

**HEALTH**

**PUBLIC HEALTH SERVICES BRANCH**

**DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL AND OCCUPATIONAL HEALTH**

**YOUTH CAMP SAFETY PROGRAM**

**New Jersey Youth Camp Safety Standards**

**Adopted Amendments: N.J.A.C. 8:25-1.4, 2.2, and 3.2**

Proposed: February 20, 2024, at 56 N.J.R. 233(a).

Adopted: February 18, 2025, by Kaitlan Baston, MD, MSc, DFASAM, Commissioner, Department of Health, in consultation with the Public Health Council (see also 56 N.J.R. 1071(a)).

Filed: February 18, 2025, as R.2025 d.036, **with the proposed amendments at N.J.A.C. 8:25-1.2(a), 1.4 (definitions of “applicant,” “criminal history record check” or “fingerprint based criminal history record information (FBCHRI) check,” and “youth camp operator”), 2.1, 2.2(c)1ii, and 3.2 not adopted.**

Authority: N.J.S.A. 26:1A-7.j and 26:12-1 et seq.

Effective Date: March 17, 2025.

Expiration Date: May 17, 2031.

**Summary** of Public Comments and Agency Responses:

The Department of Health (Department) received comments from 284 individuals, organizations, and individuals on behalf of organizations. These commenters are grouped as follows:

**Group 1 comprises the following persons who identify themselves as affiliated with, or members of, an entity known as the Girl Scouts:**

1. Aashna Choudhary, Girl Scouts of Northern New Jersey
2. Adar Darnov, Girl Scouts of the Jersey Shore
3. Amanda Kelly, Girl Scouts of Central and Southern NJ
4. Amy Gophses, Girl Scouts of Central and Southern NJ
5. Assaf Langer, Girl Scouts of the Jersey Shore
6. Barbara Cruz, Girl Scouts of the Jersey Shore
7. Bruce Skversky, Girl Scouts of Central and Southern, NJ
8. Callie Rommel, Girl Scouts of the Jersey Shore
9. Carla Scarabino, Girl Scouts of the Jersey Shore
10. Caylei Hoffman, Girl Scouts of the Jersey Shore
11. Charisse Taylor, Girl Scouts of Northern New Jersey
12. Dena Mayo, Girl Scouts of the Jersey Shore
13. Eric Appelbaum, Girl Scouts
14. Faith Appelbaum, Girl Scouts of the Jersey Shore
15. Gayle Dettlinger, Girl Scouts of the Jersey Shore
16. Genevieve Hill, Girl Scouts of Central and Southern New Jersey, The Girl Scouts of New Jersey
17. Jacqueline Leduc-Garbe, Girl Scouts of the Jersey Shore
18. Janice Reese-Berardo, Girl Scouts of the Jersey Shore
19. Jennifer Holmes, Girl Scouts of the Jersey Shore
20. Jillian Oliastro, Girl Scouts of Central and Southern, NJ

21. Joan Basilotto, Girl Scouts of the Jersey Shore
22. Kate Greci, Girl Scouts Heart of New Jersey
23. Katelyn Johnston, Girl Scouts of the Jersey Shore
24. Kathy Jones, Girl Scouts of the Jersey Shore
25. Laci Holmes, Girl Scouts of the Jersey Shore
26. Lauren Colon, Girl Scouts of the Jersey Shore
27. Lisa Cordeiro Kricun, Girl Scouts of Central and Southern NJ
28. Mary Gresco, Girl Scouts of the Jersey Shore
29. Melissa Lorincz, Girl Scouts of the Jersey Shore
30. Monica Bason Lynch, Girl Scouts of the Jersey Shore
31. Nancy Casey, Girl Scouts of the Jersey Shore
32. Patricia Carone-Curtis, Girl Scouts of the Jersey Shore
33. Patricia Tammaro, Girl Scouts of the Jersey Shore
34. Penny Shank, Girl Scouts of the Jersey Shore
35. Robert Bubadias, Girl Scouts of the Jersey Shore
36. Roxie Zeek, Girl Scouts Heart of New Jersey
37. Sabeen Kalyan-Masih, Girl Scouts of NJ
38. Samantha Dawson, Girl Scouts of the Jersey Shore
39. Sandra Kenoff, Girl Scouts of Northern New Jersey
40. Shannon Cornine, Girl Scouts of Northern New Jersey
41. Shannon Maida, Girl Scouts of the Jersey Shore
42. Stacy Petti, Girl Scouts of the Jersey Shore
43. Stephanie Smida, Girl Scouts of the Jersey Shore

44. Stephen Persche, Girl Scouts of Central and Southern NJ
45. Susan Bond-Masterson, Girl Scouts of the Jersey Shore
46. Susan Pontoriero, Girl Scouts of the Jersey Shore
47. Tatum Stout, Girl Scouts of the Jersey Shore
48. Teresa Montini, Girl Scouts of Central and Southern NJ, Inc.
49. Tina Driscoll, Girl Scouts of Central and Southern NJ
50. Victoria Powers, Girl Scouts of the Jersey Shore
51. Zugelis Garcia, Girl Scouts of the Jersey Shore

**Group 2 comprises the following persons who identify themselves as owners, operators, or staff members of various youth camps:**

52. Fernbrook Farms Summer Camps
53. Jeff Lake Camp
54. Adam Baranker, Jeff Lake Camp
55. Adena Feinstein, JCC Camp Ruach
56. Alanna Steinberg, JCC Camp Ruach
57. Alessa Laraia, Spring Lake Day Camp
58. Amy Steinberg, JCC Camp Ruach
59. Amy Weinstein, JCC Camp Ruach
60. Andrew Yankowitz, Tall Pines Day Camp
61. Andy Sun, JCC Camp Ruach
62. Anna Kats, Princeton-Blairstown Center
63. Ashley Schmitz, KE Camps
64. Anne Hatos, JCC Camp Ruach

- 65. Aviv Wagner, JCC Camp Ruach
- 66. Barbara Spevak, Tall Pines Day Camp
- 67. Ben Clawson, Rutgers University New Jersey 4-H Camp
- 68. Carol Sacca, JCC Camp Ruach
- 69. Caryn Kenin, JCC Camp Ruach
- 70. Charles Maltzman, Willow Lake Day Camp
- 71. Christina Messner, JCC Camp Ruach
- 72. Christopher Gabriel, Country Roads Day Camp
- 73. Christopher Purdue, ACA: American Camping Association and NJ

Camps and New Horizons Day Camp

- 74. Christopher Raphel, JCC Camp Ruach
- 75. Cindy Elgrably, JCC Camp Ruach
- 76. Crystal Water, JCC Camp Ruach
- 77. David White, JCC Camp Ruach
- 78. Debbie Golden, JCC Camp
- 79. Ellen McCloskey, JCC Camp Ruach
- 80. Ellie Willoughby, JCC Camp Ruach
- 81. Emily Kagan, Jeff Lake Camp
- 82. Emily Fisher, Sparta Parks and Recreation - Sparta Township, NJ
- 83. Erica Waldman, JCC Camp Ruach
- 84. Fernando Perez, NJ Camps and American Camp Association, New

York and New Jersey and Oak Crest Day Camp

- 85. Gary Maser, Pine Grove Day Camp

86. Glendon Carper, Johnsonburg Camp and Retreat Center
87. Ian Burke, Spring Lake Day Camp
88. Ian Feibelman, Black Bear Lake Day Camp
89. Ilyse Hahn, Eagle's Landing Day Camp
90. Jacob Weissman, Willow Lake Day Camp
91. Jake Hinerman, JCC Camp Ruach
92. Jake Weissman, Willow Lake Day Camp
93. Jamie Secula, Tall Pines Day Camp
94. Jane Gaffin, Spring Lake Day Camp
95. Jared Kaufman, JCC Camps at Medford
96. Jessica Goretski, Pine Grove Day Camp
97. Jessica Kichura, JCC Camp Ruach
98. Jill Arzonico, Jeff Lake Camp
99. Jinny Strawderman, JCC Camp Ruach
100. Joel Blender, New Horizons Day Camp
101. John Odell, New Horizons Day Camp
102. John Yousset, JCC Camp Ruach
103. Jonathan Gold, Oak Crest Day Camp
104. Joseph Curci, Country Roads Day Camp
105. Julia Rigatti, JCC Camp Ruach
106. Justin Beaumont, Johnsonburg Camp and Retreat Center
107. Justin Efros, Jeff Lake Camp
108. Justin Hirsch, Eagle's Landing Day Camp

109. Katherine Cawley, New Horizons Day Camp
110. Katie Loane-Secrest, Camp Dark Waters
111. Katrina Gabriel, Country Roads Day Camp
112. Ken Kaus, JCC Camp Ruach
113. Keri Kenavey, Eagle's Landing Day Camp
114. Kim Crump, Willow Lake Day Camp
115. Kristina Kassick, JCC Camp Ruach
116. Kylie Breisch, JCC Camp Ruach
117. Lakiesha Jackson, JCC Camp Ruach
118. Laura Friedman, JCC Camp Ruach
119. Lauren Paniccia, JCC Camp Ruach
120. Lauren Redmond, Camp Briar Hill
121. Laurie Ann Weinstein, Spring Lake Day Camp
122. Linda Tiner, JCC Camp Ruach
123. Lou Halasz, JCC Camp Ruach
124. Mallory Milhisler, New Horizons Day Camp
125. Marilyn Klein, JCC Camp Ruach
126. Marta Acosta, JCC Camp Ruach
127. Mason Goldberg, Meadowbrook Country Day Camp
128. Megan Purdue, NJEA and New Horizons Day Camp
129. Melissa Mulvaney, JCC Camp Ruach
130. Michael Mckeown, Harbor Hills Day Camp
131. Michelle Kessler, Spring Lake Day Camp

132. Micah Lynn, Camp Briar Hill
133. Mickey Bonett, NJ-Camps.com, Rolling Hills Day Camp
134. Mike Wynne, New Horizon's Day Camp
135. Mindy Pearlman, Spring Lake Day Camp
136. Mitchell Kessler, Spring Lake Day Camp
137. Nicky Wallace, Harbor Hills Day Camp
138. Oded Kraus, JCC Camps at Medford
139. Paige Silberfein, JCC Camp Ruach
140. Pam Gregory, Princeton-Blairstown Center
141. Pamela Parker, JCC Camps at Medford
142. Patricia Karl, Princeton-Blairstown Center
143. Paul Breene, Camp Riverbend
144. Rachel Jaffe, Willow Lake Day Camp
145. Rajni Chopra, Martin Luther King Youth Center
146. Richard Campbell, Happiness Is Camping
147. Richard Sherer, Meadowbrook Day Camp
148. Robbin Mcgeady, JCC Camp Ruach
149. Ruth Weiss, Eagle's Landing Day Camp
150. Sara Sideman, American Camp Association, JCC Camps at Medford
151. Sharon Mcqueen, Country Roads Day Camp
152. Robert Wojciechowski, JCC Camp Ruach
153. Robert Young, Black Bear Lake Day Camp
154. Roger Breene, Camp Riverbend



- 155. Ryan Allalat, Harbor Hills Day Camp
- 156. Sara Holtz, NJ-Camps.com, Rolling Hills Day Camp
- 157. Scott Rothschild, NJ Camps and American Camp Association, New York and New Jersey and Oak Crest Day Camp
- 158. Seth Blender, New Horizons Day Camp
- 159. Shari Goldberg, JCC Camps at Medford
- 160. Sharon Eber, NJ Camps and American Camp Association, New York and New Jersey and Oak Crest Day Camp
- 161. Sheryl Feinstein, Spring Lake Day Camp
- 162. Shira Gladstone, JCC Camp Yachad
- 163. Steve McNally, JCC Camp Ruach
- 164. Siobhan Riggsbee, Willow Lake Day Camp
- 165. Sue Rynar, Jeff Lake Camp
- 166. Susan Goldman, NJ-Camps.com, Rolling Hills Day Camp
- 167. Terry Quercia, Country Roads Day Camp
- 168. Tyler Nivison, Lindley G. Cook 4-H Camp
- 169. Wendi Sue Grisanti, Pine Grove Day Camp
- 170. Wendy Saiff, Willow Lake Day Camp

**Group 3 comprises the following persons who identify themselves as staff members of an entity known as the Young Men's Christian Association (YMCA):**

- 171. Alejandro Martinez, Lakeland Hills Family YMCA
- 172. Alma Dhuyvetter, Metro Y of the Oranges
- 173. Antinica Armstrong, East Orange YMCA

174. Bill Sanfilippo, Metropolitan YMCA of the Oranges
175. Bob Kilmurray, Metro YMCA of the Oranges
176. Cheryl Tutarice, Metro YMCA of the Oranges
177. Chrystina Kepreos, Metro Y of the Oranges - Sussex County YMCA
178. Corey Brown, Metro YMCA of the Oranges - Sussex County YMCA
179. Danielle Abreu, Greater Bergen County YMCA
180. Edith Lynch, Sussex County YMCA
181. Emily Rearer, Fairview Lake YMCA Camps
182. Erick Koenig, Metro YMCA of the Oranges
183. Francine Egnizzo, West Essex YMCA
184. Greg Keresztury, YMCA of the Pines
185. James Goodger, Metropolitan YMCA of the Oranges
186. Jason Kelly, Greater Bergen County YMCA
187. Jay Lastra, West Essex YMCA
188. Jennifer Donahue, Fanwood-Scotch Plains YMCA
189. Jennifer Griffin, Fairview Lake YMCA
190. Jennifer Macafee, Metro YMCAs of the Oranges
191. Jessica Malas, Wayne YMCA
192. John Martin, East Orange YMCA
193. Julie Gallanty, NJ YMCA State Alliance
194. Kelly Mchugh, Summit Area YMCA
195. Ken Riscinti, Metro YMCA of the Oranges
196. Laura Toth, Wyckoff Family YMCA

197. Laurie Goganzer, YMCA of Greater Monmouth County
198. Leah Greene, East Orange YMCA
199. Lia Pila, Fairview Lake YMCA
200. Luis Guerra, Metro YMCA of the Oranges
201. Marc Koch, Fairview Lake YMCA, a branch of Metropolitan YMCAs  
of the Oranges
202. Mark Dibble, YMCA of the Pines
203. Mark Franklin, Harbor Hills Day Camp
204. Mark Lynn, Camp Briar Hill
205. Marty Collett, Westfield Area YMCA
206. Matthew Lifschultz, Metro YMCA of the Oranges
207. Melynda A. Disla, the Gateway Family YMCA
208. Michael Bright, YMCA of Newark and Vicinity
209. Michael Laughner, South Mountain YMCA
210. Michael Reissner, East Brunswick Recreation and Parks
211. Michael Wynne, New Horizons Day Camp
212. Ray Gaffney, Metro YMCA of the Oranges - Sussex County YMCA
213. Shamida Marc, Metropolitan YMCA of the Oranges
214. Shannon Frank, The Metro YMCA of the Oranges
215. South YMCA, South Mountain YMCA
216. Stacey Staaterman Feeney, West Essex YMCA
217. Tara Campistrous, Garfield YMCA
218. Washima Redding, Metro YMCA of the Oranges-East Orange YMCA

Branch

219. Wayne Holmes, Greater Somerset County YMCA

**Group 4 comprises the following persons commenting individually:**

220. Aaron Crandall, SimpliVerified LLC

221. Alec Morano

222. Alison Deeney, Sparta Recreation

223. Althea Ford, New Jersey Business and Industry Association

224. Andrew Pritikin, Liberty Lake Day Camp, American Camp

Association, Burlington County Chamber of Commerce, NJ Camps, Camp Owners and  
Directors Association

225. Beau Byrtus, New Jersey Recreation and Park Association

226. Brian Vandongen, Borough of Sayreville

227. Carrie Springer, Somerset County Park Commission

228. Cheryl Westeyn, Borough of Fort Lee

229. Chris Petrucelli, Municipality of Princeton

230. Christopher Myers, Township of Millburn

231. Colby Marques, Department of Recreation and Parks, Colts Neck

Township

232. Colin Nilson

233. Dan Hayes, Somerset County Park Commission

234. Dawn Thompson, New Jersey Recreation and Park Association,

Township of Neptune

235. Debbie Oliver, NJRPA, City of Clifton

- 236. Denise Lanza, NJRPA
- 237. Edward Philipp
- 238. Elisa Bowser, SSBJCC
- 239. Evan Moorehead, Municipality of Princeton
- 240. Evan Patrick, Municipality of Princeton
- 241. Frank Marshall, NJ State League of Municipalities
- 242. Gabriel Dimasi, West Caldwell
- 243. Gabrielle Bolarakis, The Township of Readington
- 244. Griffin Dunne, Hillsborough Township Parks and Recreation
- 245. Iris Brown
- 246. Janice Grasso, Borough of Eatontown
- 247. Jeanne Montemarano, NJRPA President, Sparta Township Parks  
and Recreation Director
- 248. Jeffrey Bershad, NJ Camps
- 249. Jennifer Gander, New Jersey Recreation and Park Association
- 250. Joanne Browne, American Camping Association
- 251. John Roche, New Jersey Recreation and Parks Association (NJRPA)
- 252. John Ryan, NJRPA, Trionaid Associates Inc., Toms River, NJ
- 253. Joseph Marrolli, Municipality of Princeton
- 254. Joseph Passaro, Township of Warren
- 255. Joseph Plescia, Township of Parsippany / NJRPA
- 256. Juliana Baumann, Municipality of Princeton
- 257. Katie Frey, Ridgewood Parks and Recreation

258. Kerry Klug, NJRPA

259. Libny Sanchez, Robbinsville

260. Lily Wong, International Ivy LLC

261. Lindsay Robertson, Morris County Park Commission – Recreation

262. Mark Monteyne, Totowa Borough Board of Recreation

263. Megan Schaffer, NJRPA

264. Meghan Tavormina, New Jersey Association for the Education of

Young Children

265. Mercedes Rolandelli, River Edge Polo Farm LLC Riding Camp

266. Michael Deloreto, Esq., Gibbons P.C., on behalf of NJ Camps, ACA

NY and NJ

267. Mona Cholowinski, New Jersey Recreation and Parks Association,

Manalapan Parks and Recreation

268. Patrick Linfors, Garden State Council, BSA

269. Patti Conroy, NJRPA

270. Robert Wagner, Hillsborough Township

271. Ronnie Marmo, NJ-Camps.com

272. Russell Surace, Bernards Township

273. Ryan Cox, Morris County Park Commission

274. Ryan Horne, Township of Lacey/ New Jersey Recreation and Park

Association

275. Ryan P. Goodwin, Esq., Gibbons P.C. on behalf of NJ Camps, ACA

NY and NJ

- 276. Sadie Coords, Briar Hill School and Camp
- 277. Shanna Gryder, NJ 4-H Camp
- 278. Shira Sklar
- 279. Tammy Verderber, Borough of Florham Park
- 280. Thomas M Frank, Colts Neck Health Department
- 281. Tim Roetman, NJRPA, Director of Parks and Recreation
- 282. Veronica Laureigh, Township of Lacey
- 283. William Foelsch, Township of Morris
- 284. Yaniv Hamdi, Camps

The numbers in parentheses following each comment below correspond to the group or individual commenter numbers listed above.

1. COMMENT: Commenters submitted form letter campaign-style comments from several stakeholder groups. All commenters in Groups 1, 2, and 3 object to the proposed amendment at N.J.A.C. 8:25-3.2, which would require a camp staff member who is 18 years of age and older to obtain a New Jersey State Police fingerprint-based criminal history record information (FBCHRI) check, for the following reasons:

- i. The hiring window for camp season is short, and there will not be enough time to complete the FBCHRI check process prior to camp season, because fingerprinting appointments are not available in adequate numbers to serve the industry, and the results from the fingerprint background checks are often delayed for weeks; and

ii. Even though a youth camp is a great place to work, young adults who typically staff youth camps for the summer will choose to work elsewhere if they have to go through the inconvenient fingerprinting process even if the camps reimburse them for the cost. (Groups 1, 2, and 3).

2. COMMENT: Commenters state that youth camps would have to limit enrollment due to staff not being able to complete required FBCHRI checks because camps would not be able to hire enough staff to meet the staffing ratios that existing N.J.A.C. 8:25 requires. (Groups 1 and 2 and commenters 243, 257, 260, and 264).

3. COMMENT: Commenters state that Pennsylvania attempted to require FBCHRI checks for staff at all organizations serving youth, which resulted in Pennsylvania having to issue waivers due to inability to achieve compliance. The commenters suggest that the same thing would happen in New Jersey. (Group 2 and commenter 265)

4. COMMENT: The commenters state that if the Department were to require all youth camp staff candidates to undergo FBCHRI checks, there would not be enough time for youth camps to come into compliance before the camping season begins. (82, 222, 223, 226, 227, 229 through 241, 243 through 249, 251, 253, 255, 256, 257, 258, 260, 263, 264, 265, 267, 269, 273, 274, 276, 279, 280, 282, and 284)

5. COMMENT: Commenters state that the FBCHRI check process, which requires individual camp staff to independently make appointments to be fingerprinted, is a hassle for the 18 to 23 age group, which comprises most seasonal youth camp staff, and that persons in this age group would, therefore, opt for different jobs that are easier to obtain. (151, 221, 226, 223, 242, 243, 270, 272, 282, and 284)



6. COMMENT: A commenter states that the proposed requirement of FBCHRI checks for adult youth camp staff candidates is “flawed” because an FBCHRI check “is not an accurate or an efficient way to track criminal activity. Fingerprinting is accurate at the time of the check but loses that accuracy immediately following approval. Many municipalities now use online services which check criminal activity of an employee or volunteer continuously.” The commenter does not identify the online services that continuously “check criminal activity.” (242)

7. COMMENT: Commenters state that there are few or no Identigo® locations in their areas, making fingerprinting appointment scheduling inconvenient and very difficult for staff member candidates. (82, 151, 234, 246, 249, 255, 273, 261, 262, and 281)

8. COMMENT: A commenter who self-identifies as the operator of a camp that performs FBCHRI checks, because the camp is part of a program of the Department of Children and Families, states that most of the camp’s “late hires” cannot get appointments “for weeks in advance,” and that requiring FBCHRI checks for all camp staff would likely be mathematically impossible for the youth camp industry, given the number of Identigo® locations, time slots available, and the number of camp staff that would require FBCHRI checks, which would likely be in the “tens of thousands.” The commenter expresses concern that the unintended consequence of requiring FBCHRI checks would be camps that are not in compliance, staff who are not hired in an official manner, and groups of children without staff. (224)

9. COMMENT: Existing N.J.A.C. 8:25-3.2 requires each staff member of a registered youth camp to undergo a name-based criminal history record (NBCHR) check, limited to New Jersey records. Commenters opposing the proposed requirement of FBCHRI

checks for adult camp staff state that NBCHR checks are adequate to protect campers, and that administrative staff of a youth camp readily can perform NBCHR checks, making this kind of search compatible with the unique seasonal hiring practices of the camping industry. (Groups 1 and 2, and commenters 221, 223, 265, 270, 273, 276, and 282)

10. COMMENT: Commenters suggest, as an alternative to requiring FBCHRI checks, that the Department consider requiring registered youth camps to conduct a 50-state NBCHR check of each staff member, which would enhance the protection that existing N.J.A.C. 8:25-3.2 affords youth campers by expanding the search from a New Jersey-only NBCHR check to a search of all 50 states. The commenters state that youth camp administrative personnel can perform 50-state NBCHR checks as easily as they currently perform New Jersey-limited NBCHR checks (which is typically by means of a vendor's subscription-based computerized search application), and that many youth camps routinely opt to perform 50-state NBCHR checks because staff screening is their "top priority." (Groups 1, 2, and 3, and commenters 220, 223, 248, 249, 250, and 265)

11. COMMENT: Commenters state that their existing NBCHR check process is much faster than the FBCHRI check process and has the advantage of being a 50-state search. The commenters state that they would lose good candidates for camp staff due to the lengthy FBCHRI check process. The commenters express concerns that the new requirements in the rulemaking "would be a major hindrance and we feel many camps would not be able to occur due to these new requirements." (226, 229, 230, 239, 240, 243, 253, 255, 256, 262, and 281)

12. COMMENT: A commenter, self-identifying as a vendor of New Jersey and 50-state

NBCHR checks, states that requiring the proposed New Jersey FBCHRI checks “would result in higher fees for the youth camp industry for a less comprehensive search.” The commenter states that receipt of FBCHRI check results can take weeks or even months, and that using certain information in the results to make hiring decisions “would be illegal per FCRA law.” The commenter does not define the acronym, “FCRA.” The commenter estimates that adoption of the proposed amendment requiring FBCHRI checks would result in approximately 40,000 fingerprinting appointments prior to camp season every year and that the NJSP’s existing vendor would not have the capacity to meet this demand. (220)

13. COMMENT: A commenter, self-identifying as a vendor of NBCHR checks that cover multiple states and territories, and sex offender registry checks, states that NBCHR checks are more comprehensive, faster, convenient, and cost-effective than FBCHRI checks. (252)

RESPONSE TO COMMENTS 1 THROUGH 13: The Department acknowledges that the adoption of the proposed amendment would increase demand for FBCHRI check services from the youth camp staff cohort. The Department confirmed with the New Jersey State Police (NJSP) and IdentoGO®, which is the vendor that the NJSP presently uses for processing FBCHRI checks, that prior to the February 20, 2024, publication of the notice of proposal, both entities had the ability to increase processing capacity to meet the anticipated increased demand for their services.

The Department acknowledges that 50-state NBCHR checks are fast, comprehensive, convenient, and economical, but does not agree that this necessarily renders them superior to FBCHRI checks. An NBCHR check typically searches for the

name and Social Security number that a candidate provides; whereas, an FBCHRI check is a type of biometric search, using a person's fingerprints, which definitively identifies and links a person to any possible criminal record, including a record filed under a name, Social Security number, or other identifier that is different from the information a candidate provides. In addition, a "flag" can be placed on the fingerprints, once collected, which automatically notifies the NJSP if the fingerprinted person is arrested for or convicted of a new crime. The NJSP, in turn, forwards the notification to the employer on whose behalf the FBCHRI check was requested.

New Jersey commonly mandates the performance of FBCHRI checks for most paid and unpaid positions in which adults provide care or organized services to children, such as paid employees or volunteers working in childcare centers, schools, and youth sports. A vast number of private employers also require FBCHRI checks as a condition of employment. Given that FBCHRI checks are now commonplace among employment seekers, especially among those seeking child-centered employment, the Department finds it unlikely that requiring FBCHRI checks would deter candidates from applying for youth camp employment. Youth camp staff are typically young adults beginning their career paths, who know that at some point over their careers, employment is likely to be contingent upon an FBCHRI check.

The Department disputes the assertion that the FBCHRI check process is inconvenient and unduly burdensome. The NJSP's FBCHRI services vendor scheduled fingerprinting appointments online, at a time and location that is convenient for the individual making the appointment, and indicates on its website that it typically returns results within two to three weeks, on average. The NJSP's FBCHRI services vendor

also has multiple locations throughout the State and also establishes pop-up locations, as needed. Therefore, the Department does not agree that adult youth camp staff candidates would find compliance with the FBCHRI check process to be a “hassle” and base their employment decisions on an FBCHRI check being an employment condition.

However, the Department is presently implementing N.J.S.A. 26:2K-8.1 (effective October 21, 2022) and 26:2K-65.1 (effective January 8, 2024), which require each candidate for Department certification or licensure as an emergency medical services provider to undergo an FBCHRI check. This requirement will increase the demand for FBCHRI services from the NJSP and its vendor, and this increased demand would commence around the same time as demand would surge for FBCHRI services for adult staff candidates of registered youth camps.

Therefore, to minimize the potential risk of logistical issues caused by these contemporaneously occurring increases in the demand for FBCHRI services from the NJSP and its vendor, the Department will refrain from adopting the proposed amendment as it would apply to staff, aged 18 and older (adult), of a registered youth camp that provides only day camp services. The Department will adopt the proposed amendment as it would apply to adult staff of a registered youth camp that provides residential youth camp services; that is, a camp at which youth attend overnight stays. Of the approximately 1,200 registered youth camps in the State, only 112 operate as resident camps. This will minimize the potential for logistical disruption caused by a sudden increase in the demand for time-sensitive FBCHRI services, while enhancing the protection of youth who are away from their parents for extended periods and are at their most vulnerable.

The Department will retain the requirement at existing N.J.A.C. 8:25-3.2, requiring NBCHR checks for each staff member of a registered youth camp that provides only day camp services, augmented, consistent with the commenters' suggestions, by the expansion of this check to cover a 50-state search. This would maintain the existing administrative burden of performing NBCHR checks, and the Department anticipates that any increase in NBCHR check vendors' subscription fees to expand the search from New Jersey to all 50 states would be less than the cost to perform individual FBCHRI checks of each adult camp staff member candidate. This will also operate to reduce the number of adult youth camp staff candidates who must undergo FBCHRI checks, and correspondingly minimize the potential hiring difficulties, need for the issuance of waivers, and/or other impediments to timely camp openings at the start of the camp season that commenters suggest would occur due to the asserted shortage of candidates who would be willing and able to timely complete FBCHRI checks.

Regarding the commenter's assertion that camps would be unable to use certain information from the FBCHRI checks because it "would be illegal per FCRA law," the commenter did not identify the meaning of this acronym. As a result, the Department is unable to respond to this comment.

For the foregoing reasons, the Department will adopt the proposed amendment at N.J.A.C. 8:25-3.2 to require each adult staff member of a registered youth camp that provides resident camp services to undergo an FBCHRI check, but will not adopt the proposed amendment with respect to staff of a registered youth camp that provides only day camp services. The Department will retain the existing NBCHR check requirement

with respect to adult staff of a registered youth camp that provides only day camp services, with an expansion to a 50-state search, instead of being limited only to a New Jersey NBCHR check.

The Department will monitor the implementation of the requirement that registered resident youth camps ensure that adult staff members are subject to FBCHRI checks and review the impact of this requirement on the resources of the NJSP, its selected vendor, and resident youth camp providers, to evaluate whether it would be appropriate, in a future rulemaking, to revisit requiring an FBCHRI check for each staff member of a registered youth camp that provides only day camp services. At this time, an adult staff member of a registered youth camp that provides only day camp services would continue to be subject to an NBCHR check, verification of non-presence on the sex offender registry, and the other history and reference reviews that existing N.J.A.C. 8:25-3.2 would continue to require.

Therefore, in response to the comments, the Department will make the following changes upon adoption:

1. At N.J.A.C. 8:25-1.4, Definitions, the Department will not adopt the proposed definition of the term “‘criminal history record check’ or ‘fingerprint based criminal history record information (FBCHRI) check.’”

2. The Department will make a change upon adoption at N.J.A.C. 8:25-1.4, to add a definition of the term “fingerprint-based criminal history record information check” or “FBCHRI check” to mean an FBCHRI check that is required only with respect to staff applicants for positions “in a resident youth camp setting.”

3. At N.J.A.C. 8:25-3.2(j)1, the Department will make a change upon adoption to limit the requirement that an adult youth camp staff candidates obtain an FBCHRI check to resident camp staff.

4. The Department will not adopt the proposed deletion of N.J.A.C. 8:25-3.2(j)2, thereby restoring the use of an NBCHR check as acceptable for adult youth camp staff candidates in non-resident youth camps, with a change upon adoption as requested by the commenters, to expand the search from being limited to New Jersey and instead to cover all 50 states of the United States of America.

5. As a result of the expansion of the NBCHR check to all 50 states at N.J.A.C. 8:25-3.2(j)2, it would be unnecessary for an operator to obtain the equivalent of an NBCHR check for adult youth camp staff candidates who are residents of states other than New Jersey, because the 50-state NBCHR check would capture criminal activity in the applicant's state of residence. However, it will remain necessary to obtain the equivalent of an NBCHR check from the country of an adult youth camp staff candidate who is from another country. Therefore, the Department will not adopt the proposed deletion of N.J.A.C. 8:25-3.2(j)2i, but will reinstate this provision, modified to apply only to international youth camp staff candidates.

6. The Department will make changes at N.J.A.C. 8:25-3.2(k)2 and 3 to ensure that the section refers to both FBCHRI checks and 50-state NBCHR checks, as applicable, depending on whether a camp is a resident camp.

14. COMMENT: Commenters state that, at \$69.00, the cost of obtaining an FBCHRI check through IdentoGO® is too high, especially for a seasonal position that lasts only



six to eight weeks. (Group 3, and commenters 82, 234, 235, 245, 246, 249, 263, 264, and 284) Some of these commenters stated that they would subsidize seasonal staff for a portion of the cost if the Department were to adopt the proposed amendment at N.J.A.C. 8:25-3.2, requiring staff to undergo FBCHRI checks. (Group 3, and commenters 82, 234, 235, 246, 249, 263, and 264)

15. COMMENT: A commenter states that because criminal background checks can be conducted by many vendors, not just IdentoGO®, that the Department should allow other vendors to perform the criminal background checks required by the rules. (274)

RESPONSE TO COMMENTS 14 AND 15: N.J.A.C. 8:25-3.2, as proposed for amendment and change upon adoption, would require the performance of FBCHRI checks in accordance with N.J.A.C. 13:59 and the procedures of the NJSP. The NJSP implements FBCHRI through its selected vendor, IdentoGO®. The Department has no control over the vendor selection activities of other agencies but presumes that the State selected the vendor that performs FBCHRI checks for the NJSP in accordance with applicable purchasing standards of the Department of the Treasury with respect to reasonableness and competitiveness in pricing.

For the reasons stated above, staff of a registered youth camp that provides only day camp services would not be subject to FBCHRI checks. Accordingly, neither staff nor operators of such camps would incur the expense associated with FBCHRI checks. The Department acknowledges that a single FBCHRI check is more expensive than the NBCHR check, which the existing rules require. The Department expects that some resident youth camp operators that elect to subsidize an adult staff member candidate's incurred cost to obtain an FBCHRI check, in turn, might pass the cost on to the camp's

clients, in the form of increased tuition and fees. The cost of ensuring that adult staff of resident youth camps do not have disqualifying criminal convictions is nominal relative to the costs that a camp operator would incur if an overnight camper were to suffer harm at the hands of a staff member due to inadequate verification of the staff member's credentials and criminal record history. Based on the foregoing, the Department will make no change upon adoption in response to the comment.

16. COMMENT: A commenter states, "If someone who hasn't yet passed their background check is permitted to work, [N.J.A.C.] 8:25 [states] that another staff member must supervise that person and ... be in the staff member's presence until the background check results arrive. This takes away the supervising staff member's ability to supervise campers and puts campers at risk." (228)

RESPONSE: Proposed new N.J.A.C. 8:25-3.2(k)1ii would authorize a youth camp operator or director to allow a new adult staff member to start work before the adult staff member's criminal history background check results are received, provided the adult staff member works either independently, in an administrative role (that is, without working with campers), or paired with a fully vetted staff member while working with campers. The Department disagrees with the assertion that the proposed amendment would put campers at risk. Requiring supervision of an adult staff member who is working with campers would protect campers while enabling a youth camp to continue to function, by providing the camp operator or director the option of using the staff member in an administrative role, pending the return of the adult staff member's criminal history background check results. Based on the foregoing, the Department will make no

change upon adoption in response to the comment.

17. COMMENT: N.J.A.C. 8:25-3.2(j)2, as proposed for amendment, would authorize a youth camp operator or director to exempt a schoolteacher from the FBCHRI check upon receiving documentation of the teacher having previously submitted to an FBCHRI check and being a current school district employee in good standing. A commenter suggests that the Department consider exempting other school employees, such as support staff in good standing. (225)

RESPONSE: The Department agrees with the commenter's suggestion that it would be appropriate to exempt school district employees, other than teachers, who have undergone an FBCHRI check that is equivalent to the check that teachers undergo, from the obligation to resubmit to an additional FBCHRI check. The Department will consult with the Department of Education to confirm the nature of the background investigation to which non-teacher school employees must submit for school employment, with a view toward the development of future rulemaking establishing an exemption from the FBCHRI check for school district employees in good standing who have undergone FBCHRI checks equivalent to those to which teachers submit. In the meantime, youth camp operator or directors who wish to employ such non-teacher school employees may apply to the Department for a waiver of the FBCHRI check in accordance with N.J.S.A. 26:12-12 and N.J.A.C. 8:25-1.5.

18. COMMENT: Commenters state that one-week activity-specific camps, such as STEM learning camps, theater camps, and others that have only a few staff members

should be exempt from N.J.A.C. 8:25 requirements. (255, 262, 269, 272, and 281)

RESPONSE: If an activity or service meets the definition of a “youth camp,” in the New Jersey Youth Camp Safety Act (Act), N.J.S.A. 26:12-1 et seq., specifically at 26:12-3.a, the Department is without authority to waive the obligation of a youth camp operator to comply with the Act and the safety standards that the Act directs the Commissioner to promulgate and enforce through rulemaking. The comment provides insufficient information for the Department to issue a blanket determination as to whether the Act applies to “one-week activity-specific camps” as described in the comment. Therefore, the Department will make no change upon adoption in response to the comment.

19. COMMENT: Attorneys representing an organization known as “NJ Camps” submitted a comment in the form of a letter brief. The commenters advance a number of legal theories objecting to the proposed amendment at N.J.A.C. 8:25-3.2 requiring adult youth camp staff candidates to undergo FBCHRI checks, and state that the Department “is unlawfully mandating that all camp staff members undergo [FBCHRI checks]”; the “Act does not provide the statutory authority for the [Department] to mandate, or for the camps to perform, fingerprint checks of its staff”; the notice of proposal “conflicts with existing law and thus is *ultra vires*” and “will not enhance the safety and security of campers since it fails to account for the background check requirements already in place”; FBCHRI checks “would ... not achieve the [Department’s] stated intent of utilizing [Federal] child care grants;” and the proposal “contains ambiguous language and imposes a June 15, 2024, effective date, making it an impossibility to comply and risking cancellation of the entire 2024 camp season.”

The commenter requests that the Department remove the mandate for FBCHRI checks.

RESPONSE: The Department disagrees with the assertion that the Department lacks authority to require an adult youth camp staff candidate to undergo an FBCHRI check, and that such a requirement would conflict with existing law and would not achieve the intended purpose. It is well-settled that administrative agencies enjoy substantial deference in interpreting statutes and developing rules within their implementing and enforcing responsibility because agencies maintain expertise and superior knowledge in their respective regulatory fields. *Natural Medical, Inc. v. N.J. Dept. of Health & Sr. Servs.*, 428 N.J. Super. 259, 269-270 (App. Div. 2012).

The Act, at N.J.S.A. 26:12-5, directs the Department to establish youth camp safety standards for youth camps registered with the Department. N.J.S.A. 26:12-3 defines the term, “youth camp safety standards,” to mean “criteria directed toward safe operations of youth camps, in such areas as, but not limited to, personnel qualifications for director and staff ...” The purpose and intent of the Act, as stated at N.J.S.A. 26:12-2, is “to promote, protect and safeguard the health and well-being of the youth of the State attending day camps and resident camps by providing for establishment of standards for the safe operation of such camps, thereby providing assurance to parents and interested citizens that youth camps meet minimum safety standards.” The proposed amendment requiring adult youth camp staff to undergo FBCHRI checks would ensure the safety of youth camps by having appropriate and properly vetted camp staff, thereby providing assurance that the staff caring for children attending resident camps do not have disqualifying offenses or criminal convictions in their criminal history that would pose a threat to children.

The Department disagrees with the assertion that the existing background check requirements are sufficient. The existing rules are not sufficient because they do not require the criminal history record check for camp staff to extend to all 50 states. Thus, additional staff background check protections are needed to ensure that children attending youth camps are safe.

The Department disagrees with the assertion that N.J.A.C. 8:25-3.2, as proposed for amendment, would be ambiguous as to the adult youth camp staff candidates who must undergo FBCHRI checks, and as to the compliance deadlines. N.J.A.C. 8:25-3.2 identifies the staff who must undergo FBCHRI checks. The Department is making a change upon adoption to reflect the applicable compliance deadline. Accordingly, the Department will make no change upon adoption in response to the comment.

20. COMMENT: Commenters, representing various municipalities, object to the proposed amendments at N.J.A.C. 8:25 that would require municipally operated camps to meet the safety standards set forth at N.J.A.C. 8:25. The commenters state that municipal budgets are set well in advance of the youth camp season, and municipalities by law are prohibited from raising property taxes by more than two percent per year. Therefore, municipalities would not be able to budget to meet the requirements at N.J.A.C. 8:25. (82, 222, 226, 229, 230, 231, 239, 240, 243, 246, 247, 249, 253, 255, 256, 257, 262, 263, 267, 274, 281, and 282)

21. COMMENT: A commenter, representing a municipality, states that municipal summer camps should not be required to meet the requirements at N.J.A.C. 8:25 because the municipality that the commenter represents already addresses safety

concerns, including those in the proposed rulemaking. (254)

22. COMMENT: A commenter, representing a municipality, states that the Department should “carefully review the potential impact of the [proposed amendments subjecting municipally operated camps to the safety standards in N.J.A.C. 8:25] on ... currently operating camps” and that it is “important to consider the potential repercussions of the fees being transferred to the local community, which depends on affordable and local camps.” (259)

23. COMMENT: A commenter, representing a municipality, states in opposition to the proposed amendments that would require municipally operated camps to comply with the safety standards at N.J.A.C. 8:25, that “First and foremost, of our concerns is a unilateral overreach of [the] Department ... authority to regulate government recreational services outside of a period of designated as a public health emergency. The underlying statute, N.J.S.A. 26:12-1 et seq., does not call for Department ... Health regulation of governmentally sponsored recreation activities. [The rules at N.J.A.C. 8:25] have been in existence for decades and have not included regulation of publicly sponsored camps and activities.” (283)

RESPONSE TO COMMENTS 20, 21, 22, AND 23: The Department acknowledges the commenters’ opposition to the proposed amendments that would require government entities to obtain a certificate of approval from the Department and otherwise comply with the safety standards at N.J.A.C. 8:25. The Department acknowledges the commenters’ concerns as to the constraints associated with municipal budgeting and for these reasons has determined not to adopt the proposed amendments that would subject government entities to compliance with N.J.A.C. 8:25, pending further study and

consultation with relevant State agencies.

Therefore, in response to the comments, the Department will not adopt the proposed amendments that would add the term “government entity” at N.J.A.C. 8:25-1.4, Definitions, within the meaning of the defined terms “applicant” and “youth camp operator,” and at N.J.A.C. 8:25-2.1, Certificate of approval, within the list of entities that must obtain a certificate of approval from the Department as a condition of operating or conducting a youth camp. Likewise, the Department will not adopt the proposed amendment at N.J.A.C. 8:25-2.1(c)ii, which refers to an exemption of government entities from paying license application fees.

24. COMMENT: A commenter states, “Thank you for your thoughtful consideration with this – Your heart is in the right place.” (224)

25. COMMENT: A commenter states, “the proposed changes are by and large, very good and well thought out.” (225)

RESPONSE TO COMMENTS 24 AND 25: The Department acknowledges the commenters’ support of the Department’s efforts to improve youth camp safety standards.

**Summary** of Agency-Initiated Changes Upon Adoption:

1. The Department is changing the link for online fee payments at N.J.A.C. 8:25-2.1.

2. Throughout N.J.A.C. 8:25-3.2(k), the Department is updating references to a deadline year by which youth camp operators and camp directors must comply with



criminal history checks, from 2024 to 2026, to coincide with the next camp period after the effective date of this rulemaking.

### **Federal Standards Statement**

The Department adopts this rulemaking pursuant to the authority at N.J.S.A. 26:12-1 et seq., particularly N.J.S.A. 26:12-5. A Federal standards analysis is not required because the rulemaking is not subject to any Federal requirements or standards.

**Full text** of the adopted amendments follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletions from proposal indicated in brackets with asterisks \*[thus]\*):

## **SUBCHAPTER 1. GENERAL PROVISIONS**

### **8:25-1.2 Scope**

- (a) This chapter applies to all **\*private\*** youth camps operating in New Jersey.
- (b)-(c) (No change.)

### **8:25-1.4 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

...

“Applicant” means any \*[government entity,]\* private individual, partnership, corporation, or other entity, whether for profit or nonprofit, who applies to the

Department pursuant to N.J.A.C. 8:25-2.2 for the purpose of requesting a certificate of approval to operate a youth camp.

...

\*[“Criminal history record check” or “fingerprint based criminal history record information (FBCHRI) check” means a fingerprint background check of a criminal history registry or repository conducted on an applicant who desires to serve in a role overseeing children without another staff person present in a youth camp setting.]\*

...

**“Fingerprint-based criminal history record information (FBCHRI) check” means a fingerprint background check of a criminal history registry or repository conducted on an applicant who desires to serve in a role overseeing children without another staff member present in a resident youth camp setting.\***

...

“Youth camp operator” means any \*[government entity,]\* private individual, agency, organization, or person, and any individual, who operates, controls, or supervises a youth camp, whether such camp is operated for profit or not-for-profit.

## SUBCHAPTER 2. CERTIFICATE OF APPROVAL

### 8:25-2.1 Certificate of approval

Any \*[government entity,]\* private individual, partnership, corporation, or other entity, whether for profit or not-for-profit, desiring to operate or conduct a youth camp in New Jersey shall obtain a certificate of approval from the Department.

## 8:25-2.2 Application for certificate of approval

(a)-(b) (No change.)

(c) The applicant shall submit a filing fee of \$50.00 for a day camp and \$100.00 for a resident camp.

1. The applicant shall make the fee payable to “Treasurer, State of New Jersey.”

i. (No change.)

\*[ii. Government entities are exempt from paying licensure application fees.]\*

2. Fees may be submitted online through check or money order at:

\*[https://dohepay.nj.gov/epayment/PaymentServlet?mode=verify&EFTCODE=14090&linkSeq=1021&amount=0&\\_gl=1\\*xbbg53\\*\\_ga\\*MTYyNjM1MDk0OC4xNjM4ODA3NzE4\\*\\_ga\\_5PWJJG6642\\*MTY2MzM1NzgyMS4xNzluMS4xNjYzMzU3ODI3LjAuMC4w](https://dohepay.nj.gov/epayment/PaymentServlet?mode=verify&EFTCODE=14090&linkSeq=1021&amount=0&_gl=1*xbbg53*_ga*MTYyNjM1MDk0OC4xNjM4ODA3NzE4*_ga_5PWJJG6642*MTY2MzM1NzgyMS4xNzluMS4xNjYzMzU3ODI3LjAuMC4w)]\*  
\*<https://nj.gov/health/ceohs/ycpay.shtml>]\*.

## SUBCHAPTER 3. ADMINISTRATION

### 8:25-3.2 Staff

(a)-(e) (No change.)

(f) The youth camp operator or camp director shall review and verify that each staff member has a background free of convictions for the following criminal and/or disorderly persons offenses, as the case may be, in New Jersey or in any other jurisdiction:

1. Murder;
2. Child abuse or neglect;
3. A crime against children, including child pornography;

4. Spousal abuse;
5. A crime involving rape or sexual assault;
6. Kidnapping;
7. Arson;
8. Physical assault or battery; or
9. A drug related offense committed during the preceding five years.

(g)-(i) (No change.)

(j) \*[The]\* **A** youth camp operator or camp director shall conduct a criminal history record check for themselves and each adult staff member having unsupervised access to campers through the following method\*s\*:

1. \*[Making]\* **For a resident camp, by making** a request for \*[fingerprint based criminal history record information ([\* **an** FBCHRI\*])] **check** for noncriminal justice purposes in accordance with N.J.A.C. 13:59\*,\* and the procedures established by the New Jersey State Police at the following website, <https://nj.gov/njsp/criminal-history-records/chri-nj-res.shtml>.

- i. For **an** adult staff member\*[s]\* **of a resident camp**\* whose permanent residence is not New Jersey (out-of-State and international), the youth camp operator or camp director shall also obtain from the staff member's place of residence, \*[a fingerprint based criminal history record information]\* **an FBCHRI check**\* or its recognized equivalent.

- ii. Information about the New Jersey State Police full fingerprint criminal history record information process can be found at the following website, <https://nj.gov/njsp/criminal-history-records/chri-nj-res.shtml>.

**\*2. For every youth camp, using a vendor that provides information at least comparable to the information available through the New Jersey State Police as set forth at (j)1 above, by performing a name-based criminal history information check of all 50 states of the United States of America.**

**i. For an adult staff member whose country of permanent residence or citizenship is not the United States of America (international), to the extent practicable, by obtaining a country-wide name-based criminal history information check, or its recognized equivalent, from the staff member's country; and\***

**\*[2.]\*3.\* [The] \*A\* youth camp operator or camp director may exempt \*[a currently employed school teacher]\* from the criminal history record check requirement\*s at (j)1 and 2 above, a school teacher who is an employee of a school district in good standing,\* if the school teacher provides the youth camp operator or camp director \*[with]\* a notarized statement signed by the school superintendent or principal confirming that the school teacher \*[has]\* previously submitted to \*[a fingerprint based criminal history record information]\* **\*an FBCHRI check\*** and is \*[currently employed and]\* **\*an employee of the school district\*** in good standing \*[with the school district.]\*\*\*,\***

**i. The youth camp operator or \*camp\* director shall maintain the notarized statement in the staff member's file and produce it to the health authority upon request.**

(k) **\*[The]\* \*A\*** youth camp operator or camp director shall conduct a criminal history record check for each adult staff member having unsupervised access to campers according to the following schedule:

1. By June 15, **\*[2024]\* \*2026\***, the youth camp operator or camp director shall conduct a criminal history record check for each new adult staff member **\*[who has not received]\* \*for whom\*** a criminal history record check **\*[in accordance]\* \*that complies\*** with (j)1 above\*, **has not been performed\***.

i. The youth camp operator or camp director shall treat an existing adult staff member **\*[who]\*\*, whose employment by the camp\*** has **\*[had a lapse of employment at any point greater]\* \*lapsed for longer\*** than **\*[a]\* \*12\*** continuous **[12-month period] \*months,\*** as a new adult staff member\*,\* for the purposes of this section.

ii. The youth camp operator or **\*camp\*** director may allow a new adult staff member to start work prior to receiving the criminal history **\*[background]\* \*record\*** check results, either buddied with a properly vetted staff member or solely in administrative **\*[functions/roles]\* \*functions and/or roles\***, but the operator or director shall ensure that the new staff member is supervised while working with campers until receipt of satisfactory results.

iii. **\*[Once a new staff member has been employed by the camp without a lapse of employment greater than 12 continuous months, the]\* \*A\*** youth camp operator or **\*camp\*** director shall **\*[comply]\* \*treat a new adult staff member, whose employment by the camp has been without a lapse of longer than 12**

**continuous months, in accordance**\* with \*[the standards established at]\* (k)2 below.

2. The youth camp operator or camp director shall require each existing adult staff member, \*[who has not had a lapse of]\* **\*whose\*** employment \*[greater]\* **\*by the camp has been without a lapse of longer\*** than \*[a]\* **\*12\*** continuous \*[12-month period]\* **\*months\***, to complete **\*and submit\*** a notarized statement annually, indicating whether there was a change to \*[their]\* **\*the staff member's\*** criminal history status.

i. If the youth camp operator or camp director **\*obtained an FBCHRI check and/or\*** completed a \*[FBCHRI]\* **\*50-state name-based criminal history information check, as applicable, depending on whether the camp is a resident camp,\*** for an existing adult staff member prior to June 15, \*[2024]\* **\*2026\***, that is less than four years old (or had been conducted in the four years \*[prior to]\* **\*preceding\*** the current youth camp season), then the operator or director shall require the staff member to complete and submit a notarized statement indicating whether there was a change to \*[their]\* **\*the staff member's\*** criminal history status since completion of the criminal history check.

ii. If the youth camp operator or camp director did not **\*obtain an FBCHRI check and/or\*** complete a \*[FBCHRI]\* **\*50-state name-based criminal history information check\*** for an existing staff member prior to June 15, \*[2024]\* **\*2026\***, that is less than four years old (or had not been conducted in the four years \*[prior to]\* **\*preceding\*** the current youth camp season), then the youth camp operator or camp director shall conduct a criminal history record check for

the existing staff member in \*[the manner set forth at]\* **\*accordance with\*** (k)1 above.

iii. If the existing adult staff member indicates that there has been a change in \*[their]\* **\*the staff member's\*** criminal history status, then the youth camp operator or director shall **\*obtain an FBCHRI check and/or\*** complete a new \*[FBCHRI]\* **\*50-State name-based criminal history information check, as applicable, depending on whether the camp is a resident camp,\*** for the existing staff member.

3. Every five years\*,\* a new FBCHRI **\*check and/or a 50-state name-based criminal history information check, as applicable, depending on whether the camp is a resident camp,\*** shall be conducted for every owner, operator, and staff member supervising campers.

(l) The youth camp operator or director shall complete a sex offender registry check for each staff member annually through the following methods:

1. [Family watchdog ®, a national sex offender registry, at <http://www.familywatchdog.us/>, or any] **Any** national sex offender registry or a vendor that can retrieve national sex offender registry information; and

2. (No change.)

(m)-(s) (No change.)

**(t) Refusal to submit to a criminal history record check or sex offender registry check, or providing false information in connection with either, shall disqualify an individual from employment. The youth camp operator or director**



**shall provide a copy of the criminal history record check to prospective staff members.**

- 1. An individual shall have the right to challenge the accuracy of their criminal history record check with the agency that performed it.**
- 2. The youth camp operator or director shall not be required to employ an individual who is in the process of challenging the accuracy of a criminal history record check.**