23

H. B. No. 563

25/HR26/R194 PAGE 1 (RKM\KW)

By: Representative Arnold

To: Public Health and Human Services

HOUSE BILL NO. 563

AN ACT TO AMEND SECTION 43-20-9, MISSISSIPPI CODE OF 1972, TO EXEMPT CERTAIN CHILD CARE FACILITIES THAT OPERATE AS PART OF A LOCAL CHURCH MINISTRY OR RELIGIOUS NONPROFIT SCHOOL FROM STATE 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 HEALTH TO INSPECT AN EXEMPT CHILD CARE FACILITY IF IT HAS 8 REASONABLE CAUSE TO BELIEVE THE FACILITY IS NOT IN COMPLIANCE WITH 9 10 THOSE REQUIREMENTS OR THAT A CHILD'S SAFETY IS AT RISK; TO AMEND SECTION 43-20-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE 11 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 amended as follows: 15 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 or maintain a child care facility in this state without a license 19 issued under this chapter. 20 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

a local church ministry or a religious nonprofit school, and is so

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25	separately or as a part of a religious nonprofit school unit,
26	secondary school unit, or institution of higher learning under the
27	governing board or authority of the local church or its
28	convention, association or regional body to which it may be
29	subject. However, such a child care facility that receives state
30	or federal funds or which is operating for profit is not exempt
31	from licensure under this chapter.
32	(3) A child care facility exempt from licensure under
33	subsection (2) must do all of the following to maintain its
3 4	license exempt status:
35	(a) Provide notice of operation on an annual basis to
36	the appropriate fire and health departments so that the facility
37	may be inspected in accordance with the state and local fire and
38	health requirements. The facility must be inspected no less than
39	annually by the appropriate fire department and the appropriate
40	health department.
41	(b) Provide to the licensing agency before October 1 of
42	each year the following records and certify that the records are
43	being maintained by the church or school:
44	(i) Documentation indicating the child care
45	facility is in compliance with fire inspections and health
46	inspections;
47	(ii) Employee names and their criminal history

information obtained through a criminal records background check

recognized in the church or school's documents, whether operated

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49	and child abuse	registry check, as required under Section 43-20-8;
50	and	
51		(iii) Proof of property, casualty and liability
52	insurance, as p	rescribed by the licensing agency.
53	(c)	Provide to the licensing agency, upon request,
54	immunization ve	rifications for all children and medical history
55	forms for all s	taff and children, along with certification that
56	the records are	being maintained by the church or school.
57	<u>(d)</u>	Provide to the licensing agency, within thirty (30)
58	days of receipt	, any updated fire inspection report, health
59	inspection repo	rt, new criminal records or child abuse registry
60	check information	on, or receipt of updated insurance information, as
61	required under	paragraph (b).
62	<u>(e)</u>	Provide notice to parents and guardians of all of
63	the following i	nformation before enrollment of a child in the
64	child care faci	lity:
65	-	(i) Staff qualifications;
66	-	(ii) Pupil-staff ratios;
67	-	(iii) Discipline policies;
68	-	(iv) The type of curriculum used in the learning
69	<pre>program;</pre>	
70	-	(v) The religious teachings to be given each
71	child; and	
72		(vi) The type of lunch program available.

73	(f) Post in plain view in a public area a statement
74	that the program is not regulated or licensed by the State
75	Department of Health.
76	(g) Require a parent or guardian to sign an affidavit
77	stating that the parent or guardian has been notified by the
78	individual responsible for the church or school that the child
79	care facility has filed notice to the State Department of Health
80	and is exempt from licensure and regulation by the licensing
81	agency. The child care facility shall file the affidavits
82	annually with the licensing agency. The affidavit must be
83	substantially in the following form:
84	Form of Affidavit for Parent/Guardian
85	"STATE OF MISSISSIPPI
86	COUNTY OF
87	Before me, a notary public in and for this state and county,
88	appeared and is known to me, after being duly
89	sworn or affirmed, says as follows:
90	That affiant is the parent or legal guardian of the minor
91	child/children ; that affiant has been notified by
92	, a representative of
93	church/school, that the church or school has filed notice with,
94	and is exempt under law from regulation by, the State Department
95	of Health.
96	Parent/Legal Guardian

97	Sworn, or affirmed to and subscribed before me this day of
98	<u> </u>
99	(h) File, by the individual responsible for the child
100	care facility, an affidavit annually with the licensing agency
101	certifying that it has satisfied all of the requirements of this
102	subsection. The affidavit must be substantially in the following
103	<pre>form:</pre>
104	Form of Affidavit for Church/School
105	"STATE OF MISSISSIPPI
106	COUNTY OF
107	Before me, a notary public in and for this state and county,
108	appeared and is known to me, after being duly
109	<pre>sworn or affirmed, says as follows:</pre>
110	That affiant is the designated representative of
111	<pre>church/school and that the below listed parents/guardians have</pre>
112	been notified before enrollment/reenrollment that
113	church/school has filed notice with, and is exempt under law from
114	regulation by, the State Department of Health:
115	Representative
116	The affiant certifies that: the child care facility does not
117	receive state or federal funds and, to the best of the affiant's
118	knowledge, no child enrolled in the program receives a child care
119	subsidy from the Mississippi Department of Human Services; the
120	facility is in compliance with all applicable building, fire and
121	health codes; the facility has provided the information required

122	under Section 43-20-9, Mississippi Code of 1972, to all parents or
123	guardians of children enrolled in the facility; and the facility
124	has posted notice in plain view in a public area stating that the
125	child care facility is not licensed or regulated by the State
126	Department of Health.
127	Sworn or affirmed to and subscribed before me this day of
128	<u> </u>
129	Notary Public"
130	(4) (a) Beginning on July 1, 2025, a church or religious
131	nonprofit school intending to operate a new child care facility in
132	the state must notify the licensing agency at least thirty (30)
133	days before operating, and the licensing agency must inspect the
134	facility and ensure compliance with this section before the
135	facility may begin operating.
136	(b) The licensing agency shall inspect any child care
137	facility that is exempt from licensure under subsection (2) at any
138	time if it has reasonable cause to believe the facility is not in
139	compliance with this section or the safety of a child is at risk.
140	If the licensing agency finds there exists a situation that may
141	put the safety of a child at risk, the licensing agency may refer
142	the matter to the State Fire Marshal or local district attorney
143	for the proper remedy or action.
144	(5) The district attorney of the county in which a child
145	care facility that is exempt from licensure under subsection (2)
146	is located, upon presentment of charges, shall investigate, at his

147	or her discretion, allegations against the church or religious
148	nonprofit school operating the facility under the laws of the
149	state.
150	(6) The licensing agency, upon request, shall provide to the
151	district attorney any documentation necessary to confirm the
152	information relevant to a determination of whether a child care
153	facility is exempt under subsection (2).
154	(7) A child care facility that is exempt from licensure
155	under subsection (2), upon request by the licensing agency, shall
156	provide the licensing agency with any information listed in
157	subsection (3) within fifteen (15) days of receiving the request.
158	(8) Each child care facility that is an integral part of a
159	church or religious nonprofit school, other than a child care
160	facility exempt from licensure under subsection (2), must be
161	licensed in accordance with this chapter.
162	SECTION 2. Section 43-20-5, Mississippi Code of 1972, is
163	amended as follows:
164	43-20-5. When used in this chapter, the following words
165	shall have the following meanings:
166	(a) "Child care facility" means a place that provides
167	shelter and personal care for six (6) or more children who are not
168	related within the third degree computed according to the civil
169	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

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I/2 faci	llty" l	ıncludes	day	nurseries,	, day	care	centers	and	any	other

- 173 facility that falls within the scope of the definitions set forth
- in this paragraph, regardless of auspices. Exemptions from the
- 175 provisions of this chapter include:
- 176 (i) Child care facilities that operate for no more
- 177 than two (2) days a week, whose primary purpose is to provide
- 178 respite for the caregiver or temporary care during other scheduled
- 179 or related activities and organized programs that operate for
- 180 three (3) or fewer weeks per year such as, but not limited to,
- 181 Vacation Bible Schools and scout day camps.
- 182 (ii) Any child residential home as defined in, and
- in compliance with the provisions of, Section 43-16-3(b) et seq.
- 184 (iii) 1. Any elementary, including kindergarten,
- 185 and/or secondary school system, accredited by the Mississippi
- 186 State Department of Education, the Southern Association of
- 187 Colleges and Schools, the Mississippi Private School Education
- 188 Association, the American Association of Christian Schools, the
- 189 Association of Christian Schools International, a school
- 190 affiliated with Accelerated Christian Education, Inc., and any
- 191 Head Start program operating in conjunction with an elementary
- 192 school system, whether it is public, private or parochial, whose
- 193 primary purpose is a structured school or school readiness
- 194 program.
- 195 2. Accreditation, for the purpose of
- 196 exemption from the provisions of this chapter, means: a. receipt

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

222	licensure	provisions	relating	to	the	health	and	safety	of	the

- 223 children in the school or school system. If a nonaccredited
- 224 applicant fails to receive full accreditation by the end of all
- 225 extended exemption periods, the applicant shall no longer remain
- 226 exempt from the provisions of this chapter at the end of the
- 227 extended exemption periods.
- 228 (iv) Any membership organization affiliated with a
- 229 national organization that charges only a nominal annual
- 230 membership fee, does not receive monthly, weekly or daily payments
- 231 for services, and is certified by its national association as
- 232 being in compliance with the association's minimum standards and
- 233 procedures including, but not limited to, the Boys and Girls Club
- 234 of America, and the YMCA.
- 235 (v) Any family child care home as defined in
- 236 Section 43-20-53(a) et seq.
- 237 (vi) A child care facility that is exempt from
- 238 licensure under subsection (2) of Section 43-20-9.
- 239 All other preschool child care programs and/or extended day
- 240 school programs must meet requirements set forth in this chapter.
- 241 Any entity exempt from the requirements to be licensed but
- 242 voluntarily chooses to obtain a license is subject to all
- 243 provisions of this chapter.
- (b) "Health" means that condition of being sound in
- 245 mind and body and encompasses an individual's physical, mental and
- 246 emotional welfare.

247		(C)	"Safety"	means	that	condition	of	being	protected
248	from hurt,	inju	ary or lo	SS.					

- 249 (d) "Person" means any person, firm, partnership, 250 corporation or association.
- 251 "Operator" means any person, acting individually or 252 jointly with another person or persons, who establishes, owns, 253 operates, conducts or maintains a child care facility. The child 254 care facility license shall be issued in the name of the operator, 255 or, if there is more than one (1) operator, in the name of one (1) 256 of the operators. If there is more than one (1) operator, all 257 statutory and regulatory provisions concerning the background 258 checks of operators shall be equally applied to all operators of a 259 facility including, but not limited to, a spouse who jointly owns, 260 operates or maintains the child care facility regardless of which 261 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.
- 267 (g) "Licensing agency" means the Mississippi State
 268 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.

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

H. B. No. 563
25/HR26/R194
PAGE 12 (RKM\KW)