

Amendment No. 1038

Assembly Amendment to Assembly Bill No. 197 First Reprint (BDR 38-506)

Proposed by: Assemblywoman Kirkpatrick

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

EWR/RBL



Date: 5/31/2015

A.B. No. 197—Establishes certain requirements for the operation of seasonal or temporary recreation programs. (BDR 38-506)



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—Establishes certain requirements for the operation of 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; establishing certain requirements for the operation of a seasonal or temporary recreation program; clarifying that the operator of such a program is not required to obtain a license or permit; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law 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. (NRS 432A.620).~~ Existing law further requires an out-of-school recreation program to maintain certain records regarding participants in the program. (NRS 432A.630) Sections 11 and 13 of this bill make such requirements imposed on an out-of-school recreation program applicable to a nongovernmental person or entity that operates a seasonal or temporary recreation program. Section 11 also clarifies that such a person or entity is not required to obtain a license or permit

Existing law requires a local government that operates an out-of-school recreation program to complete, for each member of the staff of the program, a background and personal history check and a child abuse and neglect screening. (NRS 432A.620) Section 12 of this bill makes this requirement applicable to nongovernmental persons and entities that operate certain seasonal or temporary recreation programs. Section 14 of this bill imposes a civil penalty not to exceed \$500 on a person who operates a seasonal or temporary recreation program for failure to comply with such requirements.

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 11 to 14, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. *A person who operates a seasonal or temporary recreation program is not required to obtain a license or permit pursuant to this chapter but shall ensure that each site upon which the program is conducted:*

1. *Complies with applicable federal, state and local laws and regulations concerning safety standards;*

2. *Complies with applicable federal, state and local 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 at least one staff member on-site and available during the hours of operation who is certified and receives annual training in the use and administration of first aid, including, without limitation, cardiopulmonary resuscitation.*

Sec. 12. *1. A person who operates a seasonal or temporary recreation program described in subsection 2 shall complete, for each member of the staff of the 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. *A person who operates a seasonal or temporary recreation program is subject to the provisions of subsection 1 if the seasonal or temporary recreation program is:*

(a) A special sports event, including, without limitation, a camp, clinic, demonstration or workshop which focuses on a particular sport;

(b) A therapeutic program for children with disabilities, including, without limitation, social activities, outings and other inclusion activities;

(c) An athletic training program, including, without limitation, a baseball or other sports league and exercise instruction; or

(d) Another special interest program, including, without limitation, an arts and crafts workshop, theater camp and dance competition.

Sec. 13. *1. The person who operates a seasonal or temporary 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.

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

3 *Sec. 14. A person who operates a seasonal or temporary recreation*
4 *program and who fails to comply with any provision of section 11, 12 or 13 of this*
5 *act is subject to a civil penalty not to exceed \$500 for each failure to comply. The*
6 *Attorney General or any district attorney of this State may recover the penalty in*
7 *a civil action brought in the name of the State of Nevada in any court of*
8 *competent jurisdiction.*