

# SENATE BILL 280

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3lr1139  
CF HB 292

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By: **Senators Gile, Jackson, Beidle, Carozza, Corderman, Elfreth, Griffith, Guzzone, James, Klausmeier, McKay, Salling, ~~and Simonaire~~ Simonaire, Augustine, Brooks, Feldman, Gallion, Hester, Kagan, Lewis Young, M. Washington, and Watson**

Introduced and read first time: January 26, 2023

Assigned to: Education, Energy, and the Environment

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Child Care Providers – Registration and Licensing – Exemptions**

3 FOR the purpose of exempting certain family child care homes, large family child care  
4 homes, and child care centers that serve only dependent children of military  
5 personnel and are located on certain federal property or certified by a branch of the  
6 U.S. Department of Defense or the U.S. Coast Guard from certain registration and  
7 licensing requirements for child care providers in the State; authorizing certain  
8 entities and agents to assume certain responsibilities regarding the children served  
9 by child care providers that are exempted from certain requirements under this Act;  
10 and generally relating to registration and licensing requirements for child care  
11 providers.

12 BY adding to

13 Article – Education

14 Section 9.5–303.1

15 Annotated Code of Maryland

16 (2022 Replacement Volume)

17 BY repealing and reenacting, with amendments,

18 Article – Education

19 Section 9.5–403

20 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2022 Replacement Volume)

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

**Article – Education**

**9.5–303.1.**

**(A) THIS SUBTITLE DOES NOT APPLY TO A FAMILY CHILD CARE HOME OR  
LARGE FAMILY CHILD CARE HOME THAT IS:**

**(1) ~~LOCATED~~ SERVES ONLY DEPENDENT CHILDREN OF MILITARY  
PERSONNEL; AND**

**(2) (I) IS LOCATED ON A MILITARY BASE OR FEDERAL PROPERTY;  
OR**

**~~(2)~~ (II) ~~CERTIFIED~~ IS CERTIFIED AS A FAMILY CHILD CARE  
PROVIDER BY A BRANCH OF THE U.S. DEPARTMENT OF DEFENSE OR THE U.S.  
COAST GUARD.**

**(B) THE U.S. DEPARTMENT OF DEFENSE OR THE U.S. COAST GUARD, OR  
THEIR AGENTS, INCLUDING AN INSTALLATION COMMANDER OF A MILITARY BASE ON  
WHICH A FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME IS  
LOCATED, MAY ASSUME RESPONSIBILITY FOR APPROVING OR DETERMINING WHICH  
CHILDREN MAY BE SERVED BY THE FAMILY CHILD CARE HOMES AND LARGE FAMILY  
CHILD CARE HOMES THAT ARE EXEMPT FROM THIS SUBTITLE.**

**9.5–403.**

(a) This subtitle does not supersede:

(1) Any right or power of the Maryland Department of Health or any local  
health officer;

(2) Any right or power of a county department of education;

(3) Any building code or zoning provision;

(4) Any right or power of the Administration within the Department of  
Human Services or any local department; or

(5) Any right or power of the Department of Human Services to regulate  
residential child care facilities.

1 (b) Notwithstanding any other provision of law, if a child care center for school  
 2 age children is operated before and after school hours in a building which is in use as a  
 3 public or private school, the school age child care center:

4 (1) Shall meet local fire, health, and zoning codes required of school  
 5 buildings; and

6 (2) May not be required to meet any additional regulations relative to the  
 7 physical plant beyond those imposed by the county or the local board of education with  
 8 respect to that building.

9 (c) **(1) THIS SUBTITLE DOES NOT APPLY TO A CHILD CARE CENTER THAT**  
 10 **IS:**

11 ~~(1)~~ **(1) LOCATED SERVES ONLY DEPENDENT CHILDREN OF**  
 12 **MILITARY PERSONNEL; AND**

13 **(II) 1. IS LOCATED ON A MILITARY BASE OR FEDERAL**  
 14 **PROPERTY; OR**

15 ~~(2)~~ **2. CERTIFIED IS CERTIFIED AS A FAMILY CHILD CARE**  
 16 **PROVIDER BY A BRANCH OF THE U.S. DEPARTMENT OF DEFENSE OR THE U.S.**  
 17 **COAST GUARD.**

18 **(2) THE U.S. DEPARTMENT OF DEFENSE OR THE U.S. COAST GUARD,**  
 19 **OR THEIR AGENTS, INCLUDING AN INSTALLATION COMMANDER OF A MILITARY BASE**  
 20 **ON WHICH A CHILD CARE CENTER IS LOCATED, MAY ASSUME RESPONSIBILITY FOR**  
 21 **APPROVING OR DETERMINING WHICH CHILDREN MAY BE SERVED BY THE CHILD**  
 22 **CARE CENTERS THAT ARE EXEMPT FROM THIS SUBTITLE.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
 24 1, 2023.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.