

SENATE BILL 356

F5, D4, E3

9lr0757
CF HB 712

By: **Senators Frosh, Harrington, Lenett, Pinsky, and Rosapepe**

Introduced and read first time: January 29, 2009

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 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
23 (2006 Replacement Volume and 2008 Supplement)

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

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

8 **Article – Family Law**

9 5–501.

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

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

16 5–551.

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

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

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

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

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

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

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

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

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

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

8 5-573.

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

11 (b) These rules and regulations shall:

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

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

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

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

17 (ii) instructing licensees and staff concerning child abuse
18 detection and reporting;

19 (iii) monitoring health practices to help prevent the spread of
20 disease; and

21 (iv) monitoring the care of infants and children with special
22 needs;

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

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

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

1 (7) prohibit a child from remaining at a child care center for more than
 2 14 hours in 1 day unless the Department issues an exception for that child based on
 3 guidelines set by the State Superintendent;

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

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

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

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

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

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

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

25 2. be in writing;

26 3. identify the contaminants and their levels in the
 27 center's water supply; and

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

31 **(10) (I) REQUIRE A CHILD CARE CENTER TO HAVE A WRITTEN**
 32 **EMERGENCY PREPAREDNESS PLAN FOR EMERGENCY SITUATIONS THAT**
 33 **REQUIRE EVACUATION ~~OR~~, SHELTERING IN PLACE, OR OTHER PROTECTION OF**
 34 **CHILDREN, SUCH AS IN THE EVENT OF FIRE, NATURAL DISASTER, OR OTHER**

1 THREATENING SITUATION THAT MAY POSE A HEALTH OR SAFETY HAZARD TO
2 THE CHILDREN IN THE CHILD CARE CENTER;

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.