



Adopted	Rejected
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# COMMITTEE REPORT

**YES: 8**  
**NO: 4**

**MR. SPEAKER:**

*Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1102, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 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

1 twenty-four (24) hours ~~in each of~~ **per day for** ten (10)  
2 consecutive days, ~~per year, excluding intervening~~ **not including**  
3 Saturdays, Sundays, and holidays.

- 4 (b) The term includes:  
5 (1) a class I child care home; and  
6 (2) a class II child care home.

- 7 **(c) A child who is:**  
8 **(1) a relative of a provider;**  
9 **(2) under the custody or guardianship of a provider; or**  
10 **(3) at least fourteen (14) years of age and does not require**  
11 **child care;**

12 **is not a child described under subsection (a).**

13 SECTION 2. IC 12-17.2-1-1, AS AMENDED BY P.L.56-2023,  
14 SECTION 116, IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2024]: Sec. 1. **Except as provided in**  
16 **IC 12-17.2-3.5**, this article does not apply to the following:

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

19 (A) Programs for children in grades kindergarten through 12  
20 that are operated under the authority of the department of  
21 education or that are operated with the assistance of the  
22 department of education.

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

24 (C) The Indiana department of health.

25 (D) The department of correction.

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

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

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

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

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

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

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

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

38 ~~(2)~~ **(3) A county jail or detention center.**

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

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

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

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

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

16 (5) A program whose primary purpose is to provide social,  
 17 recreational, or religious activities for school age children, such  
 18 as scouting, boys club, girls club, sports, or the arts.

19 (6) A program operated to serve migrant children that:

20 (A) provides services for children from migrant worker  
 21 families; and

22 (B) is operated during a single period of less than one hundred  
 23 twenty (120) consecutive days during a calendar year.

24 (7) A child care ministry registered under IC 12-17.2-6.

25 (8) A child care home if the provider

26 ~~(A) does not receive regular compensation;~~

27 ~~(B) cares only for children who are related to the provider;~~

28 ~~(C) cares for less than six (6) children; not including children  
 29 for whom the provider is a parent, stepparent, guardian,  
 30 custodian, or other relative; or~~

31 ~~(D) operates to serve migrant children.~~

32 (9) A child care program operated by a public or private school  
 33 that:

34 (A) provides day care on the school premises for children of  
 35 students or employees of schools in the school corporation in  
 36 which the public or private school is located;

37 (B) complies with health, safety, and sanitation standards as  
 38 determined by the division under section 4 of this chapter for

- 1 child care centers or in accordance with a variance or waiver  
 2 of a rule governing child care centers approved by the division  
 3 under section 10 of this chapter; and  
 4 (C) substantially complies with the fire and life safety rules as  
 5 determined by the state fire marshal under rules adopted by the  
 6 division under section 4 of this chapter for child care centers  
 7 or in accordance with a variance or waiver of a rule governing  
 8 child care centers approved by the division under section 10 of  
 9 this chapter.
- 10 (10) A school age child care program (commonly referred to as a  
 11 latch key program) established under IC 20-26-5-2 that is  
 12 operated by:
- 13 (A) the department of education;
  - 14 (B) a public or private school; or
  - 15 (C) a public or private organization under a written contract  
 16 with:
    - 17 (i) the department of education; or
    - 18 (ii) a public or private school.
- 19 (11) A child care program that:
- 20 (A) is operated by a public or private organization under a  
 21 contract with a public or private school;
  - 22 (B) serves children who are enrolled in the public or private  
 23 school in:
    - 24 (i) grades kindergarten through 12; or
    - 25 (ii) a preschool program offered by a public or private  
 26 school as described in this subdivision; and
  - 27 (C) serves children who are:
    - 28 (i) attending school through remote or e-learning due to a  
 29 disaster emergency declared under IC 10-14-3-12 or  
 30 IC 10-14-3-29; or
    - 31 (ii) participating in a learning recovery program that  
 32 administers an assessment to measure student learning loss  
 33 and provides Indiana academic standards aligned  
 34 instruction.
- 35 (12) An educational program:
- 36 (A) consisting of a group of not more than ten (10) students  
 37 who attend the educational program in lieu of attending  
 38 prekindergarten or kindergarten through grade 12 at a public

- 1           or private school;
- 2           (B) whose students meet in a single classroom in person or
- 3           outside a classroom and which may include mixed age level
- 4           groupings; and
- 5           (C) that is under the supervision of a teacher or tutor.
- 6       (13) If located in the same public or private school building:
- 7           (A) a preschool program that is operated by the public or
- 8           private school; and
- 9           (B) either or both of the following:
- 10           (i) A child care program described in subdivision (9).
- 11           (ii) A school age child care program described in
- 12           subdivision (10).
- 13       **(14) A child care program operated by a public or private**
- 14       **school that:**
- 15           **(A) provides child care for children of employees of a**
- 16           **business or organization with which the school has entered**
- 17           **into a contract to provide services;**
- 18           **(B) complies with health, safety, and sanitation standards**
- 19           **as determined by the division under section 4 of this**
- 20           **chapter for child care centers or in accordance with a**
- 21           **variance or waiver of a rule governing child care centers**
- 22           **approved by the division under section 10 of this chapter;**
- 23           **and**
- 24           **(C) substantially complies with the fire and life safety rules**
- 25           **as determined by the state fire marshal under rules**
- 26           **adopted by the division under section 4 of this chapter for**
- 27           **child care centers or in accordance with a variance or**
- 28           **waiver of a rule governing child care centers approved by**
- 29           **the division under section 10 of this chapter.**
- 30       SECTION 4. IC 12-17.2-3.5-3.5 IS ADDED TO THE INDIANA
- 31       CODE AS A NEW SECTION TO READ AS FOLLOWS
- 32       [EFFECTIVE JULY 1, 2024]: **Sec. 3.5. A child care provider is**
- 33       **eligible to receive a voucher payment if the provider complies with**
- 34       **this chapter and:**
- 35           **(1) does not receive regular compensation;**
- 36           **(2) cares only for children who are related to the provider;**
- 37           **(3) cares for less than eight (8) children, not including**
- 38           **children for whom the provider is a parent, stepparent,**

1           **guardian, custodian, or other relative; or**  
2           **(4) operates to serve migrant children.**

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

8           (b) A license issued under this chapter:

- 9           (1) is not transferable;
- 10           (2) applies only to the licensee and the location stated in the
- 11           application; and
- 12           (3) remains the property of the division.

13           (c) A current license shall be publicly displayed.

14           (d) When a licensee submits a timely application for renewal, the  
15 current license shall remain in effect until the division issues a license  
16 or denies the application.

17           (e) A licensee shall publicly display and make available, as a  
18 handout, written documentation of:

- 19           (1) any changes in the status of the licensee's license;
- 20           (2) a telephone number and an Internet site where information
- 21           may be obtained from the division concerning:
  - 22           (A) the current status of the licensee's license;
  - 23           (B) any complaints filed with the division concerning the
  - 24           licensee; and
  - 25           (C) violations of this article by the licensee; and
- 26           (3) a telephone number of the office of the Indiana child care
- 27           resource and referral program of the county in which the child
- 28           care center is located.

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

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

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

4 (1) On the first inspection during which a violation is determined  
5 during a licensure period, issue a formal warning letter stating the  
6 division's intent to take administrative action and impose a civil  
7 penalty for any future violation.

8 (2) On the second inspection during which a violation is  
9 determined during a licensure period, impose a civil penalty of  
10 fifty dollars (\$50) for each violation determined during the  
11 inspection.

12 (3) On the third inspection during which a violation is determined  
13 during a licensure period, impose a civil penalty of seventy-five  
14 dollars (\$75) for each violation determined during the inspection.

15 (4) On the fourth inspection during which a violation is  
16 determined during a licensure period:

17 (A) place the child care home's license on probation for not  
18 more than six (6) months; and

19 (B) impose a civil penalty of one hundred dollars (\$100) for  
20 each violation determined during the inspection.

21 (5) On the fifth inspection during which a violation is determined  
22 during a licensure period:

23 (A) suspend or revoke the child care home's license for one (1)  
24 year; and

25 (B) impose a civil penalty of two hundred fifty dollars (\$250)  
26 for each violation determined during the inspection.

27 (c) The division shall send to the licensee written notice:

28 (1) of an action taken under subsection (b), specifying the reason  
29 for the action and amount of any monetary civil penalty; and

30 (2) that failure to pay any monetary civil penalty may result in  
31 revocation of the child care home's license for not more than two  
32 (2) years.

33 (d) The division shall deposit all civil penalties collected under this  
34 section in the division of family resources child care fund established  
35 by IC 12-17.2-2-3.

36 (e) In addition to the actions described in subsection (b), the  
37 division may seek further disciplinary action provided for under this  
38 article, as determined by the director.

1 SECTION 7. IC 12-17.2-5-6.5, AS AMENDED BY P.L.74-2022,  
 2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2024]: Sec. 6.5. ~~(a)~~ To qualify for a license to operate a class  
 4 II child care home under this chapter, a person must do the following:

5 (1) Provide all child care services on the first story of the child  
 6 care home unless the class II child care home meets the  
 7 exceptions to the first story requirements contained in the Indiana  
 8 building code adopted by the fire prevention and building safety  
 9 commission in effect at the time the class II child care home  
 10 provider applies for licensure.

11 (2) Provide a smoke detection system that is:

12 (A) hard wired to the building's electrical system; and

13 (B) wired in a manner that activates all of the detector devices  
 14 in the building when one (1) detector device is activated.

15 (3) Provide a fire extinguisher in each room that is used to  
 16 provide child care services.

17 (4) Meet:

18 (A) the exit requirements for an E-3 building occupancy  
 19 classification under the Indiana building code adopted by the  
 20 fire prevention and building safety commission, except for any  
 21 illumination requirements, in effect at the time the class II  
 22 child care home provider initially applies for licensure; and

23 (B) the illumination requirements established in section  
 24 6.3(b)(3) of this chapter.

25 (5) Provide a minimum of thirty-five (35) square feet for each  
 26 child.

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

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

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

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

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



- 1           (1) a class I child care home license; or
- 2           (2) at least one (1) year of experience as a caregiver in a child
- 3           care home or child care center.

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

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

12          ~~(e)~~ **(b)** Except as provided in subsection ~~(e)~~; A zoning ordinance  
 13          may not do any of the following:

- 14           (1) Exclude a child care home from a residential area solely
- 15           because the child care home is a business.
- 16           (2) Impose limits on the number of children that may be served by
- 17           a child care home at any one (1) time that vary from the limits set
- 18           forth in IC 12-7-2-33.7 and IC 12-7-2-33.8.
- 19           (3) Impose requirements or restrictions upon child care homes
- 20           that vary from the requirements and restrictions imposed upon
- 21           child care homes by rules adopted by the division of family
- 22           resources or the fire prevention and building safety commission.

23          ~~(d)~~ **(c)** Notwithstanding subsection ~~(e)~~; **(b)**, a child care home may  
 24          be required to meet the same:

- 25           (1) zoning requirements;
- 26           (2) developmental standards; and
- 27           (3) building codes;

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

30          ~~(e)~~ A zoning ordinance:

- 31           (1) that is in effect on July 1, 1993; and
- 32           (2) that:

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

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

38           (C) imposes requirements or restrictions upon child care

1 homes that vary from the requirements and restrictions  
2 imposed upon child care homes by rules adopted by the  
3 division of family resources or the fire prevention and building  
4 safety commission;

5 is not subject to subsection (c) until July 1, 1994.

(Reference is to HB 1102 as introduced.)

**and when so amended that said bill do pass.**

Representative DeVon