

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2026

BY: FALLIN and HAMILTON (Jeff)
of the HOUSE

and

LONG (Ed) of the SENATE

AS INTRODUCED

AN ACT RELATING TO CHILDREN; AMENDING 10 O.S. 1991,

SECTION 404, WHICH RELATES TO CHILD CARE
FACILITIES; REQUIRING THE DEPARTMENT OF HUMAN
SERVICES TO PROMULGATE STANDARDS PROHIBITING
SMOKING ON PREMISES OF ANY DAY CARE CENTER;
DEFINING TERM; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10 O.S. 1991, Section 404, is
amended to read as follows:

Section 404. ~~(a)~~ A. The Department shall appoint advisory
committees of representatives of child care facilities and others to
prepare minimum requirements and desirable standards for adoption by
the Department, ~~provided that a.~~ A majority of any committee
appointed to prepare requirements and standards for institutions and
homes shall be representatives of voluntary, nonprofit child care
institutions and homes. ~~These~~ The standards shall include but shall

not be limited to requirements for a constructive program and services to meet the needs of each child and family; staff of good moral character and ability for child care; adequate and safe housing, sanitation, and equipment; good health care; full educational and religious opportunities; good community relationships; essential records and administrative methods; and sufficient funds for sound operation.

~~(b)~~ B. 1. The Department shall prescribe and publish such rules and regulations establishing minimum requirements and desirable standards as may be deemed necessary or advisable to carry out the provisions of this act.

2. The Department shall, by rule, prohibit smoking on the premises of any day care center. For purposes of this paragraph, "premises" means any portion of a building, structure, room, enclosure, or grounds owned by the day care center. The term premises shall not include a private room or office that is separate or enclosed and is not open or available to children.

~~(c)~~ C. Such rules and regulations shall not be made, prescribed, or published until after consultation with the Departments of Health and Education, and the State Bureau of Investigation or other agency performing the duties of State Fire Marshal, provided, that not less than sixty (60) days' notice by ordinary mail shall be given to all current licensees before any changes are made in such rules and regulations.

~~(d)~~ D. In order to improve the standards of child care, the Department shall also advise and cooperate with the governing bodies and staffs of child care facilities and assist the staffs thereof through advice of progressive methods and procedures and suggestions for the improvement of services.

~~(e)~~ E. The Department may participate in federal programs for day care services, and enter into agreements or plans on behalf of the state for such purpose, in accordance with the Act of Congress,

known as the Public Welfare Amendments of 1962 (Public Law 87-543), or other federal laws and regulations; and for such purpose, and notwithstanding any other provisions of this act, the Department may approve unlicensed facilities, including private homes, as meeting the standards established for licensing of day care facilities. Foster family homes, group homes, and day care homes which have been selected by and which are supervised by a licensed child care facility, and which meet the standards established for licensing under this act, may be maintained and operated on the basis of permits issued by such child care facility.

SECTION 2. This act shall become effective September 1, 1992.

43-2-7434 KSM