

ASSEMBLY BILL NO. 197—ASSEMBLYMEN DIAZ, SWANK,  
CARRILLO, ELLIOT ANDERSON; BENITEZ-THOMPSON,  
BUSTAMANTE ADAMS AND NEAL

FEBRUARY 26, 2015

Referred to Committee on Health and Human Services

**SUMMARY**—Revises provisions governing out-of-school-time and seasonal or temporary recreation programs. (BDR 38-506)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to care of children; requiring certain out-of-school-time and seasonal or temporary recreation programs to obtain a permit; imposing a fee for the issuance of such a permit; establishing certain requirements for the operation of an out-of-school-time or a seasonal or temporary recreation program; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a local government to obtain a permit from the Division of Public and Behavioral Health of the Department of Health and Human Services to operate an out-of-school recreation program. To obtain a permit, the provider must complete an application, pay a fee and meet certain requirements. (NRS 432A.600) Existing law also requires a local government that operates an out-of-school recreation program to comply with certain health and safety standards and to comply with other requirements relating to the safety of participants in the program. (NRS 432A.610) Certain requirements for the staff of an out-of-school recreation program are set forth in existing law, which also limits the number of participants in such a program and establishes certain components that must be included in the program. (NRS 432A.620) Existing law further requires an out-of-school recreation program to maintain certain records regarding participants in the program, and to provide copies of certain inspection reports of the facility where the program is conducted according to a schedule established by the Division. (NRS 432A.630, 432A.640) If such inspection reports are provided, existing law prohibits the Division from conducting any additional on-site inspections of the facility. (NRS 432A.640) The Division is also required to adopt any regulations necessary to carry out the provisions relating to out-of-school recreation programs. (NRS 432A.650)



This bill makes the same requirements imposed on an out-of-school recreation program applicable to all recreation programs which are defined in **section 3** of this bill to include an out-of-school recreation program, an out-of-school-time program and a seasonal or temporary recreation program.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2.** *As used in NRS 432A.600 to 432A.650, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

**Sec. 3. "Recreation program" means:**

1. An out-of-school recreation program;

2. An out-of-school-time program; and

3. A seasonal or temporary recreation program.

**Sec. 4. "Provider" means the person or local government responsible for the operation of a recreation program.**

**Sec. 5.** NRS 432A.600 is hereby amended to read as follows:

432A.600 1. To operate ~~[an out-of-school]~~ a recreation program, a ~~[local government]~~ **provider** must obtain a permit. The ~~[local government]~~ **provider** may apply for the issuance or renewal of a permit by submitting an application on a form prescribed by the Division. The Division shall issue a permit to operate ~~[an out-of-school]~~ a recreation program to the ~~[local government]~~ **provider** upon payment of the fee prescribed in subsection 2 and upon satisfaction that the program complies with the requirements set forth in NRS 432A.600 to 432A.650, inclusive, *and sections 2, 3 and 4 of this act* and any regulations adopted pursuant thereto.

2. The Division shall charge a fee for a permit to operate ~~[an out-of-school]~~ a recreation program based upon the number of sites operated by the ~~[out-of-school]~~ recreation program. If the ~~[out-of-school]~~ recreation program has:

(a) At least 1 but not more than 5 sites, the Division shall charge a fee of \$100.

(b) At least 6 but not more than 20 sites, the Division shall charge a fee of \$250.

(c) At least 21 but not more than 40 sites, the Division shall charge a fee of \$500.

(d) At least 41 but not more than 60 sites, the Division shall charge a fee of \$750.



(e) At least 61 but not more than 80 sites, the Division shall charge a fee of \$1,000.

(f) At least 81 sites, the Division shall charge a fee of \$1,250.

3. A permit issued pursuant to this section is nontransferable and is valid:

(a) For 3 years from the date of issuance; and

(b) Only as to a site specifically identified on the permit.

**Sec. 6.** NRS 432A.610 is hereby amended to read as follows:

432A.610 A ~~local government~~ *provider* that operates ~~an out-of-school~~ *a* recreation program shall ensure that each site:

1. Complies with applicable laws and regulations concerning safety standards;

2. Complies with applicable laws and regulations concerning health standards;

3. Has a complete first-aid kit accessible on-site that complies with the requirements of the Occupational Safety and Health Administration of the United States Department of Labor;

4. Has an emergency exit plan posted on-site in a conspicuous place; and

5. Has not less than two staff members on-site and available during the hours of operation who are certified and receive annual training in the use and administration of first aid, including, without limitation, cardiopulmonary resuscitation.

**Sec. 7.** NRS 432A.620 is hereby amended to read as follows:

432A.620 A ~~local government~~ *provider* that operates ~~an out-of-school~~ *a* recreation program shall:

1. Complete, for each member of the staff of the ~~out-of-school~~ recreation program:

(a) A background and personal history check; and

(b) A child abuse and neglect screening through the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against the staff member.

2. Ensure that each member of the staff of the ~~out-of-school~~ recreation program:

(a) Meets the minimum requirements that have been established for the position; and

(b) Receives an orientation and training concerning the abuse and neglect of children.

3. Ensure that the number of participants in the ~~out-of-school~~ recreation program:

(a) Does not exceed a ratio of one person supervising every 20 participants; and



(b) Will not cause the facility where the program is operated to exceed the maximum occupancy as determined by the State Fire Marshal or the local governmental entity that has the authority to determine the maximum occupancy of the facility.

4. Ensure that the ~~out-of-school~~ recreation program includes, without limitation:

(a) An inclusion component for participants who qualify under the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;

(b) Structured activities, including, without limitation, arts and crafts, games and sports;

(c) Nonstructured activities, which may include, without limitation, free time for playing;

(d) Regular restroom breaks; and

(e) Nutrition breaks.

**Sec. 8.** NRS 432A.630 is hereby amended to read as follows:

432A.630 1. The ~~out-of-school~~ recreation program shall maintain records containing pertinent information regarding each participant in the program. Such information must include, without limitation:

(a) The full legal name of the child and the preferred name of the child;

(b) The date of birth of the child;

(c) The current address where the child resides;

(d) The name, address and telephone number of each parent or legal guardian of the child and any special instructions for contacting the parent or legal guardian during the hours when the child participates in the program;

(e) Information concerning the health of the child, including, without limitation, any special needs of the child; and

(f) Any other information requested by the Division.

2. The distribution of any information maintained pursuant to this section is subject to the limitations set forth in NRS 239.0105.

**Sec. 9.** NRS 432A.640 is hereby amended to read as follows:

432A.640 1. A ~~local government~~ *provider* that operates ~~an out-of-school~~ *a* recreation program shall provide the Division with a copy of each report of an inspection conducted by a governmental entity that is authorized to conduct an inspection of the facility where the program is operated, including, without limitation, the report of an inspection by a local building department, a fire department, the State Fire Marshal or a district board of health.

2. The Division shall establish a schedule for the submission of such reports which requires submission of a report of an on-site inspection once every 2 years and shall provide a checklist to the



1 ~~{local government}~~ *provider* which identifies the reports that must  
2 be submitted to the Division.

3 3. The Division shall not require any additional inspections of  
4 the facility of ~~{an out of school}~~ *a* recreation program which  
5 complies with the provisions of this section.

6 **Sec. 10.** NRS 432A.650 is hereby amended to read as follows:  
7 432A.650 The Division shall adopt any regulations necessary  
8 to carry out the provisions of NRS 432A.600 to 432A.650, inclusive  
9 ~~{ }~~, *and sections 2, 3 and 4 of this act.*

