

WORKING DRAFT

Proposed Substitute Bill No. 5169

February Session, 2018

LCO No. 2897

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE OFFICE OF EARLY CHILDHOOD.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-79 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2018*):

3 (a) The Commissioner of Early Childhood shall adopt regulations,
4 in accordance with the provisions of chapter 54, to carry out the
5 purposes of sections 19a-77 to 19a-80, inclusive, as amended by this
6 act, and 19a-82 to 19a-87, inclusive, and to assure that child care
7 centers and group child care homes shall meet the health, educational
8 and social needs of children utilizing such child care centers and group
9 child care homes. Such regulations shall (1) specify that before being
10 permitted to attend any child care center or group child care home,
11 each child shall be protected as age-appropriate by adequate
12 immunization against diphtheria, pertussis, tetanus, poliomyelitis,
13 measles, mumps, rubella, hemophilus influenzae type B and any other
14 vaccine required by the schedule of active immunization adopted
15 pursuant to section 19a-7f, including appropriate exemptions for
16 children for whom such immunization is medically contraindicated
17 and for children whose parents or guardian objects to such
18 immunization on religious grounds, and that any objection by parents
19 or a guardian to immunization of a child on religious grounds shall be
20 accompanied by a statement from such parents or guardian that such
21 immunization would be contrary to the religious beliefs of such child

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22 or the parents or guardian of such child, which statement shall be
23 acknowledged, in accordance with the provisions of sections 1-32, 1-34
24 and 1-35, by (A) a judge of a court of record or a family support
25 magistrate, (B) a clerk or deputy clerk of a court having a seal, (C) a
26 town clerk, (D) a notary public, (E) a justice of the peace, or (F) an
27 attorney admitted to the bar of this state, (2) specify conditions under
28 which child care center directors and teachers and group child care
29 home providers may administer tests to monitor glucose levels in a
30 child with diagnosed diabetes mellitus, and administer medicinal
31 preparations, including controlled drugs specified in the regulations
32 by the commissioner, to a child receiving child care services at such
33 child care center or group child care home pursuant to the written
34 order of a physician licensed to practice medicine or a dentist licensed
35 to practice dental medicine in this or another state, or an advanced
36 practice registered nurse licensed to prescribe in accordance with
37 section 20-94a, or a physician assistant licensed to prescribe in
38 accordance with section 20-12d, and the written authorization of a
39 parent or guardian of such child, (3) specify that an operator of a child
40 care center or group child care home, licensed before January 1, 1986,
41 or an operator who receives a license after January 1, 1986, for a facility
42 licensed prior to January 1, 1986, shall provide a minimum of thirty
43 square feet per child of total indoor usable space, free of furniture
44 except that needed for the children's purposes, exclusive of toilet
45 rooms, bathrooms, coatrooms, kitchens, halls, isolation room or other
46 rooms used for purposes other than the activities of the children, (4)
47 specify that a child care center or group child care home licensed after
48 January 1, 1986, shall provide thirty-five square feet per child of total
49 indoor usable space, (5) establish appropriate child care center staffing
50 requirements for employees certified in cardiopulmonary resuscitation
51 by the American Red Cross, the American Heart Association, the
52 National Safety Council, American Safety and Health Institute or
53 Medic First Aid International, Inc., (6) specify that on and after January
54 1, 2003, a child care center or group child care home (A) shall not deny
55 services to a child on the basis of a child's known or suspected allergy
56 or because a child has a prescription for an automatic prefilled

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57 cartridge injector or similar automatic injectable equipment used to
58 treat an allergic reaction, or for injectable equipment used to
59 administer glucagon, (B) shall, not later than three weeks after such
60 child's enrollment in such a center or home, have staff trained in the
61 use of such equipment on-site during all hours when such a child is
62 on-site, (C) shall require such child's parent or guardian to provide the
63 injector or injectable equipment and a copy of the prescription for such
64 medication and injector or injectable equipment upon enrollment of
65 such child, and (D) shall require a parent or guardian enrolling such a
66 child to replace such medication and equipment prior to its expiration
67 date, (7) specify that on and after January 1, 2005, a child care center or
68 group child care home (A) shall not deny services to a child on the
69 basis of a child's diagnosis of asthma or because a child has a
70 prescription for an inhalant medication to treat asthma, and (B) shall,
71 not later than three weeks after such child's enrollment in such a center
72 or home, have staff trained in the administration of such medication
73 on-site during all hours when such a child is on-site, and (8) establish
74 physical plant requirements for licensed child care centers and licensed
75 group child care homes that exclusively serve school-age children.
76 When establishing such requirements, the Office of Early Childhood
77 shall give consideration to child care centers and group child care
78 homes that are located in private or public school buildings. With
79 respect to this subdivision only, the commissioner shall implement
80 policies and procedures necessary to implement the physical plant
81 requirements established pursuant to this subdivision while in the
82 process of adopting such policies and procedures in regulation form.
83 Until replaced by policies and procedures implemented pursuant to
84 this subdivision, any physical plant requirement specified in the
85 office's regulations that is generally applicable to child care centers and
86 group child care homes shall continue to be applicable to such centers
87 and homes that exclusively serve school-age children. The
88 commissioner shall print notice of the intent to adopt regulations
89 pursuant to this subdivision in the Connecticut Law Journal not later
90 than twenty days after the date of implementation of such policies and
91 procedures. Policies and procedures implemented pursuant to this

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92 subdivision shall be valid until the time final regulations are adopted.

93 (b) The commissioner may adopt regulations, pursuant to chapter
94 54, to establish civil penalties of not more than one hundred dollars per
95 day for each day of violation and other disciplinary remedies that may
96 be imposed, following a contested-case hearing, upon the holder of a
97 license issued under section 19a-80, as amended by this act, to operate
98 a child care center or group child care home or upon the holder of a
99 license issued under section 19a-87b, as amended by this act, to operate
100 a family child care home.

101 (c) The commissioner shall exempt Montessori schools accredited by
102 the American Montessori Society or the Association Montessori
103 Internationale from any provision in regulations adopted pursuant to
104 subsection (a) of this section which sets requirements on group size or
105 child to staff ratios or the provision of cots.

106 (d) Upon the declaration by the Governor of a civil preparedness
107 emergency pursuant to section 28-9 or a public health emergency
108 pursuant to section 19a-131a, the commissioner may waive the
109 provisions of any regulation adopted pursuant to this section if the
110 commissioner determines that such waiver would not endanger the
111 life, safety or health of any child. The commissioner shall prescribe the
112 duration of such waiver, provided such waiver shall not extend
113 beyond the duration of the declared emergency. The commissioner
114 shall establish the criteria by which a waiver request shall be made and
115 the conditions for which a waiver will be granted or denied. The
116 provisions of section 19a-84 shall not apply to a denial of a waiver
117 request under this subsection.

118 (e) Notwithstanding the provisions of subsection (a) of this section
119 relating to physical examination and immunization requirements,
120 homeless children and youths, as defined in 42 USC 11434a, as
121 amended from time to time, may be allowed to attend a child care
122 center or group child care home for up to ninety days without
123 complying with such requirements. Any child care center or group
124 child care home that provides child care services to homeless children

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125 and youths at such center or home under this subsection shall
126 maintain a record on file of all homeless children and youths who have
127 so attended such center or home for a period of two years after such
128 homeless children or youths are no longer receiving child care services
129 at such center or home.

130 Sec. 2. Section 19a-87b of the 2018 supplement to the general statutes
131 is repealed and the following is substituted in lieu thereof (*Effective July*
132 *1, 2018*):

133 (a) No person, group of persons, association, organization,
134 corporation, institution or agency, public or private, shall maintain a
135 family child care home, as defined in section 19a-77, as amended by
136 this act, without a license issued by the Commissioner of Early
137 Childhood. Licensure forms shall be obtained from the Office of Early
138 Childhood. Applications for licensure shall be made to the
139 commissioner on forms provided by the office and shall contain the
140 information required by regulations adopted under this section. The
141 licensure and application forms shall contain a notice that false
142 statements made therein are punishable in accordance with section
143 53a-157b. Applicants shall state, in writing, that they are in compliance
144 with the regulations adopted by the commissioner pursuant to
145 subsection (f) of this section. Before a family child care home license is
146 granted, the office shall make an inquiry and investigation which shall
147 include a visit and inspection of the premises for which the license is
148 requested. Any inspection conducted by the office shall include an
149 inspection for evident sources of lead poisoning. The office shall
150 provide for a chemical analysis of any paint chips found on such
151 premises. Neither the commissioner nor the commissioner's designee
152 shall require an annual inspection for homes seeking license renewal
153 or for licensed homes, except that the commissioner or the
154 commissioner's designee shall make an unannounced visit, inspection
155 or investigation of each licensed family child care home at least once
156 every year. A licensed family child care home shall not be subject to
157 any conditions on the operation of such home by local officials, other
158 than those imposed by the office pursuant to this subsection, if the

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159 home complies with all local codes and ordinances applicable to single
160 and multifamily dwellings.

161 (b) No person shall act as an assistant or substitute staff member to a
162 person or entity maintaining a family child care home, as defined in
163 section 19a-77, as amended by this act, without an approval issued by
164 the commissioner. Any person seeking to act as an assistant or
165 substitute staff member in a family child care home shall submit an
166 application for such approval to the office. Applications for approval
167 shall: (1) Be made to the commissioner on forms provided by the office,
168 (2) contain the information required by regulations adopted under this
169 section, and (3) be accompanied by a fee of fifteen dollars. The
170 approval application forms shall contain a notice that false statements
171 made in such form are punishable in accordance with section 53a-157b.

172 (c) The commissioner, within available appropriations, shall require
173 each initial applicant or prospective employee of a family child care
174 home in a position requiring the provision of care to a child, including
175 an assistant or substitute staff member and each household member
176 who is sixteen years of age or older, to submit to comprehensive
177 background checks, including state and national criminal history
178 records checks. The criminal history records checks required pursuant
179 to this subsection shall be conducted in accordance with section 29-17a.
180 The commissioner shall also request a check of the state child abuse
181 registry established pursuant to section 17a-101k. The commissioner
182 shall notify each licensee of the provisions of this subsection. For
183 purposes of this subsection, "household member" means any person,
184 other than the person who is licensed to conduct, operate or maintain a
185 family child care home, who resides in the family child care home,
186 such as the licensee's spouse or children, tenants and any other
187 occupant.

188 (d) An application for initial licensure pursuant to this section shall
189 be accompanied by a fee of forty dollars and such license shall be
190 issued for a term of four years. An application for renewal of a license
191 issued pursuant to this section shall be accompanied by a fee of forty

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192 dollars and a certification from the licensee that any child enrolled in
193 the family child care home has received age-appropriate
194 immunizations in accordance with regulations adopted pursuant to
195 subsection (f) of this section. A license issued pursuant to this section
196 shall be renewed for a term of four years. In the case of an applicant
197 submitting an application for renewal of a license that has expired, and
198 who has ceased operations of a family child care home due to such
199 expired license, the commissioner may renew such expired license
200 within thirty days of the date of such expiration upon receipt of an
201 application for renewal that is accompanied by such fee and such
202 certification.

203 (e) An application for initial staff approval or renewal of staff
204 approval shall be accompanied by a fee of fifteen dollars. Such
205 approvals shall be issued or renewed for a term of two years.

206 (f) The commissioner shall adopt regulations, in accordance with the
207 provisions of chapter 54, to assure that family child care homes, as
208 defined in section 19a-77, as amended by this act, shall meet the health,
209 educational and social needs of children utilizing such homes. Such
210 regulations shall ensure that the family child care home is treated as a
211 residence, and not an institutional facility. Such regulations shall
212 specify that each child be protected as age-appropriate by adequate
213 immunization against diphtheria, pertussis, tetanus, poliomyelitis,
214 measles, mumps, rubella, hemophilus influenzae type B and any other
215 vaccine required by the schedule of active immunization adopted
216 pursuant to section 19a-7f. Such regulations shall provide appropriate
217 exemptions for children for whom such immunization is medically
218 contraindicated and for children whose parents or guardian objects to
219 such immunization on religious grounds and require that any such
220 objection be accompanied by a statement from such parents or
221 guardian that such immunization would be contrary to the religious
222 beliefs of such child or the parents or guardian of such child, which
223 statement shall be acknowledged, in accordance with the provisions of
224 sections 1-32, 1-34 and 1-35, by (1) a judge of a court of record or a
225 family support magistrate, (2) a clerk or deputy clerk of a court having

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226 a seal, (3) a town clerk, (4) a notary public, (5) a justice of the peace, or
227 (6) an attorney admitted to the bar of this state. Such regulations shall
228 also specify conditions under which family child care home providers
229 may administer tests to monitor glucose levels in a child with
230 diagnosed diabetes mellitus, and administer medicinal preparations,
231 including controlled drugs specified in the regulations by the
232 commissioner, to a child receiving child care services at a family child
233 care home pursuant to a written order of a physician licensed to
234 practice medicine in this or another state, an advanced practice
235 registered nurse licensed to prescribe in accordance with section 20-94a
236 or a physician assistant licensed to prescribe in accordance with section
237 20-12d, and the written authorization of a parent or guardian of such
238 child. Such regulations shall specify appropriate standards for
239 extended care and intermittent short-term overnight care. The
240 commissioner shall inform each licensee, by way of a plain language
241 summary provided not later than sixty days after the regulation's
242 effective date, of any new or changed regulations adopted under this
243 subsection with which a licensee must comply.

244 (g) Upon the declaration by the Governor of a civil preparedness
245 emergency pursuant to section 28-9 or a public health emergency
246 pursuant to section 19a-131a, the commissioner may waive the
247 provisions of any regulation adopted pursuant to this section if the
248 commissioner determines that such waiver would not endanger the
249 life, safety or health of any child. The commissioner shall prescribe the
250 duration of such waiver, provided such waiver shall not extend
251 beyond the duration of the declared emergency. The commissioner
252 shall establish the criteria by which a waiver request shall be made and
253 the conditions for which a waiver will be granted or denied. The
254 provisions of section 19a-84 shall not apply to a denial of a waiver
255 request under this subsection.

256 (h) Notwithstanding the provisions of subsection (f) of this section
257 relating to physical examination and immunization requirements,
258 homeless children and youths, as defined in 42 USC 11434a, as
259 amended from time to time, may be allowed to attend a family child

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260 care home for up to ninety days without complying with such
261 requirements. Any family child care home that provides child care
262 services to homeless children and youths at such home under this
263 subsection shall maintain a record on file of all homeless children and
264 youths who have so attended such home for a period of two years after
265 such homeless children or youths are no longer receiving child care
266 services at such home.

267 Sec. 3. Subdivision (1) of subsection (b) of section 19a-80 of the 2018
268 supplement to the general statutes is repealed and the following is
269 substituted in lieu thereof (*Effective July 1, 2018*):

270 (b) (1) Upon receipt of an application for a license, the commissioner
271 shall issue such license if, upon inspection and investigation, said
272 commissioner finds that the applicant, the facilities and the program
273 meet the health, educational and social needs of children likely to
274 attend the child care center or group child care home and comply with
275 requirements established by regulations adopted under this section
276 and sections 19a-77 to 19a-79a, inclusive, as amended by this act, and
277 sections 19a-82 to 19a-87a, inclusive. The commissioner shall offer an
278 expedited application review process for an application submitted by a
279 municipal agency or department. A currently licensed person or entity,
280 as described in subsection (a) of this section, seeking a change of
281 operator, ownership or location shall file a new license application,
282 except such person or entity may request the commissioner to waive
283 the requirement that a new license application be filed. [if such person
284 or entity submits such request prior to the change of operator,
285 ownership or location.] The commissioner may grant or deny such
286 request. Each license shall be for a term of four years, shall be
287 nontransferable, and may be renewed upon receipt by the
288 commissioner of a renewal application and accompanying licensure
289 fee. The commissioner may suspend or revoke such license after notice
290 and an opportunity for a hearing as provided in section 19a-84 for
291 violation of the regulations adopted under this section and sections
292 19a-77 to 19a-79a, inclusive, as amended by this act, and sections 19a-
293 82 to 19a-87a, inclusive. In the case of an application for renewal of a

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294 license that has expired, the commissioner may renew such expired
295 license within thirty days of the date of such expiration upon receipt of
296 a renewal application and accompanying licensure fee.

297 Sec. 4. Subsections (a) and (b) of section 19a-77 of the general
298 statutes are repealed and the following is substituted in lieu thereof
299 (*Effective July 1, 2018*):

300 (a) As used in this section and sections 19a-77a to 19a-80, inclusive,
301 as amended by this act, and sections 19a-82 to 19a-87a, inclusive, "child
302 care services" includes:

303 (1) A "child care center" which offers or provides a program of
304 supplementary care to more than twelve related or unrelated children
305 outside their own homes on a regular basis;

306 (2) A "group child care home" which offers or provides a program of
307 supplementary care (A) to not less than seven or more than twelve
308 related or unrelated children on a regular basis, or (B) that meets the
309 definition of a family child care home except that it operates in a
310 facility other than a private family home;

311 (3) A "family child care home" which consists of a private family
312 home caring for not more than six children, including the provider's
313 own children not in school full time, where the children are cared for
314 not less than three or more than twelve hours during a twenty-four-
315 hour period and where care is given on a regularly recurring basis
316 except that care may be provided in excess of twelve hours but not
317 more than seventy-two consecutive hours to accommodate a need for
318 extended care or intermittent short-term overnight care. During the
319 regular school year, a maximum of three additional children who are
320 in school full time, including the provider's own children, shall be
321 permitted, except that if the provider has more than three children
322 who are in school full time, all of the provider's children shall be
323 permitted. During the summer months when regular school is not in
324 session, a maximum of three additional children who are otherwise
325 enrolled in school full time, including the provider's own children,

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326 shall be permitted if there is an assistant or substitute staff member
327 approved by the Commissioner of Early Childhood, pursuant to
328 section 19a-87b, as amended by this act, present and assisting the
329 provider, except that (A) if the provider has more than three such
330 additional children, all of the provider's children shall be permitted,
331 and (B) such approved assistant or substitute staff member shall not be
332 required if all such additional children are the provider's children;

333 (4) "Night care" means the care provided for one or more hours
334 between the hours of 10:00 p.m. and 5:00 a.m.;

335 (5) "Year-round" program means a program open at least fifty
336 weeks per year.

337 (b) For licensing requirement purposes, child care services shall not
338 include such services which are:

339 (1) (A) Administered by a public school system, or (B) administered
340 by a municipal agency or department;

341 (2) Administered by a private school which is in compliance with
342 section 10-188 and is approved by the State Board of Education or is
343 accredited by an accrediting agency recognized by the State Board of
344 Education, provided the provision of such child care services by the
345 private school is only to those children whose ages are covered under
346 such approval or accreditation;

347 (3) Classes in music, dance, drama and art that are no longer than
348 two hours in length; classes that teach a single skill that are no longer
349 than two hours in length; library programs that are no longer than two
350 hours in length; scouting; programs that offer exclusively sports
351 activities; rehearsals; academic tutoring programs; or programs
352 exclusively for children thirteen years of age or older;

353 (4) Informal arrangements among neighbors and formal or informal
354 arrangements among relatives in their own homes, provided the
355 relative is limited to any of the following degrees of kinship by blood,
356 [or] marriage or court order to the child being cared for; [or to the

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357 child's parent: Child, grandchild,] Grandparent, great-grandparent,
358 sibling, [niece, nephew,] aunt [,] or uncle; [or child of one's aunt or
359 uncle;]

360 (5) Supplementary child care operations for educational or
361 recreational purposes and the child receives such care infrequently
362 where the parents are on the premises;

363 (6) Supplementary child care operations in retail establishments
364 where the parents remain in the same store as the child for retail
365 shopping, provided the drop-in supplementary child-care operation
366 does not charge a fee and does not refer to itself as a child care center;

367 (7) Administered by a nationally chartered boys' and girls' club that
368 are exclusively for school-age children;

369 (8) Religious educational activities administered by a religious
370 institution exclusively for children whose parents or legal guardians
371 are members of such religious institution;

372 (9) Administered by Solar Youth, Inc., a New Haven-based
373 nonprofit youth development and environmental education
374 organization;

375 (10) Programs administered by organizations under contract with
376 the Department of Social Services pursuant to section 17b-851a that
377 promote the reduction of teenage pregnancy through the provision of
378 services to persons who are ten to nineteen years of age, inclusive; or

379 (11) Administered by the Cardinal Shehan Center, a Bridgeport-
380 based nonprofit organization that is exclusively for school-age
381 children.

382 Sec. 5. Subsection (g) of section 10-16p of the 2018 supplement to the
383 general statutes is repealed and the following is substituted in lieu
384 thereof (*Effective July 1, 2018*):

385 (g) Subject to the provisions of this subsection, no funds received by

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386 a town pursuant to subsection (c) or (d) of this section or section 10-
387 16u shall be used to supplant federal, state or local funding received by
388 such town for early childhood education, provided a town may use an
389 amount determined in accordance with this subsection for
390 coordination, program evaluation and administration. Such amount
391 shall be at least [twenty-five thousand dollars] five per cent of the total
392 grant allocation, but not more than seventy-five thousand dollars and
393 shall be determined by the commissioner based on the school
394 readiness grant award allocated to the town pursuant to subsection (c)
395 or (d) of this section or section 10-16u and the number of operating
396 sites for coordination, program evaluation and administration. Such
397 amount shall be increased by an amount equal to local funding
398 provided for early childhood education coordination, program
399 evaluation and administration, not to exceed twenty-five thousand
400 dollars. Each town that receives a grant pursuant to subsection (c) or
401 (d) of this section or section 10-16u shall designate a person to be
402 responsible for such coordination, program evaluation and
403 administration and to act as a liaison between the town and the
404 commissioner. Each school readiness program that receives funds
405 pursuant to this section or section 10-16u shall provide information to
406 the commissioner or the school readiness council, as requested, that is
407 necessary for purposes of any school readiness program evaluation.

408 Sec. 6. Section 19a-87g of the general statutes is repealed and the
409 following is substituted in lieu thereof (*Effective July 1, 2018*):

410 (a) For purposes of this section, "licensee" means any person
411 licensed pursuant to section 19a-80, as amended by this act, or 19a-87b,
412 as amended by this act, and "day care center" means a child care
413 center, a group child care home or a family child care home, as those
414 terms are defined in section 19a-77, as amended by this act.

415 (b) Each licensee shall provide written contact information for the
416 licensee's day care center, including the name, address and telephone
417 number of the day care center, to the [local police department and state
418 police troop having jurisdiction where such day care center is located]

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419 Office of Early Childhood. Each licensee shall verify and update, as
420 appropriate, such contact information.

421 (c) [Such local police department or state police troop shall notify a
422 licensee that submitted written contact information pursuant to
423 subsection (b) of this section of any conditions caused by] The Office of
424 Early Childhood shall share, in accordance with a memorandum of
425 understanding or other agreement, any information collected pursuant
426 to subsection (b) of this section with the Department of Emergency
427 Services and Public Protection for use in an emergency notification
428 system, as defined in section 28-25, that notifies licensees of an
429 emergency situation in the vicinity of a day care center that may
430 endanger the safety or welfare of the children at such day care center.
431 Such emergency situation may include, but need not be limited to, a
432 fire, a criminal act, an emergency or act of nature such as an
433 earthquake, tornado, hurricane or storm. [, in the vicinity of such day
434 care center that may endanger the safety or welfare of the children at
435 such day care center.]

436 Sec. 7. Subsection (a) of section 17b-749k of the 2018 supplement to
437 the general statutes is repealed and the following is substituted in lieu
438 thereof (*Effective July 1, 2018*):

439 (a) The Commissioner of Early Childhood shall, within available
440 appropriations, require any person, [providing] other than a relative,
441 who provides child care services to a child in such child's home and
442 who receives a child care subsidy from the Office of Early Childhood,
443 to submit to comprehensive background checks, including state and
444 national criminal history records checks. The criminal history records
445 checks required pursuant to this subsection shall be conducted in
446 accordance with section 29-17a. The commissioner shall also request a
447 check of the state child abuse registry established pursuant to section
448 17a-101k.

This act shall take effect as follows and shall amend the following sections:

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Section 1	<i>July 1, 2018</i>	19a-79
Sec. 2	<i>July 1, 2018</i>	19a-87b
Sec. 3	<i>July 1, 2018</i>	19a-80(b)(1)
Sec. 4	<i>July 1, 2018</i>	19a-77(a) and (b)
Sec. 5	<i>July 1, 2018</i>	10-16p(g)
Sec. 6	<i>July 1, 2018</i>	19a-87g
Sec. 7	<i>July 1, 2018</i>	17b-749k(a)