

By: Harden

To: Public Health and  
Welfare

## SENATE BILL NO. 3184

1 AN ACT TO AMEND SECTION 41-3-1, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT ONE MEMBER OF THE STATE BOARD OF HEALTH SHALL BE A  
3 CHILD CARE FACILITY PROVIDER; TO AMEND SECTION 43-20-8,  
4 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE DEPARTMENT OF  
5 HEALTH SHALL NOT BE AUTHORIZED TO ISSUE MINIMUM STAFF EDUCATION  
6 STANDARDS, TEACHER-PUPIL RATIOS OR CORE CURRICULUM REQUIREMENTS  
7 FOR LICENSED CHILD CARE FACILITIES; AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 41-3-1, Mississippi Code of 1972, is  
10 amended as follows:[RDD1]

11 41-3-1. (1) The present members of the State Board of  
12 Health shall continue to serve until July 1, 1980, whereupon the  
13 board shall be reconstituted as follows:

14 There is hereby created the State Board of Health which shall  
15 consist of thirteen (13) members, appointed by the Governor with  
16 the advice and consent of the Senate, as hereinafter set forth:  
17 two (2) of whom shall be from each congressional district as  
18 constituted on January 1, 1980, and three (3) of whom shall be  
19 from the state at large. The members so appointed shall either be  
20 engaged professionally in rendering health services or shall be  
21 consumers of health services who have no financial interest in any  
22 provider thereof. At least one (1) appointee shall be an owner or  
23 director of a licensed child care facility. All appointees shall  
24 be persons knowledgeable in at least one (1) of the matters of  
25 jurisdiction of the board.

26 (2) The original appointments of the reconstituted board  
27 shall be made no later than June 30, 1980, for terms to begin on  
28 July 1, 1980. The Governor shall designate the initial terms of

29 the members of the board as follows: Four (4) members shall be  
30 appointed for a term which expires July 1, 1982; four (4) members  
31 shall be appointed for a term which expires July 1, 1984; and five  
32 (5) members shall be appointed for a term which expires July 1,  
33 1986. Thereafter, all succeeding appointments shall be for terms  
34 of six (6) years from the expiration of the previous term.  
35 Vacancies in office shall be filled by appointment of the Governor  
36 in the same manner as the appointment to the position which  
37 becomes vacant, subject to the advice and consent of the Senate at  
38 the next regular session of the Legislature. An appointment to  
39 fill a vacancy other than by expiration of a term of office shall  
40 be for the balance of the unexpired term.

41 SECTION 2. Section 43-20-8, Mississippi Code of 1972, is  
42 amended as follows:[RDD2]

43 43-20-8. (1) The licensing agency shall have powers and  
44 duties as set forth below in addition to other duties prescribed  
45 under this chapter:

46 (a) Promulgate rules and regulations concerning the  
47 licensing and regulation of child care facilities as defined  
48 herein; provided, however, that the licensing agency shall  
49 specifically not be authorized to establish minimum education  
50 standards for administrators or teachers, minimum teacher-pupil  
51 ratios or minimum core curriculum requirements at child care  
52 facilities for licensure purposes;

53 (b) Have the authority to issue, deny, suspend, revoke,  
54 restrict or otherwise take disciplinary action against licensees  
55 as provided for in this chapter;

56 (c) Set and collect fees and penalties as provided for  
57 in this chapter; and

58 (d) Have such other powers as may be required to carry  
59 out the provisions of this chapter.

60 (2) Child care facilities shall assure that parents have  
61 welcome access to the child care facility at all times.

62 (3) Child care facilities shall require that current felony  
63 conviction record information is obtained and that current sex  
64 offense criminal history record information and child abuse  
65 registry checks are obtained, as provided in Section 45-31-1 et

66 seq., and that such criminal record information and registry  
67 checks are on file for any employee or applicant for employment at  
68 such child care facility. In order to determine the applicant's  
69 suitability for employment, the applicant shall be fingerprinted.

70 If no disqualifying record is identified at the state level, the  
71 fingerprints shall be forwarded by the Department of Public Safety  
72 to the FBI for a national criminal history record check.

73 (4) The licensing agency shall require to be performed a  
74 felony conviction records check, a sex offense criminal records  
75 check and a child abuse registry check for any owner/operator of a  
76 child care facility and any person living in a residence used for  
77 child care. In order to determine the applicant's suitability for  
78 employment, the applicant shall be fingerprinted. If no  
79 disqualifying record is identified at the state level, the  
80 fingerprints shall be forwarded by the Department of Public Safety  
81 to the FBI for a national criminal history record check.

82 SECTION 3. This act shall take effect and be in force from  
83 and after July 1, 2000.