

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 402**

**BY: Committee**

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

9           **SECTION 1.** Section 43-20-5, Mississippi Code of 1972, is  
10 amended as follows:

11           43-20-5. When used in this chapter, the following words  
12 shall have the following meanings:

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

23           (i) Child-care facilities which operate for no  
24 more than two (2) days a week, whose primary purpose is to provide  
25 respite for the caregiver or temporary care during other scheduled  
26 or related activities and organized programs which operate for

27 three (3) or less weeks per year such as, but not limited to,  
28 vacation bible schools and scout day camps.

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

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

40 2. Accreditation, for the purpose of  
41 exemption from the provisions of this chapter, means: a. receipt  
42 by any school or school system of full accreditation from an  
43 accrediting entity listed in item 1 of this subparagraph (iii), or  
44 b. proof of application by the school or school system for  
45 accreditation status from the accrediting entity. Proof of  
46 application for accreditation status shall include, but not be  
47 limited to, a copy of the applicant's completed application for  
48 accreditation filed with the licensing agency and a letter or  
49 other authenticating documentation from a signatory authority with  
50 the accrediting entity that the application for accreditation has  
51 been received and that the applicant is currently under  
52 consideration or review for full accreditation status by the  
53 accrediting entity. An exemption for a nonaccredited applicant  
54 under this item 2 shall be for a maximum of one (1) year from the  
55 receipt date by the licensing agency of the completed  
56 documentation for proof of application for accreditation status.  
57 Failure to receive full accreditation by the end of the one-year  
58 exemption period for a nonaccredited applicant shall result in the

59 nonaccredited applicant no longer remaining exempt from the  
60 provisions of this chapter at the end of the one-year period.  
61 However, if full accreditation is not received by the end of the  
62 one-year exemption period, the State Board of Health, in its  
63 discretion, may extend the exemption period for any nonaccredited  
64 applicant for periods of six (6) months, with the total extension  
65 not to exceed one (1) year. During any such extension periods,  
66 the board shall have the authority to enforce child-care facility  
67 licensure provisions relating to the health and safety of the  
68 children in the school or school system. If a nonaccredited  
69 applicant fails to receive full accreditation by the end of all  
70 extended exemption periods, the applicant shall no longer remain  
71 exempt from the provisions of this chapter at the end of the  
72 extended exemption periods. This item 2 shall stand repealed on  
73 July 1, 2006.

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

81 (v) Any family child-care home as defined in  
82 Section 43-20-53(a) et seq.

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

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

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

90 (d) "Person" means any person, firm, partnership,  
91 corporation or association.

92 (e) "Operator" means any person, acting individually or  
93 jointly with another person or persons, who shall establish, own,  
94 operate, conduct or maintain a child-care facility. The  
95 child-care facility license shall be issued in the name of the  
96 operator, or, if there is more than one (1) operator, in the name  
97 of one (1) of the operators. If there is more than one (1)  
98 operator, all statutory and regulatory provisions concerning the  
99 background checks of operators shall be equally applied to all  
100 operators of a facility, including, but not limited to, a spouse  
101 who jointly owns, operates or maintains the child-care facility  
102 regardless of which particular person is named on the license.

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

108 (g) "Licensing agency" means the Mississippi State  
109 Department of Health.

110 (h) "Caregiver" means any person who provides direct  
111 care, supervision or guidance to children in a child-care  
112 facility, regardless of title or occupation.

113 **SECTION 2.** Section 43-20-12, Mississippi Code of 1972, is  
114 amended as follows:

115 43-20-12. All fees collected by the State Board of Health  
116 under this chapter and any penalties collected by the board for  
117 violations of this chapter shall be deposited into the State  
118 General Fund \* \* \*.

119 **SECTION 3.** This act shall take effect and be in force from  
120 and after June 30, 2004.

**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 EXTEND THE AUTOMATIC REPEALER ON THE STATUTE PROVIDING FOR  
3 EXEMPTION FROM CHILD-CARE FACILITY LICENSURE FOR CERTAIN  
4 ACCREDITED PROGRAMS; TO AMEND SECTION 43-20-12, MISSISSIPPI CODE  
5 OF 1972, TO PROVIDE THAT FEES COLLECTED BY THE STATE BOARD OF  
6 HEALTH FOR CHILD CARE LICENSURE SHALL BE DEPOSITED INTO THE STATE  
7 GENERAL FUND; AND FOR RELATED PURPOSES.