

1 **SENATE FLOOR VERSION**

2 February 8, 2024

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1239

6 By: Hamilton

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. 2023, Section 403), which
10 relates to exemptions from the Oklahoma Child Care
11 Facilities Licensing Act; updating statutory
12 reference; adding exemption; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 10 O.S. 2021, Section 403, as
16 amended by Section 1, Chapter 99, O.S.L. 2022 (10 O.S. Supp. 2023,
17 Section 403), is amended to read as follows:

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

- 20 1. Care provided in a child's own home or by relatives;
- 21 2. Informal arrangements which parents make with friends or
22 neighbors for the occasional care of their children;
- 23 3. Care provided by an attorney-in-fact authorized by Section
24 700 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 including, but not limited to, scouts, 4-H clubs and summer resident
22 youth camps, programs that limit children from enrolling in multiple
23 sessions because of the type of activity or ages accepted and
24

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

3 10. Any child care facility that:

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

6 b. operates less than ten (10) weeks annually,

7 c. operates in the summer for less than eight (8) hours
8 per day, or

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

14 11. Facilities whose primary purpose is medical treatment;

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

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

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

22 c. adhere to standard educational holiday and seasonal
23 recess periods to permit students reasonable
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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., Section
11 1903 (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; and

16 18. A family child care home that operates for thirty (30) or
17 fewer hours per week.

18 B. The provisions of the Oklahoma Child Care Facilities
19 Licensing Act shall be equally incumbent upon all private and public
20 child care facilities.

21 SECTION 2. This act shall become effective November 1, 2024.

22 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
23 February 8, 2024 - DO PASS AS AMENDED BY CS
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