

**SUBSTITUTE FOR  
HOUSE BILL NO. 5048**

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,"  
(MCL 722.111 to 722.128) by adding section 8e.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        **Sec. 8e. (1) Within 90 days after the effective date of this**  
2        **section, a child care center that is currently licensed and located**  
3        **in a multiple occupancy building shall, in a form and manner as**  
4        **prescribed by the department, notify the department if there has**  
5        **been any change in occupancy or use by occupants within the**

1 building since its license was issued. Beginning 90 days after the  
2 effective date of this section, the department shall require each  
3 applicant seeking licensure as a child care center within a  
4 multiple occupancy building to clearly state on the application  
5 that it will be located within a multiple occupancy building and  
6 describe the nature and character of each of the other occupants  
7 and the occupant use within that multiple occupancy building.

8 (2) Before issuing or renewing a license or provisional  
9 license under this act to a child care center located within a  
10 multiple occupancy building, the department shall inspect the  
11 location to verify that reasonable mitigation measures are in place  
12 to protect the health, safety, and well-being of children who are  
13 under the care of the child care center. As a condition of  
14 licensure for a child care center located within a multiple  
15 occupancy building, the department may require the child care  
16 center to do all of the following:

17 (a) Use reasonable measures to mitigate any significant risk  
18 associated with other occupants within the multiple occupancy  
19 building.

20 (b) Ensure the child care center is self-contained, with  
21 bathrooms located within the child care center.

22 (c) Secure the child care center against unauthorized entry  
23 during hours of operation.

24 (d) Ensure the child care center is separated from hazardous  
25 operations.

26 (e) If alcohol is served within the multiple occupancy  
27 building, ensure that alcohol is not transported or consumed within  
28 the child care center during hours of child care center operation.

29 (f) If an outdoor area is available and shared, ensure that

1 there is a set schedule to keep the children separate from other  
2 occupants of that building.

3 (g) Satisfy any other reasonable staffing, program, or  
4 operational requirements that the department determines are  
5 necessary to protect children within the care of that child care  
6 center from any serious risk of harm that may stem from being  
7 located within a multiple occupancy building.

8 (h) Require the licensee to notify the department within 90  
9 days of a change of occupants or occupant use within that building.

10 (3) The child care center hours of operation do not determine  
11 the hours of operation for the other occupants of a multiple  
12 occupancy building, including, but not limited to, occupants that  
13 serve alcohol.

14 (4) R 400.8560 of the Michigan Administrative Code is  
15 rescinded.