

File No. 584

(Reprint of File No. 85)

Substitute House Bill No. 5409
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 23, 1998

AN ACT ALLOWING LIMITED CHILD CARE IN RETAIL
STORES.

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

1 Section 1. Subsection (b) of section 19a-77 of
2 the general statutes is repealed and the following
3 is substituted in lieu thereof:

4 (b) For registration and licensing requirement
5 purposes, child day care services shall not
6 include such services which are:

7 (1) [administered] ADMINISTERED by a public
8 school system; [,]

9 (2) [administered] ADMINISTERED by a private
10 school which is in compliance with section 10-188
11 and is approved by the State Board of Education or
12 is accredited by an accrediting agency recognized
13 by the State Board of Education; [,]

14 (3) [recreation] RECREATION operations such as
15 but not limited to library programs, boys' and
16 girls' clubs, church-related activities, scouting,
17 camping or community-youth programs; [,]

18 (4) [informal] INFORMAL arrangements among
19 neighbors or relatives in their own homes,
20 PROVIDED THE RELATIVE IS LIMITED TO ANY OF THE
21 FOLLOWING DEGREES OF KINSHIP BY BLOOD OR MARRIAGE

22 TO THE CHILD BEING CARED FOR OR TO THE CHILD'S
23 PARENT: CHILD, GRANDCHILD, SIBLING, NIECE, NEPHEW,
24 AUNT, UNCLE OR CHILD OF ONE'S AUNT, OR UNCLE; [or]

25 (5) [drop-in] DROP-IN supplementary child care
26 operations [where parents are on the premises] for
27 educational or recreational purposes and the child
28 receives such care infrequently [. For purposes of
29 subdivision (4) of this subsection, the term
30 "relative" is limited to any of the following
31 degrees of kinship by blood or marriage to the
32 child being cared for or to a parent of the child:
33 Child, grandchild, sibling, niece, nephew, aunt,
34 uncle or child of one's aunt or uncle.] WHERE THE
35 PARENTS ARE ON THE PREMISES; OR

36 (6) DROP-IN SUPPLEMENTARY CHILD CARE
37 OPERATIONS IN RETAIL ESTABLISHMENTS WHERE THE
38 PARENTS ARE ON THE PREMISES FOR RETAIL SHOPPING,
39 IN ACCORDANCE WITH SECTION 2 OF THIS ACT, PROVIDED
40 THAT THE DROP-IN SUPPLEMENTARY CHILD-CARE
41 OPERATION DOES NOT CHARGE A FEE AND DOES NOT REFER
42 TO ITSELF AS A CHILD DAY CARE CENTER.

43 Sec. 2. (NEW) (a) During the period commencing
44 on the effective date of this act and ending on
45 October 1, 1999, any retail establishment in this
46 state may establish a drop-in supplementary
47 child-care operation on the premises of such
48 retail establishment in accordance with the
49 following requirements:

50 (1) The hours of operation may only be between
51 six o'clock a.m. and nine o'clock p.m.

52 (2) No child receiving care shall be less than
53 three years nor more than ten years of age.

54 (3) A child may not receive more than two
55 hours of care per day.

56 (4) The operation may immediately notify
57 appropriate law enforcement or state agencies if
58 any child receiving care at such operation is not
59 picked up by a parent or guardian after three
60 hours.

61 (5) A parent or guardian shall be on the
62 premises at the retail establishment at all times
63 while the child is receiving care.

64 (6) The retail establishment shall provide a
65 clean and safe area for the drop-in supplementary
66 child-care operation.

67 (7) At all times the operation shall provide
68 (A) at least one child-care staff person for every
69 ten children and (B) at least one child-care staff

70 person who is twenty years of age or older who has
71 experience in child care.

72 (8) All child-care staff shall be subject to a
73 criminal records check. The operation shall submit
74 the names of all child-care staff to the
75 Commissioner of Public Health, who shall request a
76 check of such names from the state child abuse
77 registry established pursuant to section 17a-101k
78 of the general statutes.

79 (b) Any retail establishment that establishes
80 a drop-in supplementary child-care operation under
81 subsection (a) of this section shall provide the
82 Commissioner of Public Health with written notice
83 of the establishment of such operation. The
84 commissioner may monitor and inspect any such
85 operation and shall investigate any complaint
86 received by the commissioner concerning any such
87 operation. Not later than February 1, 1999, the
88 commissioner shall submit a report to the joint
89 standing committee of the General Assembly having
90 cognizance of matters relating to public health in
91 accordance with section 11-4a of the general
92 statutes. Such report shall contain the total
93 number of such operations established in this
94 state, the total number and nature of any
95 complaints received by the commissioner concerning
96 any such operations and any policy or legal issues
97 identified by the commissioner with respect to the
98 continuation of such operations in this state.
99 Sec. 3. This act shall take effect from its
100 passage.

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER sHB 5409

STATE IMPACT Minimal Cost, Within Anticipated
Budgetary Resources, Minimal
Revenue Gain, see explanation
below

MUNICIPAL IMPACT None

STATE AGENCY(S) Departments of Public Health,
Public Safety, Children and
Families

EXPLANATION OF ESTIMATES:

The Department of Public Health (DPH) does not currently license any drop-in retail based supplementary child care operations, therefore, no fiscal impact will result from excluding any such entity from registration and licensing requirements.

It is anticipated that the DPH will monitor and inspect any drop-in operation coming into existence prior to October 1, 1999 to the extent that its resources allow. A minimal cost, which can be absorbed within anticipated budgetary resources, will result to the extent that the agency pursues investigations of complaints. The DPH will be able to compile the required report by February 1, 1999 within its anticipated budgetary resources.

The Department of Children and Families will be able to process child abuse registry checks of names of affected child-care staff within its anticipated budgetary resources.

The Department of Public Safety (DPS) will experience a workload increase and a minimal revenue gain in the course of performing criminal background checks. The DPS collects a \$5 fee for fingerprinting, a \$25 fee for a state criminal history check and passes through a \$24 fee for a Federal Bureau of Investigations check.

House "A" limits from the date of passage of the bill until October 1, 1999, the time period during which a retail-based drop-in supplementary child care operation may exist. It specifies criteria which must be met by the centers. A minimal cost, which can be absorbed within their anticipated budgetary resources, will result for the Departments of Public Health, and Children and Families and Public Safety in the course of monitoring, inspecting and investigating complaints at the centers and submitting a report, and performing employee background checks, respectively. A minimal revenue gain to the DPS will result from the collection of fees for criminal background checks.

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OLR AMENDED BILL ANALYSIS

SHB 5409 (as amended by House "A")*

AN ACT ALLOWING LIMITED CHILD CARE IN RETAIL STORES

SUMMARY: This bill exempts retail establishments providing care for children whose parents are shopping on the premises from child care licensing requirements through October 1, 1999. It establishes (1) hours of operation, children's age, and length of stay limits; (2) minimum staff and facility requirements; and (3) background check requirements. It allows operations to contact the police or state agencies if a child is left one hour over the limit.

It prohibits such operations from (1) charging a fee and (2) holding themselves out as child day care centers.

It requires retail establishments to notify the Department of Public Health (DPH) when establishing an operation and authorizes the DPH to monitor, inspect, and investigate complaints. On or after February 1, 1999, the DPH commissioner must report to the Public

Health Committee regarding the total number of operations established, the number and nature of complaints received, and any policy or legal issues with respect to allowing such operation to continue.

The bill exempts from child care licensing requirements drop-in child care operations involving any educational or recreational activities if the parent is on the premises and the service is used infrequently. Under current law, such operations are exempt only if they involve the parent's educational or recreational activities.

Finally, the bill makes technical changes.

*House Amendment "A" establishes additional requirements for retail drop-in child care operations including hours of operation, children's ages, staff ratios and requirements, and several others. It eliminates the requirement that operations develop policies for such topics. It exempts drop-in child care for any educational or recreational activities rather than just the parent's activities. It makes the bill effective upon passage.

EFFECTIVE DATE: Upon passage

FURTHER EXPLANATION

Retail-Based Drop-In Child Care Requirements

The bill allows retail stores to establish drop-in supplemental child care operations through October 1, 1998 without a DPH license.

The operations must:

1. limit their hours of operation to 6 a.m. to 9 p.m.,
2. limit the age of the children from 3 to 10 years old,
3. limit the stay to two hours a day (and may contact the police or appropriate state agencies if a child remains longer than three hours),

4. maintain a clean and safe area, and
5. maintain at least a 1:10 staff-to-child ratio (one staff person must be over age 19 and have child care experience).

Background Checks

The bill authorizes retail establishment-based supplemental child care operations to subject all child care staff to criminal records checks (it is unclear what a criminal records check includes) and submit their names to the DPH to check against the state child abuse registry.

BACKGROUND

Child Day Care Center License and Registration

Child day care services must be licensed or registered by DPH unless exempted. DPH regulations require services to confirm that children in their care have adequate, age-appropriate immunization and that the facility has at least 35 square feet of useable, indoor, free space for each child. The regulations also specify conditions under which a service may administer medicine to children in their care.

Other Exempt Child Care Operations

Four other categories of child care operations are exempt from DPH licensing requirements: (1) services administered by a public school system, (2) services administered by an approved or accredited private school that reports to the commissioner of education, (3) recreational operations, and (4) informal arrangements among neighbors or relatives.

Related Bill

SB 476 (File 126), favorably reported by the General Law Committee, is substantially similar to this bill except it (1) requires operations to verify whether children are immunized, (2) requires police background checks of potential employees, and (3) does not alter the purpose of the drop-in child care involving parent's educational or recreational activities.

Legislative History

The House referred the bill to the Public Safety Committee on April 8. The committee favorably reported the bill unchanged on April 15.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute
Yea 22 Nay 0

Public Safety Committee

Joint Favorable Report
Yea 18 Nay 1