

HOUSE BILL 597

O4

8lr0764

By: **Delegate Kullen**

Introduced and read first time: January 31, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **T.R.A. Act of 2008**

3 FOR the purpose of requiring the State Department of Education to adopt regulations
4 that provide certain standards that a family day care home with a swimming
5 pool must meet; requiring each family day care home with a swimming pool to
6 meet certain requirements; establishing certain standards for fences, gates,
7 alarms, covers, and steps for swimming pools at family day care homes;
8 requiring a certain number of adults with CPR training to be present when
9 family day care children are using the swimming pool; requiring a family day
10 care provider whose family day care home has a swimming pool to obtain
11 certain insurance coverage; and generally relating to family day care homes
12 with swimming pools.

13 BY repealing and reenacting, with amendments,
14 Article – Family Law
15 Section 5–551
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2007 Supplement)

18 BY adding to
19 Article – Family Law
20 Section 5–551.1
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2007 Supplement)

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

25 **Article – Family Law**

26 5–551.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) The Department shall adopt regulations that relate to the registration of
2 family day care homes.

3 (b) So far as practicable, the regulations shall be uniform with the rules and
4 regulations adopted by other State agencies as those rules and regulations relate to
5 other types of day care.

6 (c) At a minimum, the regulations of the Department shall provide for:

7 (1) minimum standards of environmental health and safety, including
8 provisions for:

9 (i) adequate and safe physical surroundings;

10 (ii) the physical and mental health of day care providers; and

11 (iii) investigation of any criminal record of a day care provider;

12 (2) a thorough evaluation of each prospective family day care home
13 and day care provider, to be completed before the Department accepts an initial
14 registration;

15 (3) an initial family day care registration that expires 2 years after its
16 effective date;

17 (4) a continuing family day care registration that:

18 (i) upon application by the day care provider that meets the
19 requirements set by the Department, is issued to the provider before the end of the
20 initial registration period; and

21 (ii) once issued, remains in effect until surrendered, suspended,
22 revoked, or replaced by a conditional registration;

23 (5) reporting of any changed circumstances that relate to the
24 requirements, by the day care provider, at the time the change occurs;

25 (6) an orientation to be provided to prospective day care providers by
26 the Department before initial registration;

27 (7) announced inspection by the Department of each registered family
28 day care home prior to issuance of an initial registration and at least once every 2
29 years thereafter to determine whether applicable requirements, including record
30 keeping requirements, are being met;

31 (8) unannounced inspection by the Department of each registered
32 family day care home at least once during each 12-month period that an initial or

1 continuing registration is in effect to determine whether safe and appropriate child
2 care is being provided;

3 (9) procedures to be followed by the Department in response to a
4 complaint about a family day care home;

5 (10) a requirement that a person who advertises a family day care
6 home or family day care service shall:

7 (i) indicate in the advertisement that the family day care home
8 is registered; and

9 (ii) display in the advertisement the registration number issued
10 to the family day care home or family day care service by the Department;

11 (11) a requirement that each registered day care provider shall hold a
12 current certificate indicating successful completion of approved:

13 (i) basic first aid training through the American Red Cross or
14 through a program with equivalent standards; and

15 (ii) cardiopulmonary resuscitation (CPR) training through the
16 American Heart Association or through a program with equivalent standards
17 appropriate for the ages of children for whom care is provided in the family day care
18 home; [and]

19 (12) (i) a requirement that a family day care home that receives
20 notice of a contaminated drinking water supply from the family day care home's
21 supplier of water, in accordance with § 9-410 of the Environment Article or otherwise,
22 send notice of the drinking water contamination to the parent or legal guardian of
23 each child attending the family day care home; and

24 (ii) a requirement that the notice sent by the family day care
25 home shall:

26 1. be sent within 10 business days after receipt of the
27 notice of contamination from the family day care home's water supplier;

28 2. be in writing;

29 3. identify the contaminants and their levels in the
30 family day care home's water supply; and

31 4. describe the family day care home's plan for dealing
32 with the water contamination problem until the family day care home's water is
33 determined by the appropriate authority to be safe for consumption; **AND**

1 **(13) STANDARDS THAT A FAMILY DAY CARE HOME WITH A**
2 **SWIMMING POOL MUST MEET IN ACCORDANCE WITH § 5-551.1 OF THIS**
3 **SUBTITLE.**

4 **5-551.1.**

5 **(A) EACH FAMILY DAY CARE HOME WITH A SWIMMING POOL SHALL**
6 **MEET THE REQUIREMENTS OF THIS SECTION.**

7 **(B) (1) THE SWIMMING POOL AT A FAMILY DAY CARE HOME SHALL:**

8 **(I) BE SURROUNDED BY A FENCE WITH A GATE THAT IS**
9 **SELF-CLOSING, SELF-LATCHING, AND LOCKED WHEN THE POOL IS NOT IN USE;**

10 **(II) HAVE AN ALARM TO DETECT MOTION IN THE POOL; AND**

11 **(III) BE COVERED DURING THE OFF-SEASON.**

12 **(2) IF THE SWIMMING POOL AT A FAMILY DAY CARE HOME IS AN**
13 **ABOVE-GROUND POOL, THE FAMILY DAY CARE PROVIDER SHALL ENSURE THAT**
14 **THE STEPS TO THE POOL ARE PULLED UP AND OUT OF THE POOL WHEN THE**
15 **POOL IS NOT IN USE.**

16 **(C) (1) WHEN FAMILY DAY CARE CHILDREN ARE USING THE**
17 **SWIMMING POOL, THERE SHALL BE ADULTS WITH CARDIOPULMONARY**
18 **RESUSCITATION (CPR) TRAINING PRESENT TO SUPERVISE THE CHILDREN.**

19 **(2) THE DEPARTMENT SHALL DETERMINE THE RATIO OF**
20 **CPR-TRAINED ADULTS TO FAMILY DAY CARE CHILDREN.**

21 **(3) THE REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION**
22 **IS IN ADDITION TO ANY OTHER REQUIREMENT THAT A FAMILY DAY CARE**
23 **PROVIDER HAVE CARDIOPULMONARY RESUSCITATION (CPR) TRAINING.**

24 **(D) IN ADDITION TO ANY EXISTING HOMEOWNER'S INSURANCE**
25 **COVERAGE FOR THE FAMILY DAY CARE HOME, EACH FAMILY DAY CARE**
26 **PROVIDER WHOSE FAMILY DAY CARE HOME HAS A SWIMMING POOL SHALL**
27 **OBTAIN INSURANCE COVERAGE FOR LIABILITY THAT RESULTS FROM BODILY**
28 **INJURY OR DEATH TO A FAMILY DAY CARE CHILD ARISING OUT OF USE OF THE**
29 **SWIMMING POOL AT THE FAMILY DAY CARE HOME.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2008.