AN ACT TO AMEND SECTION 43-20-8, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH SHALL NOT BE AUTHORIZED TO ISSUE MINIMUM FLOOR AND CAPACITY REQUIREMENTS FOR LICENSED CHILD CARE FACILITIES BELOW A CERTAIN THRESHOLD; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 43-20-8, Mississippi Code of 1972, is amended as follows:

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

(a) Promulgate rules and regulations concerning the licensing and regulation of child care facilities as defined herein; provided, however, that the licensing agency shall specifically not be authorized to establish minimum usable space standards which are inconsistent to the following:

(i) A minimum of thirty-five (35) square feet of indoor floor space shall be provided for each child including infants and toddlers. Usable space shall not include hallways, bathrooms and kitchens.

(ii) When school-age children are present, there shall be a minimum of twenty-five (25) square feet available for each school-age child.

(iii) In the construction and design of playgrounds, providers may refer to the U.S. Consumer Product Safety Commission guidelines to ensure outdoor play areas are free from hazards that could injure children.
Any licensee whose licensed usable space capacity was changed by
the licensing agency after 1997 shall have its licensed capacity
reviewed and reinstated using these standards. The Child Care
Advisory Council created in Section 43-20-7, Mississippi Code of
1972, shall review and approve the standards and procedures used
by the licensing agency in reinstating licenses under the
requirements of this paragraph.

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

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

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

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

(3) Child care facilities shall require that, for any
current or prospective caregiver, current criminal records
background checks and current child abuse registry checks are
obtained. In order to determine the applicant’s suitability for
employment, the applicant shall be fingerprinted. If no
disqualifying record is identified at the state level, the
fingerprints shall be forwarded by the Department of Public Safety
to the FBI for a national criminal history record check.

(4) The licensing agency shall require to be performed a
criminal records background check and a child abuse registry check
for any and all operators of a child care facility and any person
living in a residence used for child care. In order to determine
the applicant’s suitability for employment, the applicant shall be
fingerprinted. If no disqualifying record is identified at the
state level, the fingerprints shall be forwarded by the Department
of Public Safety to the FBI for a national criminal history record
check.
(5) The licensing agency shall have the authority to exclude a particular crime or crimes or a substantiated finding of child abuse and/or neglect as disqualifying individuals or entities for prospective or current employment or licensure.

(6) The licensing agency and its agents, officers, employees, attorneys and representatives shall not be held civilly liable for any findings, recommendations or actions taken pursuant to this section.

(7) All fees incurred in compliance with this section shall be borne by the child care facility. The licensing agency is hereby authorized to charge a fee which shall include the amount required by the Federal Bureau of Investigation for the national criminal history record check in compliance with the Child Protection Act of 1993, as amended and any necessary costs incurred by the licensing agency for the handling and administration of the criminal history background checks.

SECTION 2. This act shall take effect and be in force from and after July 1, 2002.