

By: Representative Porter

To: Insurance

HOUSE BILL NO. 1493

1 AN ACT TO AMEND SECTION 43-20-8, MISSISSIPPI CODE OF 1972, TO  
 2 REQUIRE LICENSED CHILD CARE FACILITIES TO PURCHASE AND MAINTAIN  
 3 LIABILITY INSURANCE IN AN AMOUNT NOT LESS THAN THREE HUNDRED  
 4 THOUSAND DOLLARS PER OCCURRENCE AND FIVE HUNDRED THOUSAND DOLLARS  
 5 IN AGGREGATE COVERAGE; TO PROVIDE THAT SUCH PROOF SHALL BE  
 6 SUBMITTED TO THE LICENSING AGENCY EVERY YEAR; TO PROVIDE THAT ANY  
 7 TAX-EXEMPT CHILD CARE FACILITIES SHALL BE EXEMPT FROM THE  
 8 REQUIREMENT TO PURCHASE AND MAINTAIN LIABILITY INSURANCE; TO AMEND  
 9 SECTION 43-20-14, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
 10 PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

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

14 43-20-8. (1) The licensing agency shall have powers and  
 15 duties as set forth below, in addition to other duties prescribed  
 16 under this chapter:

17 (a) Promulgate rules and regulations concerning the  
 18 licensing and regulation of child care facilities as defined in  
 19 Section 43-20-5;

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



23           (c) Set and collect fees and penalties as provided for  
24 in this chapter; any increase in the fees charged by the licensing  
25 agency under this paragraph shall be in accordance with the  
26 provisions of Section 41-3-65; and

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

29           (2) Child care facilities shall assure that parents have  
30 welcome access to the child care facility at all times and shall  
31 comply with the provisions of Chapter 520, Laws of 2006.

32           (3) Each child care facility shall develop and maintain a  
33 current list of contact persons for each child provided care by  
34 that facility. An agreement may be made between the child care  
35 facility and the child's parent, guardian or contact person at the  
36 time of registration to inform the parent, guardian or contact  
37 person if the child does not arrive at the facility within a  
38 reasonable time.

39           (4) Child care facilities shall require that, for any  
40 current or prospective caregiver, all criminal records, background  
41 and sex offender registry checks and current child abuse registry  
42 checks are obtained. In order to determine the applicant's  
43 suitability for employment, the applicant shall be fingerprinted.  
44 If no disqualifying record is identified at the state level, the  
45 fingerprints shall be forwarded by the Department of Public Safety  
46 to the FBI for a national criminal history record check.



47 (5) The licensing agency shall require to be performed a  
48 criminal records background check and a child abuse registry check  
49 for all operators of a child care facility and any person living  
50 in a residence used for child care. The Department of Human  
51 Services shall have the authority to disclose to the State  
52 Department of Health any potential applicant whose name is listed  
53 on the Child Abuse Central Registry or has a pending  
54 administrative review. That information shall remain confidential  
55 by all parties. In order to determine the applicant's suitability  
56 for employment, the applicant shall be fingerprinted. If no  
57 disqualifying record is identified at the state level, the  
58 fingerprints shall be forwarded by the Department of Public Safety  
59 to the FBI for a national criminal history record check.

60 (6) The licensing agency shall have the authority to exclude  
61 a particular crime or crimes or a substantiated finding of child  
62 abuse and/or neglect as disqualifying individuals or entities for  
63 prospective or current employment or licensure.

64 (7) The licensing agency and its agents, officers,  
65 employees, attorneys and representatives shall not be held civilly  
66 liable for any findings, recommendations or actions taken under  
67 this section.

68 (8) All fees incurred in compliance with this section shall  
69 be borne by the child care facility. The licensing agency is  
70 authorized to charge a fee that includes the amount required by  
71 the Federal Bureau of Investigation for the national criminal



72 history record check in compliance with the Child Protection Act  
73 of 1993, as amended, and any necessary costs incurred by the  
74 licensing agency for the handling and administration of the  
75 criminal history background checks.

76 (9) From and after January 1, 2008, the State Board of  
77 Health shall develop regulations to ensure that all children  
78 enrolled or enrolling in a state licensed child care center  
79 receive age-appropriate immunization against invasive pneumococcal  
80 disease as recommended by the Advisory Committee on immunization  
81 practices of the Centers for Disease Control and Prevention. The  
82 State Board of Health shall include, within its regulations,  
83 protocols for children under the age of twenty-four (24) months to  
84 catch up on missed doses. If the State Board of Health has  
85 adopted regulations before January 1, 2008, that would otherwise  
86 meet the requirements of this subsection, then this subsection  
87 shall stand repealed on January 1, 2008.

88 (10) The licensing agency shall require proof that each  
89 child care facility has purchased and maintained liability  
90 insurance for each child care facility in an amount not less than  
91 Three Hundred Thousand Dollars (\$300,000.00) per occurrence and  
92 Five Hundred Thousand Dollars (\$500,000.00) in aggregate coverage.  
93 Such proof shall be submitted to the licensing agency every year.  
94 Any tax-exempt child care facilities shall be exempt from the  
95 provisions of this subsection.



96           **SECTION 2.** Section 43-20-14, Mississippi Code of 1972, is  
97 amended as follows:

98           43-20-14. (1) The licensing agency may deny a license or  
99 refuse to renew a license for any of the reasons set forth in  
100 subsection (3) of this section.

101           (2) Before the licensing agency may deny or refuse to renew,  
102 the applicant or person named on the license shall be entitled to  
103 a hearing in order to show cause why the license should not be  
104 denied or should be renewed.

105           (3) The licensing agency may suspend, revoke or restrict the  
106 license of any child care facility upon one or more of the  
107 following grounds:

108           (a) Fraud, misrepresentation or concealment of material  
109 facts;

110           (b) Conviction of an operator for any crime if the  
111 licensing agency finds that the act or acts for which the operator  
112 was convicted could have a detrimental effect on children cared  
113 for by any child care facility;

114           (c) Violation of any of the provisions of this act or  
115 of the regulations governing the licensing and regulation of child  
116 care facilities promulgated by the licensing agency;

117           (d) Any conduct, or failure to act, that is found or  
118 determined by the licensing agency to threaten the health or  
119 safety of children at the facility;



120 (e) Failure by the child care facility to comply with  
121 the provisions of Section 43-20-8(3) regarding background checks  
122 of caregivers; \* \* \*

123 (f) Information received by the licensing agency as a  
124 result of the criminal records background check and the child  
125 abuse registry check on all operators under Section 43-20-8 \* \* \*;  
126 and

127 (g) Failure by the child care facility to purchase or  
128 maintain liability insurance as provided in Section 43-20-8(10).

129 (4) Before the licensing agency may suspend, revoke or  
130 restrict the license of any facility, any licensee affected by  
131 that decision of the licensing agency shall be entitled to a  
132 hearing in which the licensee may show cause why the license  
133 should not be suspended, revoked or restricted.

134 (5) Any licensee who disagrees with or is aggrieved by a  
135 decision of the Mississippi State Department of Health in regard  
136 to the denial, refusal to renew, suspension, revocation or  
137 restriction of the license of the licensee, may appeal to the  
138 chancery court of the county in which the facility is located.  
139 The appeal shall be filed no later than thirty (30) days after the  
140 licensee receives written notice of the final administrative  
141 action by the Mississippi State Department of Health as to the  
142 suspension, revocation or restriction of the license of the  
143 licensee.



144           **SECTION 3.** This act shall take effect and be in force from  
145 and after July 1, 2024.

