

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 58th Legislature (2022)

4   ENGROSSED SENATE  
5   BILL NO. 1286

By: Stanley of the Senate

and

Miller of the House

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

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

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

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

- 19       1.   Care provided in a child's own home or by relatives;
- 20       2.   Informal arrangements which parents make with friends or  
21      neighbors for the occasional care of their children;
- 22       3.   Care provided by an attorney-in-fact authorized by Section  
23      700 of this title who exercises parental or legal authority on a  
24      continuous basis for not less than twenty-four (24) hours and

1 without compensation for the intended duration of the power of  
2 attorney;

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

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

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

12 7. Summer youth camps, summer programs or after-school programs  
13 for children who are at least four (4) years of age, that are  
14 accredited by a national standard-setting agency or church camp  
15 accreditation program, or are accredited by, chartered by or  
16 affiliated with a national non-profit organization;

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

19 9. A program of specialized activity or instruction for  
20 children that is not designed or intended for child care purposes  
21 including, but not limited to, scouts, 4-H clubs and summer resident  
22 youth camps, programs that limit children from enrolling in multiple  
23 sessions because of the type of activity or ages accepted and  
24

1 single-activity programs such as academics, athletics, gymnastics,  
2 hobbies, art, music, dance and craft instruction;

3 10. Any child care facility that:

- 4 a. provides care and supervision for fifteen (15) or  
5 fewer hours per week,
- 6 b. operates less than ten (10) weeks annually,
- 7 c. operates in the summer for less than eight (8) hours  
8 per day, or
- 9 d. provides care and supervision for school-aged children  
10 only in a center-based program for twenty-one (21) or  
11 fewer hours a week and is located in a county with a  
12 population of less than one hundred thousand (100,000)  
13 according to the latest Federal Decennial Census;

14 11. Facilities whose primary purpose is medical treatment;

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

- 18 a. have classroom facilities that are not used for  
19 residential living,
- 20 b. not have been granted nor have assumed legal custody  
21 of any child attending the facility, and
- 22 c. adhere to standard educational holiday and seasonal  
23 recess periods to permit students reasonable  
24

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;

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

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

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY SERVICES, dated 04/05/2022 - DO PASS.