

CHAPTER Env-Wq 900 YOUTH CAMPS

Statutory Authority: RSA 485-A:6, IX; RSA 485-A:25

PART Env-Wq 901 PURPOSE AND APPLICABILITY

Env-Wq 901.01 Purpose.

(a) The purpose of the rules in Env-Wq 903 through Env-Wq 907 is to provide an environment conducive to promoting and protecting the health and safety of all individuals who attend or provide services at a youth recreation camp.

(b) The purpose of the rules in Env-Wq 908 is to accommodate situations where strict compliance with all requirements established in this chapter may not be necessary for the protection of the safety and health of the individuals who attend or provide services at a youth recreation camp or youth skills camp.

(c) The purpose of the rules in Env-Wq 909 is to implement RSA 485-A:24, II relative to background checks for certain workers at youth skill camps.

Env-Wq 901.02 Applicability.

(a) The definitions in Env-Wq 902 shall apply throughout this chapter, provided that if a specific term is defined for youth skill camps in Env-Wq 909.03, then that definition shall apply in that part.

(b) The rules in Env-Wq 903 through Env-Wq 907 shall apply to:

- (1) All youth recreation camps as defined herein; and
- (2) Any organization or program exempt from licensing under RSA 170-E:3, I, that chooses to apply for and obtain a license under these rules.

(c) Except as provided in (b)(2), the rules in Env-Wq 903 through Env-Wq 907 shall not apply to:

- (1) Any child day care agency as defined in RSA 170-E:2, IV; or
- (2) Places, entities, and programs exempt from licensing under RSA 170-E:3, I.

(d) The rules in Env-Wq 909 shall apply only to youth skill camps as defined in Env-Wq 909.03.

PART Env-Wq 902 DEFINITIONS

Env-Wq 902.01 “Camp” means youth recreation camp as defined in Env-Wq 902.21.

Env-Wq 902.02 “Camp facilities” means all of the structures at a youth recreation camp, whether temporary or permanent, used by YRC staff or campers for sleeping, eating, personal hygiene, recreation, instruction, health care, or camp management, or any combination thereof.

Env-Wq 902.03 “Camper” means any person enrolled in a youth recreation camp.

Env-Wq 902.04 “Contained YRC campus” means a parcel of land, with or without buildings thereon, that is:

- (a) Used for youth recreation camping;
- (b) Not open for use by the general public while the YRC is in operation; and
- (c) Typically, but not necessarily, in a rural location.

Env-Wq 902.05 “Counselor” means an individual who is responsible for the direct supervision of campers and the supervision and training of counselors-in-training or junior counselors, or both.

Env-Wq 902.06 “Counselor-in-training (CIT)” means an individual who works directly with campers only under the supervision of a counselor.

Env-Wq 902.07 “Day camp” means a youth recreation camp that operates for less than 24 hours per day.

Env-Wq 902.08 “Department” means the department of environmental services.

Env-Wq 902.09 “Director” means the individual in charge of the day-to-day operations of a youth recreation camp.

Env-Wq 902.10 “In operation” means campers are in attendance at a youth recreation camp.

Env-Wq 902.11 “Junior counselor (JC)” means an individual who works directly with campers only under the supervision of a counselor.

Env-Wq 902.12 “Off-site overnight camping” means any venture that:

- (a) Involves a recreation activity, including but not limited to hiking, climbing, biking, canoeing, horseback riding, water activities, camping, and tenting;
- (b) Occurs for the duration of one night or longer; and
- (c) Occurs outside of the normal sleeping quarters of the youth recreation camp.

Env-Wq 902.13 “Person” means “person” as defined in RSA 485-A:2, IX, as reprinted in Appendix B.

Env-Wq 902.14 “Public water system (PWS)” means “public water system” as defined in RSA 485:1-a, XV, as reprinted in Appendix B.

Env-Wq 902.15 “Residence camp” means a youth recreation camp which operates for 4 or more consecutive 24-hour days.

Env-Wq 902.16 “Season” means the period(s) of time in the licensing year during which a seasonal youth recreation camp plans to operate and does operate.

Env-Wq 902.17 “Seasonal camp” means a youth recreation camp that is not a year-round camp.

Env-Wq 902.18 “State fire safety code” means “‘New Hampshire fire code’ or ‘state fire code’” as defined in RSA 153:1, VI-a, as reprinted in Appendix B.

Env-Wq 902.19 “Year-round camp” means a youth recreation camp that operates during each calendar quarter of the year.

Env-Wq 902.20 “Youth” means individuals who are under 18 years of age.

Env-Wq 902.21 “Youth recreation camp (YRC)” means a program that operates for at least 10 days per license year for the purpose of providing recreational opportunities, or a combination of recreation and instruction, to 10 or more youth per day, at a place which is continuously or periodically used for such purposes. The term includes residence camps and seasonal and year-round day camps.

Env-Wq 902.22 “YRC owner” means the person that owns and is responsible for the operation and management of a YRC.

Env-Wq 902.23 “YRC staff” means the individuals employed or otherwise engaged by a youth recreation camp, whether for pay or not, to:

- (a) Manage the camp, including office personnel, managers, and kitchen and maintenance staff; and
- (b) Work directly with campers, including counselors, activity leaders, instructors, and health care providers.

PART Env-Wq 903 LICENSING

Env-Wq 903.01 License Required.

(a) As specified in RSA 485-A:24:

- (1) No person shall for profit or for charitable purposes operate any youth recreation camp (YRC) without a license issued by the department; and
- (2) The license to operate a year-round camp required by RSA 485-A:24 shall be good only for the calendar year in which it is issued.

(b) The license to operate a seasonal camp required by RSA 485-A:24, I, shall be good only between the opening and closing dates noted on the application.

Env-Wq 903.02 YRC License Applications.

(a) The applicant for a YRC license shall file a complete application as specified in (b), below, with the department at the following address:

Department of Environmental Services
Attn: Youth Recreation Camp Program
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

(b) A complete application for a YRC license shall include the following:

- (1) A completed application form as specified in Env-Wq 903.03, signed as specified in Env-Wq 903.05;
- (2) Any additional required information as specified in Env-Wq 903.04;
- (3) A completed checklist as specified in Env-Wq 903.06, signed as specified in Env-Wq 903.05;
- (4) Certification that the YRC owner has verified that the director meets the requirements specified in Env-Wq 904.01; and
- (5) The fee required by RSA 485-A:24, I, payable to the state treasurer.

(c) The applicant shall file the complete application:

- (1) At least 30 days prior to the opening of the YRC, for a seasonal camp; or
- (2) No later than December 1 for the following calendar year, for a year-round camp.

Env-Wq 903.03 Application Information. Each applicant for a YRC license shall provide the following information on a "Youth Recreation Camp License Application" form obtained from the department, #NHDES-W-03-175, dated August 2017:

- (a) The name of the YRC;
- (b) The location where the YRC operates in New Hampshire, by street address and municipality;
- (c) The name, primary mailing address, daytime telephone number, and emergency telephone number of the YRC owner and, if available, an e-mail address;
- (d) The name, primary mailing address, daytime telephone number, and emergency telephone number of the YRC operator, and, if available, an e-mail address, if the operator is not the owner;

- (e) If the owner or operator, or both, is other than an individual, the name, daytime telephone number, and, if available, e-mail address for an individual representing the owner or operator, or both, as applicable;
- (f) The name of each lake or river, if any, on which the YRC is located;
- (g) Whether the YRC has operated previously in New Hampshire, and if so the following:
 - (1) A list showing the year(s) the YRC operated;
 - (2) For each year, the name under which the YRC operated, if different from the name in which the current application is being made; and
 - (3) Whether the YRC's license has ever been suspended or revoked;
- (h) The capacity of the YRC, as follows:
 - (1) Maximum number of campers per camp session; and
 - (2) Number of YRC staff;
- (i) Whether the YRC is a seasonal camp or a year-round camp;
- (j) For a seasonal camp, the opening date and closing date for campers;
- (k) For a seasonal camp, the seasonal mailing address(es) and daytime telephone number(s) of the YRC owner, if different than the primary mailing address;
- (l) Whether the YRC is a public water system (PWS) or is connected to a PWS, and:
 - (1) If so, the name and PWS ID number of the public water system; and
 - (2) If not, the source of drinking water used by the YRC;
- (m) Whether the YRC is a residence camp or a day camp;
- (n) Whether the YRC prepares or serves food for campers or YRC staff;
- (o) Whether the YRC is connected to a municipal sewer or other community, off-site sewage disposal system or is served by on-site sewage disposal system(s);
- (p) If the YRC is an entity that is required by RSA 292, RSA 293, RSA 293-A, or other applicable provision of New Hampshire law to register with the New Hampshire secretary of state:
 - (1) The business ID number assigned by the New Hampshire secretary of state; and
 - (2) An affirmation by the YRC owner that the YRC is registered and in good standing to do business in New Hampshire; and
- (q) The address of each YRC web site and social media network site, if any.

Env-Wq 903.04 Additional Information Required for Certain YRC.

- (a) For any YRC that is not served by a PWS that provides drinking water, other than water bottled as specified in RSA 143 and He-P 2100, to campers or YRC staff, or both, the YRC owner shall submit results of a current water analysis for bacteria and nitrates with the application.
- (b) For any YRC that is connected during the season to a PWS and that disconnects from the PWS at the end of the season and reconnects prior to the next season, the YRC owner shall submit results of a current water analysis for bacteria with the application.

(c) For any YRC that is not connected to a municipal sewer or other off-site community sewage disposal system, the applicant shall provide following additional information:

- (1) The type(s) of toilet facilities and sewage disposal system(s) available;
- (2) For any system that has been approved by the department, the approval number and date;
- (3) For any system that has not been approved by the department and which includes a septic tank, a statement of the approximate age of the system and the approximate date of the most recent septic tank pumping or inspection; and
- (4) For any system that includes a lagoon, the number, date, and name of permittee as shown on the groundwater discharge permit or underground injection control (UIC) permit for the lagoon.

Env-Wq 903.05 Signature Required.

- (a) The YRC owner or authorized representative shall sign and date the application form and the YRC checklist.
- (b) The signature provided pursuant to (a), above, shall constitute certification that:
 - (1) The signer is the YRC owner or has been authorized by the YRC owner to sign the application;
 - (2) The information provided in and with the application is true, complete, and not misleading to the knowledge and belief of the signer; and
 - (3) The signer understands that any license granted based on false, incomplete, or misleading information shall be subject to suspension or revocation.

Env-Wq 903.06 YRC Checklist.

(a) The YRC checklist shall consist of a list of the operating standards that apply to the YRC, as specified in Env-Wq 904 through Env-Wq 907.

(b) As part of the application, the applicant shall identify the status of the YRC with respect to each standard as follows:

- (1) A status of "YES" means the YRC complies with the standard;
- (2) A status of "PENDING" means the YRC does not comply with the standard as of the application date but will be brought into compliance prior to the arrival of campers; and
- (3) A status of "NO" means the YRC does not currently comply with the standard and does not have a plan to come into compliance prior to the arrival of campers.

(c) For any standard marked as "PENDING" or "NO", the applicant shall provide a narrative explanation of the reason(s) for the non-compliance and:

- (1) A brief description of the plan(s) to bring the YRC into compliance; or
- (2) A request for a waiver of the requirement as specified in Env-Wq 908.

Env-Wq 903.07 Application Processing.

(a) Upon receipt of an application, the department shall review the application to determine whether the application is complete.

(b) Except as provided in (e), below, if the application is not complete the department shall notify the applicant in writing of what is needed to complete the application.

(c) Upon notifying an applicant that the application is not complete, the department shall suspend further processing of the application pending receipt of the information missing from the application.

(d) No portion of the time between the date a notice is provided pursuant to (b), above, or (e), below, and the date the applicant responds shall be included in computing the time limits specified in RSA 541-A:29 for processing the application.

(e) The department shall notify the applicant by telephone in lieu of providing a written notice pursuant to (b), above, if:

- (1) The anticipated time required of the applicant to supply the missing information is less than the anticipated time required of the department to notify the applicant in writing; and
- (2) The department is able to contact the applicant by telephone.

Env-Wq 903.08 Approval Criteria.

(a) The department shall approve a YRC license application for a previously-licensed YRC if:

- (1) The applicant submitted a complete application;
- (2) The information supplied by the applicant shows that the YRC:
 - a. Is in compliance with applicable standards specified in Env-Wq 904 through Env-Wq 907 or will be in compliance prior to campers arriving at the YRC; or
 - b. Is being granted a waiver of the requirement pursuant to Env-Wq 908;
- (3) If the YRC is required to submit water test results pursuant to Env-Wq 903.04(a) or (b), the test results show that the water meets applicable drinking water standards for bacteria and, if applicable, nitrates, as specified in Env-Dw 700;
- (4) The YRC's New Hampshire license has not been suspended or revoked or, if the license has been suspended or revoked, the condition(s) which formed the reason(s) for the suspension or revocation have been corrected or will be addressed as provided in (a)(2), above; and
- (5) The YRC has no outstanding deficiencies identified during an inspection conducted in accordance with Env-Wq 903.10.

(b) The department shall approve a YRC license application for a YRC that has not previously been licensed under these rules if:

- (1) The criteria specified in (a)(1)-(3), above, are met; and
- (2) The YRC passes a pre-season inspection conducted by the department.

Env-Wq 903.09 Issuance of YRC License.

(a) If the application is approved, the department shall issue a YRC license to the applicant that contains the following information:

- (1) The YRC license number as assigned by the department;
- (2) The name of the YRC owner;
- (3) Citations to department statutes and rules that apply to the YRC's operation;
- (4) The name of the YRC;
- (5) The location of the YRC by street and municipality;

- (6) The date the department issued the license; and
- (7) A statement that the license expires at the end of the calendar year of issuance.

(b) The license shall be signed by the director of the department's division of water or the director's designee.

(c) The YRC owner shall post the YRC license in a place where it is likely to be seen by interested parties, such as state and local officials and parents or legal guardians of campers, such as the central YRC office or where official camp notices are posted.

Env-Wq 903.10 Inspection of YRC Facilities.

(a) As specified in Env-Wq 903.08(b)(2), department staff shall inspect a YRC that has not previously been licensed in New Hampshire prior to the YRC receiving a license.

(b) Department staff shall inspect each licensed YRC, while the YRC is in operation, to determine compliance with Env-Wq 904 through Env-Wq 907.

(c) If the YRC has a contained YRC campus, then at the time of the inspection, the YRC shall provide to the department a current map of the contained YRC campus that depicts the locations of utility systems, wells and other water system components, and septic tanks, dry wells, leach fields, and other components of each sewage or other wastewater disposal system.

(d) The department shall issue a written inspection report to the YRC owner and director which summarizes the inspection and identifies as a deficiency any condition that does not meet the applicable operating standard specified in Env-Wq 904 through Env-Wq 907, subject to the following:

- (1) If the YRC has received a waiver to an operating standard under Env-Wq 908, such standard shall not be identified as a deficiency; and
- (2) If the YRC was inspected prior to the arrival of campers and the YRC identified the standard as "PENDING" pursuant to Env-Wq 903.06(b)(2), such standard shall not be identified as a deficiency if the YRC explains at the time of the inspection how the condition will be brought into compliance prior to the arrival of campers.

(e) If the inspection report issued pursuant to (d), above, identifies one or more deficiencies, the YRC owner shall submit proof of compliance with the applicable standard(s) to the department when compliance has been achieved. Proof of compliance shall comprise photographs, invoices, or such other documentation as is appropriate to demonstrate compliance with the particular standard(s) at issue.

Env-Wq 903.11 Suspension or Revocation of YRC License.

(a) Upon determining that conditions exist at a YRC that could adversely affect the health or safety of the campers or YRC staff, the department shall initiate an action to suspend or revoke the YRC license in accordance with RSA 541-A:30, RSA 541-A:31, and the provisions of Env-C 200 applicable to adjudicative proceedings.

(b) After a proceeding initiated pursuant to (a), above, the department shall suspend the YRC license if the conditions:

- (1) Have adversely affected the health and safety of the campers or YRC staff or will adversely affect the health and safety of the campers or YRC staff if left uncorrected;
- (2) Resulted from accident or benign neglect; and
- (3) Can and will be corrected prior to further endangering the health and safety of the campers or YRC staff.

(c) After a proceeding initiated pursuant to (a), above, the department shall revoke the YRC license if the conditions have adversely affected the health and safety of the campers or YRC staff or will adversely affect the health and safety of the campers or camp staff if left uncorrected, and:

- (1) Were created knowingly or with reckless disregard for camper or YRC staff health and safety; or
- (2) Cannot be corrected prior to further endangering the health and safety of the campers or YRC staff.

PART Env-Wq 904 OPERATING STANDARDS: YRC STAFF

Env-Wq 904.01 Directors.

- (a) Each YRC shall have a director.
- (b) The director shall be at least 21 years of age.
- (c) The director of a residence camp shall have at least 2 seasons of previous administrative or supervisory experience in residential youth recreation camping.
- (d) The director of a day camp shall have at least 2 seasons of previous administrative or supervisory experience in youth recreation camping, youth education and development, or other youth recreation programs.
- (e) No individual shall be a director who has any criminal conviction for any offense involving:
 - (1) Causing or threatening direct physical injury to any individual;
 - (2) Causing or threatening harm of any nature to any child or children; or
 - (3) Unlawfully taking property of another, whether through force or threat of force or through deception.

Env-Wq 904.02 Counselors, Counselors-In-Training, and Junior Counselors.

- (a) At least 80 percent of all counselors at a residence camp shall be 18 years of age or older.
- (b) At least 80 percent of all counselors at a day camp shall:
 - (1) Be 16 years of age or older; and
 - (2) Be 2 years or more older than the campers with whom they are working.
- (c) Each counselor, counselor-in-training (CIT), and junior counselor (JC) shall attend a comprehensive training program provided by or through the YRC before commencing any activities with campers.
- (d) No individual shall be a counselor, CIT, or JC who has any criminal conviction for any offense involving:
 - (1) Causing or threatening direct physical injury to any individual;
 - (2) Causing or threatening harm of any nature to any child or children; or
 - (3) Unlawfully taking property of another, whether through force or threat of force or through deception.

Env-Wq 904.03 Other YRC Staff. A YRC shall not employ or otherwise engage, as health care staff, kitchen staff, maintenance staff, special recreation staff, volunteer, contractor, or otherwise, any individual who has any criminal conviction for any offense involving:

- (a) Causing or threatening direct physical injury to any individual;

- (b) Causing or threatening harm of any nature to any child or children; or
- (c) Unlawfully taking property of another, whether through force or threat of force or through deception.

Env-Wq 904.04 Verification of Staff Qualifications.

(a) The YRC owner shall verify that the director meets the qualifications specified in Env-Wq 904.01(e) and make a good faith effort to ensure compliance Env-Wq 904.02(d) and Env-Wq 904.03. Compliance with this section shall be evidence of good faith to ensure compliance with the applicable qualifications.

(b) Subject to (c) through (f), below, the YRC owner or director shall require all YRC staff to:

(1) Authorize or submit the results of:

- a. A criminal background check in each state where the YRC staff member has lived, which may be done through a national database if the database includes all such states; and
- b. A check of the national sex offender public registry or, if the YRC staff has lived in a state that does not participate in the national registry, a check of the sex offender public registry of each state in which the individual has resided; and

(2) Provide references and a listing of all previous employment and volunteer positions.

(c) For any counselor, CIT, or JC who is younger than 18 years old who will be left alone with a child or children, in lieu of the results specified in (b)(1), above, the individual shall provide a minimum of 2 references to the YRC operator, at least one of which is from a non-relative, attesting to their knowledge of the individual's character as it relates to whether the minor has caused or threatened to cause direct physical injury to any other individual or harm of any nature to any child or children and their opinion on whether the individual is a good candidate to work directly with campers.

(d) For any licensed health professional who is required to submit to a criminal background check in order to be licensed, the YRC owner may accept a currently-valid professional license as proof of compliance with Env-Wq 904.03.

(e) For any counselor, CIT, or JC who has not resided in the United States and who enters the country under the auspices of an organization that provides opportunities for foreign nationals to be a counselor at a camp in the United States, such as the International Camp Counselor Program (ICCP), Camp America, British University North America Club (BUNAC), Camp Leaders, or Camp Counselors USA (CC USA), the background check required to obtain the applicable visa shall meet the requirements of (b), above.

(f) For any YRC that is a certified provider under RSA 170-G:4, XVIII, the background check required for such certification may be used to satisfy the requirement of (b)(1), above.

(g) The YRC owner or, at the owner's discretion, the director, shall:

- (1) Review the results of the background checks and certifications;
- (2) Review the submitted references and previous employment and volunteer information and check a sufficient number to become satisfied as to the individual's suitability to work at the YRC; and
- (3) Conduct a personal interview with each individual hired or otherwise engaged as YRC staff.

Env-Wq 904.05 Sleeping Areas; Privacy Areas.

(a) For purposes of this section, the following definitions shall apply:

- (1) "Privacy area" means a designated private or semi-private area at a camp, such as a room or other space that has permanent or temporary side walls, in which campers or YRC staff are

expected to undress or change clothes. The term includes sleeping areas and changing areas associated with showers or other bathing facilities, or with swimming, boating, or other athletic facilities;

(2) “Session” means a period of time established by the camp owner for which a camper is enrolled at a camp;

(3) “Sleeping area” means a tent, cabin, room, or other designated private or semi-private area at a residence camp in which a person is intended to sleep; and

(4) “Special needs camper” means a camper who, for any physical, psychological, or developmental reason, has one or more counselors assigned to work specifically with him or her.

(b) The YRC owner or designee shall develop a written policy to address transgender and gender non-conforming campers and staff, which may be as general or as specific as the YRC owner wants it to be.

(c) Subject to (d), below, no member of the YRC staff, including the director, counselors, activity leaders, instructors, health care providers, office personnel, managers, kitchen staff, and maintenance staff, shall enter a privacy area unless:

(1) The privacy area is a sleeping area to which the YRC staff member is assigned;

(2) Such entry is necessary to protect the health and safety of the occupants, such as in the case of a fire or a situation requiring urgent medical attention; or

(3) The YRC staff member first announces his or her intent to enter and proceeds only after the occupants give audible approval.

(d) The provisions of (c), above, shall not apply to a camp attended by special needs campers if:

(1) The YRC staff member enters the privacy area at the same time as the campers in order to assist a special needs camper;

(2) The other campers are aware of the YRC staff member’s presence and have the opportunity to wait until the YRC staff member departs to disrobe or are otherwise provided privacy in which to disrobe; and

(3) The camp has a written policy in place to ensure the safety of the campers in such situations and specifically covers the policy in the training provided pursuant to Env-Wq 904.02(c).

PART Env-Wq 905 OPERATING STANDARDS: FACILITIES AND EQUIPMENT

Env-Wq 905.01 Camp Facilities.

(a) All camp facilities and grounds shall be maintained in good repair to ensure safe and sanitary conditions.

(b) Ventilation in camp facilities shall provide a movement of air to assure the comfort and protection of the occupants.

(c) Doors, windows, and other outer openings of camp facilities used for food storage, preparation, or consumption shall be screened with a mesh having at least 18 strands by 16 strands per square inch in all but the following circumstances:

(1) First floor windows if designated to be used for emergency egress;

(2) Doors which are opened for normal or emergency ingress or egress; and

(3) Any other time when such openings are left ajar for a specific purpose at such times of the day or seasons of the year so as not to allow insects into the affected room(s).

Env-Wq 905.02 Vehicles. Any vehicle used to transport campers shall meet the applicable safety and operator requirements established by the New Hampshire department of safety.

Env-Wq 905.03 Sleeping Quarters.

(a) Each permanent building in which individuals sleep shall demonstrate compliance with applicable provisions of the state fire safety code through an inspection undertaken pursuant to Env-Wq 906.02.

(b) Sleeping quarters in buildings shall meet the following criteria:

(1) Sleeping units shall be arranged to provide a minimum floor area ratio of 40 square feet per single bunk and 60 square feet per double bunk;

(2) Suitable protection shall be provided against insects;

(3) A distance of at least 6 feet shall be provided between the heads of sleepers; and

(4) A distance of at least 30 inches shall be provided between the sides of 2 adjacent beds.

(c) The number of campers in a tent shall not exceed the manufacturer's rating for the tent.

Env-Wq 905.04 Assembly Areas. Assembly areas shall comply with applicable provisions of the state fire safety code.

Env-Wq 905.05 Drinking Water and Plumbing.

(a) Water used at the YRC for drinking, food preparation, and cleanup shall comply with the drinking water standards for bacteria and nitrates specified in Env-Dw 700.

(b) No cross-connection shall exist between approved and unapproved sources of water supply. Fixtures shall be so constructed as to involve no interconnections and no hazard of back-siphonage, as specified in Env-Dw 505.

(c) All plumbing, including drinking water fountains, shall conform to the applicable requirements of the state building code as established in RSA 155-A.

(d) If the YRC does not receive drinking water from a PWS, the YRC's source of drinking water shall be:

(1) Located to avoid contamination from buildings or wastewater disposal, if a surface water source; or

(2) Constructed in accordance with the standards for drinking water wells established by the New Hampshire water well board in We 100-1000.

(e) Drinking water shall not be removed from a source by dipping or drawing by a bucket.

(f) The distance between the YRC water supply and sanitary waste disposal shall meet the criteria set forth in Env-Wq 1000 unless a waiver is granted by the commissioner pursuant to Env-Wq 1001.03.

Env-Wq 905.06 Water Testing and Treatment.

(a) A YRC served by a PWS shall not be required to undertake separate testing under this chapter unless the PWS is in violation of its monitoring schedule for bacteria or nitrate, or both, established pursuant to Env-Dw 708 at the time the YRC application is submitted to the department.

(b) If the PWS is in violation of its bacteria or nitrate monitoring schedule, the YRC shall have its drinking water analyzed for the contaminant for which the PWS is in violation within 7 days of being notified by the department.

(c) A YRC that is not served by a PWS shall have its drinking water analyzed for bacteria and nitrates within 30 days prior to the opening date of the YRC season.

(d) The analyses required by (b) or (c), above, shall be conducted by a laboratory accredited for drinking water bacteria and nitrate analyses by the department pursuant to Env-C 300.

Env-Wq 905.07 Natural Waters and Beaches.

(a) Natural waters used for swimming shall meet or exceed Class B criteria as specified in RSA 485-A:8 and Env-Wq 1700.

(b) A beach that is part of the YRC property shall meet the following health criteria:

- (1) The shore shall be free of litter;
- (2) Domestic animals shall be prohibited from the beach and swimming area; and
- (3) Detergents, personal bathing, and vehicle washing shall be prohibited in the water.

(c) Beach structures shall meet the following criteria:

- (1) Diving boards shall:
 - a. Be firmly affixed to a dock or float; and
 - b. Have a top surface that is slip-resistant; and

(2) Docks, floats, and platforms shall be maintained in good repair.

(d) Safety systems and procedures for use of the beach shall be as follows:

- (1) A first-aid kit shall be available at the beach, equipped with such items as lifeguard staff deem necessary to address emergency situations that are likely to occur at the waterfront;
- (2) All water activities shall be permitted only under the supervision of an American Red Cross certified lifeguard or another individual certified in an equivalent national recognized course having standards no less stringent than the life guard course offered by the American Red Cross;
- (3) There shall be one certified lifeguard for every 25 campers participating in water activities;
- (4) There shall be at least one YRC staff member or lifeguard for each 10 campers participating in water activities;
- (5) A safety accounting system for supervising and checking campers participating in water activities shall be in place;
- (6) During non-instructional time, a check of campers participating in water activities shall be made at least every 15 minutes and referenced against the safety accounting system;
- (7) There shall be supervised entrances and exits and a lifeguard station providing an unobstructed view of the swimming area; and
- (8) The YRC shall have a lost-swimmer plan detailing procedures to be followed in an emergency.

Env-Wq 905.08 Swimming Pools.

(a) A swimming pool that is part of a YRC shall meet the criteria specified in Env-Wq 1100 for public swimming pools.

- (b) Safety systems and procedures for use of each pool shall be as follows:
- (1) A first-aid kit shall be available at the pool, equipped with such items as lifeguard staff deem necessary to address emergency situations that are likely to occur at the pool;
 - (2) All water activities shall be permitted only under the supervision of an American Red Cross certified lifeguard or another individual certified in an equivalent national recognized course having standards no less stringent than the life guard course offered by the American Red Cross;
 - (3) There shall be one certified lifeguard for every 25 campers participating in water activities;
 - (4) There shall be at least one YRC staff member or lifeguard for each 10 campers participating in water activities;
 - (5) A safety accounting system for supervising and checking campers participating in water activities shall be in place;
 - (6) During non-instructional time, a check of campers participating in water activities shall be made at least every 15 minutes and referenced against the safety accounting system;
 - (7) There shall be supervised entrances and exits and a lifeguard station providing an unobstructed view of the swimming area; and
 - (8) The YRC shall have a lost-swimmer plan detailing procedures to be followed in an emergency.

Env-Wq 905.09 Toilet Facilities.

- (a) Toilet facilities shall:
- (1) Include one toilet for every 10 persons in a resident camp;
 - (2) Include one toilet for every 30 persons in a day camp;
 - (3) Be located, constructed, and maintained to ensure safe and sanitary conditions; and
 - (4) Contain at least one toilet for each gender with a door or curtain for privacy.
- (b) Urinals may be substituted for up to 1/3 of the toilets in toilet facilities for males.
- (c) Floors and walls in toilet facilities shall be sealed with polyurethane or paint up to a height of not less than 48 inches.
- (d) Badly worn or chipped toilet seats shall be repaired or replaced.
- (e) All toilet facilities shall be supplied with toilet paper at all times.
- (f) A sink for hand washing with soap and towels shall be available within or immediately outside the toilet facility.
- (g) Privies shall meet the following conditions:
- (1) The privy shall be constructed in accordance with Env-Wq 1022.01;
 - (2) Privies shall be located:
 - a. At least 100 feet from any place where food is prepared or served;
 - b. At least 75 feet from any surface water; and
 - c. At least 200 feet up-gradient of any well or spring;

- (3) Privy contents shall be:
 - a. Removed as often as necessary to prevent the pit from being filled to within one foot of the top of the pit; and
 - b. Disposed of in accordance with Env-Wq 1600.
- (4) The contents of the pit shall be covered daily with lime or other suitable agent to eliminate insects and odors;
- (5) The materials for liming and disinfection shall be kept in proximity to the privy so as to be readily available for use;
- (6) The privy and the pit shall be made fly-tight and provided with self-closing lids; and
- (7) Clean and sanitary conditions shall be maintained at all times.

(h) Chemical toilets shall be maintained and pumped by a septage hauler licensed in accordance with Env-Wq 1600.

Env-Wq 905.10 Sewage Disposal Facilities. All on-site septic systems shall be designed, constructed, and maintained in accordance with Env-Wq 1000.

Env-Wq 905.11 Garbage and Waste Disposal; Toxic Chemical Storage.

(a) Garbage and refuse shall be kept in durable, easily cleanable, insect-proof and rodent-proof containers that do not leak and do not absorb liquids. Plastic bags or wet-strength paper bags shall be used to line such containers when maintained inside the areas used for food storage, preparation, or consumption.

(b) Garbage and refuse containers stored outdoors and dumpsters, compactors, and compactor systems shall be:

- (1) Easily cleanable;
- (2) Provided with tight fitting lids, doors, or covers; and
- (3) Kept covered when not in actual use.

(c) For any container equipped with a drain, the drain plug shall be in place at all times, except during cleaning.

(d) Cleaning materials, flammable materials, and toxic materials shall be:

- (1) Stored in properly labeled and safe containers;
- (2) Stored in an area separate from food; and
- (3) Used only by or under the supervision of YRC staff.

PART Env-Wq 906 OPERATING STANDARDS: EMERGENCY COORDINATION; FIRE SAFETY
INSPECTIONS; FOOD SERVICE

Env-Wq 906.01 Notification of Emergency Responders.

(a) Subject to (d), below, the YRC owner, or designee, shall notify the local police, fire, and rescue departments:

- (1) Annually for year-round camps; and
- (2) Immediately prior to opening for seasonal camps.

- (b) The notification required by (a), above, shall:
 - (1) Be in writing;
 - (2) Include the opening and closing dates for seasonal camps; and
 - (3) Be delivered in hand or sent via private delivery service, U.S. Postal Service, or email.
- (c) The YRC owner, or designee, shall:
 - (1) Retain a paper copy of the notification; and
 - (2) Provide it upon request to department personnel.

(d) For any YRC located within an area that is served by full-time, non-volunteer emergency response personnel even when the YRC is not in operation, notice as specified in (a), above, shall be required only if requested by the local emergency response agencies.

Env-Wq 906.02 Fire Safety Inspections and Compliance.

- (a) The YRC owner, or designee, shall contact local fire officials to schedule such periodic fire safety inspections as are required by local ordinances or the state fire code.
- (b) The YRC owner shall make the results of the inspection available to the department upon request.
- (c) If the results of the inspection are provided to the department and the results show that the YRC passed the inspection, the department shall not request the results again in the same calendar year for year-round camps or in the same season for seasonal camps.
- (d) If the results of the inspection are provided to the department and the results show that the YRC did not pass the inspection, the YRC owner or designee shall provide a copy of the follow-up inspection report to the department within 10 days of receiving it.

Env-Wq 906.03 Storage, Handling, and Preparation of Food; Food Service; Kitchens. The sanitary storage, handling, and protection of all food supplies, including refrigeration of perishable products and food preparation, as well as kitchen maintenance and dishwashing, shall comply with rules of the department of health and human services, division of public health services identified as He-P 2303.

PART Env-Wq 907 OPERATING STANDARDS: HEALTH CARE

Env-Wq 907.01 Definitions. For purposes of this part, the following definitions shall apply:

- (a) “Authorized staff” means a physician, a licensed health care practitioner, or YRC staff who has been trained as specified in Env-Wq 907.12(a);
- (b) “Certified as an emergency medical responder” means certified as an emergency medical responder:
 - (1) By the United States department of transportation (USDOT); or
 - (2) Through a different nationally-recognized course whose standards are no less stringent than the certification standards of the USDOT;
- (c) “Certified in first aid/CPR/AED” means certified in adult and pediatric first aid, cardiopulmonary resuscitation (CPR), and the use of an automated external defibrillator (AED):
 - (1) By the American Red Cross; or
 - (2) Through a different nationally-recognized course whose standards are no less stringent than the certification standards of the American Red Cross;

(d) “Certified in wilderness and remote first aid” means certified in wilderness and remote first aid:

(1) By the American Red Cross; or

(2) Through a different nationally-recognized course whose standards are no less stringent than the certification standards of the American Red Cross;

(e) “Communicable disease” means “communicable disease” as defined in RSA 141-C:2, VI, as reprinted in Appendix B;

(f) “Emergency medical services” means “emergency medical services” as defined in RSA 153-A:2, VI, as reprinted in Appendix B;

(g) “Infirmary” means the area designated at a youth recreation camp for on-site medical care of campers or of campers and YRC staff;

(h) “Licensed health care practitioner” means an individual who:

(1) Is authorized as provided in New Hampshire law to work as a registered nurse (RN), licensed practical nurse (LPN), advanced practice registered nurse (APRN), or physician’s assistant (PA); and

(2) Has had training equivalent to or more intensive than that specified in Env-Wq 907.12(a);

(i) “Physician” means, for purposes of RSA 485-A:25-b through RSA 485-A:25-f, “physician” as defined in RSA 485-A:25-b, V, and RSA 485-A:25-f, V, namely “any physician or health practitioner with the authority to write prescriptions”; and

(j) “Reportable disease” means “reportable disease” as defined in He-P 301.01, namely “a communicable disease, as defined in RSA 141-C:2, VI, required to be reported to the commissioner [of the department of health and human services (DHHS)] pursuant to RSA 141-C:7 and He-P 301.02.”

Env-Wq 907.02 Required Health Staffing: Day Camps.

(a) Subject to (b), below, a day camp that is not operated for campers who are physically or mentally disabled shall have, whenever campers are present, a YRC staff member who is certified in age-appropriate first aid/CPR/AED.

(b) When the nearest emergency medical services are greater than 20 minutes from the camp by automobile, the camp also shall have a YRC staff member who is:

(1) Certified as an emergency medical technician (EMT);

(2) Certified in wilderness and remote first aid;

(3) Certified as an emergency medical responder; or

(4) A licensed health care practitioner or physician.

(c) The YRC staff member who is certified in first aid/CPR/AED and the YRC staff member who qualifies under (b)(1)-(4) may be the same individual.

(d) The YRC staff member certified in first aid/CPR/AED whose training is used to meet the requirements of (a), above, shall have been certified or had such certification renewed within 12 months of the opening of the YRC for the season.

(e) The YRC staff member certified in a course identified in (b)(1)-(3), above, shall have been certified or had such certification renewed within 3 years of the opening of the YRC for the season.

(f) In a day camp that is operated for campers who are physically or mentally disabled, there shall be employed, and in residence in the camp at all times the camp is in operation, at least one of the following:

- (1) A licensed health care practitioner who has at least one of the certifications listed in (b)(1)-(3), above; or
- (2) A physician licensed to practice in New Hampshire.

(g) If a New Hampshire-licensed P.A. is used to satisfy the requirements of (f), above, the P.A. shall provide a copy of the written agreement with the P.A.'s supervising New Hampshire-licensed physician to the YRC.

(h) Each health staff member shall post a copy of his or her New Hampshire license(s) in a conspicuous location in the camp office or infirmary. For health care practitioners licensed in New Hampshire, a copy of the license verification as obtained through the New Hampshire board of nursing's on-line license verification system may be substituted for a copy of the license.

(i) The YRC owner shall ensure that all health staff comply with Lab 1403.08, regarding reducing the risk of exposure to blood-borne pathogens.

Env-Wq 907.03 Required Health Equipment: Day Camps.

(a) A day camp shall have either:

- (1) A first aid cabinet as specified in Env-Wq 907.06(a)(1); or
- (2) At least one first aid kit containing such items as health staff deem necessary to address health issues likely to arise at the YRC.

(b) Excluding epinephrine auto-injectors or asthma inhalers possessed pursuant to RSA 485-A:25-b through RSA 485:25-g, all medications or prescription drugs shall be kept in a container that is:

- (1) Inaccessible to campers and unauthorized YRC staff;
- (2) Stored in a secondary container separate from food if in a refrigerator; and
- (3) Labeled with the camper's name to ensure identification of the medication.

(d) All medications belonging to YRC staff shall be stored separately from the campers' medications in a container or area that is inaccessible to unauthorized individuals.

(e) The YRC shall comply with Env-Sw 904 relative to storage and disposal of infectious waste, including sharps.

Env-Wq 907.04 Required Health Staffing: Residence Camps.

(a) A residence camp where the number of campers and YRC staff is no greater than 75 and that is not operated for campers who are physically or mentally disabled shall comply with the requirements specified in Env-Wq 907.02(a)-(e) at all times the camp is in operation.

(b) A residence camp that is operated for campers who are physically or mentally disabled or where the total number of campers and YRC staff is at any time greater than 75 shall comply with Env-Wq 907.02(f)-(g).

(c) Each health staff member shall post his or her New Hampshire license(s) in a conspicuous location in the camp office or infirmary. For health care practitioners licensed in New Hampshire, a copy of the license verification as obtained through the New Hampshire board of nursing's on-line license verification system may be substituted for a copy of the license.

(d) The YRC owner shall ensure that all health staff comply with Lab 1403.08, regarding reducing the risk of exposure to blood-borne pathogens.

Env-Wq 907.05 Medical Supervision at Residence Camps.

- (a) All residence camps shall provide by contract for 24-hour per day, 7-day per week on-call medical service and supervision of all first aid and health services in the YRC by:
- (1) A physician or APRN licensed to practice in New Hampshire; or
 - (2) A hospital emergency service.
- (b) If a physician or APRN licensed to practice in New Hampshire and having at least one of the certifications listed in Env-Wq 907.02(a) or (b)(1)-(3) is in residence at and employed by a YRC, the requirements of (a), above, shall be deemed to have been met.
- (c) The physician or APRN under contract pursuant to (a) or (b), above, shall issue written instructions, signed by the physician or APRN, to the individual responsible for providing first aid, to be followed in the absence of the physician or APRN.
- (d) The YRC owner or director shall post the instructions prepared pursuant to (c), above, in a conspicuous place in the infirmary.
- (e) The YRC owner shall provide a telephone or other means of emergency communication in the YRC, or ensure that such communication is available within 10 minutes travel time from the YRC.

Env-Wq 907.06 Required Health Equipment and Facilities: Residence Camps.

- (a) If the YRC is a residence camp, the director shall maintain the following first aid related items at the YRC at all times:
- (1) A first aid cabinet, which shall be:
 - a. Kept fully equipped at all times with such items as health staff deem necessary to address health issues likely to arise at the YRC; and
 - b. If containing prescription or non-prescription medications, locked when not in use; and
 - (2) A backboard with head blocks and straps and proper immobilization equipment, such as straps, cervical collar, or blankets.
- (b) Camp facilities shall include any needed isolation facilities.
- (c) Where the YRC provides an infirmary building or room, such quarters shall:
- (1) Be isolated from the regular living and sleeping quarters to insure both quiet to the patient and safety to others; and
 - (2) Not be used for any other purposes.
- (d) Excluding epinephrine auto-injectors or asthma inhalers possessed pursuant to RSA 485-A:25-b through RSA 485:25-g, all prescription and non-prescription medications shall be kept in a locked container that is:
- (1) Inaccessible to campers and unauthorized YRC staff;
 - (2) Stored in a secondary container separate from food if in a refrigerator; and
 - (3) Labeled with the camper's name if required by Env-Wq 907.11.
- (f) All medications belonging to YRC staff shall be stored separately from the campers' medications in a container or area that is inaccessible to unauthorized individuals.
- (g) The YRC shall comply with Env-Sw 904 relative to storage and disposal of infectious waste, including sharps.

Env-Wq 907.07 Required Health Staffing: Off-site Overnight Camping.

- (a) YRC staff supervising overnight camping shall carry a first aid kit equipped with such items as the YRC health staff deems necessary to address emergency situations that might occur.
- (b) At least one YRC staff member on an overnight trip shall be certified in:
 - (1) First aid/CPR/AED; or
 - (2) Wilderness and remote first aid.
- (c) Subject to (d), below, on any overnight camping trip involving boating or swimming, at least one YRC staff member shall be:
 - (1) Certified as a lifeguard by the American Red Cross; or
 - (2) Certified in an equivalent nationally-recognized course based on standards that are no less stringent than the lifeguard course offered by the American Red Cross.
- (d) Having a YRC staff member be a certified lifeguard shall not be required if a certified lifeguard engaged by the owner or operator of the boating or swimming site or facility is on duty at the site or facility when the campers are boating or swimming, as applicable.
- (e) Drinking water obtained during the trip from a source other than a public water system shall be considered as unsafe unless:
 - (1) Disinfected by adding chlorine or iodine;
 - (2) Filtered by the use of a drinking water filtration device intended to remove microorganisms; or
 - (3) Disinfected by achieving a rolling boil for one minute.

Env-Wq 907.08 Communicable Diseases Isolation and Reporting.

- (a) As required by He-P 301.03, any case or suspected case of a reportable disease, as listed in He-P 301.02, shall be reported by:
 - (1) The physician or licensed health care practitioner who assessed, diagnosed, or treated the individual believed to have or suspected of having a reportable disease; or
 - (2) When no physician or licensed health care practitioner is present, the director.
- (b) The report identified in (a), above, shall include all of the information required by He-P 301.03, including the name and home address of the individual known to have or suspected of having the reportable disease.
- (c) An individual with a communicable disease shall be placed in isolation and not leave or be removed from strict isolation without permission of the YRC health staff.

Env-Wq 907.09 Reporting of Other Illnesses. When an outbreak of suspected food poisoning or other unusual prevalence of any illness occurs in which headache, muscle stiffness, general malaise, fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, the health staff or director shall immediately report the existence of such an outbreak or disease as required by He-P 300.

Env-Wq 907.10 Required Health Information.

- (a) Each camper shall provide a health history and statement of health status to the director prior to entering the YRC. As specified in RSA 485-A:25-a, the examination on which the statement of health status is based may be conducted by a physician, licensed advanced registered nurse practitioner, or P.A.
- (b) The health history and statement of health status required by (a), above, shall include the following:
 - (1) A certification that the physical examination has been completed within 2 years prior to YRC entrance;
 - (2) A description of any camp activities from which the camper should be exempted for health reasons;
 - (3) Unless exempted in accordance with RSA 141-C:20-c, of immunization as specified in He-P 301.14, as reprinted in Appendix C;
 - (4) A list of all known or suspected allergies;
 - (5) If the YRC will provide food, identification of all dietary restrictions and any food allergies not listed under (4), above;
 - (6) A list of all prescribed or over-the-counter medications being taken by the camper; and
 - (7) To the extent not covered by (2) - (6), above, a description of any current physical, mental, or psychological conditions that require medication, treatment, or special restrictions or considerations while at the YRC.
- (c) The YRC owner shall retain all documentation required by (b), above, for not less than 2 years.
- (d) The YRC owner or director shall:
 - (1) Develop a written policy to establish what health information is required for YRC staff; and
 - (2) Provide a copy of the policy to any parent or legal guardian of a camper or prospective camper upon request.

Env-Wq 907.11 Administration of Medication.

- (a) The availability, use, and possession of epinephrine auto-injectors and asthma inhalers shall be as specified in RSA 485-A:25-b through RSA 485-A:25-g, as reprinted in Appendix B.
- (b) Prescription medications other than those listed in (a), above, and non-prescription medications other than topical substances shall be administered to campers only by authorized staff and only in accordance with the applicable medication order.
- (c) If a camper's parent or legal guardian provides written permission, YRC staff who have not been trained as specified in Env-Wq 907.12(a) may administer non-prescription topical substances to the camper.
- (d) Authorized staff shall administer only those prescription medications for which there is a prescription label or written directions provided by a physician or APRN who is legally authorized to write the prescription and written permission from the camper's parent or legal guardian.
- (e) Medication orders shall be valid for no more than one year.
- (f) Each medication order shall legibly display the following information:
 - (1) The camper's name;
 - (2) The name, strength, prescribed dose, and method of administration of the medication;

(3) The frequency of administration of the medication, or if the medication is to be used on an as-needed basis, the information specified in (g), below; and

(4) The dated signature of the camper's parent or legal guardian or a licensed health care practitioner for orders other than as shown on the prescription label.

(g) A medication order from a parent or legal guardian or a licensed health care practitioner regarding any medication that is to be administered as needed shall include:

(1) The indications and any special precautions or limitations regarding administration of the medication;

(2) The maximum dosage allowed in a 24-hour period;

(3) The dated signature of the parent or legal guardian for topical substances and non-prescription medication; and

(4) For orders other than as shown on the prescription label, the dated signature of the licensed health care practitioner for prescription medication.

(h) A written order regarding prescription medication shall not be changed except by a physician or a licensed health care practitioner having legal authority to prescribe.

(i) All prescription medications, including physician medication samples, shall:

(1) Bear a label that legibly displays the information described in (f)(1)-(3), above; and

(2) Be stored, dispensed, and administered in accordance with:

a. RSA 318 and requirements adopted pursuant thereto by the New Hampshire board of pharmacy; and

b. RSA 326-B and requirements adopted pursuant thereto by the New Hampshire board of nursing.

(j) All non-prescription medication and topical substances shall be kept in the original containers and properly closed after each use.

(k) The YRC may provide age-appropriate non-prescription topical substances, such as sunscreen, insect repellent, and over-the-counter anti-itch or anti-bacterial creams or ointments, and common non-prescription medications such as over-the-counter pain relievers and gastro-intestinal calming agents to a camper with the written permission of the camper's parent or legal guardian.

(l) Any items provided pursuant to (k), above, shall be stored and administered as specified in this section.

(m) The director shall return any remaining medication and topical substances provided by a camper's parent or legal guardian to the parent or legal guardian when the camper departs the YRC.

Env-Wq 907.12 Training for YRC Staff.

(a) Prior to administering prescription or non-prescription medication to any camper, YRC staff shall:

(1) Complete and document training on medication safety and administration delivered by a physician, an APRN, an RN, or an LPN practicing under the direction of an APRN, RN, or physician; or

- (2) Successfully complete a nationally-recognized course on medication safety and administration having standards that are no less stringent than the Academy of Pediatrics on-line course, Medicine Administration in Early Education and Child Care.
- (b) Health staff shall complete training in medication safety and administration every 3 years.
- (c) The YRC owner shall:
 - (1) Maintain all documentation of training in medication safety and administration on file; and
 - (2) Make such documentation available for review by state or local health officials upon request.

Env-Wq 907.13 Recordkeeping and Reporting.

- (a) For each camper receiving medication, YRC health staff shall maintain the following information on file:
 - (1) For each medication prescribed for a camper, the written medication order as specified in Env-Wq 907.11 and any special considerations for administration of the medication;
 - (2) Written authorization from the camper's parent or legal guardian to administer the medication, which includes a statement that the camper has received the specific medication prior to entering the YRC;
 - (3) The name and contact information of the camper's parent or legal guardian who is to be notified if required by (d), below; and
 - (4) Any allergies the camper is known to have or is suspected to have.
- (b) The record required by (a), above, shall be updated with a written record of each dose of medication, excluding topical substances, administered to the camper.
- (c) The written record required by (a), above, shall:
 - (1) Be maintained on file and made available for review by state or local health officials;
 - (2) Be completed by the YRC staff who administered the medication immediately after the medication is administered; and
 - (3) For each administered medication, include:
 - a. The name of the camper;
 - b. The date and time the medication was taken;
 - c. A notation of any deviation from the medication order provided pursuant to Env-Wq 907.11 in the administration of a medication and the reason why the medication was not taken as ordered or approved;
 - d. The dated signature of the authorized staff who administered the medication to the camper;
 - e. For administration of an as-needed medication, the reason for administration; and
 - f. Any other information that is relevant to the administration of the medication.
- (d) In the event of any deviation from the administration of medication as described in (3)c., above, the director or designee shall:
 - (1) Note the deviation in the record required by (c), above; and
 - (2) Notify the camper's parent or legal guardian immediately.

(e) In the event of an error in the documentation of the administration of medication, the director or designee shall identify the error and provide correct information in the record as soon as the error is identified.

(f) The director shall make the records required by this section available for review by state and local health officials upon request.

PART Env-Wq 908 WAIVERS

Env-Wq 908.01 Purpose and Applicability.

(a) The purpose of this part is to accommodate situations and circumstances at youth recreation camps (YRCs) and youth skill camps (YSCs) where strict compliance with all requirements established herein may not be necessary for the protection of the safety and health of the individuals who attend or provide services at such camps.

(b) The provisions of this part shall be used to request a waiver from any requirement established in this chapter.

Env-Wq 908.02 Application.

(a) A request for a waiver shall be filed:

- (1) For a waiver related to a YRC, with the application for a YRC license or as soon thereafter as the need for the waiver is identified; and
- (2) For a waiver related to a YSC, as soon as the YSC operator identifies the need for a waiver.

(b) The person requesting the waiver shall include the following information with each such request:

- (1) A specific reference to the section of the rule for which a waiver is being sought;
- (2) A full explanation of why a waiver is necessary;
- (3) A full explanation of the alternative(s) proposed to be implemented if a waiver is granted, if any;
- (4) Whether the waiver is needed for a limited time and, if so, what that time period is; and
- (5) A full explanation of why granting the waiver will not jeopardize the health and safety of the individuals who attend or provide services to the YRC or YSC, as applicable.

Env-Wq 908.03 Decision on Request for Waiver.

(a) Subject to (b), below, the department shall grant a waiver if it determines that granting a waiver will not jeopardize the health and safety of the individuals who attend or provide services to the YRC or YSC, as applicable. In granting a waiver, the department shall impose such conditions, including time limitations, as the department deems necessary to ensure that the health and safety of the individuals who attend or provide services to the YRC or YSC, as applicable, are protected.

(b) No waiver shall be granted if the effect of the waiver would be to waive or modify a statutory requirement, unless the statute expressly provides that the requirement may be waived or modified.

(c) If a waiver is granted, the waiver shall:

- (1) Be made part of the license, if for a YRC; or
- (2) Be issued in writing to the YSC operator.

(d) If the waiver request is denied, the department shall notify the person requesting the waiver in writing of the decision and the reason(s) for the decision.

PART Env-Wq 909 CERTIFICATION REQUIRED FOR YOUTH SKILL CAMPS

Statutory Authority: RSA 485-A:25, I(b)

Env-Wq 909.01 Purpose. The purpose of these rules is to implement RSA 485-A:24, II relative to operators of youth skill camps maintaining and implementing an appropriate policy regarding background checks for camp owners, employees, and volunteers who might be left alone with any child or children and certifying to the department that no such individual has a criminal conviction for the offenses listed therein.

Env-Wq 909.02 Applicability.

(a) These rules shall apply to all youth skill camps as defined in Env-Wq 909.03(i).

(b) These rules shall not apply to:

(1) Any recreation camp as defined in RSA 485:23, I, and regulated under Env-Wq 903-907;

(2) Any child day care agency as defined in RSA 170-E:2, IV;

(3) Any private home in which a skill is taught to a child pursuant to an agreement between the child's parent or guardian and the instructor; and

(4) Any class or program that otherwise would qualify as a youth skills camp as defined in Env-Wq 909.03(i) that is conducted or offered by an educational institution regulated under Title XV of New Hampshire's codified statutes, including public and nonpublic institutions, provided that:

a. A criminal history records check as described in RSA 189:13-a is completed on each employee and volunteer of the public or nonpublic institution who might be left alone with a child or children during the class or program; and

b. A check of the national sex offender public registry is completed for each employee and volunteer covered by a. above.

(c) As provided in RSA 485-A:24, II(c), any individual or entity that owns property on which a YSC operates or that owns buildings or structures in which a YSC operates in whole or in part shall not be required to conduct background checks and submit certifications to the department, provided such person or entity obtains written certification signed by the YSC operator stating that background checks have been completed in accordance with RSA 485-A:24, II.

Env-Wq 909.03 Definitions. For purposes of this part, the following definitions shall apply:

(a) "Camp staff" means the owner and operator of a youth skill camp and any employee, volunteer, or other individual employed or otherwise associated with the youth skill camp, whether for pay or not, to interact directly with youths in a setting where a single staff member might be left alone with any child or children;

(b) "Child" mean an individual under 18 years of age;

(c) "Background check policy" means the policy required by RSA 485-A:24, II(a) relative to background checks for all camp staff who might be left alone with any child or children;

(d) "Minor" means an individual under 18 years of age;

(e) "Program" as used in the definition of "youth skill camp" means a specific curriculum that:

(1) Has been developed by individuals knowledgeable and experienced in the field to impart a specific skill over a period of 3 or more consecutive days; and

(2) Is taught by at least one instructor who is knowledgeable and experienced in the skill being imparted;

(f) “State of residence” means a state in which an individual who is subject to the background check required by RSA 485-A:24, II currently lives or has lived, whether on a permanent or temporary basis, after attaining the age of 18 years;

(g) “Validated database” means a database that includes:

- (1) Felonies and misdemeanors in each state other than New Hampshire; and
- (2) Felonies in New Hampshire;

(h) “Youth” means a minor who attends a youth skill camp;

(i) “Youth skill camp (YSC)” means “youth skill camp” as defined in RSA 485-A:23, II, as reprinted in Appendix B, that is not also a recreation camp as defined in RSA 485-A:23, I;

(j) “YSC operator” means the person that has primary responsibility for the day-to-day operation and management of a YSC. The YSC operator might also be the YSC owner; and

(k) “YSC owner” means the person that owns and is ultimately responsible for the operation and management of a YSC. The YSC owner might also be the YSC operator.

Env-Wq 909.04 Required Background Check Policy.

(a) The background check policy required by RSA 485-A:24, II(a) shall be adequate to ensure that no camp staff has a criminal conviction for any of the offenses listed therein, specifically:

- (1) Causing or threatening direct physical injury to any individual; or
- (2) Causing or threatening harm of any nature to any child or children.

(b) A background check policy shall be deemed to meet the requirement of (a), above, if it:

- (1) Requires all camp staff who might be left alone with a child or children to be subject to a background check, as described in Env-Wq 909.05, prior to initially being left alone with a child or children and not less than once in each calendar year thereafter;
- (2) Prohibits any staff member who has not been subject to the required background check from working directly with any youth(s) unless a staff member for whom the background check has been completed is also present;
- (3) Requires the YSC operator to review:
 - a. The results of the background checks and certifications, for compliance with the established YSC policy and RSA 485-A:24, II; and
 - b. Any references, employment history, and volunteer history submitted by or for each camp staff member, to determine whether to allow the individual to work directly with youths at the YSC;
- (4) As required by RSA 485-A:24, II(e), identifies the frequency of the background checks and the sources used to conduct the background checks; and
- (5) Requires the YSC operator to maintain an up-to-date listing of all staff members who are in a position such that it is possible they could be left alone with children, together with the status of their background checks.

(c) As specified in RSA 485-A:24, II(d), a background check policy may include more stringent requirements for background checks than specified in (b), above, provided:

- (1) The requirement of (a), above, is met; and

- (2) The more stringent requirements are explicitly identified in the policy and in the certification explained in Env-Wq 909.07.

Env-Wq 909.05 Background Checks.

(a) Subject to (b) through (d), below, the background check required by each YSC's background check policy shall comprise:

- (1) A criminal background check in each state of residence of the potential staff member, which may be done through a validated database that includes current information for each such state of residence or through the state identification bureau of each state of residence; and
- (2) A check of the national sex offender public registry.

(b) For any volunteer or employee younger than 18 years old who will be left alone with a child or children, the background check policy shall require the minor to provide a minimum of 2 written references to the YSC operator, at least one of which is from a non-relative, attesting to their knowledge of the minor's character as it relates to whether the minor has caused or threatened to cause direct physical injury to any individual or harm of any nature to any child or children and their opinion on whether the minor is a good candidate to work directly with youth.

(c) For any licensed health professional who is required to submit to a background check in order to be licensed, the YSC operator may accept a currently-valid professional license as proof of compliance with this part if the background check:

- (1) Includes both elements required by (a), above, provided that if the background check required for licensure does not include a check of the national sex offender public registry then the professional license shall be accepted only for compliance with (a)(1), above; and
- (2) Was performed or validated within the prior 12 months.

(d) For any camp staff who has not resided in the United States and who enters the country under the auspices of an organization that provides opportunities for foreign nationals to be a counselor at a camp in the United States, such as the International Camp Counselor Program (ICCP), Camp America, British University North America Club (BUNAC), Camp Leaders, or Camp Counselors USA (CC USA), the background check policy shall allow the YSC operator to rely on the background check that is required to obtain the applicable visa.

Env-Wq 909.06 Release of Information Regarding Background Checks.

(a) Each YSC owner and each YSC operator shall maintain the information received as a result of performing background checks as confidential information.

(b) The YSC operator shall provide information as to whether a background check has been completed on camp staff to any parent or guardian of a youth who requests the information.

(c) The YSC operator shall provide a copy of the listing required by Env-Wq 909.04(b)(5) to the department for review upon request.

Env-Wq 909.07 Required YSC Certification.

(a) The YSC operator shall make the certification required by RSA 485-A:24, II(a) by providing the following information on a form obtained from the department:

- (1) The calendar year for which the certification is being made;
- (2) The complete legal name of the YSC, including any trade name or other name used by the YSC;

- (3) The municipality of each location in New Hampshire where the YSC operates or will operate;
 - (4) The name, primary mailing address, physical address if different, and daytime telephone number, including area code, of the YSC operator and an e-mail address, if any;
 - (5) If the YSC operator is other than an individual, the name, title, daytime telephone number, and, if available, e-mail address for an individual authorized by the YSC operator to act on the operator's behalf;
 - (6) If the YSC operator is not the YSC owner, the name, primary mailing address, and daytime telephone number, including area code, of the YSC owner and an e-mail address, if any;
 - (7) The YSC web or social media network site address(es), if any; and
 - (8) The anticipated number of sessions to be offered, the anticipated length of each session, and the general area in which a skill will be taught, such as computer programming, music, or a specific sport.
- (b) The YSC operator or authorized representative shall sign and date the completed certification form and print or type his or her name on the certification form prior to submitting it to the department.
- (c) The signature required by (b), above, shall constitute certification that:
- (1) The signer is the YSC operator or has been authorized by the YSC operator to sign the certification;
 - (2) A background check policy that meets the requirements of RSA 485-A:24, II and Env-Wq 909 is in place;
 - (3) Background checks for the camp staff who might be left alone with a child or children have been conducted and reviewed as required by RSA 485-A:24, II and Env-Wq 909;
 - (4) Background checks will be conducted and reviewed for all new camp staff brought on after the date of the initial certification as required by RSA 485-A:24, II and Env-Wq 909;
 - (5) The information provided is true, complete, and not misleading to the knowledge and belief of the signer; and
 - (6) The signer understands that he or she is subject to the penalties for unsworn falsification specified in RSA 641:3 or any subsequent statute if the information is false, incomplete, or misleading.
- (d) If any camp staff is added subsequent to filing the required certification, the YSC operator shall conduct a background check for such staff prior to the staff working directly with any youth(s) unless a staff member for whom the background check has been completed is also present.
- (e) The YSC operator shall submit the required certification form:
- (1) Prior to any youth arriving at the YSC in each calendar year that the YSC operates; and
 - (2) Subject to (f), below, with the fee required by RSA 485-A:24, II(b), which if paid by check or money order shall be made payable to "Treasurer - State of New Hampshire".
- (f) No fee shall be required if the YSC operator is a political subdivision.
- (g) The required certification shall be valid only for the calendar year in which it is submitted.

Env-Wq 909.08 Review and Availability of YSC Policies. The YSC operator shall:

- (a) Review the background check policy each year prior to the opening of the YSC camp and make adjustments if needed;

- (b) Make the policy available through the YSC’s web or social media network site, if the YSC has a web presence; and
- (c) Make the policy available to the department and public for review upon request.

APPENDIX A: STATE STATUTES IMPLEMENTED

Rule Sections	State Statues Implemented
Env-Wq 901 - Env-Wq 902	RSA 485-A:23; RSA 485-A:24
Env-Wq 903	RSA 485-A:24; RSA 485-A:25, I(a)
Env-Wq 904 - Env-Wq 906	RSA 485-A:23; RSA 485-A:24
Env-Wq 907	RSA 485-A:23; RSA 485-A:24; RSA 485-A:25-a
Env-Wq 908	RSA 541-A:22, IV
Env-Wq 909	RSA 485-A:24, II

APPENDIX B: STATUTORY DEFINITIONS AND RELATED STATUTORY PROVISIONS

RSA 141-A:2

VI. “Communicable disease” means illness due to a microorganism, virus, infectious substance, biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, which may be transmitted directly or indirectly to any person from an infected person, animal or arthropod (including insecta or arachnida) or through the vehicle of an intermediate host, vector, or inanimate environment.

RSA 153:1

VI-a. “New Hampshire fire code” or “state fire code” means the adoption by reference of the Life Safety Code 2015 edition and the Uniform Fire Code NFPA 1, 2009 edition, as published by the National Fire Protection Association and as amended by the state board of fire control and ratified by the general court pursuant to RSA 153:5. The provisions of any other national code, model code, or standard referred to within a code listed in this definition shall be included in the state fire code unless amended in accordance with RSA 153:5.

RSA 153-A:2

VI. “Emergency medical services” means the pre-hospital assessment and treatment of a sick or injured individual initiated at the scene of an incident and continued through the transport and transfer, if found appropriate, of the individual to a medical facility or other appropriate location in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

RSA 485:1-a

XV. “Public water system” means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used

primarily in connection with such system. Any water system which meets all of the following conditions is not a public water system:

- (a) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);
- (b) Obtains all of its water from, but is not owned or operated by, a public water system; and
- (c) Does not sell water to any person.

RSA 485-A:2

IX. "Person" means any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity.

RSA 485-A:23

I. "Recreation camp" means any place set apart for recreational purposes for boys and girls. It shall not be construed to apply to private camps owned or leased for individual or family use, or to any camp operated for a period of less than 10 days in a year.

II. "Youth skill camp" means a nonprofit or for-profit program that lasts 8 hours total or more in a year for the purpose of teaching a skill to minors. Such camps include, but are not limited to, the teaching of sports, the arts, and scientific inquiry.

RSA 485-A:25-b Possession and Use of Epinephrine Auto-Injectors at Recreation Camps. – A recreation camp shall permit a child with severe, potentially life-threatening allergies to possess and use an epinephrine auto-injector, if the following conditions are satisfied:

I. The child has the written approval of the child's physician and the written approval of the parent or guardian. The camp shall obtain the following information from the child's physician:

- (a) The child's name.
- (b) The name and signature of the licensed prescriber and business and emergency numbers.
- (c) The name, route, and dosage of medication.
- (d) The frequency and time of medication administration or assistance.
- (e) The date of the order.
- (f) A diagnosis and any other medical conditions requiring medications, if not a violation of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.
- (g) Specific recommendations for administration.
- (h) Any special side effects, contraindications, and adverse reactions to be observed.
- (i) The name of each required medication.
- (j) Any severe adverse reactions that may occur to another child, for whom the epinephrine auto-injector is not prescribed, should such a pupil receive a dose of the medication.

II. The recreational camp administrator or, if a nurse is assigned to the camp, the nurse shall receive copies of the written approvals required by paragraph I.

III. The child's parent or guardian shall submit written verification from the physician confirming that the child has the knowledge and skills to safely possess and use an epinephrine auto-injector in a camp setting.

IV. If the conditions provided in this section are satisfied, the child may possess and use the epinephrine auto-injector at the camp or at any camp-sponsored activity, event, or program.

V. In this section, "physician" means any physician or health practitioner with the authority to write prescriptions.

Source. 2003, 50:2, eff. Aug. 15, 2003.

RSA 485-A:25-c Use of Epinephrine Auto-Injector. – Immediately after using the epinephrine auto-injector, the child shall report such use to the nurse or another camp employee to enable the nurse or camp employee to provide appropriate follow-up care.

Source. 2003, 50:2, eff. Aug. 15, 2003.

RSA 485-A:25-d Availability of Epinephrine Auto-Injector. – The recreational camp nurse or, if a nurse is not assigned to the camp, the recreational camp administrator shall maintain for the use of a child with severe allergies at least one epinephrine auto-injector, provided by the child, in the nurse's office or in a similarly accessible location.

Source. 2003, 50:2, eff. Aug. 15, 2003.

RSA 485-A:25-e Immunity. – No recreational camp or camp employee shall be liable in a suit for damages as a result of any act or omission related to a child's use of an epinephrine auto-injector if the provisions of RSA 485-A:25-b have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an epinephrine auto-injector by a child.

Source. 2003, 50:2, eff. Aug. 15, 2003.

RSA 485-A:25-f Possession and Use of Asthma Inhalers at Recreation Camps. – A recreation camp shall permit a child to possess and use a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, if the following conditions are satisfied:

I. The child has the written approval of the child's physician and the written approval of the parent or guardian. The camp shall obtain the following information from the child's physician:

- (a) The child's name.
- (b) The name and signature of the licensed prescriber and business and emergency numbers.
- (c) The name, route, and dosage of medication.
- (d) The frequency and time of medication administration or assistance.
- (e) The date of the order.
- (f) A diagnosis and any other medical conditions requiring medications, if not a violation of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.
- (g) Specific recommendations for administration.
- (h) Any special side effects, contraindications, and adverse reactions to be observed.
- (i) The name of each required medication.
- (j) At least one emergency telephone number for contacting the parent or guardian.

II. The recreational camp administrator or, if a nurse is assigned to the camp, the nurse shall receive copies of the written approvals required by paragraph I.

III. The child's parent or guardian shall submit written verification from the physician confirming that the child has the knowledge and skills to safely possess and use an asthma inhaler in a camp setting.

IV. If the conditions provided in this section are satisfied, the child may possess and use the inhaler at the camp or at any camp sponsored activity, event, or program.

V. In this section, "physician" includes any physician or health practitioner with the authority to write prescriptions.

Source. 2003, 51:4, eff. Aug. 15, 2003.

RSA 485-A:25-g Immunity. – No recreational camp or camp employee shall be liable in a suit for damages as a result of any act or omission related to a child's use of an inhaler if the provisions of RSA 485-A:25-f have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an asthma inhaler by a child.

Source. 2003, 51:4, eff. Aug. 15, 2003.

APPENDIX C: CITED RULES

He-P 301.14 Immunization Requirements.

(a) The number of immunization doses, dosage, route of administration, spacing and age requirements shall be defined by the Recommended Immunization Schedules for Persons Aged 0-18 years – United States, 2008, as published by the Centers for Disease Control and Prevention (CDC) and as approved by the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP) and the American Academy of Family Physicians (AAFP).

(b) No child shall be admitted or enrolled in public or private, primary or secondary schools or child care agency without showing documentation, as defined in He-P 301.01 (n), of having received age-appropriate and acceptable immunization in accordance with current department immunization requirements for the following vaccines:

- (1) Five doses of diphtheria, tetanus, pertussis (DTP), or diphtheria, tetanus, acellular pertussis (DTaP) vaccines, unless the fourth dose has been administered after the fourth birthday, in which case only 4 doses are required:
 - a. When pertussis vaccine is medically contraindicated, diphtheria-tetanus toxoid (DT) shall be substituted for DTaP vaccine;
 - b. When a child is between 7 and 10 years of age and requires additional immunizations to satisfy He-P 301.14(c)(1), tetanus-diphtheria toxoid (Td) shall be substituted for DTP, DTaP, or DT vaccine;
 - c. When a child is 11 years of age or older, and it has been 5 years or longer since the last documented dose of a tetanus toxoid containing immunization, the child shall receive a booster dose of tetanus, diphtheria acellular pertussis (Tdap) vaccine, except if the child has a medical contraindication to pertussis vaccine, in which case the child shall receive Td; and
 - d. For children 7 years of age or older, a minimum of 3 or 4 doses, with the last dose administered after age 4, of diphtheria, tetanus, pertussis (DTP), diphtheria, tetanus, acellular pertussis (DTaP), or Td vaccines, or a total of 5 doses;
- (2) Four doses of trivalent polio vaccine, unless the third dose of an all oral polio vaccine (OPV) or all inactivated polio vaccine (IPV) series has been administered after the fourth birthday, in which case only 3 doses are required;
- (3) One dose of measles (live), mumps, rubella (MMR) vaccine given at or after 12 months of age;
- (4) All students in grades kindergarten through 12th shall have received 2 valid doses of measles, mumps and rubella vaccine;
- (5) Three doses of hepatitis B vaccine for children born on or after January 1, 1993; and
- (6) For varicella vaccine:
 - a. All children entering kindergarten, first grade and sixth grade shall have received one valid dose of varicella vaccine; and
 - b. Beginning the 2009/2010 school year, all children entering kindergarten, first grade and sixth grade shall have received two valid doses of varicella vaccine.

Source. #4425, eff 5-27-88; ss by #4946, eff 10-2-90;
EXPIRED: 10-2-96

New. #6634, eff 11-25-97; ss by #7605, eff 12-4-01; ss by #8242, eff 12-30-04; ss by #9172, eff 6-6-08; ss by #12033, eff 11-3-16