

2022 Regular Session

ACT No. 585

HOUSE BILL NO. 1075 (Substitute for House Bill No. 861 by Representative St. Blanc)

BY REPRESENTATIVE ST. BLANC

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

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

11 §407.62. Definitions

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

14 * * *

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

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

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

21 * * *

1 §407.64. Rules and regulations; inspection requirements

2 * * *

3 B.(1) Each registered family child care provider and in-home provider shall
4 be inspected and approved by the office of ~~state fire marshal~~ in accordance with this
5 Subsection and the rules and regulations as established pursuant to Subsection A of
6 this Section, developed in consultation with the office of state fire marshal.

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

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

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

16 * * *

17 §407.66. Fees

18 A.

19 * * *

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

27 * * *

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

1 §1563.2. Inspection of family day care homes; inspection fees

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

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

11 ~~(3)~~ (2) All inspections shall be conducted on an annual basis.

12 ~~(4)~~ (3) The inspections shall assure that the family child ~~day care home care~~ home care
13 provider meets the minimum requirements set forth by the Department of Children
14 and Family Services and the Department of Education.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____