

New York State Children's Day Camp Program Activities Draft Fact Sheet – January 3, 2011

In September of 2009, amendments to Public Health Law revised the summer children's day camp definition to include indoor or outdoor organized group activities, involving nonpassive recreational activities with significant risk of injury. The amendments will be effective April 1, 2011 and nonpassive recreational activities with significant risk of injury (NPRASRI) will be defined in the State Sanitary Code (SSC).

As a result, a program no longer needs to be conducted primarily (50% or more) outdoors to be considered a camp and it will be necessary to evaluate the types of activities conducted during a children's summer program to determine if the program should be regulated as a camp. A day program that otherwise qualifies as a camp and has two or more activities of which at least one is a NPRASRI must be regulated as a camp while a program with no NPRASRI is not considered a day camp regardless of the number of activities offered at the program. Single purpose activities such as learn-to-swim and soccer programs continue to be exempt from regulation.

When determining if a program qualifies as a day camp, exclusions contained in Section 7-2.3 of the children's camp regulations continue to apply. Section 7-2.3 specifies that the regulation applies to a camp occupied by or maintained for occupancy by 10 or more children except: (Note: **Bold underlined text is part of the proposed amendments to Subpart 7-2)**

- (1) any place occupied by children under 18 years of age for overnight occupancy of 72 consecutive hours or less;
- (2) day camps operating less than all or part of five days in any two-week period;
- (3) child care facilities licensed or registered by the New York State Department of Family Assistance, Office of Children and Family Services;
- (4) activities at unscheduled or drop-in neighborhood-center settings; single-purpose activity such as athletic events, which are held for the sole purpose of tournament play or competition, and associated training practice, "Special Olympics," little league baseball, Pop Warner football; and recreational activity without a specified time period of attendance required;
- (5) **college level educational programs provided by schools that are accredited by the Regents of the University of the State of New York;**
- (6) **school districts, Boards of Cooperative Educational Services (BOCES) or nonpublic schools providing instruction to satisfy, enrich, accelerate or improve skills in accordance with New York State education requirements;**
- (7) **day programs conducted for the purpose of classroom educational instruction, including but not limited to traditional academic subjects, religious instruction, and computer training, that have nonpassive recreational activities with significant risk of injury when such activities**

are conducted as part of a one hour or less recess period constituting no more than one fifth of the program's daily operation, and which occur on a playground, in a gymnasium, or similar setting; and

- (8) any operation or use of a tract of land or property determined by the State Commissioner of Health as not being within the intent of or regulated by this Subpart.

NPRASRI will be defined in Section 7-2.2(1) of Subpart 7-2 as follows:

Nonpassive recreational activities with significant risk of injury shall include swimming, boating, contact sports, horseback riding, bicycling, hiking, rock climbing, challenge/rope course activities, shooting sports and other activities determined by the State Commissioner of Health to be capable of causing traumatic brain injury, injury to the neck or spine, bone fractures or dislocations, lacerations requiring treatment to close, second or third degree burns to 5% or more of the body, loss of vision, or death, based on height, speed, water depth, physical contact with another participant or object, and/or use of equipment.

Additional examples of such activities include, but are not limited to:

- Archery
- Arts and Crafts where campers use power tools or equipment such as:
 - Saws, Drills, Lathes, Planers, Nail Guns, Knives, or Similar Equipment
 - Kilns
- Bicycling
- Boating – Canoeing, Kayaking, Rafting, Power, Sailing, Tubing
- Cooking which campers use knives, stoves, or similar equipment.
- Gymnastics
- Hiking in an area which is not within 5 minutes from a public roadway, on uneven terrain that poses a substantial risk for tripping or falling or involves incidental water immersion.
- Horseback Riding
- Horseshoes
- Incidental Water Immersion – activities where a camper enters a stream or other body of water.
- Martial Arts
- Mountain Boarding
- Motorized Vehicles – ATVs, Jet Skis, Boats, Go-Carts, Motorcycles
- Organized Games/Activities:
 - Capture the Flag
 - Crab Soccer
 - Dodgeball
 - Flag Tag
 - Flag Football
 - Ga Ga

- Kickball
- Nuk-em (Newcomb, Nucom, etc.)
- Red Rover
- Steal the Bacon
- Tag (all varieties)
- Tetherball
- Wiffleball
- Out-of-Camp Trips – Trips during which participants engage in activities that are NPRASRI. Trip activities that are not otherwise listed in this document as NPRASRI include:
 - Amusement Parks Rides
 - Aquatic Park Activities
- Paint Ball “War Games”
- Playground Equipment
- Riflery
- Rock Climbing
- Rope and Challenge Courses
- Scuba Diving
- Skate Boarding
- Skating – roller, ice, in-line
- Slip-n-Slide
- Sports
 - Baseball
 - Basketball
 - Cheerleading
 - Cricket
 - Football
 - Golf
 - Gymnastics
 - Handball
 - Hockey (ice, floor, roller, or street)
 - Hurling
 - Lacrosse
 - Racquetball
 - Rugby
 - Soccer
 - Softball
 - Squash
 - Tennis
 - Track and Field
 - Volleyball
 - Water Polo
 - Wrestling
- Surfing
- Swimming (Water Activities)
 - Floating Water Structures/Activities (Blob, Iceberg, Water Trampolines, etc.)

- Swimming and/or Diving (free, lap, or instructional swimming)
- Trampoline
- Water Skiing and other towing activities such as Tubing and Banana Boat Rides
- Wilderness Activities

Nonpassive recreational activities without significant risk of injury - The following nonpassive activities are generally considered to **not** have a significant risk for injury; however, the injury risk can be increased based on variations to the activity:

- Arts and Crafts which do not require campers to use power tools, kilns or other machinery such as:
 - Leatherwork
 - Painting, Drawing, Gluing
- Cooking which does not require campers to use knives, stoves, or similar equipment
- Dancing/Acting
- Hiking/Walking – Walks on established paths in locations which are within 5 minutes from a public roadway, on substantially level terrain that pose little or no tripping or falling hazards, and involve no incidental water immersion.
- Organized Games:
 - 4-Square
 - Bocce Ball
 - Croquet
 - Duck Duck Goose
 - Frisbee
 - Hide-n-Seek
 - Horse
 - Miniature Golf
 - Monkey in the Middle
 - Relay Races
 - Running Bases
 - Sack Races
 - Ship to Shore
 - Spud
 - Tug-O-War
- Out-of-Camp Trips – Trips during which participants engage in passive or nonpassive activities without a significant risk for injury. Trip activities that are not otherwise listed in this document as not being NPRASI or a passive activity include:
 - Art Museum Viewing
 - Eating or Dining
 - Viewing Plays, Ballets and Other Performances
 - Shopping
- Sports
 - Bowling

Passive activities include an activity, which take place in a defined area, where participants are spectators or have limited mobility and use no tools or equipment (other than computers). Examples of passive activities include, but are not limited to:

- Board Games
- Classroom Instruction (Religious or Academic)
- Coloring
- Computer Use
- Singing
- Storytelling
- Viewing Movies or Drama

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