

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 698

By: Garvin

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5
6 AS INTRODUCED

7 An Act relating to child care; amending 10 O.S. 2021,
8 Section 403, as amended by Section 1, Chapter 99,
9 O.S.L. 2022 (10 O.S. Supp. 2022, Section 403), which
10 relates to exemptions from the Oklahoma Child Care
11 Facilities Licensing Act; modifying and removing
12 exemptions; specifying applicability of certain
13 provision; limiting certain payments to licensed
14 programs; and providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 10 O.S. 2021, Section 403, as
17 amended by Section 1, Chapter 99, O.S.L. 2022 (10 O.S. Supp. 2022,
18 Section 403), is amended to read as follows:

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

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

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 organization;~~

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

19 9. A program of specialized activity or instruction for
20 children that is not designed or intended for child care purposes
21 and operates not more than five (5) hours per week including, but
22 not limited to, scouts, 4-H clubs and summer resident youth camps,
23 programs that limit children from enrolling in multiple sessions
24 because of the type of activity or ages accepted and single-activity

1 programs such as academics, athletics, gymnastics, hobbies, art,
2 music, dance and craft instruction;

3 10. Any child care facility that:

4 a. provides care and supervision for ~~fifteen (15)~~ ten
5 (10) or fewer hours per week,

6 b. operates less than ~~ten (10)~~ eight (8) weeks annually,
7 or

8 c. operates in the summer for less than ~~eight (8)~~ six (6)
9 hours per day, ~~or~~

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

15 11. Facilities whose primary purpose is medical treatment;

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

19 a. have classroom facilities that are not used for
20 residential living,

21 b. not have been granted nor have assumed legal custody
22 of any child attending the facility, and

23 c. adhere to standard educational holiday and seasonal
24 recess periods to permit students reasonable
25

1 opportunities to return to their primary places of
2 residence with parents or legal guardians;

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

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

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

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

12 17. A program on a military base or federal property, or a
13 facility licensed as a family child care provider by a branch of the
14 United States Department of Defense or by the United States Coast
15 Guard.

16 B. The provisions of the Oklahoma Child Care Facilities
17 Licensing Act shall be equally incumbent upon all private and public
18 child care facilities, both for-profit and not-for-profit.

19 C. State child care assistance subsidy payments may only be
20 paid to licensed programs.

21 SECTION 2. This act shall become effective November 1, 2023.

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