



March 9, 2021

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# ENGROSSED HOUSE BILL No. 1101

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DIGEST OF HB 1101 (Updated March 8, 2021 11:37 am - DI 133)

**Citations Affected:** IC 12-17.2.

**Synopsis:** Daycare licensure exemption in declared emergency. Exempts from day care licensure requirements a child care program that: (1) is operated by a public or private organization: (A) during a declared disaster emergency; and (B) under a contract with a public or private school; and (2) serves children who are: (A) enrolled in the public or private school in grades kindergarten through 12, or in a preschool program offered by the public or private school; and (B) attending school through remote or e-learning due to the disaster emergency.

**Effective:** July 1, 2021.

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## Davisson, DeVon, Snow, Jackson

(SENATE SPONSORS — HOUCHIN, GROOMS)

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January 7, 2021, read first time and referred to Committee on Family, Children and Human Affairs.

January 28, 2021, amended, reported — Do Pass.

February 1, 2021, read second time, ordered engrossed. Engrossed.

February 2, 2021, read third time, passed. Yeas 93, nays 0.

SENATE ACTION

February 18, 2021, read first time and referred to Committee on Family and Children Services.

March 8, 2021, reported favorably — Do Pass.

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EH 1101—LS 6751/DI 119





March 9, 2021

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1101

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A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 12-17.2-2-8, AS AMENDED BY P.L.1-2005,  
2 SECTION 136, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2021]: Sec. 8. The division shall exempt from  
4 licensure the 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

**EH 1101—LS 6751/DI 119**



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



1                   (ii) under a contract with a public or private school; and  
2                   **(B) serves children who are enrolled in the public or**  
3                   **private school in:**  
4                    (i) grades kindergarten through 12; or  
5                    (ii) a preschool program offered by a public or private  
6                    school described in this subdivision;  
7                   **and are attending school through remote or e-learning due**  
8                   **to the disaster emergency.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1101, 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:

Page 3, line 2, before "in:" insert "**in the public or private school**".  
and when so amended that said bill do pass.

(Reference is to HB 1101 as introduced.)

DEVON

Committee Vote: yeas 12, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred House Bill No. 1101, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1101 as printed January 28, 2021.)

GROOMS, Chairperson

Committee Vote: Yeas 9, Nays 0

