

By: Representative Arnold

To: Public Health and Human Services

HOUSE BILL NO. 1573

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 THE 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



24 recognized in the church or school's documents, whether operated  
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 is operating for profit is not exempt from  
31 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  
34 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. At the least, the facility must be inspected  
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  
48 information obtained through a criminal records background check



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 prescribed by the licensing agency.

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

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

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

65 (i) Staff qualifications;

66 (ii) Pupil-staff ratios;

67 (iii) Discipline policies;

68 (iv) The type of curriculum used in the learning  
69 program;

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 and is  
94 exempt under law from regulation by the State Department of  
95 Health.

96 \_\_\_\_\_ Parent/Legal Guardian



97 Sworn, or affirmed to and subscribed before me this \_\_\_\_\_ day of  
98 \_\_\_\_\_ , 20 \_\_\_\_\_ ."

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 form:

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 sworn or affirmed says as follows:

110 That affiant is the designated representative of \_\_\_\_\_  
111 church/school and that the below listed parents/guardians have  
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, that to the best of the  
118 affiant's knowledge, no child enrolled in the program receives a  
119 child care subsidy from the Mississippi Department of Human  
120 Services; the facility is in compliance with all applicable  
121 building, fire and health codes; the facility has provided the





147 or her discretion, allegations against the church or nonprofit  
148 religious 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.

158 (8) Each child care facility that is an integral part of a  
159 church or nonprofit religious 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,  
170 for any part of the twenty-four-hour day, whether that place is  
171 organized or operated for profit or not. The term "child care



172 facility" includes day nurseries, day care centers and any other  
173 facility that falls within the scope of the definitions set forth  
174 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  
183 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 (iii), or  
199 b. proof of application by the school or school system for  
200 accreditation status from the accrediting entity. Proof of  
201 application for accreditation status shall include, but not be  
202 limited to, a copy of the applicant's completed application for  
203 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.

244 (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, injury or loss.

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

251 (e) "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.

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

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

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



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

