

July 2, 2020

California Legislative Update

Hello Challenge Course Professionals:

I am writing to you about a serious regulatory challenge to the operation of challenge courses and zip lines in California. Senate Bill 217. Primarily designed to create regulation and permitting for camps serving children of all ages, SB 217 also describes requirements for operating traditional camp activities including challenge courses. The bill has several significant sections which could strongly impact you, your operation, and your course. I urge you to review the information below and then to share your concerns with your Assembly Person and State Senator. Because of the schedule of the legislature, this feedback needs to reach your representatives by July 8, 2020.

Information on how to provide your feedback is included at the end of this letter. This bill has two areas which are of primary concern to operators of youth serving challenge courses and zip lines.

The first area of concern is the definition of a recreational camp added to the existing definition of an “organized camp”.

“(t) “Recreational camp” means a site with a program and facilities established for the supervision of children 18 years of age and younger that meets all of the following requirements: (1) Operates for at least five days during any season of the year. (2) Operates for profit or non-profit purposes, whether or not a fee is charged. (3) Serves five or more children who are not members of the family or personal guests of the camp operator. (4) Is not licensed by the State Department of Social Services as a daycare facility. (Page 12 lines 22 to 31 text of Senate Bill 217, amended in Assembly, June 23, 2020).

The overly broad definition is a problem. This definition potentially makes nearly every operation that serves children in the state a camp. If you are a challenge course that operates a summer program for youth, you may need to be licensed by your local health department under this bill.

It is important to note that the bill leaves intact the existing definition of “organized camp” which has served the state and the camp industry well for many years.

The second concern for camps is the requirement to license “high risk activities” to the same standards and in the same system as commercial amusement devices and parks. This requirement is found in Chapter 7 which is quoted here:

(b) A camp shall not operate any zip line, challenge course,-or other mechanical device that meets the definition of an “amusement ride” as set forth in Section 7901 of the Labor Code, unless the camp has obtained a permit to operate the zip line, challenge course, or other mechanical device from the Division of Occupational Safety and Health pursuant to the Amusement Rides Safety Law (Part 8 (commencing with Section 7900) of Division 5 of the Labor Code).



Section 7901 of the Labor Code is the section of California Law which gives Cal OSHA (DOSH) authority over amusement devices. In this code, Cal OSHA can determine what is an amusement ride. The practical effect of this is that zip lines and challenge course would need to have engineered drawings and be permitted by Cal OSHA (DOSH). Currently, Cal OSHA's Permanent Amusement Ride Division (PAR) does not recognize ACCT inspections. Annual inspections would be to an outdated ASTM standard and would likely cost more than existing ANSI/ACCT based inspections.

This bill could have far reaching impacts on camp challenge course and other courses in California. Please take some time to consider the impact of this bill on your operation. Share our concerns with all your state representatives. California uses an electronic system to collect those comments. Your position letter is now collected in an electronic portal called California Legislative Position Letter Portal (<https://calegislation.lc.ca.gov/Advocates/faces/index.xhtml>). A brief registration process is required. After signing up, the confirmation of registration email may take as long as 1 hour to arrive in your inbox. Once you have the confirmation email and temporary password, you can submit your comments. I encourage you to write to your representatives about your position and opinion on SB 217.

This is a time sensitive matter. Please act soon.

I am available should you have any questions about this matter.

Sincerely,

Scott Andrews

ACCT Policy Director

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