

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Reps. Markkanen, Breen, O'Malley, Roth, Puri, Ellison, Wakeman, Aiyash, Hope, Koleszar, Steckloff, Garza, Morse, Tyrone Carter, Manoogian, Tate, Calley, Anthony, Bellino, Witwer, Stone, Brenda Carter, Hammoud, Coleman, Neeley, Kuppa, Young and Yaroch

ENROLLED HOUSE BILL No. 5046

AN ACT to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 2 (MCL 722.112), as amended by 2017 PA 257.

The People of the State of Michigan enact:

Sec. 2. (1) The departments of health and human services and licensing and regulatory affairs are responsible for developing rules for the care and protection of children in organizations covered by this act and for promulgating these rules according to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) The department shall establish an ad hoc committee for each type of child care organization as defined in this act when it is formulating or amending rules under this act. The committee shall consist of not less than 12 members, and must include representatives of the following groups and agencies:

- (a) Department of health and human services.
- (b) Department of licensing and regulatory affairs, bureau of fire services, and state fire safety board.
- (c) Department of education.
- (d) Representatives of organizations affected by this act.
- (e) Parents of children affected by this act.

(3) A majority of the members appointed to the committee established by subsection (2) must be representatives of organizations affected by this act and parents of children affected by this act. The committee shall serve during the period of the formulation of rules, shall have responsibility for making recommendations on the content of rules, and shall recommend to the department revisions in proposed rules at any time before the rules are promulgated.

(4) The rules promulgated under this act shall be restricted to the following:

- (a) The operation and conduct of child care organizations and the responsibility the organizations assume for child care.
- (b) The character, suitability, health, training, and qualifications of applicants and other persons directly responsible for the care and welfare of children served.
- (c) The character and health of household members.

(d) The general financial ability and competence of applicants to provide necessary care for children and to maintain prescribed standards.

(e) The number of individuals or staff required to ensure adequate supervision and care of the children received.

(f) The appropriateness, safety, cleanliness, and general adequacy of the premises, including maintenance of adequate fire prevention and health standards to provide for the physical comfort, care, and well-being of the children received. The rules with respect to fire prevention and fire safety do not apply to a child care center established and operated by an intermediate school board, the board of a local school district, or by the board or governing body of a state approved nonpublic school, if the child care center is located in a school building that is approved by the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, or other similar authority as provided in section 3 of 1937 PA 306, MCL 388.853, for school purposes and is in compliance with the school fire safety rules, R 29.1901 to R 29.1934 of the Michigan Administrative Code, as determined by the bureau of fire services or a fire inspector certified under section 2b of the fire prevention code, 1941 PA 207, MCL 29.2b.

(g) Provisions for food, clothing, educational opportunities, programs, equipment, and individual supplies to assure the healthy physical, emotional, and mental development of children served.

(h) Provisions to safeguard the legal rights of children served.

(i) Maintenance of records pertaining to admission, progress, health, and discharge of children.

(j) Filing of reports with the department.

(k) Discipline of children.

(l) Transportation safety.

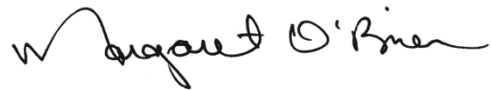
(5) Rules once promulgated are subject to major review by an ad hoc committee not less than once every 5 years and must be reviewed biennially by the department. The ad hoc committee shall be established by the department, shall consist of not less than 12 members, and shall include representatives of the groups and agencies indicated in subsection (2). The ad hoc committee shall hold at least 2 public hearings regarding the review of rules and shall report its recommendations regarding rules to the appropriate committees of the legislature.

(6) Unless there is an immediate federal obligation or an immediate risk to health and safety as determined by the department, a child care center, group child care home, or family child care home that is controlled by a rule promulgated under this act has not less than 90 days after a rule is promulgated to become compliant with the rule.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor