

Chapter 658

(Senate Bill 280)

AN ACT concerning

Child Care Providers – Registration and Licensing – Exemptions

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

BY adding to

Article – Education
 Section 9.5–303.1
 Annotated Code of Maryland
 (2022 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Education
 Section 9.5–403
 Annotated Code of Maryland
 (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.

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

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

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

(C) (1) THIS SUBTITLE DOES NOT APPLY TO A CHILD CARE CENTER THAT IS:

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

(ii) 1. IS LOCATED ON A MILITARY BASE OR FEDERAL PROPERTY; OR

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

(2) 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 CHILD CARE CENTER IS LOCATED, MAY ASSUME RESPONSIBILITY FOR APPROVING OR DETERMINING WHICH CHILDREN MAY BE SERVED BY THE CHILD CARE CENTERS THAT ARE EXEMPT FROM THIS SUBTITLE.

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

Approved by the Governor, May 16, 2023.