

By: Senator(s) Huggins

To: Public Health and Welfare

SENATE BILL NO. 2149

1 AN ACT TO AMEND SECTION 43-20-5, MISSISSIPPI CODE OF 1972, TO  
2 DELETE THE AUTOMATIC REPEALER ON THE STATUTE PROVIDING FOR  
3 EXEMPTION FROM CHILD-CARE FACILITY LICENSURE FOR CERTAIN  
4 ACCREDITED PROGRAMS; AND FOR RELATED PURPOSES.

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

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 in, and  
27 in compliance with the provisions of, Section 43-16-3(b) et seq.



28 (iii) 1. Any elementary, including kindergarten,  
29 and/or secondary school system, accredited by the Mississippi  
30 State Department of Education, the Southern Association of  
31 Colleges and Schools, the Mississippi Private School Education  
32 Association, the American Association of Christian Schools, the  
33 Association of Christian Schools International, and any Head Start  
34 program operating in conjunction with an elementary school system,  
35 whether it be public, private or parochial, whose primary purpose  
36 is a structured school or school readiness program.

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



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

70 (iv) Any membership organization affiliated with a  
71 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 (v) 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  
91 child-care facility license shall be issued in the name of the  
92 operator, or, if there is more than one (1) operator, in the name  
93 of one (1) of the operators. If 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 June 30, 2003.

