

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

955T0051

SENATE HEALTH AND HUMAN SERVICES

ENGROSSED NO. **SB 125** - 2/8/2012

Introduced by: Senators Buhl, Bradford, Frerichs, Holien, Nygaard, Schlekeway, Sutton, Tidemann, and Tieszen and Representatives Blake, Abdallah, Deelstra, Fargen, Gibson, Hansen (Jon), Hickey, Moser, and Nelson (Stace)

1 FOR AN ACT ENTITLED, An Act to require certain day care providers to mail notices of  
2 noncompliance.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 26-6 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 If the Department of Social Services or any other jurisdiction with enforcement authority  
7 determines that a family day care provider or a group family day care home has a substantial  
8 violation of a license or registration requirement of chapter 26-6 or ARSD chapters 67:42:03  
9 or 67:42:04 relating to staff to child ratios, qualifications, health, safety, sanitation, or nutrition,  
10 the provider shall mail a written notice, within thirty days of the determination, to the parents  
11 or legal guardian of each child under the provider's care. The written notice shall inform the  
12 parent or legal guardian of the statute or rule violation, the plan or action to correct the violation,  
13 and the penalty that may be imposed if the violation is not corrected. The license or registration  
14 certificate for the family day care provider, the group family day care home, or day care center



1 may be revoked if the family day care provider, the group family day care home, or day care  
2 center fails to mail the written notice to any parent or legal guardian. The written notice of a  
3 determination may be sent by electronic mail.