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**Child Care Amendments**  
 2025 GENERAL SESSION  
 STATE OF UTAH  
**Chief Sponsor: Tracy J. Miller**  
 Senate Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

5 This bill modifies provisions relating to child care.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ provides kitchen standards for a nonresidential child care center;
- 9 ▶ provides that the time employed as a preschool teacher in a child care program is

10 equivalent to the time employed in a public school or accredited private school for  
11 purposes of relicensing;

12 ▶ authorizes the use of housing and transit reinvestment zone funds to include expansion of  
13 child care facilities within the zone; and

14 ▶ makes technical and conforming changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 **AMENDS:**

21 **26B-2-401**, as last amended by Laws of Utah 2023, Chapter 249 and renumbered and  
22 amended by Laws of Utah 2023, Chapter 305

23 **53E-6-201**, as last amended by Laws of Utah 2024, Chapter 51

24 **63N-3-607**, as last amended by Laws of Utah 2024, Chapter 521

25 **ENACTS:**

26 **26B-2-408**, Utah Code Annotated 1953

27

28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **26B-2-401** is amended to read:

30 **26B-2-401 . Definitions.**

31 As used in this part:

- 32 (1) "Capacity limit" means the maximum number of qualifying children that a regulated  
33 provider may care for at any given time, in accordance with rules made by the  
34 department.
- 35 (2)(a) "Center based child care" means child care provided in a facility or program that  
36 is not the home of the provider.
- 37 (b) "Center based child care" does not include:
- 38 (i) residential child care; or  
39 (ii) care provided in a facility or program exempt under Section 26B-2-405.
- 40 (3) "Certified provider" means a person [~~who~~] that holds a certificate from the department  
41 under Section 26B-2-404.
- 42 (4) "Child care" means continuous care and supervision of a qualifying child, that is:
- 43 (a) in lieu of care ordinarily provided by a parent in the parent's home;  
44 (b) for less than 24 hours a day; and  
45 (c) for direct or indirect compensation.
- 46 (5) "Child care program" means a child care facility or program operated by a regulated  
47 provider.
- 48 (6) "Exempt provider" means a person [~~who~~] that provides care described in Subsection  
49 26B-2-405(2).
- 50 (7) "Licensed provider" means a person [~~who~~] that holds a license from the department  
51 under Section 26B-2-403.
- 52 (8) "Licensing committee" means the Child Care Provider Licensing Committee created in  
53 Section 26B-1-204.
- 54 (9) "Public school" means:
- 55 (a) a school, including a charter school, that:
- 56 (i) is directly funded at public expense; and  
57 (ii) provides education to qualifying children for any grade from first grade through  
58 twelfth grade; or
- 59 (b) a school, including a charter school, that provides:
- 60 (i) preschool or kindergarten to qualifying children, regardless of whether the  
61 preschool or kindergarten is funded at public expense; and  
62 (ii) education to qualifying children for any grade from first grade through twelfth  
63 grade, if each grade, from first grade to twelfth grade, that is provided at the  
64 school, is directly funded at public expense.

- 65 (10) "Qualifying child" means an individual who is:
- 66 (a)(i) under [~~the age of~~]13 years old; or
- 67 (ii) under [~~the age of~~]18 years old, if the person has a disability; and
- 68 (b) a child of:
- 69 (i) [~~a person other than the person~~] an individual other than the individual providing
- 70 care to the child;
- 71 (ii) a regulated provider, if the child is under [~~the age of~~]four years old; or
- 72 (iii) an employee or owner of a licensed child care center, if the child is under [~~the~~
- 73 age of]four years old.
- 74 (11) "Regulated provider" means a licensed provider or certified provider.
- 75 (12) "Residential child care" means child care provided in the home of the provider.
- 76 (13) "Warming kitchen" means a kitchen the purpose of which is to heat and assemble food
- 77 primarily prepared elsewhere and that contains residential-grade appliances, including a
- 78 refrigerator and dishwasher.
- 79 Section 2. Section **26B-2-408** is enacted to read:
- 80 **26B-2-408 . Kitchen in child care.**
- 81 (1) A center based child care with 16 or more and fewer than 100 children may serve food
- 82 from a warming kitchen.
- 83 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 84 department shall establish by rule the requirements for a kitchen in a center based child
- 85 care with fewer than 16 children or 100 or more children.
- 86 Section 3. Section **53E-6-201** is amended to read:
- 87 **53E-6-201 . State board licensure.**
- 88 (1) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
- 89 Administrative Rulemaking Act, to establish a system for educator licensing that
- 90 includes:
- 91 (a) an associate educator license that permits an individual to provide educational
- 92 services in a public school while working to meet the requirements of a professional
- 93 educator license;
- 94 (b) a professional educator license that permits an individual to provide educational
- 95 services in a public school after demonstrating that the individual meets licensure
- 96 requirements established in state board rule;
- 97 (c) an LEA-specific educator license issued by the state board at the request of an LEA's
- 98 governing body that is valid for an individual to provide educational services in the

99 requesting LEA's schools;

100 (d) beginning in the 2023-2024 school year, a provider-specific license issued by the  
101 state board at the request of an authorized online course provider described in [  
102 Subsection] Section 53F-4-504 that:

103 (i) is valid for an individual to provide educational services to a student enrolled in an  
104 online course described in Section 53F-4-503; and

105 (ii) contains eligibility criteria that is no more stringent than the requirements for a  
106 license described in Subsection (1)(c); and

107 (e) beginning in the 2029-2030 school year, the creation or modification of licenses if  
108 any are created or modified under Section 53G-6-206.

109 (2) An individual employed in a position that requires licensure by the state board shall  
110 hold the license that is appropriate to the position.

111 (3)(a)(i) Except as provided in Subsection (3)(a)(ii), the state board may make rules  
112 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to  
113 rank, endorse, or otherwise classify licenses and establish the criteria for  
114 obtaining, retaining, and reinstating licenses.

115 (ii) The state board may not make licensure contingent upon passage of a pedagogical  
116 performance assessment.

117 (iii) The state board shall consider employment duration as a preschool teacher in a  
118 child care program, as that term is defined in Section 26B-2-401, as equivalent to  
119 employment duration in a district school, charter school, or accredited private  
120 school for purposes of licensing.

121 (b) An educator who is enrolling in a course of study at an institution within the state  
122 system of higher education to satisfy the state board requirements for retaining a  
123 license is exempt from tuition, except for a semester registration fee established by  
124 the Utah Board of Higher Education, if:

125 (i) the educator is enrolled on the basis of surplus space in the class after regularly  
126 enrolled students have been assigned and admitted to the class in accordance with  
127 regular procedures, normal teaching loads, and the institution's approved budget;  
128 and

129 (ii) enrollments are determined by each institution under rules and guidelines  
130 established by the Utah Board of Higher Education in accordance with findings of  
131 fact that space is available for the educator's enrollment.

132 Section 4. Section **63N-3-607** is amended to read:

133           **63N-3-607 . Payment, use, and administration of revenue from a housing and**  
134 **transit reinvestment zone.**

135 (1) A municipality or public transit county may receive and use tax increment and housing  
136 and transit reinvestment zone funds in accordance with this part.

137 (2)(a) A county that collects property tax on property located within a housing and  
138 transit reinvestment zone shall, in accordance with Section 59-2-1365, distribute to  
139 the municipality or public transit county any tax increment the municipality or public  
140 transit county is authorized to receive up to the maximum approved by the housing  
141 and transit reinvestment zone committee.

142 (b) Tax increment distributed to a municipality or public transit county in accordance  
143 with Subsection (2)(a) is not revenue of the taxing entity or municipality or public  
144 transit county.

145 (c)(i) Tax increment paid to the municipality or public transit county are housing and  
146 transit reinvestment zone funds and shall be administered by an agency created by  
147 the municipality or public transit county within which the housing and transit  
148 reinvestment zone is located.

149 (ii) Before an agency may receive housing and transit reinvestment zone funds from  
150 the municipality or public transit county, the municipality or public transit county  
151 and the agency shall enter into an interlocal agreement with terms that:

152 (A) are consistent with the approval of the housing and transit reinvestment zone  
153 committee; and

154 (B) meet the requirements of Section 63N-3-603.

155 (3)(a) A municipality or public transit county and agency shall use housing and transit  
156 reinvestment zone funds within, or for the direct benefit of, the housing and transit  
157 reinvestment zone.

158 (b) If any housing and transit reinvestment zone funds will be used outside of the  
159 housing and transit reinvestment zone, there must be a finding in the approved  
160 proposal for a housing and transit reinvestment zone that the use of the housing and  
161 transit reinvestment zone funds outside of the housing and transit reinvestment zone  
162 will directly benefit the housing and transit reinvestment zone.

163 (4)(a) A municipality or public transit county shall use housing and transit reinvestment  
164 zone funds to achieve the purposes described in Subsections 63N-3-603(1) and (2),  
165 by paying all or part of the costs of any of the following:

166           [(a)] (i) income targeted housing costs;

- 167            [~~(b)~~] (ii) structured parking within the housing and transit reinvestment zone;
- 168            [~~(e)~~] (iii) enhanced development costs;
- 169            [~~(d)~~] (iv) horizontal construction costs;
- 170            [~~(e)~~] (v) vertical construction costs;
- 171            [~~(f)~~] (vi) property acquisition costs within the housing and transit reinvestment zone;[
- 172            ~~or~~]
- 173            [~~(g)~~] (vii) the costs of the municipality or public transit county to create and
- 174            administer the housing and transit reinvestment zone, which may not exceed 2%
- 175            of the total housing and transit reinvestment zone funds, plus the costs to complete
- 176            the gap analysis described in Subsection 63N-3-604(2)[-] ; or
- 177            (viii) subject to Subsection (4)(b), costs for the expansion of child care facilities
- 178            within the boundary of the housing and transit reinvestment zone.
- 179            (b) A municipality or public transit county may not use more than 1% of the total
- 180            housing and transit reinvestment zone funds to pay costs described in Subsection
- 181            (4)(a)(viii).
- 182            (5) Housing and transit reinvestment zone funds may be paid to a participant, if the agency
- 183            and participant enter into a participation agreement [~~which~~] that requires the participant
- 184            to utilize the housing and transit reinvestment zone funds as allowed in this section.
- 185            (6) Housing and transit reinvestment zone funds may be used to pay all of the costs of
- 186            bonds issued by the municipality or public transit county in accordance with Title 17C,
- 187            Chapter 1, Part 5, Agency Bonds, including the cost to issue and repay the bonds
- 188            including interest.
- 189            (7) A municipality or public transit county may create one or more public infrastructure
- 190            districts within the housing and transit reinvestment zone under Title 17D, Chapter 4,
- 191            Public Infrastructure District Act, and pledge and utilize the housing and transit
- 192            reinvestment zone funds to guarantee the payment of public infrastructure bonds issued
- 193            by a public infrastructure district.

194            Section 5. **Effective Date.**

195            This bill takes effect on May 7, 2025.