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CHILD CARE LICENSING AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Susan Pulsipher

LONG TITLE

General Description:

This bill amends provisions related to the Utah Child Care Licensing Act.

Highlighted Provisions:

This bill:

- ▶ exempts from the licensing and certification requirements of the Utah Child Care Licensing Act certain child care facilities currently exempted from licensure by rule;
- ▶ requires these facilities to meet existing criminal background check requirements for child care facilities exempted from the Utah Child Care Licensing Act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-39-403, as last amended by Laws of Utah 2015, Chapter 220

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

Section 1. Section **26-39-403** is amended to read:

26-39-403. Exclusions from chapter -- Criminal background checks by an



28 **excluded person.**

29 (1) The provisions and requirements of this chapter do not apply to:

30 (a) a facility or program owned or operated by an agency of the United States
31 government;

32 (b) group counseling provided by a mental health therapist, as defined in Section
33 [58-60-102](#), who is licensed to practice in this state;

34 (c) a health care facility licensed pursuant to Title 26, Chapter 21, Health Care Facility
35 Licensing and Inspection Act;

36 (d) care provided to ~~[qualifying children]~~ a qualifying child by or in the ~~[homes of~~
37 ~~parents, legal guardians, grandparents, brothers, sisters, uncles, or aunts]~~ home of a parent,
38 legal guardian, grandparent, brother, sister, uncle, or aunt;

39 (e) care provided to ~~[qualifying children]~~ a qualifying child, in the home of the
40 provider, for less than four hours a day or on a sporadic basis, unless that child care directly
41 affects or is related to a business licensed in this state; or

42 (f) care provided at a residential support program that is licensed by the Department of
43 Human Services.

44 (2) The licensing and certification requirements of this chapter do not apply to:

45 (a) care provided to ~~[qualifying children]~~ a qualifying child as part of a course of study
46 at or a program administered by an educational institution that is regulated by the boards of
47 education of this state, a private education institution that provides education in lieu of that
48 provided by the public education system, or by a parochial education institution;

49 (b) care provided to ~~[qualifying children]~~ a qualifying child by a public or private
50 institution of higher education, if the care is provided in connection with a course of study or
51 program, relating to the education or study of children, that is provided to students of the
52 institution of higher education;

53 (c) care provided to ~~[qualifying children]~~ a qualifying child at a public school by an
54 organization other than the public school, if:

55 (i) the care is provided under contract with the public school or on school property; or

56 (ii) the public school accepts responsibility and oversight for the care provided by the
57 organization;

58 (d) care provided to ~~[qualifying children]~~ a qualifying child as part of a summer camp

- 59 that operates on federal land pursuant to a federal permit; ~~[or]~~
- 60 (e) care provided by an organization that:
- 61 (i) qualifies for tax exempt status under Section 501(c)(3) of the Internal Revenue
- 62 Code;
- 63 (ii) ~~[is provided]~~ provides care pursuant to a written agreement with:
- 64 (A) a municipality, as defined in Section 10-1-104, that provides oversight for the
- 65 program; or
- 66 (B) a county that provides oversight for the program; and
- 67 (iii) ~~[is provided to children who are]~~ provides care to a child who is over the age of
- 68 four and under the age of 13[-]; or
- 69 (f) care provided to a qualifying child at a facility where:
- 70 (i) the parent or guardian of the qualifying child is at all times physically present in the
- 71 building where the care is provided and the parent or guardian is near enough to reach the child
- 72 within five minutes if needed;
- 73 (ii) the duration of the care is less than four hours for an individual qualifying child in
- 74 any one day;
- 75 (iii) the care is provided on a sporadic basis;
- 76 (iv) the care does not include diapering a qualifying child; and
- 77 (v) the care does not include preparing or serving meals to a qualifying child.
- 78 (3) An exempt provider shall submit to the department:
- 79 (a) the information required under Subsections 26-39-404(1) and (2); and
- 80 (b) of the children receiving care from the exempt provider:
- 81 (i) the number of children who are less than two years old;
- 82 (ii) the number of children who are at least two years old and less than five years old;
- 83 and
- 84 (iii) the number of children who are five years old or older.
- 85 (4) An exempt provider shall post, in a conspicuous location near the entrance of the
- 86 exempt provider's facility, a notice prepared by the department that:
- 87 (a) states that the facility is exempt from licensure and certification; and
- 88 (b) provides the department's contact information for submitting a complaint.
- 89 (5) The department may not release the information it collects under Subsection (3)

90 except in an aggregate count of children receiving care from exempt providers, without
91 identifying a specific provider.

Legislative Review Note
Office of Legislative Research and General Counsel