

# HOUSE BILL 1382

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By: **Delegates Hornberger and Griffith**

Introduced and read first time: February 11, 2022

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Children – Family Child Care Homes and the Chief Medical Examiner – Use of**  
3 **Video Recording Devices and Reports**  
4 **(Bexley’s Law)**

5 FOR the purpose of requiring each family child care home to install a video recording device  
6 in each room where child care is provided; providing for the operation, notification,  
7 and use of a video recording device and the viewing, use, storage, and confidentiality  
8 of system recordings; requiring the Office of the Chief Medical Examiner, if a case  
9 involves the death of a child due to abuse or neglect, to report findings in writing and  
10 to deliver the child’s autopsy report to the parent or guardian of the child within a  
11 certain time period; and generally relating to children, family child care homes, and  
12 the Office of the Chief Medical Examiner.

13 BY adding to

14 Article – Education

15 Section 9.5–304.1

16 Annotated Code of Maryland

17 (2018 Replacement Volume and 2021 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Health – General

20 Section 5–309(f)

21 Annotated Code of Maryland

22 (2019 Replacement Volume and 2021 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

24 That the Laws of Maryland read as follows:

25 **Article – Education**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **9.5-304.1.**

2 (A) IN THIS SECTION, "SYSTEM RECORDING" MEANS ALL VIDEO CAPTURED  
3 AND UPLOADED FROM A VIDEO RECORDING DEVICE LOCATED IN A FAMILY CHILD  
4 CARE HOME OR LARGE FAMILY CHILD CARE HOME.

5 (B) (1) EACH FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE  
6 HOME, AS A CONDITION OF REGISTRATION UNDER § 9.5-304 OF THIS SUBTITLE,  
7 SHALL INSTALL AT LEAST ONE VIDEO RECORDING DEVICE IN EACH ROOM WHERE  
8 CHILD CARE IS PROVIDED.

9 (2) A VIDEO RECORDING DEVICE UNDER THIS SUBSECTION SHALL  
10 RECORD:

11 (I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
12 SUBSECTION, ALL AREAS OF EACH ROOM IN THE HOME WHERE CHILD CARE IS  
13 PROVIDED; AND

14 (II) DURING THE HOURS THAT CHILD CARE IS BEING PROVIDED  
15 AT THE HOME.

16 (3) A VIDEO RECORDING DEVICE UNDER THIS SECTION MAY NOT  
17 RECORD INSIDE BATHROOM AREAS OR IN AREAS THAT CHILDREN USE TO CHANGE  
18 CLOTHING.

19 (C) EACH FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME  
20 SHALL PROVIDE NOTICE OF THE USE OF A VIDEO RECORDING DEVICE IN THE HOME  
21 BY:

22 (1) POSTING A SIGN IN A CONSPICUOUS LOCATION OUTSIDE THE  
23 HOME; AND

24 (2) PROVIDING WRITTEN NOTICE TO THE PARENT OR LEGAL  
25 GUARDIAN OF EACH CHILD RECEIVING CHILD CARE SERVICES IN THE HOME.

26 (D) (1) ALL SYSTEM RECORDINGS SHALL BE UPLOADED TO  
27 CLOUD-BASED STORAGE AND SHALL REMAIN THE PROPERTY OF THE FAMILY CHILD  
28 CARE HOME OR LARGE FAMILY CHILD CARE HOME.

29 (2) UNLESS A FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD  
30 CARE HOME RECEIVES A REQUEST TO VIEW OR STORE A PARTICULAR VIDEO  
31 RECORDING, THE FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME  
32 SHALL STORE A VIDEO RECORDING MADE UNDER THIS SECTION FOR AT LEAST 3

1 MONTHS AND NOT MORE THAN 6 MONTHS AFTER THE DATE OF THE RECORDING.

2 (3) IF A REQUEST IS MADE UNDER PARAGRAPH (2) OF THIS  
3 SUBSECTION, THE FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME  
4 SHALL STORE THE VIDEO RECORDING UNTIL THE REASON FOR THE REQUEST IS  
5 RESOLVED.

6 (4) IF A VIDEO RECORDING IS TO BE USED AS EVIDENCE TO SUPPORT  
7 OR REFUTE A COMPLAINT AGAINST AN OPERATOR OF A FAMILY CHILD CARE HOME  
8 OR LARGE FAMILY CHILD CARE HOME, THE HOME SHALL RETAIN THE PORTION OF  
9 THE VIDEO RECORDING RELATED TO THE COMPLAINT FOR AT LEAST 1 YEAR AFTER  
10 THE DATE THE COMPLAINT IS MADE.

11 (E) (1) IF A PERSON DISCOVERS THAT THE OPERATION OF A VIDEO  
12 RECORDING DEVICE HAS BEEN INTERRUPTED, THE PERSON SHALL SUBMIT A  
13 WRITTEN REPORT TO THE DEPARTMENT INCLUDING:

14 (I) HOW THE INTERRUPTION WAS DISCOVERED AND THE  
15 LENGTH OF THE INTERRUPTION; AND

16 (II) THE REASON FOR THE INTERRUPTION, IF KNOWN.

17 (2) THE DEPARTMENT SHALL MAINTAIN A REPORT SUBMITTED  
18 UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR 1 YEAR AFTER THE DATE OF THE  
19 SUBMISSION OF THE REPORT.

20 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
21 VIDEO RECORDING MADE IN ACCORDANCE WITH THIS SECTION IS CONFIDENTIAL  
22 AND MAY NOT BE VIEWED, SHARED, OR DISSEMINATED IN ANY MANNER.

23 (2) THE FOLLOWING PERSONS MAY VIEW A VIDEO RECORDING MADE  
24 UNDER THIS SECTION:

25 (I) A PARENT OR GUARDIAN OF A CHILD RECEIVING CHILD  
26 CARE SERVICES IN THE FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE  
27 HOME;

28 (II) THE DEPARTMENT; AND

29 (III) A LAW ENFORCEMENT AGENCY.

30 (G) THE DEPARTMENT SHALL MAKE A REASONABLE ATTEMPT TO CONCEAL  
31 THE IDENTITY OF ANY CHILD WHO APPEARS IN A VIDEO RECORDING MADE UNDER

1 THIS SECTION WHO IS NOT INVOLVED IN THE INCIDENT FOR WHICH THE VIDEO  
2 RECORDING IS BEING VIEWED.

3 (H) ALL VIDEO RECORDING DEVICES UNDER THIS SECTION SHALL COMPLY  
4 WITH FEDERAL FIRE AND SAFETY STANDARDS.

5 (I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE  
6 PROVISIONS OF THIS SECTION.

7 **Article – Health – General**

8 5–309.

9 (f) (1) If the case involves the unexpected death of a child, the medical  
10 examiner shall notify the chairperson of the local child fatality review team for the county  
11 in which the child resided.

12 (2) If the case involves the death of a child and the death is believed to be  
13 caused by abuse or neglect, or there is evidence suggesting that the child was a victim of  
14 abuse or neglect, the Office of the Chief Medical Examiner shall [orally]:

15 (I) ORALLY report the findings and deliver a copy of the child’s final  
16 autopsy report to the local department of social services and the local law enforcement  
17 agency of the county in which the child last resided in accordance with § 5–704 of the Family  
18 Law Article; AND

19 (II) REPORT THE FINDINGS IN WRITING AND DELIVER A COPY  
20 OF THE CHILD’S FINAL AUTOPSY REPORT TO THE PARENT OR LEGAL GUARDIAN OF  
21 THE CHILD WITHIN 30 DAYS AFTER THE FILING OF A MEDICAL EXAMINER’S REPORT  
22 UNDER § 5–310(A) OF THIS SUBTITLE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2022.