
HOUSE COMMITTEE AMENDMENTS

2022 Regular Session

Substitute for Original House Bill No. 861 by Representative St. Blanc as proposed by the House Committee on Education

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 17:407.62(7), 407.64(B), and 407.66(A)(2) and R.S. 40:1563.2 and to enact R.S. 17:407.62(8) and (9), relative to family and in-home child care providers; to provide relative to the inspection of such providers; to provide relative to the powers and duties of the state Department of Education and the office of state fire marshal with respect to such providers; to provide for the transfer and use of monies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:407.62(7), 407.64(B), and 407.66(A)(2) are hereby amended and reenacted and R.S. 17:407.62(8) and (9) are hereby enacted to read as follows:

§407.62. Definitions

As used in this Part, the following definitions shall apply unless the context clearly states otherwise.

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(7) "Office" means the office of state fire marshal.

(8) "Relative" or "related" means the child, grandchild, niece, or nephew of the primary child care provider of a family child care provider or in-home provider.

(9) "Sponsoring organization" means a public or nonprofit private organization that is recognized by the department and that is entirely responsible for the administration of the Child and Adult Care Food Program for a provider.

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§407.64. Rules and regulations; inspection requirements

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B.(1) Each registered family child care provider and in-home provider shall be inspected and approved by the office of ~~state fire marshal~~ in accordance with this

Subsection and the rules and regulations as established pursuant to Subsection A of this Section, developed in consultation with the office of state fire marshal.

(2) Office of state fire marshal personnel shall conduct all initial inspections of new and relocated family child care providers. The office shall conduct inspections on all other family child care providers triennially.

(3) Inspections shall be conducted and documented annually, in accordance with the rules and regulations established pursuant to this Section, by the office's authorized agent including but not limited to a representative from a sponsoring organization.

(4) The office shall audit inspections conducted by authorized agents in accordance with the rules and regulations established pursuant to this Section.

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§407.66. Fees

A.

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(2) A fee shall be charged to cover the cost of inspection for family child care providers and in-home providers regulated by the State Board of Elementary and Secondary Education in accordance with R.S. 17:407.64(A). The fee shall be set at ~~thirty~~ forty dollars per inspection conducted by the office or an authorized agent, and money collected shall be used for the sole purpose purposes of employing personnel to perform such inspections, audits pursuant to R.S. 17:407.64(B), and to implement and maintain supportive technologies.

* * *

Section 2. R.S. 40:1563.2 is hereby amended and reenacted to read as follows:

§1563.2. Inspection of family day care homes; inspection fees

A. The state fire marshal or his designee shall inspect family child ~~day care homes~~ providers as defined in R.S. 17:407.62 ~~in which there are fewer than seven children receiving care, whether certified by the Department of Children and Family Services or the Department of Education.~~

B.~~(1)~~ ~~(2)~~ The state fire marshal shall collect a fee, for all required inspections, ~~of thirty dollars per inspection~~ pursuant to R.S. 17:407.66. The state fire marshal shall not collect any other fees for the inspections and all fees collected shall be used to employ personnel to perform the inspections and audits and to implement and maintain supportive technologies.

~~(3)~~ (2) All inspections shall be conducted on an annual basis.

~~(4)~~ (3) The inspections shall assure that the family child day care home meets the minimum requirements set forth by the Department of Children and Family Services and the Department of Education.

C.~~(1)~~ All fees collected by the office of state fire marshal for these inspections shall be deposited immediately upon receipt into the state treasury.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB Draft

2022 Regular Session

Abstract: Provides relative to the inspection of family and in-home child care providers.

Present law requires that a family child care provider (an individual who provides child care services for fewer than 24 hours per day per child, as the sole caregiver, for six or fewer children, in a private residence) and an in-home provider (an individual who provides child care services in the child's own home) to register with the state Dept. of Education (DOE) if the provider receives state or federal funds related to the care.

Proposed law retains present law.

Present law requires each such child care provider to be inspected and approved by the office of state fire marshal (the office).

Proposed law requires the office to conduct initial inspections of new and relocated facilities and subsequent inspections triennially. Requires annual inspections by the office's agents and audits of those inspections by the office.

Proposed law increases an annual fee collected by the office for such inspections from \$30 to \$40.

Present law authorizes use of funds collected from the fee for inspection personnel. Proposed law additionally authorizes use of such funds for audits of inspections and for supportive technologies.

Present law provides relative to licensing and regulation of child day care centers, which provide care, supervision, and guidance of seven or more children unaccompanied by parent or legal custodian on a regular basis for at least 12.5 hours in a continuous seven-day week.

Proposed law is not applicable to child day care centers.

(Amends R.S. 17:407.62(7), 407.64(B), and 407.66(A)(2) and R.S. 40:1563.2; Adds R.S. 17:407.62(8) and (9))