

HOUSE BILL 228

F5

8lr0546

By: **Delegate Rey**

Introduced and read first time: January 18, 2018

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Child Care Centers – Definition of Child Care**

3 FOR the purpose of adding a definition of the term “child care” to certain provisions of law
4 relating to child care centers in the State; and generally relating to child care centers
5 in the State.

6 BY repealing and reenacting, with amendments,
7 Article – Education
8 Section 9.5–401
9 Annotated Code of Maryland
10 (2014 Replacement Volume and 2017 Supplement)

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

13 **Article – Education**

14 9.5–401.

15 (a) In this subtitle the following words have the meanings indicated.

16 (b) “Child” means an individual under the age of 16 years.

17 (c) (1) **“CHILD CARE” MEANS THE CARE OR SUPERVISION OF A CHILD**
18 **WHEN THE CHILD’S PARENT HAS GIVEN THE CHILD’S CARE OVER TO ANOTHER**
19 **INDIVIDUAL FOR SOME PORTION OF A 24–HOUR DAY AS A SUPPLEMENT TO THE**
20 **PARENT’S PRIMARY CARE OF THE CHILD.**

21 (2) **“CHILD CARE” DOES NOT MEAN:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(I) A BEFORE-SCHOOL OR AFTER-SCHOOL ACTIVITY**
2 **CONDUCTED OR SPONSORED BY A PUBLIC SCHOOL OR A NONPUBLIC SCHOOL THAT**
3 **IS APPROVED OR EXEMPT FROM APPROVAL BY THE DEPARTMENT;**

4 **(II) SCOUTING ACTIVITIES, ACTIVITIES PROVIDED BY A SPORTS**
5 **BUSINESS, OR YOUTH CLUB ACTIVITIES, IF CUSTODIAL SUPERVISION IS NOT THE**
6 **PRIMARY PURPOSE OF THE ACTIVITIES BEING PROVIDED;**

7 **(III) SCHOOL-AGE RECREATIONAL OR SUPPLEMENTARY**
8 **EDUCATION PROGRAMS OPERATED BY A LOCAL DEPARTMENT OF RECREATION AND**
9 **PARKS, A LAW ENFORCEMENT AGENCY, OR A PUBLIC SCHOOL OR A NONPUBLIC**
10 **SCHOOL, IF CUSTODIAL SUPERVISION IS NOT THE PRIMARY PURPOSE OF THE**
11 **PROGRAM;**

12 **(IV) SUPERVISORY SERVICES TO CHILDREN PROVIDED BY A**
13 **CHURCH, HEALTH CLUB, HEALTH PROVIDER, OR SIMILAR SPONSOR IN SUPPORT OF**
14 **AN OCCASIONAL OR INTERMITTENT PARENTAL ACTIVITY OR SERVICE OFFERED BY**
15 **THE SPONSOR WHILE THE PARENTS ARE ON THE SAME PREMISES AS THE SERVICES**
16 **TO THE CHILDREN AND ARE IMMEDIATELY AVAILABLE TO THE CHILDREN; OR**

17 **(V) PROGRAMS PRIMARILY DESIGNED FOR THE RELIGIOUS**
18 **TRAINING OF CHILDREN, PROVIDED ON A WEEKLY BASIS OR FOR A SHORT PERIOD**
19 **IN THE SUMMER, COMMONLY KNOWN AS SUNDAY SCHOOLS OR BIBLE SCHOOLS.**

20 **[(c)] (D)** (1) “Child care center” means an agency, institution, or
21 establishment that, for part or all of a day, or on a 24-hour basis on a regular schedule, and
22 at least twice a week, offers or provides child care to children who do not have the same
23 parentage except as otherwise provided for in law or regulation.

24 (2) “Child care center” shall include a nonpublic nursery school in which
25 an instructional program is offered or provided for children who are under the age of 5
26 years.

27 (3) “Child care center” does not include:

28 (i) A nonpublic kindergarten in which an instructional program is
29 offered or provided for children who are at least 5 years old;

30 (ii) A nonpublic elementary school in which an instructional
31 program is offered or provided for children who are in grades 1 through 8;

32 (iii) A child care home, a child care institution, or other child care
33 facility that offers or provides a residential placement for a child and is established,
34 licensed, or registered under this title, Title 9 of the Human Services Article, or Title 10 of
35 the Health – General Article; or

1 (iv) A family child care home or large family child care home that is
2 required to be registered or is registered under this title.

3 **[(d)] (E)** “Letter of compliance” means a letter issued by the Department to a
4 religious organization that meets the requirements under § 9.5–404 of this subtitle.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2018.