

REQUIRE PHYSICAL SUPERVISION OF INFANTS

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House Bill 4797 as introduced
Sponsor: Rep. Charles M. Brunner
Committee: Regulatory Reform
Complete to 5-3-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4797 would amend Public Act 116 of 1973, which licenses and regulates child care organizations, by adding a new Section 3H. This new section would require *a child care center, group child care home, or family child care home* to have a staff member physically present in the same room as an infant, 12 months of age or younger, and monitoring that infant at all times while the child is in the care of that entity. The bill would take effect 90 days after the date it is enacted into law.

Child care center is presently defined in the act as "a facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child care center or day care center does not include any of the following:

- A Sunday school, a vacation Bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three hours per day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a 12-month period.
- A facility operated by a religious organization where children are in the religious organization's care for not more than three hours while persons responsible for the children are attending religious services.
- A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
- A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

Group child home means "a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended

by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year."

Family child care home means "a private home in which at least one but fewer than seven minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. As used in this definition, 'providing babysitting services' means caring for a child on behalf of the child's parent or guardian when the annual compensation for providing those services does not equal or exceed \$600 or an amount that would according to the Internal Revenue Code of 1986 obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services."

FISCAL IMPACT:

House Bill 4797 would have no significant fiscal impact on the state of Michigan or local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.