

# PROPOSED AMENDMENT

## HB 1102 # 6

### DIGEST

Child care. Removes HB 1102 and inserts LS 6991. Revises the definition of "child care home". Amends certain licensing requirements for a class II child care home and a child care center. Provides that certain child care providers are eligible for voucher payments. Allows certain child care programs at schools to provide services to business employees' children when the business enters into a contract with the school.

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- 1 Delete everything after the enacting clause and insert the following:  
2 SECTION 1. IC 12-7-2-28.6, AS AMENDED BY P.L.124-2007,  
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2024]: Sec. 28.6. (a) **Except as provided in subsection (c),**  
5 "child care home", for purposes of IC 12-17.2, means a residential  
6 structure in which at least ~~six (6)~~ **eight (8)** children ~~(not including the~~  
7 ~~children for whom the provider is a parent, stepparent, guardian,~~  
8 ~~custodian, or other relative or any child who is at least fourteen (14)~~  
9 ~~years of age and does not require child care)~~ at any time receive child  
10 care from a provider:  
11 (1) while unattended by a parent, legal guardian, or custodian;  
12 (2) for regular compensation; and  
13 (3) for more than ~~four (4)~~ **six (6)** hours **per day** but less than  
14 twenty-four (24) hours ~~in each of~~ **per day for ten (10)**  
15 consecutive days, ~~per year, excluding intervening~~ **not including**  
16 Saturdays, Sundays, and holidays.  
17 (b) The term includes:  
18 (1) a class I child care home; and  
19 (2) a class II child care home.  
20 (c) **A child who is:**  
21 (1) **a relative of a provider;**  
22 (2) **under the custody or guardianship of a provider; or**  
23 (3) **at least fourteen (14) years of age and does not require**  
24 **child care;**  
25 **is not a child described under subsection (a).**  
26 SECTION 2. IC 12-17.2-1-1, AS AMENDED BY P.L.56-2023,

1 SECTION 116, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2024]: Sec. 1. **Except as provided in**  
 3 **IC 12-17.2-3.5**, this article does not apply to the following:

4 (1) A child care center or child care home licensed or operated by  
 5 any of the following:

6 (A) Programs for children in grades kindergarten through 12  
 7 that are operated under the authority of the department of  
 8 education or that are operated with the assistance of the  
 9 department of education.

10 (B) The division of mental health and addiction.

11 (C) The Indiana department of health.

12 (D) The department of correction.

13 **(2) A person who provides child care in the person's**  
 14 **residential structure, if the person:**

15 **(A) does not receive regular compensation for child care;**

16 **(B) cares only for children who are related to the provider;**

17 **(C) cares for less than eight (8) children, not including a**  
 18 **child who is:**

19 **(i) a relative of a provider;**

20 **(ii) under the custody or guardianship of a provider; or**

21 **(iii) at least fourteen (14) years of age and does not**  
 22 **require child care; or**

23 **(D) provides child care for less than six (6) hours per day,**  
 24 **but not more than thirty (30) hours per week.**

25 ~~(2)~~ (3) A county jail or detention center.

26 SECTION 3. IC 12-17.2-2-8, AS AMENDED BY P.L.81-2022,  
 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2024]: Sec. 8. The division shall exempt from licensure the  
 29 following programs:

30 (1) A program for children enrolled in grades kindergarten  
 31 through 12 that is operated by the department of education or a  
 32 public or private school.

33 (2) A program for children who become at least three (3) years of  
 34 age as of December 1 of a particular school year (as defined in  
 35 IC 20-18-2-17) that is operated by the department of education or  
 36 a public or private school.

37 (3) A nonresidential program for a child that provides child care  
 38 for less than four (4) hours a day.

39 (4) A recreation program for children that operates for not more  
 40 than ninety (90) days in a calendar year.

- 1 (5) A program whose primary purpose is to provide social,  
2 recreational, or religious activities for school age children, such  
3 as scouting, boys club, girls club, sports, or the arts.
- 4 (6) A program operated to serve migrant children that:  
5 (A) provides services for children from migrant worker  
6 families; and  
7 (B) is operated during a single period of less than one hundred  
8 twenty (120) consecutive days during a calendar year.
- 9 (7) A child care ministry registered under IC 12-17.2-6.
- 10 (8) A child care home if the provider  
11 ~~(A) does not receive regular compensation;~~  
12 ~~(B) cares only for children who are related to the provider;~~  
13 ~~(C) cares for less than six (6) children; not including children~~  
14 ~~for whom the provider is a parent, stepparent, guardian,~~  
15 ~~custodian; or other relative; or~~  
16 ~~(D) operates to serve migrant children.~~
- 17 (9) A child care program operated by a public or private school  
18 that:  
19 (A) provides day care on the school premises for children of  
20 students or employees of schools in the school corporation in  
21 which the public or private school is located;  
22 (B) complies with health, safety, and sanitation standards as  
23 determined by the division under section 4 of this chapter for  
24 child care centers or in accordance with a variance or waiver  
25 of a rule governing child care centers approved by the division  
26 under section 10 of this chapter; and  
27 (C) substantially complies with the fire and life safety rules as  
28 determined by the state fire marshal under rules adopted by the  
29 division under section 4 of this chapter for child care centers  
30 or in accordance with a variance or waiver of a rule governing  
31 child care centers approved by the division under section 10 of  
32 this chapter.
- 33 (10) A school age child care program (commonly referred to as a  
34 latch key program) established under IC 20-26-5-2 that is  
35 operated by:  
36 (A) the department of education;  
37 (B) a public or private school; or  
38 (C) a public or private organization under a written contract  
39 with:  
40 (i) the department of education; or

- 1 (ii) a public or private school.
- 2 (11) A child care program that:
- 3 (A) is operated by a public or private organization under a
- 4 contract with a public or private school;
- 5 (B) serves children who are enrolled in the public or private
- 6 school in:
- 7 (i) grades kindergarten through 12; or
- 8 (ii) a preschool program offered by a public or private
- 9 school as described in this subdivision; and
- 10 (C) serves children who are:
- 11 (i) attending school through remote or e-learning due to a
- 12 disaster emergency declared under IC 10-14-3-12 or
- 13 IC 10-14-3-29; or
- 14 (ii) participating in a learning recovery program that
- 15 administers an assessment to measure student learning loss
- 16 and provides Indiana academic standards aligned
- 17 instruction.
- 18 (12) An educational program:
- 19 (A) consisting of a group of not more than ten (10) students
- 20 who attend the educational program in lieu of attending
- 21 prekindergarten or kindergarten through grade 12 at a public
- 22 or private school;
- 23 (B) whose students meet in a single classroom in person or
- 24 outside a classroom and which may include mixed age level
- 25 groupings; and
- 26 (C) that is under the supervision of a teacher or tutor.
- 27 (13) If located in the same public or private school building:
- 28 (A) a preschool program that is operated by the public or
- 29 private school; and
- 30 (B) either or both of the following:
- 31 (i) A child care program described in subdivision (9).
- 32 (ii) A school age child care program described in
- 33 subdivision (10).
- 34 **(14) A child care program operated by a public or private**
- 35 **school that:**
- 36 **(A) provides child care for children of employees of a**
- 37 **business or organization with which the school has entered**
- 38 **into a contract to provide services;**
- 39 **(B) complies with health, safety, and sanitation standards**
- 40 **as determined by the division under section 4 of this**

1           **chapter for child care centers or in accordance with a**  
 2           **variance or waiver of a rule governing child care centers**  
 3           **approved by the division under section 10 of this chapter;**  
 4           **and**  
 5           **(C) substantially complies with the fire and life safety rules**  
 6           **as determined by the state fire marshal under rules**  
 7           **adopted by the division under section 4 of this chapter for**  
 8           **child care centers or in accordance with a variance or**  
 9           **waiver of a rule governing child care centers approved by**  
 10           **the division under section 10 of this chapter.**

11           SECTION 4. IC 12-17.2-3.5-3.5 IS ADDED TO THE INDIANA  
 12           CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 13           [EFFECTIVE JULY 1, 2024]: **Sec. 3.5. A child care provider is**  
 14           **eligible to receive a voucher payment if the provider complies with**  
 15           **this chapter and:**

- 16           **(1) does not receive regular compensation;**
- 17           **(2) cares only for children who are related to the provider;**
- 18           **(3) cares for less than eight (8) children, not including**  
 19           **children for whom the provider is a parent, stepparent,**  
 20           **guardian, custodian, or other relative; or**
- 21           **(4) operates to serve migrant children.**

22           SECTION 5. IC 12-17.2-4-12 IS AMENDED TO READ AS  
 23           FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 12. (a) A license for a  
 24           child care center expires ~~two (2)~~ **three (3)** years after the date of  
 25           issuance, unless revoked, modified to a probationary or suspended  
 26           status, or voluntarily returned.

- 27           (b) A license issued under this chapter:
  - 28           (1) is not transferable;
  - 29           (2) applies only to the licensee and the location stated in the
  - 30           application; and
  - 31           (3) remains the property of the division.
- 32           (c) A current license shall be publicly displayed.
- 33           (d) When a licensee submits a timely application for renewal, the
- 34           current license shall remain in effect until the division issues a license
- 35           or denies the application.
- 36           (e) A licensee shall publicly display and make available, as a
- 37           handout, written documentation of:
  - 38           (1) any changes in the status of the licensee's license;
  - 39           (2) a telephone number and an Internet site where information
  - 40           may be obtained from the division concerning:

- 1 (A) the current status of the licensee's license;  
 2 (B) any complaints filed with the division concerning the  
 3 licensee; and  
 4 (C) violations of this article by the licensee; and  
 5 (3) a telephone number of the office of the Indiana child care  
 6 resource and referral program of the county in which the child  
 7 care center is located.

8 SECTION 6. IC 12-17.2-5-3.7, AS ADDED BY P.L.53-2018,  
 9 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2024]: Sec. 3.7. (a) A licensee that cares for children who are  
 11 less than twelve (12) months of age shall:

- 12 (1) complete the training course provided or approved by the  
 13 division under IC 12-17.2-2-1(10) concerning safe sleeping  
 14 practices as required by section 6.3(a)(3) or ~~6.5(a)(9)~~ **6.5(9)** of  
 15 this chapter, whichever is applicable; and  
 16 (2) ensure that all caregivers of children who are less than twelve  
 17 (12) months of age follow safe sleeping practices.

18 (b) If a licensee violates subsection (a), the division may do the  
 19 following with respect to each violation determined during an  
 20 inspection of the child care home:

- 21 (1) On the first inspection during which a violation is determined  
 22 during a licensure period, issue a formal warning letter stating the  
 23 division's intent to take administrative action and impose a civil  
 24 penalty for any future violation.  
 25 (2) On the second inspection during which a violation is  
 26 determined during a licensure period, impose a civil penalty of  
 27 fifty dollars (\$50) for each violation determined during the  
 28 inspection.  
 29 (3) On the third inspection during which a violation is determined  
 30 during a licensure period, impose a civil penalty of seventy-five  
 31 dollars (\$75) for each violation determined during the inspection.  
 32 (4) On the fourth inspection during which a violation is  
 33 determined during a licensure period:  
 34 (A) place the child care home's license on probation for not  
 35 more than six (6) months; and  
 36 (B) impose a civil penalty of one hundred dollars (\$100) for  
 37 each violation determined during the inspection.  
 38 (5) On the fifth inspection during which a violation is determined  
 39 during a licensure period:  
 40 (A) suspend or revoke the child care home's license for one (1)

- 1                   year; and
- 2                   (B) impose a civil penalty of two hundred fifty dollars (\$250)
- 3                   for each violation determined during the inspection.
- 4           (c) The division shall send to the licensee written notice:
- 5                   (1) of an action taken under subsection (b), specifying the reason
- 6                   for the action and amount of any monetary civil penalty; and
- 7                   (2) that failure to pay any monetary civil penalty may result in
- 8                   revocation of the child care home's license for not more than two
- 9                   (2) years.
- 10           (d) The division shall deposit all civil penalties collected under this
- 11           section in the division of family resources child care fund established
- 12           by IC 12-17.2-2-3.
- 13           (e) In addition to the actions described in subsection (b), the
- 14           division may seek further disciplinary action provided for under this
- 15           article, as determined by the director.
- 16           SECTION 7. IC 12-17.2-5-6.5, AS AMENDED BY P.L.74-2022,
- 17           SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18           JULY 1, 2024]: Sec. 6.5. (a) To qualify for a license to operate a class
- 19           II child care home under this chapter, a person must do the following:
- 20                   (1) Provide all child care services on the first story of the child
- 21                   care home unless the class II child care home meets the
- 22                   exceptions to the first story requirements contained in the Indiana
- 23                   building code adopted by the fire prevention and building safety
- 24                   commission in effect at the time the class II child care home
- 25                   provider applies for licensure.
- 26                   (2) Provide a smoke detection system that is:
- 27                           (A) hard wired to the building's electrical system; and
- 28                           (B) wired in a manner that activates all of the detector devices
- 29                           in the building when one (1) detector device is activated.
- 30                   (3) Provide a fire extinguisher in each room that is used to
- 31                   provide child care services.
- 32                   (4) Meet:
- 33                           (A) the exit requirements for an E-3 building occupancy
- 34                           classification under the Indiana building code adopted by the
- 35                           fire prevention and building safety commission, except for any
- 36                           illumination requirements, in effect at the time the class II
- 37                           child care home provider initially applies for licensure; and
- 38                           (B) the illumination requirements established in section
- 39                           6.3(b)(3) of this chapter.
- 40                   (5) Provide a minimum of thirty-five (35) square feet for each

1 child.

2 (6) Conduct fire drills required under article 37 of the Indiana fire  
3 prevention code adopted by the fire prevention and building  
4 safety commission in effect at the time the class II child care  
5 home provider applies for licensure.

6 (7) Apply for a license before July 1, 1996, or after June 30, 2001.

7 (8) Comply with rules adopted by the division of family resources  
8 for class II child care homes.

9 (9) Complete the training course taught or approved by the  
10 division concerning safe sleeping practices for a child within the  
11 person's care as described in IC 12-17.2-2-1(10).

12 ~~(b) To qualify for a license to operate a class II child care home~~  
13 ~~under this chapter, a person, before applying for the license, must have:~~

14 ~~(1) a class I child care home license; or~~

15 ~~(2) at least one (1) year of experience as a caregiver in a child~~  
16 ~~care home or child care center.~~

17 SECTION 8. IC 36-7-4-1108, AS AMENDED BY P.L.145-2006,  
18 SECTION 374, IS AMENDED TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2024]: Sec. 1108. (a) This section applies only  
20 to a child care home that is used as the primary residence of the person  
21 who operates the child care home **regardless of whether the child**  
22 **care home meets the definition set forth in IC 12-7-2-28.6.**

23 ~~(b) As used in this section, "child care home" has the meaning set~~  
24 ~~forth in IC 12-7-2-28.6.~~

25 ~~(c) (b) Except as provided in subsection (c);~~ A zoning ordinance  
26 may not do any of the following:

27 (1) Exclude a child care home from a residential area solely  
28 because the child care home is a business.

29 (2) Impose limits on the number of children that may be served by  
30 a child care home at any one (1) time that vary from the limits set  
31 forth in IC 12-7-2-33.7 and IC 12-7-2-33.8.

32 (3) Impose requirements or restrictions upon child care homes  
33 that vary from the requirements and restrictions imposed upon  
34 child care homes by rules adopted by the division of family  
35 resources or the fire prevention and building safety commission.

36 ~~(d) (c) Notwithstanding subsection (c); (b),~~ a child care home may  
37 be required to meet the same:

38 (1) zoning requirements;

39 (2) developmental standards; and

40 (3) building codes;



1 that apply to other residential structures in the same residential district  
2 or classification as the child care home.

3 (e) A zoning ordinance:

4 (1) that is in effect on July 1, 1993; and

5 (2) that:

6 (A) excludes a child care home from a residential area solely  
7 because the child care home is a business;

8 (B) imposes limits on the number of children that may be  
9 served by a child care home at any one (1) time that vary from  
10 the limits set forth in IC 12-7-2-33.7 and IC 12-7-2-33.8; or

11 (C) imposes requirements or restrictions upon child care  
12 homes that vary from the requirements and restrictions  
13 imposed upon child care homes by rules adopted by the  
14 division of family resources or the fire prevention and building  
15 safety commission;

16 is not subject to subsection (e) until July 1, 1994.

(Reference is to HB 1102 as introduced.)