

By: Huggins (By Request)

To: Public Health and
WelfareSENATE BILL NO. 2437
(As Passed the Senate)

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 24-hour day, whether such place be organized
14 or operated for profit or not. The term "child care facility"
15 includes day nurseries, day care centers and any other facility
16 that falls within the scope of the definitions set forth above,
17 regardless of auspices. Exemptions from the provisions of this
18 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., Mississippi Code of 1972.

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 paragraph shall
52 be for a maximum of one (1) year from the receipt date by the
53 licensing agency of the completed documentation for proof of
54 application for accreditation status. Failure to receive full
55 accreditation by the end of the one-year exemption period for a
56 nonaccredited applicant shall result in the nonaccredited
57 applicant no longer remaining exempt from the provisions of this
58 chapter at the end of the one-year period. This subparagraph (iv)
59 shall stand repealed on July 1, 2002.

60 (v) * * * Any membership organization affiliated
61 with a national organization which charges only a nominal annual
62 membership fee, does not receive monthly, weekly or daily payments
63 for services, and is certified by its national association as
64 being in compliance with the association's minimum standards and
65 procedures, including, but not limited to, the Boys and Girls Club
66 of America, and the YMCA.

67 (vi) Any family child care home as defined in
68 Section 43-20-53(a) et seq., Mississippi Code of 1972.

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

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

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

76 (d) "Person" means any person, firm, partnership,
77 corporation or association.

78 (e) "Operator" means any person, acting individually or
79 jointly with another person or persons, who shall establish, own,
80 operate, conduct or maintain a child care facility. The child
81 care facility license shall be issued in the name of the operator,
82 or, if there is more than one (1) operator, in the name of one (1)
83 of the operators. In the event that there is more than one (1)
84 operator, all statutory and regulatory provisions concerning the
85 background checks of operators shall be equally applied to all
86 operators of a facility, including, but not limited to, a spouse
87 who jointly owns, operates or maintains the child care facility
88 regardless of which particular person is named on the license.

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

94 (g) "Licensing agency" means the Mississippi State
95 Department of Health.

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

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