

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 717

By: Boren

AS INTRODUCED

An Act relating to child care; amending 10 O.S. 2021, Section 403, as amended by Section 1, Chapter 99, O.S.L. 2022 (10 O.S. Supp. 2022, Section 403), which relates to exemptions from the Oklahoma Child Care Facilities Licensing Act; modifying applicability of certain exemptions; modifying and removing certain exemptions; making unlicensed child care facilities and programs subject to certain provisions; providing for request of certain waiver; requiring certain information to be made public; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2021, Section 403, as amended by Section 1, Chapter 99, O.S.L. 2022 (10 O.S. Supp. 2022, Section 403), is amended to read as follows:

Section 403. A. The provisions of the Oklahoma Child Care Facilities Licensing Act, other than the criminal history records search and Child Care Restricted Registry provisions of Section 404.1 of this title, 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
4 700 of this 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, summer programs or after-school programs
18 for children who are at least four (4) years of age, that are
19 accredited by a national standard-setting agency or church camp
20 accreditation program, or are accredited by, chartered by or
21 affiliated with a national non-profit organization;

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

1 9. A program of specialized activity or instruction for
2 children that is not designed or intended for child care purposes
3 and operates not more than ten (10) hours per week including, but
4 not limited to, scouts, 4-H clubs and summer resident youth camps,
5 programs that limit children from enrolling in multiple sessions
6 because of the type of activity or ages accepted and single-activity
7 programs such as academics, athletics, gymnastics, hobbies, art,
8 music, dance and craft instruction;

9 10. Any child care facility that:

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

20 11. Facilities whose primary purpose is medical treatment;

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

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.

1 C. Unlicensed child care facilities and programs listed in
2 paragraphs 4 through 15 of subsection A of this section, and their
3 employees, volunteers, or other individuals who have access to
4 children, shall be subject to the criminal history records search
5 and Child Care Restricted Registry provisions of Section 404.1 of
6 this title. An unlicensed child care facility or program may
7 request a waiver from such requirements from the Department. Any
8 approved waiver shall be made public by the Department and the
9 unlicensed facility or program on enrollment forms and websites.

10 SECTION 2. This act shall become effective November 1, 2023.

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