

SENATE BILL 280

F5

3lr1139
CF HB 292

By: **Senators Gile, Jackson, Beidle, Carozza, Corderman, Elfreth, Griffith, Guzzone, James, Klausmeier, McKay, Salling, ~~and Simonaire~~ Simonaire, Augustine, Brooks, Feldman, Gallion, Hester, Kagan, Lewis Young, M. Washington, and Watson**

Introduced and read first time: January 26, 2023

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2023

CHAPTER _____

1 AN ACT concerning

2 **Child Care Providers – Registration and Licensing – Exemptions**

3 FOR the purpose of exempting certain family child care homes, large family child care
4 homes, and child care centers that serve only dependent children of military
5 personnel and are located on certain federal property or certified by a branch of the
6 U.S. Department of Defense or the U.S. Coast Guard from certain registration and
7 licensing requirements for child care providers in the State; authorizing certain
8 entities and agents to assume certain responsibilities regarding the children served
9 by child care providers that are exempted from certain requirements under this Act;
10 and generally relating to registration and licensing requirements for child care
11 providers.

12 BY adding to

13 Article – Education

14 Section 9.5–303.1

15 Annotated Code of Maryland

16 (2022 Replacement Volume)

17 BY repealing and reenacting, with amendments,

18 Article – Education

19 Section 9.5–403

20 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.



(2022 Replacement Volume)

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

Article – Education

9.5–303.1.

**(A) THIS SUBTITLE DOES NOT APPLY TO A FAMILY CHILD CARE HOME OR
LARGE FAMILY CHILD CARE HOME THAT IS:**

**(1) ~~LOCATED~~ SERVES ONLY DEPENDENT CHILDREN OF MILITARY
PERSONNEL; AND**

**(2) (I) IS LOCATED ON A MILITARY BASE OR FEDERAL PROPERTY;
OR**

**~~(2)~~ (II) ~~CERTIFIED~~ IS CERTIFIED AS A FAMILY CHILD CARE
PROVIDER BY A BRANCH OF THE U.S. DEPARTMENT OF DEFENSE OR THE U.S.
COAST GUARD.**

**(B) THE U.S. DEPARTMENT OF DEFENSE OR THE U.S. COAST GUARD, OR
THEIR AGENTS, INCLUDING AN INSTALLATION COMMANDER OF A MILITARY BASE ON
WHICH A FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME IS
LOCATED, MAY ASSUME RESPONSIBILITY FOR APPROVING OR DETERMINING WHICH
CHILDREN MAY BE SERVED BY THE FAMILY CHILD CARE HOMES AND LARGE FAMILY
CHILD CARE HOMES THAT ARE EXEMPT FROM THIS SUBTITLE.**

9.5–403.

(a) This subtitle does not supersede:

(1) Any right or power of the Maryland Department of Health or any local
health officer;

(2) Any right or power of a county department of education;

(3) Any building code or zoning provision;

(4) Any right or power of the Administration within the Department of
Human Services or any local department; or

(5) Any right or power of the Department of Human Services to regulate
residential child care facilities.

1 (b) Notwithstanding any other provision of law, if a child care center for school
 2 age children is operated before and after school hours in a building which is in use as a
 3 public or private school, the school age child care center:

4 (1) Shall meet local fire, health, and zoning codes required of school
 5 buildings; and

6 (2) May not be required to meet any additional regulations relative to the
 7 physical plant beyond those imposed by the county or the local board of education with
 8 respect to that building.

9 (c) **(1)** THIS SUBTITLE DOES NOT APPLY TO A CHILD CARE CENTER THAT
 10 ~~IS:~~

11 ~~(1)~~ **(1)** ~~LOCATED~~ SERVES ONLY DEPENDENT CHILDREN OF
 12 MILITARY PERSONNEL; AND

13 **(II)** **1.** IS LOCATED ON A MILITARY BASE OR FEDERAL
 14 PROPERTY; OR

15 ~~(2)~~ **2.** ~~CERTIFIED~~ IS CERTIFIED AS A FAMILY CHILD CARE
 16 PROVIDER BY A BRANCH OF THE U.S. DEPARTMENT OF DEFENSE OR THE U.S.
 17 COAST GUARD.

18 **(2)** THE U.S. DEPARTMENT OF DEFENSE OR THE U.S. COAST GUARD,
 19 OR THEIR AGENTS, INCLUDING AN INSTALLATION COMMANDER OF A MILITARY BASE
 20 ON WHICH A CHILD CARE CENTER IS LOCATED, MAY ASSUME RESPONSIBILITY FOR
 21 APPROVING OR DETERMINING WHICH CHILDREN MAY BE SERVED BY THE CHILD
 22 CARE CENTERS THAT ARE EXEMPT FROM THIS SUBTITLE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 24 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.