

HOUSE BILL 712

F5, D4, E3

9lr2622
CF SB 356

By: **Delegates Hixson, Benson, Cardin, V. Clagett, Doory, Gutierrez, Hecht, Ivey, Kaiser, Love, McIntosh, Pena-Melnyk, Rice, and Valderrama**
Introduced and read first time: February 9, 2009
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Family Day Care Homes and Child Care Centers – Emergency Preparedness**
3 **Plans**

4 FOR the purpose of requiring the adoption of certain regulations that require certain
5 family day care providers and certain child care centers to have certain
6 emergency preparedness plans for certain emergency situations; requiring
7 certain plans to include certain relocation sites, certain evacuation routes, and
8 certain procedures; requiring certain family day care providers and certain child
9 care centers to train certain staff and ensure that certain staff are familiar with
10 certain plans; and generally relating to the emergency preparedness plans of
11 family day care homes and child care centers.

12 BY repealing and reenacting, without amendments,
13 Article – Family Law
14 Section 5–501(e) and (f), 5–551(a), and 5–573(a)
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2008 Supplement)

17 BY adding to
18 Article – Family Law
19 Section 5–551(d)
20 Annotated Code of Maryland
21 (2006 Replacement Volume and 2008 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Family Law
24 Section 5–573(b)
25 Annotated Code of Maryland
26 (2006 Replacement Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

3 **Article – Family Law**

4 5–501.

5 (e) “Family day care” means the care given to a child under the age of 13
6 years or to any developmentally disabled person under the age of 21 years, in place of
7 parental care for less than 24 hours a day, in a residence other than the child’s
8 residence, for which the day care provider is paid.

9 (f) “Family day care home” means a residence in which family day care is
10 provided.

11 5–551.

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

14 **(D) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT:**

15 **(1) REQUIRE A FAMILY DAY CARE PROVIDER TO HAVE A WRITTEN**
16 **EMERGENCY PREPAREDNESS PLAN FOR EMERGENCY SITUATIONS THAT**
17 **REQUIRE EVACUATION OR PROTECTION OF CHILDREN SUCH AS IN THE EVENT**
18 **OF FIRE, NATURAL DISASTER, OR OTHER THREATENING SITUATION THAT MAY**
19 **POSE A HEALTH OR SAFETY HAZARD TO THE CHILDREN IN THE FAMILY DAY**
20 **CARE HOME;**

21 **(2) REQUIRE THE PLAN UNDER ITEM (1) OF THIS SUBSECTION TO**
22 **INCLUDE:**

23 **(I) A DESIGNATED RELOCATION SITE AND EVACUATION**
24 **ROUTE;**

25 **(II) PROCEDURES FOR NOTIFYING PARENTS OF THE**
26 **RELOCATION;**

27 **(III) PROCEDURES TO ADDRESS THE NEEDS OF INDIVIDUAL**
28 **CHILDREN INCLUDING CHILDREN WITH SPECIAL NEEDS;**

29 **(IV) PROCEDURES FOR THE REASSIGNMENT OF STAFF**
30 **DUTIES DURING AN EMERGENCY, AS APPROPRIATE; AND**

1 **(V) PROCEDURES FOR COMMUNICATING WITH LOCAL**
2 **EMERGENCY MANAGEMENT OFFICIALS; AND**

3 **(3) REQUIRE A FAMILY DAY CARE PROVIDER TO TRAIN STAFF AND**
4 **ENSURE THAT STAFF ARE FAMILIAR WITH THE PLAN.**

5 5-573.

6 (a) The State Superintendent shall adopt rules and regulations for licensing
7 and operating child care centers.

8 (b) These rules and regulations shall:

9 (1) ensure safe and sanitary conditions in child care centers;

10 (2) ensure proper care, protection, and supervision of children in child
11 care centers;

12 (3) ensure the health of children in child care centers by:

13 (i) monitoring children for signs and symptoms of child abuse;

14 (ii) instructing licensees and staff concerning child abuse
15 detection and reporting;

16 (iii) monitoring health practices to help prevent the spread of
17 disease; and

18 (iv) monitoring the care of infants and children with special
19 needs;

20 (4) promote the sound growth and development of children in child
21 care centers;

22 (5) encourage the care of children in a homelike environment by
23 reflecting the impracticability of conforming a residence to standards that are
24 appropriate for institutions and otherwise providing for centers that are in residences
25 or other facilities and serve between 7 and 12 children and facilities having 6 or fewer
26 children required to be licensed under § 5-574 of this subtitle;

27 (6) carry out otherwise the purposes and requirements of this Part VII
28 of this subtitle, including imposition of intermediate sanctions to ensure compliance;

29 (7) prohibit a child from remaining at a child care center for more than
30 14 hours in 1 day unless the Department issues an exception for that child based on
31 guidelines set by the State Superintendent;

1 (8) (i) require that a child care center have in attendance at all
2 times at least 1 individual who is responsible for supervision of children, including
3 children on field trips, and who holds a current certificate indicating successful
4 completion of approved:

5 1. basic first aid training through the American Red
6 Cross or through a program with equivalent standards; and

7 2. cardiopulmonary resuscitation (CPR) training
8 through the American Heart Association or through a program with equivalent
9 standards appropriate for the ages of children for whom care is provided in the child
10 care center; and

11 (ii) require that a child care center serving more than 20
12 children have in attendance certificate holders described in item (i) of this item in a
13 ratio of at least 1 certificate holder for every 20 children; [and]

14 (9) (i) require that a child care center that receives notice of a
15 contaminated drinking water supply from the child care center's supplier of water, in
16 accordance with § 9-410 of the Environment Article or otherwise, send notice of the
17 drinking water contamination to the parent or legal guardian of each child attending
18 the child care center; and

19 (ii) require that the notice sent by the child care center shall:

20 1. be sent within 10 business days after receipt of the
21 notice of contamination from the child care center's water supplier;

22 2. be in writing;

23 3. identify the contaminants and their levels in the
24 center's water supply; and

25 4. describe the child care center's plan for dealing with
26 the water contamination problem until the child care center's water is determined by
27 the appropriate authority to be safe for consumption; **AND**

28 **(10) (I) REQUIRE A CHILD CARE CENTER TO HAVE A WRITTEN**
29 **EMERGENCY PREPAREDNESS PLAN FOR EMERGENCY SITUATIONS THAT**
30 **REQUIRE EVACUATION OR PROTECTION OF CHILDREN, SUCH AS IN THE EVENT**
31 **OF FIRE, NATURAL DISASTER, OR OTHER THREATENING SITUATION THAT MAY**
32 **POSE A HEALTH OR SAFETY HAZARD TO THE CHILDREN IN THE CHILD CARE**
33 **CENTER;**

34 **(II) REQUIRE THE PLAN UNDER ITEM (I) OF THIS ITEM TO**
35 **INCLUDE:**

1 1. A DESIGNATED RELOCATION SITE AND
2 EVACUATION ROUTE;

3 2. PROCEDURES FOR NOTIFYING PARENTS OF THE
4 RELOCATION;

5 3. PROCEDURES TO ADDRESS THE NEEDS OF
6 INDIVIDUAL CHILDREN, INCLUDING CHILDREN WITH SPECIAL NEEDS;

7 4. PROCEDURES FOR THE REASSIGNMENT OF STAFF
8 DUTIES DURING AN EMERGENCY, AS APPROPRIATE; AND

9 5. PROCEDURES FOR COMMUNICATING WITH LOCAL
10 EMERGENCY MANAGEMENT OFFICIALS; AND

11 (III) REQUIRE A CHILD CARE CENTER TO TRAIN STAFF AND
12 ENSURE THAT STAFF ARE FAMILIAR WITH THE PLAN.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2009.