

**Department of Legislative Services**  
Maryland General Assembly  
2022 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1382 (Delegates Hornberger and Griffith)  
Health and Government Operations

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**Children - Family Child Care Homes and the Chief Medical Examiner - Use of  
Video Recording Devices and Reports (Bexley's Law)**

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This bill requires each family child care home or large family child care home, as a condition of registration, to install at least one video recording device in each room where child care is provided, provide notification of these recordings, and store the recordings on cloud-based storage, as specified. The Maryland State Department of Education (MSDE) must adopt regulations to implement the bill.

The bill also requires, in certain cases involving the unexpected death of a child, the Office of the Chief Medical Examiner (OCME) to report its findings in writing and deliver a copy of the child's final autopsy report to the child's parent or legal guardian within 30 days after filing a specified medical examiner's report.

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**Fiscal Summary**

**State Effect:** OCME and MSDE can handle the bill's requirements with existing resources. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** Potential Meaningful.

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**Analysis**

**Bill Summary:** "System recording" means all video captured and uploaded from a video recording device located in a family child care home or large family child care home.

Each family child care home or large family child care home, as a condition of registration, must install at least one video recording device in each room where child care is provided. All video recording devices must comply with federal fire and safety standards. A video recording device must record all areas of each room in the home where child care is provided during the hours in which the child care is being provided. However, a video recording device may not record inside bathroom areas or areas in which children change clothing.

Each family child care home or large family child care home must provide notice of the use of a video recording device in the home by posting a sign in a conspicuous place outside the home and by providing written notice to the parent or legal guardian of each child receiving child care services in the home.

All system recordings must be uploaded to cloud-based storage and must remain the property of the family child care home or large family child care home. Generally, the video recordings must be stored between three to six months from the date of the recording unless the child care home receives a request to view or store a particular recording. If such a request is made, the family child care home or large family child care home must store the video recording until the reason for the request is resolved.

If a video recording is to be used as evidence to support or refute a complaint against an operator of a family child care home or a large family child care home, the home must retain the portion of the video recording related to the complaint for at least one year after the date the complaint is made.

If a person discovers that the operation of a video recording device has been interrupted, the person must submit a written report to MSDE that includes the reason for the interruption, if known, the length of the interruption, and how the interruption was discovered. MSDE must maintain the report for one year after the date of the submission of the report.

Generally, a video recording made in accordance with the bill is confidential and may not be viewed, shared, or disseminated in any manner. However, a video recording may be viewed by (1) a parent or guardian of a child receiving child care services in the family child care home or large family child care home; (2) MSDE; and (3) a law enforcement agency. MSDE must make a reasonable attempt to conceal the identity of any child who appears in a video recording who is not involved in the incident for which the video recording is being viewed.

**Current Law:** Family child care is the care given to a child younger than age 13 or to any developmentally disabled person younger than age 21, in place of parental care for less than 24 hours per day, in a residence other than the child's residence, for which the child care provider is paid. A family child care home is a residence in which family child care is provided for up to 8 children. A large family child care home is a residence in which family child care is provided for at least 9 children, but not more than 12 children. MSDE is responsible for registering family child care homes and large family child care homes. The State Board of Education must adopt regulations relating to the registration of family child care homes and large family child care homes.

*Office of the Chief Medical Examiner*

OCME is the statewide agency designated by law to investigate deaths from injury, homicide, suicide, under unusual or suspicious circumstances, or when a person is not attended by a physician.

If the case involves the unexpected death of a child, the medical examiner must notify the chairperson of the local child fatality review team for the county in which the child resided. If the case involves the death of a child and the death is believed to be caused by abuse or neglect, or there is evidence suggesting that the child was a victim of abuse or neglect, OCME must orally report the findings and deliver a copy of the child's final autopsy report to the local department of social services and the local law enforcement agency of the county in which the child last resided in accordance with § 5-704 of the Family Law Article (which governs the mandatory reporting of suspected child abuse or neglect by specified professionals).

**Small Business Effect:** Small business family child care homes likely incur significant additional expenditures to purchase video recording equipment for all rooms in which childcare is provided, as well as a cloud storage solution.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Maryland Department of Health; Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2022  
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Analysis by: Trevor S. Owen

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510