

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2437

By Representative(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

5

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

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

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

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

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

29 (iii) * * * Any elementary, including
30 kindergarten, and/or secondary school system, accredited by the
31 Mississippi State Department of Education, the Southern
32 Association of Colleges and Schools, the Mississippi Private
33 School Education Association, the American Association of
34 Christian Schools, or the Association of Christian Schools
35 International.

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

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

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

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

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

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

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

86 (d) "Person" means any person, firm, partnership,
87 corporation or association.

88 (e) "Operator" means any person, acting individually or
89 jointly with another person or persons, who shall establish, own,
90 operate, conduct or maintain a child care facility. The child
91 care facility license shall be issued in the name of the operator,
92 or, if there is more than one (1) operator, in the name of one (1)
93 of the operators. In the event that there is more than one (1)
94 operator, all statutory and regulatory provisions concerning the
95 background checks of operators shall be equally applied to all

96 operators of a facility, including, but not limited to, a spouse
97 who jointly owns, operates or maintains the child care facility
98 regardless of which particular person is named on the license.

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

104 (g) "Licensing agency" means the Mississippi State
105 Department of Health.

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.