

HOUSE BILL No. 6195

September 30, 1992, Introduced by Reps. Dolan, DeBeaussaert, Jonker, Gire and Kosteva and referred to the Committee on Consumers.

A bill to amend section 2 of Act No. 116 of the Public Acts of 1973, entitled

"An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to provide penalties; and to repeal certain acts and parts of acts,"

as amended by Act No. 150 of the Public Acts of 1983, being section 722.112 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of Act No. 116 of the Public Acts of
2 1973, as amended by Act No. 150 of the Public Acts of 1983, being
3 section 722.112 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 2. (1) The department of social services,
6 ~~hereinafter~~ referred to as the "department", is responsible for
7 the development of rules for the care and protection of children

1 in organizations covered by this act and for the promulgation of
2 these rules pursuant to the administrative procedures act of
3 1969, Act No. 306 of the Public Acts of 1969, as amended, being
4 sections 24.201 to ~~24.315~~ 24.328 of the Michigan Compiled
5 Laws.

6 (2) The department shall establish an ad hoc committee for
7 each type of child care organization as defined in this act when
8 it is formulating or amending rules under this act. The commit-
9 tee shall consist of not less than 12 members, and shall include
10 representatives of the following groups and agencies:

11 (a) Department of public health.

12 (b) Department of state police, fire marshal division and
13 state fire safety board.

14 (c) Department of education.

15 (d) Department of mental health.

16 (e) Representatives of organizations affected by this act.

17 (f) Parents of children affected by this act.

18 The representatives of organizations affected by this act
19 and parents of children affected by this act shall constitute a
20 majority of the committee membership. The committee shall serve
21 during the period of the formulation of rules, shall have respon-
22 sibility for making recommendations on the content of rules, and
23 shall recommend to the department revisions in proposed rules at
24 any time before their promulgation.

25 (3) The rules promulgated under this act shall be restricted
26 to:

1 (a) The operation and conduct of child care organizations
2 and the responsibility the organizations assume for child care.

3 (b) The character, suitability, training, and qualifications
4 of applicants and other persons directly responsible for the care
5 and welfare of children served.

6 (c) The general financial ability and competence of appli-
7 cants to provide necessary care for children and to maintain pre-
8 scribed standards.

9 (d) The number of individuals or staff required to insure
10 adequate supervision and care of the children received.

11 (e) The appropriateness, safety, cleanliness, and general
12 adequacy of the premises, including maintenance of adequate fire
13 prevention and health standards to provide for the physical com-
14 fort, care, and well being of the children received. However,
15 the rules with respect to fire prevention and fire safety ~~shall~~
16 DO not apply to a child care center established and operated by
17 an intermediate school board, the board of a local school dis-
18 trict, or by the board or governing body of a state approved non-
19 public school, if the child care center is located in a school
20 building that is approved by the state fire marshal or other sim-
21 ilar authority as provided in section 3 of Act No. 306 of the
22 Public Acts of 1937, being section 388.853 of the Michigan
23 Compiled Laws, for school purposes and is in compliance with the
24 school fire safety rules, R 29.1 to R 29.298 of the Michigan
25 administrative code, as determined by the state fire marshal or a
26 fire inspector certified pursuant to section 2b of the fire

1 prevention code, Act No. 207 of the Public Acts of 1941, being
2 section 29.2b of the Michigan Compiled Laws.

3 (f) Provisions for food, clothing, educational opportuni-
4 ties, programs, equipment, and individual supplies to assure the
5 healthy physical, emotional, and mental development of children
6 served. RULES PROMULGATED UNDER THIS SUBDIVISION, IN PART, SHALL
7 PROVIDE FOR THE USE OF ONLY ART MATERIALS AND ART MATERIAL PROD-
8 UCTS THAT COMPLY WITH SECTION 23 OF THE FEDERAL HAZARDOUS SUB-
9 STANCES ACT, PUBLIC LAW 86-613, 15 U.S.C. 1277, AND THAT ARE ON
10 THE LIST OF NONHAZARDOUS ART MATERIALS AND ART MATERIAL PRODUCTS
11 COMPILED AND MAINTAINED BY THE DEPARTMENT OF PUBLIC HEALTH UNDER
12 SECTION 2620 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC
13 ACTS OF 1978, BEING SECTION 333.2620 OF THE MICHIGAN COMPILED
14 LAWS.

15 (g) Provisions to safeguard the legal rights of children
16 served.

17 (h) Maintenance of records pertaining to admission,
18 progress, health, and discharge of children.

19 (i) Filing of reports with the department.

20 (j) Discipline of children.

21 (k) Transportation safety.

22 (4) Rules once promulgated are subject to major review by an
23 ad hoc committee not less than once every 5 years and shall be
24 reviewed biennially by the department. The ad hoc committee
25 shall be established by the department, shall consist of not less
26 than 12 members, and shall include representatives of the groups
27 and agencies indicated in subsection (2). The ad hoc committee

1 shall hold at least 2 public hearings regarding the review of
2 rules and shall report its recommendations regarding rules to the
3 appropriate committees of the legislature.

4 Section 2. This amendatory act shall not take effect unless
5 Senate Bill No. ____ or House Bill No. 6193 (request
6 no. 05853'92 b *) of the 86th Legislature is enacted into law.