

By: Representative Arnold

To: Public Health and Human
Services

HOUSE BILL NO. 563

1 AN ACT TO AMEND SECTION 43-20-9, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT CERTAIN CHILD CARE FACILITIES THAT OPERATE AS PART OF A
3 LOCAL CHURCH MINISTRY OR RELIGIOUS NONPROFIT SCHOOL FROM STATE
4 LICENSING REQUIREMENTS; TO REQUIRE AN EXEMPT CHILD CARE FACILITY
5 TO COMPLY WITH SPECIFIED REQUIREMENTS, INCLUDING ANNUAL
6 INSPECTIONS, PARENTAL NOTIFICATION AND RECORDKEEPING, IN ORDER TO
7 MAINTAIN ITS EXEMPT STATUS; TO AUTHORIZE THE STATE DEPARTMENT OF
8 HEALTH TO INSPECT AN EXEMPT CHILD CARE FACILITY IF IT HAS
9 REASONABLE CAUSE TO BELIEVE THE FACILITY IS NOT IN COMPLIANCE WITH
10 THOSE REQUIREMENTS OR THAT A CHILD'S SAFETY IS AT RISK; TO AMEND
11 SECTION 43-20-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
12 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

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

16 43-20-9. * * * (1) Except as otherwise provided in
17 subsection (2), no person acting individually or jointly with
18 another person or persons shall establish, own, operate, conduct
19 or maintain a child care facility in this state without a license
20 issued under this chapter.

21 (2) The licensure requirements of this chapter do not apply
22 to a child care facility that is operating as an integral part of
23 a local church ministry or a religious nonprofit school, and is so



recognized in the church or school's documents, whether operated separately or as a part of a religious nonprofit school unit, secondary school unit, or institution of higher learning under the governing board or authority of the local church or its convention, association or regional body to which it may be subject. However, such a child care facility that receives state or federal funds or which is operating for profit is not exempt from licensure under this chapter.

(3) A child care facility exempt from licensure under subsection (2) must do all of the following to maintain its license exempt status:

(a) Provide notice of operation on an annual basis to the appropriate fire and health departments so that the facility may be inspected in accordance with the state and local fire and health requirements. The facility must be inspected no less than annually by the appropriate fire department and the appropriate health department.

(b) Provide to the licensing agency before October 1 of each year the following records and certify that the records are being maintained by the church or school:

(i) Documentation indicating the child care facility is in compliance with fire inspections and health inspections;

(ii) Employee names and their criminal history information obtained through a criminal records background check



and child abuse registry check, as required under Section 43-20-8;

and

(iii) Proof of property, casualty and liability insurance, as prescribed by the licensing agency.

(c) Provide to the licensing agency, upon request, immunization verifications for all children and medical history forms for all staff and children, along with certification that the records are being maintained by the church or school.

(d) Provide to the licensing agency, within thirty (30) days of receipt, any updated fire inspection report, health inspection report, new criminal records or child abuse registry check information, or receipt of updated insurance information, as required under paragraph (b).

(e) Provide notice to parents and guardians of all of the following information before enrollment of a child in the child care facility:

(i) Staff qualifications;
(ii) Pupil-staff ratios;
(iii) Discipline policies;
(iv) The type of curriculum used in the learning program;

(v) The religious teachings to be given each child; and

(vi) The type of lunch program available.



(f) Post in plain view in a public area a statement
that the program is not regulated or licensed by the State
Department of Health.

(g) Require a parent or guardian to sign an affidavit
stating that the parent or guardian has been notified by the
individual responsible for the church or school that the child
care facility has filed notice to the State Department of Health
and is exempt from licensure and regulation by the licensing
agency. The child care facility shall file the affidavits
annually with the licensing agency. The affidavit must be
substantially in the following form:

Form of Affidavit for Parent/Guardian

"STATE OF MISSISSIPPI

COUNTY OF

Before me, a notary public in and for this state and county,
appeared and is known to me, after being duly
sworn or affirmed, says as follows:

That affiant is the parent or legal guardian of the minor
child/children ; that affiant has been notified by
, a representative of
church/school, that the church or school has filed notice with,
and is exempt under law from regulation by, the State Department
of Health.

Parent/Legal Guardian



or her discretion, allegations against the church or religious nonprofit school operating the facility under the laws of the state.

(6) The licensing agency, upon request, shall provide to the district attorney any documentation necessary to confirm the information relevant to a determination of whether a child care facility is exempt under subsection (2).

(7) A child care facility that is exempt from licensure under subsection (2), upon request by the licensing agency, shall provide the licensing agency with any information listed in subsection (3) within fifteen (15) days of receiving the request.

(8) Each child care facility that is an integral part of a church or religious nonprofit school, other than a child care facility exempt from licensure under subsection (2), must be licensed in accordance with this chapter.

SECTION 2. Section 43-20-5, Mississippi Code of 1972, is amended as follows:

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

(a) "Child care facility" means a place that provides shelter and personal care for six (6) or more children who are not related within the third degree computed according to the civil law to the operator and who are under thirteen (13) years of age, for any part of the twenty-four-hour day, whether that place is organized or operated for profit or not. The term "child care



facility" includes day nurseries, day care centers and any other facility that falls within the scope of the definitions set forth in this paragraph, regardless of auspices. Exemptions from the provisions of this chapter include:

(i) Child care facilities that operate for no more than two (2) days a week, whose primary purpose is to provide respite for the caregiver or temporary care during other scheduled or related activities and organized programs that operate for three (3) or fewer weeks per year such as, but not limited to, Vacation Bible Schools and scout day camps.

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

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

2. Accreditation, for the purpose of exemption from the provisions of this chapter, means: a. receipt



by any school or school system of full accreditation from an
accrediting entity listed in item 1 of this subparagraph
(iii) * * *; or b. proof of application by the school or school
system for accreditation status from the accrediting entity.
Proof of application for accreditation status shall include, but
not be limited to, a copy of the applicant's completed application
for accreditation filed with the licensing agency and a letter or
other authenticating documentation from a signatory authority with
the accrediting entity that the application for accreditation has
been received and that the applicant is currently under
consideration or review for full accreditation status by the
accrediting entity. An exemption for a nonaccredited applicant
under this item 2 shall be for a maximum of one (1) year from the
receipt date by the licensing agency of the completed
documentation for proof of application for accreditation status.
Failure to receive full accreditation by the end of the one-year
exemption period for a nonaccredited applicant shall result in the
nonaccredited applicant no longer remaining exempt from the
provisions of this chapter at the end of the one-year period.
However, if full accreditation is not received by the end of the
one-year exemption period, the State Board of Health, in its
discretion, may extend the exemption period for any nonaccredited
applicant for periods of six (6) months, with the total extension
not to exceed one (1) year. During any such extension periods,
the board shall have the authority to enforce child care facility



licensure provisions relating to the health and safety of the children in the school or school system. If a nonaccredited applicant fails to receive full accreditation by the end of all extended exemption periods, the applicant shall no longer remain exempt from the provisions of this chapter at the end of the extended exemption periods.

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

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

(vi) A child care facility that is exempt from licensure under subsection (2) of Section 43-20-9.

All other preschool child care programs and/or extended day school programs must meet requirements set forth in this chapter. Any entity exempt from the requirements to be licensed but voluntarily chooses to obtain a license is subject to all provisions of this chapter.

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



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

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

(e) "Operator" means any person, acting individually or jointly with another person or persons, who establishes, owns, operates, conducts or maintains a child care facility. The child care facility license shall be issued in the name of the operator, or, if there is more than one (1) operator, in the name of one (1) of the operators. If there is more than one (1) operator, all statutory and regulatory provisions concerning the background checks of operators shall be equally applied to all operators of a facility including, but not limited to, a spouse who jointly owns, operates or maintains the child care facility regardless of which particular person is named on the license.

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

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

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



272 **SECTION 3.** This act shall take effect and be in force from
273 and after July 1, 2025.

