

HOUSE BILL No. 4408

March 12, 2013, Introduced by Reps. Potvin, Bumstead, Schmidt, Rendon, Goike, LaFontaine, Crawford, McBroom, Robinson, Geiss, LaVoy, Santana, Cavanagh, Howrylak, Durhal, Outman, Yonker, Foster and Genetski and referred to the Committee on Regulatory Reform.

A bill to amend 1973 PA 116, 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 prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,"

by amending section 2 (MCL 722.112), as amended by 2006 PA 206.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) The department ~~of human services, referred to in~~
2 ~~this act as the "department", is responsible for the development of~~
3 **SHALL PROMULGATE** rules for the care and protection of children in
4 **CHILD CARE** organizations, ~~covered by this act and for the~~
5 ~~promulgation of these rules pursuant to the administrative~~
6 ~~procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.~~

(2) The department shall establish an ad hoc committee for each type of child care organization ~~as defined in this act when it is formulating~~ **BEFORE DEVELOPING** or amending rules under this act.

The committee shall consist of not less than 12 members, and shall include representatives of the following groups and agencies:

(a) Department of community health.

(b) Department of ~~labor and economic growth~~ **LICENSING AND REGULATORY AFFAIRS**, bureau of fire services, and state fire safety board.

(c) Department of education.

(d) Representatives of organizations affected by this act.

(e) Parents of children affected by this act.

(3) A majority of the members appointed to the committee established ~~by~~ **UNDER** subsection (2) shall be representatives of organizations affected by this act ~~and~~ **OR** parents of children affected by this act. The committee shall serve during the period of the ~~formulation~~ **DEVELOPMENT** of rules, shall ~~have responsibility for making~~ **MAKE** recommendations on the content of rules, and shall recommend to the department revisions in proposed rules at any time before their promulgation.

(4) The rules promulgated under this act shall be restricted to the following:

(a) The operation and conduct of child care organizations and the responsibility **OF** the **CHILD CARE** organizations ~~assume~~ for child care.

(b) The character, suitability, training, and qualifications of applicants and other persons directly responsible for the care

1 and welfare of children served.

2 (c) The general financial ability and competence of applicants
3 to provide necessary care for children and to maintain prescribed
4 standards.

5 (d) The number of individuals or staff required to ~~insure~~
6 **ENSURE** adequate supervision and care of the children received.

7 (e) The appropriateness, safety, cleanliness, and general
8 adequacy of the premises, including maintenance of adequate fire
9 prevention and health standards to provide for the physical
10 comfort, care, and well-being of the children received. However: ~~7~~
11 ~~the~~

12 (i) **THE** rules with respect to fire prevention and fire safety
13 shall not apply to a child care center established and operated by
14 an intermediate school board, the board of a local school district,
15 or ~~by~~ the board or governing body of a state approved nonpublic
16 school, if the child care center is located in a school building
17 that is approved by the bureau of fire services created in section
18 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, or other
19 similar authority as provided in section 3 of 1937 PA 306, MCL
20 388.853, for school purposes and is in compliance with the **NEW AND**
21 **EXISTING** school, **COLLEGE, AND UNIVERSITY** fire safety rules, R
22 29.1901 to R 29.1934 of the Michigan administrative code, as
23 determined by the bureau of fire services or a fire inspector
24 certified pursuant to section 2b of the fire prevention code, 1941
25 PA 207, MCL 29.2b.

26 (ii) **TEPEES AND TENTS, INCLUDING PLATFORM TENTS, AT A**
27 **CHILDREN'S CAMP SHALL NOT BE REQUIRED TO BE EQUIPPED WITH SMOKE OR**

1 **FIRE DETECTORS.**

2 (f) Provisions for food, clothing, educational opportunities,
3 programs, equipment, and individual supplies to ~~assure~~**ENSURE** the
4 healthy physical, emotional, and mental development of children
5 served.

6 (g) Provisions to safeguard the legal rights of children
7 served.

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

10 (i) Filing of reports with the department.

11 (j) Discipline of children.

12 (k) Transportation safety.

13 (5) Rules ~~once promulgated are subject to major review~~**SHALL**
14 **BE REVIEWED THOROUGHLY** by an ad hoc committee not less than once
15 every 5 years and shall be reviewed ~~biennially~~ by the department
16 **BIENNIALY**. The ad hoc committee shall be established by the
17 department, shall consist of not less than 12 members, and shall
18 include representatives of the groups and agencies indicated in
19 subsection (2). The ad hoc committee shall hold at least 2 public
20 hearings regarding the ~~review of~~ rules and shall report its
21 recommendations regarding rules to the appropriate committees of
22 the legislature.