

CHAPTER 247

(Senate Bill 356)

AN ACT concerning

Family Day Care Homes and Child Care Centers – Emergency Preparedness Plans

FOR the purpose of requiring the adoption of certain regulations that require certain family day care providers and certain child care centers to have certain emergency preparedness plans for certain emergency situations; requiring certain plans to include certain relocation sites, certain evacuation routes, and certain procedures; requiring certain family day care providers and certain child care centers to train certain staff and ensure that certain staff are familiar with certain plans; requiring the State Department of Education and the State Superintendent of Schools to consult with certain entities in adopting certain regulations; and generally relating to the emergency preparedness plans of family day care homes and child care centers.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–501(e) and (f), 5–551(a), and 5–573(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Family Law
Section 5–551(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–573(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Family Law

5–501.

(e) "Family day care" means the care given to a child under the age of 13 years or to any developmentally disabled person under the age of 21 years, in place of parental care for less than 24 hours a day, in a residence other than the child's residence, for which the day care provider is paid.

(f) "Family day care home" means a residence in which family day care is provided.

5-551.

(a) The Department shall adopt regulations that relate to the registration of family day care homes.

(D) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT:

(1) REQUIRE A FAMILY DAY CARE PROVIDER TO HAVE A WRITTEN EMERGENCY PREPAREDNESS PLAN FOR EMERGENCY SITUATIONS THAT REQUIRE EVACUATION ~~OR~~, SHELTERING IN PLACE, OR OTHER PROTECTION OF CHILDREN SUCH AS IN THE EVENT OF FIRE, NATURAL DISASTER, OR OTHER THREATENING SITUATION THAT MAY POSE A HEALTH OR SAFETY HAZARD TO THE CHILDREN IN THE FAMILY DAY CARE HOME;

(2) REQUIRE THE PLAN UNDER ITEM (1) OF THIS SUBSECTION TO INCLUDE:

(I) A DESIGNATED RELOCATION SITE AND EVACUATION ROUTE;

(II) PROCEDURES FOR NOTIFYING PARENTS OR OTHER ADULTS RESPONSIBLE FOR THE CHILD OF THE RELOCATION;

(III) PROCEDURES TO ADDRESS THE NEEDS OF INDIVIDUAL CHILDREN INCLUDING CHILDREN WITH SPECIAL NEEDS;

(IV) PROCEDURES FOR THE REASSIGNMENT OF STAFF DUTIES DURING AN EMERGENCY, AS APPROPRIATE; AND

(V) PROCEDURES FOR COMMUNICATING WITH LOCAL EMERGENCY MANAGEMENT OFFICIALS OR OTHER APPROPRIATE STATE OR LOCAL AUTHORITIES; AND

(3) REQUIRE A FAMILY DAY CARE PROVIDER TO TRAIN STAFF AND ENSURE THAT STAFF ARE FAMILIAR WITH THE PLAN.

5-573.

(a) The State Superintendent shall adopt rules and regulations for licensing and operating child care centers.

(b) These rules and regulations shall:

- (1) ensure safe and sanitary conditions in child care centers;
- (2) ensure proper care, protection, and supervision of children in child care centers;
- (3) ensure the health of children in child care centers by:
 - (i) monitoring children for signs and symptoms of child abuse;
 - (ii) instructing licensees and staff concerning child abuse detection and reporting;
 - (iii) monitoring health practices to help prevent the spread of disease; and
 - (iv) monitoring the care of infants and children with special needs;
- (4) promote the sound growth and development of children in child care centers;
- (5) encourage the care of children in a homelike environment by reflecting the impracticability of conforming a residence to standards that are appropriate for institutions and otherwise providing for centers that are in residences or other facilities and serve between 7 and 12 children and facilities having 6 or fewer children required to be licensed under § 5-574 of this subtitle;
- (6) carry out otherwise the purposes and requirements of this Part VII of this subtitle, including imposition of intermediate sanctions to ensure compliance;
- (7) prohibit a child from remaining at a child care center for more than 14 hours in 1 day unless the Department issues an exception for that child based on guidelines set by the State Superintendent;
- (8)
 - (i) require that a child care center have in attendance at all times at least 1 individual who is responsible for supervision of children, including children on field trips, and who holds a current certificate indicating successful completion of approved:

1. basic first aid training through the American Red Cross or through a program with equivalent standards; and

2. cardiopulmonary resuscitation (CPR) training through the American Heart Association or through a program with equivalent standards appropriate for the ages of children for whom care is provided in the child care center; and

(ii) require that a child care center serving more than 20 children have in attendance certificate holders described in item (i) of this item in a ratio of at least 1 certificate holder for every 20 children; [and]

(9) (i) require that a child care center that receives notice of a contaminated drinking water supply from the child care center's supplier of water, in accordance with § 9-410 of the Environment Article or otherwise, send notice of the drinking water contamination to the parent or legal guardian of each child attending the child care center; and

(ii) require that the notice sent by the child care center shall:

1. be sent within 10 business days after receipt of the notice of contamination from the child care center's water supplier;

2. be in writing;

3. identify the contaminants and their levels in the center's water supply; and

4. describe the child care center's plan for dealing with the water contamination problem until the child care center's water is determined by the appropriate authority to be safe for consumption; **AND**

(10) (I) REQUIRE A CHILD CARE CENTER TO HAVE A WRITTEN EMERGENCY PREPAREDNESS PLAN FOR EMERGENCY SITUATIONS THAT REQUIRE EVACUATION ~~OR~~, SHELTERING IN PLACE, OR OTHER PROTECTION OF CHILDREN, SUCH AS IN THE EVENT OF FIRE, NATURAL DISASTER, OR OTHER THREATENING SITUATION THAT MAY POSE A HEALTH OR SAFETY HAZARD TO THE CHILDREN IN THE CHILD CARE CENTER;

(II) REQUIRE THE PLAN UNDER ITEM (I) OF THIS ITEM TO INCLUDE:

1. A DESIGNATED RELOCATION SITE AND EVACUATION ROUTE;

2. PROCEDURES FOR NOTIFYING PARENTS OR OTHER ADULTS RESPONSIBLE FOR THE CHILD OF THE RELOCATION;

3. PROCEDURES TO ADDRESS THE NEEDS OF INDIVIDUAL CHILDREN, INCLUDING CHILDREN WITH SPECIAL NEEDS;

4. PROCEDURES FOR THE REASSIGNMENT OF STAFF DUTIES DURING AN EMERGENCY, AS APPROPRIATE; AND

5. PROCEDURES FOR COMMUNICATING WITH LOCAL EMERGENCY MANAGEMENT OFFICIALS OR OTHER APPROPRIATE STATE OR LOCAL AUTHORITIES; AND

(III) REQUIRE A CHILD CARE CENTER TO TRAIN STAFF AND ENSURE THAT STAFF ARE FAMILIAR WITH THE PLAN.

SECTION 2. AND BE IT FURTHER ENACTED, That, before adopting regulations in accordance with this Act, the State Department of Education and the State Superintendent of Schools, respectively, shall consult with the Maryland Emergency Management Agency, the Maryland Emergency Management Association, the Maryland Institute for Emergency Medical Services Systems, and the Maryland Department of Disabilities.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.