

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1491

By: Newton of the House

and

Marlatt of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to children; amending 10 O.S. 2011, Section 403, as last amended by Section 3, Chapter 172, O.S.L. 2014 (10 O.S. Supp. 2016, Section 403), which relates to exemptions from the Oklahoma Child Care Facilities Licensing Act; updating citation; lowering age of children at summer youth camp exempt from act; adding exemption for certain child care facilities; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 2011, Section 403, as last amended by Section 3, Chapter 172, O.S.L. 2014 (10 O.S. Supp. 2016, Section 403), is amended to read as follows:

Section 403. A. The provisions of the Oklahoma Child Care Facilities Licensing Act shall not apply to:

1. Care provided in a child's own home or by relatives;

1 2. Informal arrangements which parents make with friends or
2 neighbors for the occasional care of their children;

3 3. Care provided by an attorney-in-fact authorized by Section ~~1~~
4 700 of this ~~act~~ title who exercises parental or legal authority on a
5 continuous basis for not less than twenty-four (24) hours and
6 without compensation for the intended duration of the power of
7 attorney;

8 4. Programs in which school-aged children three (3) years of
9 age and older are participating in home-schooling;

10 5. Programs that serve children three (3) years of age and
11 older and that are operated during typical school hours by a public
12 school district;

13 6. Programs that serve children three (3) years of age and
14 older and that are operated during typical school hours by a private
15 school that offers elementary education in grades kindergarten
16 through third grade;

17 7. Summer youth camps for children who are at least ~~five (5)~~
18 four (4) years of age, that are accredited by a national standard-
19 setting agency or church camp accreditation program;

20 8. Programs in which children attend on a drop-in basis and
21 parents are on the premises and readily accessible;

22 9. A program of specialized activity or instruction for
23 children that is not designed or intended for child care purposes
24 including, but not limited to, scouts, 4-H clubs and summer resident

youth camps, programs that limit children from enrolling in multiple sessions because of the type of activity or ages accepted, and single-activity programs such as academics, athletics, gymnastics, hobbies, art, music, dance and craft instruction;

10. Any child care facility that:

a. provides care and supervision for fifteen (15) or fewer hours per week,

b. operates less than eight (8) weeks annually, ~~or~~

c. operates in the summer for less than eight (8) hours per day, or

d. provides care and supervision for school-aged children only in a center-based program for twenty-one (21) or fewer hours a week and is located in a county with a population of less than one hundred thousand (100,000) according to the latest Federal Decennial Census;

11. Facilities whose primary purpose is medical treatment;

12. Boarding schools that have education as their primary purpose and that are recognized as accredited by the State Board of Education. To be exempt, such programs shall:

a. have classroom facilities that are not used for residential living,

b. not have been granted nor have assumed legal custody of any child attending the facility, and

1 c. adhere to standard educational holiday and seasonal
2 recess periods to permit students reasonable
3 opportunities to return to their primary places of
4 residence with parents or legal guardians;

5 13. Day treatment programs and maternity homes operated by a
6 licensed hospital;

7 14. Juvenile facilities certified by the Office of Juvenile
8 Affairs or certified by any other state agency authorized by law to
9 license such facilities;

10 15. A program where children are not enrolled by the parents
11 and are free to come and go;

12 16. A program in tribal land as defined at 25 U.S.C.A. 1903
13 (10); and

14 17. A program on a military base or federal property.

15 B. The provisions of the Oklahoma Child Care Facilities
16 Licensing Act shall be equally incumbent upon all private and public
17 child care facilities.

18 SECTION 2. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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