

1 ENGROSSED SENATE
2 BILL NO. 1286

By: Stanley of the Senate

3 and

4 Miller of the House

5
6 An Act relating to child care; amending 10 O.S. 2021,
7 Section 403, which relates to exemptions from the
8 Oklahoma Child Care Facilities Licensing Act;
9 broadening certain exemption; and declaring an
10 emergency.

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

12 SECTION 1. AMENDATORY 10 O.S. 2021, Section 403, is
13 amended to read as follows:

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

- 16 1. Care provided in a child's own home or by relatives;
- 17 2. Informal arrangements which parents make with friends or
18 neighbors for the occasional care of their children;
- 19 3. Care provided by an attorney-in-fact authorized by Section
20 700 of this title who exercises parental or legal authority on a
21 continuous basis for not less than twenty-four (24) hours and
22 without compensation for the intended duration of the power of
23 attorney;

- 1 4. Programs in which school-aged children three (3) years of
2 age and older are participating in home-schooling;
- 3 5. Programs that serve children three (3) years of age and
4 older and that are operated during typical school hours by a public
5 school district;
- 6 6. Programs that serve children three (3) years of age and
7 older and that are operated during typical school hours by a private
8 school that offers elementary education in grades kindergarten
9 through third grade;
- 10 7. Summer youth camps, summer programs or after-school programs
11 for children who are at least four (4) years of age, that are
12 accredited by a national standard-setting agency or church camp
13 accreditation program, or are accredited by, chartered by or
14 affiliated with a national non-profit organization;
- 15 8. Programs in which children attend on a drop-in basis and
16 parents are on the premises and readily accessible;
- 17 9. A program of specialized activity or instruction for
18 children that is not designed or intended for child care purposes
19 including, but not limited to, scouts, 4-H clubs and summer resident
20 youth camps, programs that limit children from enrolling in multiple
21 sessions because of the type of activity or ages accepted and
22 single-activity programs such as academics, athletics, gymnastics,
23 hobbies, art, music, dance and craft instruction;
- 24 10. Any child care facility that:

- a. provides care and supervision for fifteen (15) or fewer hours per week,
- b. operates less than ten (10) weeks annually,
- 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
- c. adhere to standard educational holiday and seasonal recess periods to permit students reasonable opportunities to return to their primary places of residence with parents or legal guardians;

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

1 14. Juvenile facilities certified by the Office of Juvenile
2 Affairs or certified by any other state agency authorized by law to
3 license such facilities;

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

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

8 17. A program on a military base or federal property, or a
9 facility licensed as a family child care provider by a branch of the
10 United States Department of Defense or by the United States Coast
11 Guard.

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

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

1 Passed the Senate the 17th day of February, 2022.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2022.

7
8 _____
9 Presiding Officer of the House
10 of Representatives