

# HOUSE BILL NO. 5046

June 16, 2021, Introduced by Reps. Markkanen, Breen, O'Malley, Roth, Puri, Ellison, Wakeman, Aiyash, Hope, Koleszar, Steckloff, Garza, Morse, Tyrone Carter, Manoogian, Tate, Calley, Anthony, Bellino, Witwer, Stone, Brenda Carter, Hammoud, Coleman, Neeley, Kuppa, Young and Yaroch and referred to the Committee on Families, Children, and Seniors.

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 2017 PA 257.

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

1           Sec. 2. (1) The departments of health and human services and  
2   licensing and regulatory affairs are responsible for ~~the~~

1 ~~development of~~ **developing** rules for the care and protection of  
 2 children in organizations covered by this act and for ~~the~~  
 3 ~~promulgation of~~ **promulgating** these rules according to the  
 4 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
 5 24.328.

6 (2) The department shall establish an ad hoc committee for  
 7 each type of child care organization as defined in this act when it  
 8 is formulating or amending rules under this act. The committee  
 9 shall consist of not less than 12 members, and ~~shall~~ **must** include  
 10 representatives of the following groups and agencies:

11 (a) Department of health and human services.

12 (b) Department of licensing and regulatory affairs, bureau of  
 13 fire services, and state fire safety board.

14 (c) Department of education.

15 (d) Representatives of organizations affected by this act.

16 (e) Parents of children affected by this act.

17 (3) A majority of the members appointed to the committee  
 18 established by subsection (2) ~~shall~~ **must** be representatives of  
 19 organizations affected by this act and parents of children affected  
 20 by this act. The committee shall serve during the period of the  
 21 formulation of rules, shall have responsibility for making  
 22 recommendations on the content of rules, and shall recommend to the  
 23 department revisions in proposed rules at any time before ~~their~~  
 24 ~~promulgation.~~ **the rules are promulgated.**

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

27 (a) The operation and conduct of child care organizations and  
 28 the responsibility the organizations assume for child care.

29 (b) The character, suitability, health, training, and

1 qualifications of applicants and other persons directly responsible  
2 for the care and welfare of children served.

3 (c) The character and health of household members.

4 (d) The general financial ability and competence of applicants  
5 to provide necessary care for children and to maintain prescribed  
6 standards.

7 (e) The number of individuals or staff required to ensure  
8 adequate supervision and care of the children received.

9 (f) The appropriateness, safety, cleanliness, and general  
10 adequacy of the premises, including maintenance of adequate fire  
11 prevention and health standards to provide for the physical  
12 comfort, care, and ~~well-being~~ **well-being** of the children received.  
13 The rules with respect to fire prevention and fire safety do not  
14 apply to a child care center established and operated by an  
15 intermediate school board, the board of a local school district, or  
16 by the board or governing body of a state approved nonpublic  
17 school, if the child care center is located in a school building  
18 that is approved by the bureau of fire services created in section  
19 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, or other  
20 similar authority as provided in section 3 of 1937 PA 306, MCL  
21 388.853, for school purposes and is in compliance with the school  
22 fire safety rules, R 29.1901 to R 29.1934 of the Michigan  
23 Administrative Code, as determined by the bureau of fire services  
24 or a fire inspector certified under section 2b of the fire  
25 prevention code, 1941 PA 207, MCL 29.2b.

26 (g) Provisions for food, clothing, educational opportunities,  
27 programs, equipment, and individual supplies to assure the healthy  
28 physical, emotional, and mental development of children served.

29 (h) Provisions to safeguard the legal rights of children

1 served.

2 (i) Maintenance of records pertaining to admission, progress,  
3 health, and discharge of children.

4 (j) Filing of reports with the department.

5 (k) Discipline of children.

6 (l) Transportation safety.

7 (5) Rules once promulgated are subject to major review by an  
8 ad hoc committee not less than once every 5 years and ~~shall~~**must** be  
9 reviewed biennially by the department. The ad hoc committee shall  
10 be established by the department, shall consist of not less than 12  
11 members, and shall include representatives of the groups and  
12 agencies indicated in subsection (2). The ad hoc committee shall  
13 hold at least 2 public hearings regarding the review of rules and  
14 shall report its recommendations regarding rules to the appropriate  
15 committees of the legislature.

16 **(6) Unless there is an immediate federal obligation or an**  
17 **immediate risk to health and safety as determined by the**  
18 **department, a child care center, group child care home, or family**  
19 **child care home that is controlled by a rule promulgated under this**  
20 **act has not less than 90 days after a rule is promulgated to become**  
21 **compliant with the rule.**