility Licensing Fee Fund in LARA to receive fees for the licensure of adult foster care facilities and provide for the funds to be used to implement the licensing requirements for those facilities.

MCL 400.703 et seq.

Senate Bill 728 would amend the Child Protection Law to include a camp under the Camp Licensing Act as a *person responsible for the child's health or welfare* for purposes of the Child Protection Law.

MCL 722.622

Senate Bills 693, 694, 695, and 798 cannot take effect unless Senate Bill 692 is also enacted.

FISCAL IMPACT:

Senate Bill 692 would have a minimal fiscal impact on the Department of Lifelong Education, Advancement, and Potential. The bill does not significantly alter the scope of the camp licensure process. Criminal history checks and central registry checks are expanded under the bill, but MiLEAP expects the costs for these additional requirements to be fully absorbed with existing appropriations and resources. For FY 2024-25, the camp licensing unit within MiLEAP is funded at \$700,300 Gross (\$657,400 GF/GP) and authorized for 7.0 FTE positions.

Revenue from camp licensure may change due to the creation of a flat rate fee for licensure at \$120, but MiLEAP has stated that it expects revenue to remain roughly equal under this revised fee. The bill creates a Camp Licensing Fund for money received from license application fees. Money in this fund would be used to implement requirements in the bill.

The bill would also have a minimal fiscal impact on the Department of Licensing and Regulatory Affairs. The bill would reduce the adult camp program license fee from \$200 to \$120 and create a new campsite license fee of \$120. Currently, there are five licensed adult camp programs, so the impact on fee revenue would likely be minimal. LARA does not expect the bill to require any significant changes to existing department licensing processes.

Finally, the bill would have an indeterminate fiscal impact on the state and on local units of government due to its penalty provisions. The number of convictions that would result under provisions of the bill is not known. Violations could be either misdemeanors or felonies, depending on the circumstances. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. New felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2023, the average cost of prison incarceration in a state facility was roughly \$48,700 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$5,400 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

Senate Bill 693 is a companion bill to Senate Bill 692 and would amend the sentencing guidelines chapter of the Code of Criminal Procedure to include the proposed felony of providing a false report that initiates a high-risk special investigation, as a Class F felony against a person punishable by a varied statutory maximum. The bill would not have a direct fiscal impact on the state or on local units of government.

Senate Bill 694 would have no fiscal impact on any units of state or local government.

Senate Bill 695 would establish the Adult Foster Care Facility Licensing Fee Fund. The fee schedule tied to this fund exists currently and would be unchanged by this bill, so there would be no fiscal impact on LARA.

In addition, the bill would have an indeterminate fiscal impact on the state and on local units of government due to its penalty provisions. The number of convictions that would result under provisions of the bill is not known. New felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2023, the average cost of prison incarceration in a state facility was roughly \$48,700 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$5,400 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue.

The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

Senate Bill 728 would have no fiscal impact on any units of state or local government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.