

HOME CHILD CARE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Susan Pulsipher

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill amends the Utah Child Care Licensing Act.

Highlighted Provisions:

This bill:

► increases the number of children that a child care provider can care for without obtaining a residential child care certificate.

Money Appropriated in this Bill:

None

Other Special Clauses:

⚠→ [None] This bill provides a special effective date. ←⚠

Utah Code Sections Affected:

AMENDS:

26-39-102, as last amended by Laws of Utah 2015, Chapter 220

26-39-402, as last amended by Laws of Utah 2018, Chapter 415

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

Section 1. Section **26-39-102** is amended to read:

26-39-102. Definitions.

As used in this chapter:

(1) "Advisory committee" means the Residential Child Care Licensing Advisory



28 Committee, created in Section 26-1-7.

29 (2) (a) "Center based child care" means, except as provided in Subsection (2)(b), a
30 child care program licensed under this chapter.

31 (b) "Center based child care" does not include:

32 (i) a residential child care provider certified under Section 26-39-402; or

33 (ii) a facility or program exempt under Section 26-39-403.

34 (3) ~~H→~~ **(a)** ~~←H~~ "Child care" means continuous care and supervision of ~~[five]~~ ~~H→~~ **[seven]**
34a **five** ~~←H~~ or more

35 qualifying children, that is:

36 ~~H→~~ ~~[(a)]~~ **(i)** ~~←H~~ in lieu of care ordinarily provided by a parent in the parent's home;

37 ~~H→~~ ~~[(b)]~~ **(ii)** ~~←H~~ for less than 24 hours a day; and

38 ~~H→~~ ~~[(c)]~~ **(iii)** ~~←H~~ for direct or indirect compensation.

38a ~~H→~~ ~~[(b)]~~ **"Child care" does not include residential child care for six or fewer qualifying**
38b **children.** ~~←H~~ ~~←H~~

39 (4) "Child care program" means a child care facility or program operated by a person
40 who holds a license or certificate issued in accordance with this chapter.

41 (5) "Exempt provider" means a person who provides care described in Subsection
42 26-39-403(2).

43 (6) "Licensing committee" means the Child Care Center Licensing Committee created
44 in Section 26-1-7.

45 (7) "Public school" means:

46 (a) a school, including a charter school, that:

47 (i) is directly funded at public expense; and

48 (ii) provides education to qualifying children for any grade from first grade through
49 twelfth grade; or

50 (b) a school, including a charter school, that provides:

51 (i) preschool or kindergarten to qualifying children, regardless of whether the preschool
52 or kindergarten is funded at public expense; and

53 (ii) education to qualifying children for any grade from first grade through twelfth
54 grade, if each grade, from first grade to twelfth grade, that is provided at the school, is directly
55 funded at public expense.

56 (8) "Qualifying child" means an individual who is:

57 (a) (i) under the age of 13; or

58 (ii) under the age of 18, if the person has a disability; and

90 (c) annual training consisting of 10 hours of department-approved training as specified
 91 by the department by administrative rule, including a current department-approved CPR and
 92 first aid course.

93 (3) If a serious sanitation, fire, or health hazard has been found during an inspection
 94 conducted pursuant to Subsection (2)(b), the department shall require corrective action for the
 95 serious hazards found and make an unannounced follow up inspection to determine
 96 compliance.

97 (4) In addition to an inspection conducted pursuant to Subsection (2)(b), the
 98 department may inspect the home of a residential care provider of [~~five to~~] seven or eight
 99 qualifying children in response to a complaint of:

100 (a) child abuse or neglect;

101 (b) serious health hazards in or around the provider's home; or

102 (c) providing residential child care without the appropriate certificate or license.

103 (5) Notwithstanding this section:

104 (a) a license under Section 26-39-401 is required of a residential child care provider
 105 who cares for nine or more qualifying children;

106 (b) a ~~H~~→ [certified] ←~~H~~ residential child care provider may not provide care to more than
 106a two

107 qualifying children under the age of two; and

108 (c) an inspection may be required of a residential child care provider in connection
 109 with a federal child care program.

110 (6) With respect to residential child care, the department may only make and enforce
 111 rules necessary to implement this section.

111a ~~H~~→ **Section 3. Effective Date.**

111b **This bill takes effect on January 1, 2022.** ←~~H~~