

CF 7r1671

By: Delegates Fry and Harkins

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Care Facilities - Religious Organizations**

3 FOR the purpose of exempting from certain licensing and regulatory requirements the
4 disciplinary procedures of certain child care facilities that are operated by certain
5 religious organizations; and generally relating to the regulation of child care
6 facilities operated by religious organizations.

7 BY repealing and reenacting, with amendments,
8 Article - Family Law
9 Section 5-574
10 Annotated Code of Maryland
11 (1991 Replacement Volume and 1996 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Family Law**

15 5-574.

16 (a) Except as otherwise provided in this Part VII of this subtitle, a person shall be
17 licensed by the Department before the person may operate a child care center in this
18 State.

19 (b) This section does not apply to:

20 (1) the instructional program, DISCIPLINARY PROCEDURES, curriculum, or
21 teacher, principal, or administrator qualifications of a nursery school or a child care
22 center that is operated by a religious organization that is exempt from taxation under §
23 501(c)(3) of the Internal Revenue Code in a school building exclusively for children who
24 are enrolled in that school;

25 (2) a nonpublic nursery school operated by a tax exempt religious
26 organization that has been issued a certificate of approval by the State Department of
27 Education;

28 (3) a nonpublic nursery school operated by a tax exempt religious
29 organization that:

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1 (i) complies with the regulations adopted under this subtitle; and

2 (ii) has been issued a letter of compliance by the Department of
3 Human Resources; or

4 (4) a program that is operated by a tax exempt religious organization while
5 the organization is conducting a religious service, business meeting, or other religious
6 organization function in the organization's building and which program is exclusively for
7 children where parents are attending the service or meeting.

8 (c) Notwithstanding any other provision of law, if a child care center for school
9 age children is operated before and after school hours in a building which is in use as a
10 public or private school, the school age child care center:

11 (1) shall meet local fire, health, and zoning codes required of school
12 buildings; and

13 (2) may not be required to meet any additional regulations relative to the
14 physical plant beyond those imposed by the county or the local board of education with
15 respect to that building.

16 (d) Notwithstanding the exemption under subsection (b)(4) of this section, a
17 program that is operated by a tax exempt religious organization while the organization is
18 conducting a religious service, business meeting, or other religious organization function
19 in the organization's building and which program is exclusively for children where parents
20 are attending the service or meeting shall:

21 (1) comply with all applicable State and local fire, building, and zoning laws;
22 and

23 (2) prior to the utilization of the program's facility, be inspected by the State
24 Fire Marshal, or local fire authority having jurisdiction, to ensure that the facility is in
25 compliance with all applicable fire safety regulations.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 1997.