

1 ENGROSSED HOUSE  
2 BILL NO. 2197

By: Randleman of the House

3 and

4 Young of the Senate

5  
6  
7 [ child care - requiring certain programs to conduct  
8 background checks for employees - effective date ]  
9

10  
11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 10 O.S. 2011, Section 403, as last  
14 amended by Section 1, Chapter 190, O.S.L. 2018 (10 O.S. Supp. 2018,  
15 Section 403), is amended to read as follows:

16 Section 403. A. The provisions of the Oklahoma Child Care  
17 Facilities Licensing Act shall not apply to:

- 18 1. Care provided in a child's own home or by relatives;
- 19 2. Informal arrangements which parents make with friends or  
20 neighbors for the occasional care of their children;
- 21 3. Care provided by an attorney-in-fact authorized by Section  
22 700 of this title who exercises parental or legal authority on a  
23 continuous basis for not less than twenty-four (24) hours and  
24

1 without compensation for the intended duration of the power of  
2 attorney;

3 4. Programs in which school-aged children three (3) years of  
4 age and older are participating in home-schooling;

5 5. Programs that serve children three (3) years of age and  
6 older and that are operated during typical school hours by a public  
7 school district;

8 6. Programs that serve children three (3) years of age and  
9 older and that are operated during typical school hours by a private  
10 school that offers elementary education in grades kindergarten  
11 through third grade;

12 7. Summer youth camps, summer programs or after-school programs  
13 for children who are at least four (4) years of age, that are  
14 accredited by a national standard-setting agency or church camp  
15 accreditation program, or are accredited by, chartered by or  
16 affiliated with a national ~~non-profit~~ nonprofit organization.

17 However, programs described in this paragraph shall conduct a  
18 national criminal history records search pursuant to paragraph 10 of  
19 subsection A of Section 404.1 of this title for every employee of  
20 the program. A records search for every employee shall be  
21 maintained by the program and subject to review by law enforcement.

22 If an employee does not have a completed records search, the  
23 employee is not eligible to work for the program until a records  
24 search is completed;

1 8. Programs in which children attend on a drop-in basis and  
2 parents are on the premises and readily accessible;

3 9. A program of specialized activity or instruction for  
4 children that is not designed or intended for child care purposes  
5 including, but not limited to, scouts, 4-H clubs and summer resident  
6 youth camps, programs that limit children from enrolling in multiple  
7 sessions because of the type of activity or ages accepted and  
8 single-activity programs such as academics, athletics, gymnastics,  
9 hobbies, art, music, dance and craft instruction;

10 10. Any child care facility that:

11 a. provides care and supervision for fifteen (15) or  
12 fewer hours per week,

13 b. operates less than ten (10) weeks annually,

14 c. operates in the summer for less than eight (8) hours  
15 per day, or

16 d. provides care and supervision for school-aged children  
17 only in a center-based program for twenty-one (21) or  
18 fewer hours a week and is located in a county with a  
19 population of less than one hundred thousand (100,000)  
20 according to the latest Federal Decennial Census;

21 11. Facilities whose primary purpose is medical treatment;

22 12. Boarding schools that have education as their primary  
23 purpose and that are recognized as accredited by the State Board of  
24 Education. To be exempt, such programs shall:

- a. have classroom facilities that are not used for residential living,
- b. not have been granted nor have assumed legal custody of any child attending the facility, and
- c. adhere to standard educational holiday and seasonal recess periods to permit students reasonable opportunities to return to their primary places of residence with parents or legal guardians;

13. Day treatment programs and maternity homes operated by a licensed hospital;

14. Juvenile facilities certified by the Office of Juvenile Affairs or certified by any other state agency authorized by law to license such facilities;

15. A program where children are not enrolled by the parents and are free to come and go;

16. A program in tribal land as defined at 25 U.S.C.A. 1903 (10); and

17. A program on a military base or federal property.

B. The provisions of the Oklahoma Child Care Facilities Licensing Act shall be equally incumbent upon all private and public child care facilities.

SECTION 2. This act shall become effective November 1, 2019.

1 Passed the House of Representatives the 13th day of March, 2019.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2019.

6  
7  
8 \_\_\_\_\_  
9 Presiding Officer of the Senate