

By: Moody

To: Public Health and
Welfare

HOUSE BILL NO. 713
(As Passed the House)

1 AN ACT TO AMEND SECTION 43-20-5, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY CERTAIN EXEMPTIONS AND PROVIDE CERTAIN DEFINITIONS UNDER
3 THE CHILD CARE FACILITY LICENSURE LAW; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 43-20-5, Mississippi Code of 1972, is
6 amended as follows:

7 43-20-5. When used in this chapter, the following words
8 shall have the following meanings:

9 (a) "Child care facility" means a place which provides
10 shelter and personal care for six (6) or more children who are not
11 related within the third degree computed according to the civil
12 law to the operator and who are under thirteen (13) years of age,
13 for any part of the twenty-four-hour day, whether such place be
14 organized or operated for profit or not. The term "child care
15 facility" includes day nurseries, day care centers and any other
16 facility that falls within the scope of the definitions set forth
17 above, regardless of auspices. Exemptions from the provisions of
18 this chapter include:

19 (i) Child care facilities which operate for no
20 more than two (2) days a week, whose primary purpose is to provide
21 respite for the caregiver or temporary care during other scheduled
22 or related activities and organized programs which operate for
23 three (3) or less weeks per year such as, but not limited to,
24 vacation bible schools and scout day camps * * *.

25 (ii) * * * Any child residential home as defined
26 in, and in compliance with the provisions of, Section 43-16-3(b)

27 et seq.

28 (iii) * * * Any elementary, including
29 kindergarten, and/or secondary school system, accredited by the
30 Mississippi State Department of Education, the Southern
31 Association of Colleges and Schools, the Mississippi Private
32 School Education Association, the American Association of
33 Christian Schools, the Association of Christian Schools
34 International, and any Headstart program operating in conjunction
35 with an elementary school system, whether it be public, private or
36 parochial, whose primary purpose is a structured school or school
37 readiness program.

38 (iv) Accreditation, for the purpose of exemption
39 from the provisions of this section, shall mean (1.) receipt by
40 any school or school system of full accreditation from an
41 accrediting entity listed within this paragraph, or (2.) proof of
42 application by the school or school system for accreditation
43 status from the accrediting entity. Proof of application for
44 accreditation status shall include, but not be limited to, a copy
45 of the applicant's completed application for accreditation filed
46 with the licensing agency and a letter or other authenticating
47 documentation from a signatory authority with the accrediting
48 entity that the application for accreditation has been received
49 and that the applicant is currently under consideration or review
50 for full accreditation status by the accrediting entity. An
51 exemption for a nonaccredited applicant under this subparagraph
52 (iv) shall be for a maximum of one (1) year from the receipt date
53 by the licensing agency of the completed documentation for proof
54 of application for accreditation status, except as otherwise
55 provided in this subparagraph. Failure to receive full
56 accreditation by the end of the one-year exemption period for a
57 nonaccredited applicant shall result in the nonaccredited
58 applicant no longer remaining exempt from the provisions of this
59 chapter at the end of the one-year period. However, if full

60 accreditation is not received by the end of the one-year exemption
61 period, the State Board of Health, in its discretion, may extend
62 the exemption period for any nonaccredited applicant for periods
63 of six (6) months, with the total extension not to exceed one (1)
64 year. During any such extension periods, the board shall have the
65 authority to enforce child care facility licensure provisions
66 relating to the health and safety of the children in the school or
67 school system. If a nonaccredited applicant fails to receive full
68 accreditation by the end of all extended exemption periods, the
69 applicant shall no longer remain exempt from the provisions of
70 this chapter at the end of the extended exemption periods. This
71 subparagraph (iv) shall stand repealed on July 1, 2002.

72 (v) * * * Any membership organization affiliated
73 with a national organization which charges only a nominal annual
74 membership fee, does not receive monthly, weekly or daily payments
75 for services, and is certified by its national association as
76 being in compliance with the association's minimum standards and
77 procedures, including, but not limited to, the Boys and Girls Club
78 of America, and the YMCA.

79 (vi) Any family child care home as defined in
80 Section 43-20-53(a) et seq.

81 All other preschool child care programs and/or extended day
82 school programs must meet requirements set forth in this chapter.

83 (b) "Health" means that condition of being sound in
84 mind and body and encompasses an individual's physical, mental and
85 emotional welfare.

86 (c) "Safety" means that condition of being protected
87 from hurt, injury or loss.

88 (d) "Person" means any person, firm, partnership,
89 corporation or association.

90 (e) "Operator" means any person, acting individually or
91 jointly with another person or persons, who shall establish, own,
92 operate, conduct or maintain a child care facility. The child

93 care facility license shall be issued in the name of the operator,
94 or, if there is more than one (1) operator, in the name of one (1)
95 of the operators. In the event that there is more than one (1)
96 operator, all statutory and regulatory provisions concerning the
97 background checks of operators shall be equally applied to all
98 operators of a facility, including, but not limited to, a spouse
99 who jointly owns, operates or maintains the child care facility
100 regardless of which particular person is named on the license.

101 (f) "Personal care" means assistance rendered by
102 personnel of the child care facility in performing one or more of
103 the activities of daily living, which includes, but is not limited
104 to, the feeding, personal grooming, supervising and dressing of
105 children placed in the child care facility.

106 (g) "Licensing agency" means the Mississippi State
107 Department of Health.

108 (h) "Caregiver" means any person who provides direct
109 care, supervision or guidance to children in a child care
110 facility, regardless of title or occupation.

111 SECTION 2. This act shall take effect and be in force from
112 and after July 1, 2000.