



HOUSE BILL No. 5152

September 26, 1995, Introduced by Rep. Clack and referred to the Committee on Regulatory Affairs.

A bill to amend section 15 of Act No. 116 of the Public Acts of 1973, entitled as amended

"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 prescribe powers and duties of the department of social services and adoption facilitators; to provide penalties; and to repeal certain acts and parts of acts,"

as amended by Act No. 218 of the Public Acts of 1993, being section 722.125 of the Michigan Compiled Laws; and to add sections 3e and 3f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 15 of Act No. 116 of the Public Acts of
2 1973, as amended by Act No. 218 of the Public Acts of 1993, being
3 section 722.125 of the Michigan Compiled Laws, is amended and
4 sections 3e and 3f are added to read as follows:

1 SEC. 3E. A LICENSEE OR REGISTRANT SHALL NOT ACCEPT FOR CARE
2 AND SUPERVISION A CHILD LESS THAN 6 YEARS OF AGE UNLESS THE
3 LICENSEE OR REGISTRANT FIRST OBTAINS PROOF THAT THE CHILD WAS
4 SCREENED FOR LEAD POISONING.

5 SEC. 3F. (1) THE OWNER OF A CHILD CARE ORGANIZATION THAT
6 REGULARLY SERVES 3 OR MORE CHILDREN UNDER 6 YEARS OF AGE AND THAT
7 WAS CONSTRUCTED BEFORE 1978 SHALL UNDERTAKE ABATEMENT AS THAT
8 TERM IS DEFINED IN SECTION 103 OF PART 1 OF THE LEAD ABATEMENT
9 ACT. ABATEMENT SHALL BE CONDUCTED AS PROVIDED BY THE LEAD ABATE-
10 MENT ACT AND RULES PROMULGATED BY THE DEPARTMENT OF PUBLIC HEALTH
11 UNDER THAT ACT.

12 (2) A CHILD CARE ORGANIZATION DESCRIBED IN SUBSECTION (1)
13 SHALL NOT BE ISSUED A REGULAR LICENSE OR A CERTIFICATE OF REGIS-
14 TRATION UNLESS IT CAN DEMONSTRATE THAT IT HAS COMPLIED WITH THIS
15 SECTION.

16 Sec. 15. (1) A person, child care organization, agency, or
17 representative or officer of a firm, corporation, association, or
18 organization who violates this act is guilty of a misdemeanor,
19 punishable by the following:

20 (a) A fine of not less than \$100.00 or more than \$1,000.00
21 for a violation of section 3b, 3c, ~~or~~ 3d, 3E, OR 3F.

22 (b) For a violation not described in subdivision (a), a fine
23 of not less than \$100.00 or more than \$1,000.00, or imprisonment
24 for not more than 90 days, or both.

25 (2) If a person, child care organization, agency, or repre-
26 sentative or officer of a firm, corporation, association, or
27 organization is convicted under this act, the conviction is

1 sufficient ground for the revocation of its license or
2 certificate of registration, and the person, child care organiza-
3 tion, agency, or representative or officer of a firm, corpora-
4 tion, association, or organization convicted shall not be granted
5 a license or certificate of registration, or be permitted to be
6 connected, directly or indirectly, with a licensee or a regis-
7 trant for a period of not less than 2 years after the
8 conviction.

9 (3) A person, child care organization, agency, or represen-
10 tative or officer of a firm, corporation, association, or organi-
11 zation who has a license or certificate of registration revoked,
12 application denied, or renewal refused, may be refused a license
13 or certificate of registration, or be prohibited from being con-
14 nected, directly or indirectly, with a licensee or a registrant
15 for a period of not less than 2 years after the revocation,
16 denial, or refusal to renew.

17 Section 2. This amendatory act shall not take effect unless
18 House Bill No. 4011 of the 88th Legislature is enacted into law.