

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~~ Valderrama, Donoghue, Kipke, Montgomery, Oaks, and V. Turner**

Introduced and read first time: February 9, 2009

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2009

CHAPTER _____

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; requiring the State Department of Education and the State
11 Superintendent of Schools to consult with certain entities in adopting certain
12 regulations; and generally relating to the emergency preparedness plans of
13 family day care homes and child care centers.

14 BY repealing and reenacting, without amendments,
15 Article – Family Law
16 Section 5–501(e) and (f), 5–551(a), and 5–573(a)
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2008 Supplement)

19 BY adding to
20 Article – Family Law
21 Section 5–551(d)
22 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2006 Replacement Volume and 2008 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Family Law
4 Section 5–573(b)
5 Annotated Code of Maryland
6 (2006 Replacement Volume and 2008 Supplement)

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

9 **Article – Family Law**

10 5–501.

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

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

17 5–551.

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

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

21 **(1) REQUIRE A FAMILY DAY CARE PROVIDER TO HAVE A WRITTEN**
22 **EMERGENCY PREPAREDNESS PLAN FOR EMERGENCY SITUATIONS THAT**
23 **REQUIRE EVACUATION ~~OR~~, SHELTERING IN PLACE, OR OTHER PROTECTION OF**
24 **CHILDREN SUCH AS IN THE EVENT OF FIRE, NATURAL DISASTER, OR OTHER**
25 **THREATENING SITUATION THAT MAY POSE A HEALTH OR SAFETY HAZARD TO**
26 **THE CHILDREN IN THE FAMILY DAY CARE HOME;**

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

29 **(I) A DESIGNATED RELOCATION SITE AND EVACUATION**
30 **ROUTE;**

31 **(II) PROCEDURES FOR NOTIFYING PARENTS OR OTHER**
32 **ADULTS RESPONSIBLE FOR THE CHILD OF THE RELOCATION;**

1 (III) PROCEDURES TO ADDRESS THE NEEDS OF INDIVIDUAL
2 CHILDREN INCLUDING CHILDREN WITH SPECIAL NEEDS;

3 (IV) PROCEDURES FOR THE REASSIGNMENT OF STAFF
4 DUTIES DURING AN EMERGENCY, AS APPROPRIATE; AND

5 (V) PROCEDURES FOR COMMUNICATING WITH LOCAL
6 EMERGENCY MANAGEMENT OFFICIALS OR OTHER APPROPRIATE STATE OR
7 LOCAL AUTHORITIES; AND

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

10 5-573.

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

13 (b) These rules and regulations shall:

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

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

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

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

19 (ii) instructing licensees and staff concerning child abuse
20 detection and reporting;

21 (iii) monitoring health practices to help prevent the spread of
22 disease; and

23 (iv) monitoring the care of infants and children with special
24 needs;

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

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

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

3 (7) prohibit a child from remaining at a child care center for more than
4 14 hours in 1 day unless the Department issues an exception for that child based on
5 guidelines set by the State Superintendent;

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

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

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

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

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

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

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

27 2. be in writing;

28 3. identify the contaminants and their levels in the
29 center's water supply; and

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

33 **(10) (I) REQUIRE A CHILD CARE CENTER TO HAVE A WRITTEN**
34 **EMERGENCY PREPAREDNESS PLAN FOR EMERGENCY SITUATIONS THAT**
35 **REQUIRE EVACUATION ~~OR~~ , SHELTERING IN PLACE, OR OTHER PROTECTION OF**

1 CHILDREN, SUCH AS IN THE EVENT OF FIRE, NATURAL DISASTER, OR OTHER
2 THREATENING SITUATION THAT MAY POSE A HEALTH OR SAFETY HAZARD TO
3 THE CHILDREN IN THE CHILD CARE CENTER;

4 (II) REQUIRE THE PLAN UNDER ITEM (I) OF THIS ITEM TO
5 INCLUDE:

6 1. A DESIGNATED RELOCATION SITE AND
7 EVACUATION ROUTE;

8 2. PROCEDURES FOR NOTIFYING PARENTS OR
9 OTHER ADULTS RESPONSIBLE FOR THE CHILD OF THE RELOCATION;

10 3. PROCEDURES TO ADDRESS THE NEEDS OF
11 INDIVIDUAL CHILDREN, INCLUDING CHILDREN WITH SPECIAL NEEDS;

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

14 5. PROCEDURES FOR COMMUNICATING WITH LOCAL
15 EMERGENCY MANAGEMENT OFFICIALS OR OTHER APPROPRIATE STATE OR
16 LOCAL AUTHORITIES; AND

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That, before adopting
20 regulations in accordance with this Act, the State Department of Education and the
21 State Superintendent of Schools, respectively, shall consult with the Maryland
22 Emergency Management Agency, the Maryland Emergency Management Association,
23 the Maryland Institute for Emergency Medical Services Systems, and the Maryland
24 Department of Disabilities.

25 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
26 effect October 1, 2009.