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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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