



Reprinted
February 23, 2024

ENGROSSED HOUSE BILL No. 1102

DIGEST OF HB 1102 (Updated February 22, 2024 4:58 pm - DI 148)

Citations Affected: IC 12-7; IC 12-17.2; IC 36-7.

Synopsis: Child care. Revises the definition of "child care home". Limits the number of children under twelve months of age that may be provided care in a child care home. Provides that certain child care programs are exempt from licensure. Amends certain licensing requirements for a class II child care home and a child care center. Provides that certain child care providers are eligible for voucher payments. Allows certain child care programs at schools to provide services to business employees' children when the business enters into a contract with the school and certain conditions are met.

Effective: July 1, 2024.

Heine, Snow, Barrett, DeVon

(SENATE SPONSORS — WALKER G, JOHNSON T, DONATO, BECKER)

January 8, 2024, read first time and referred to Committee on Family, Children and Human Affairs.

January 25, 2024, amended, reported — Do Pass.

January 29, 2024, read second time, amended, ordered engrossed.

January 30, 2024, engrossed. Read third time, passed. Yeas 75, nays 21.

SENATE ACTION

February 5, 2024, read first time and referred to Committee on Health and Provider Services.

February 15, 2024, amended, reported favorably — Do Pass.

February 22, 2024, read second time, amended, ordered engrossed.

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Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1102

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-7-2-28.6, AS AMENDED BY P.L.124-2007,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 28.6. (a) **Except as provided in subsection (c),**
4 "child care home", for purposes of IC 12-17.2, means a residential
5 structure in which at least ~~six (6)~~ **eight (8)** children, **or at least four (4)**
6 **children under twelve (12) months of age**, (not including the children
7 for whom the provider is a parent, stepparent, guardian, custodian, or
8 other relative) **or any child who is at least fourteen (14) years of age**
9 **and does not require child care**) at any time receive child care from a
10 provider:
11 (1) while unattended by a parent, legal guardian, or custodian;
12 (2) for regular compensation; and
13 (3) for more than ~~four (4)~~ **six (6)** hours **per day** but less than
14 twenty-four (24) hours **in each of per day for ten (10)**
15 consecutive days, **per year**, ~~excluding intervening~~ **not including**
16 Saturdays, Sundays, and holidays.
17 (b) The term includes:

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1 (1) a class I child care home; and

2 (2) a class II child care home.

3 **(c) A child who is:**

4 **(1) a relative of a provider;**

5 **(2) under the custody or guardianship of a provider; or**

6 **(3) at least fourteen (14) years of age and does not require**
 7 **child care;**

8 **is not a child described under subsection (a).**

9 SECTION 2. IC 12-7-2-171.5 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2024]: Sec. 171.5. "School property", for
 12 purposes of IC 12-17.2, means the following:

13 **(1) A building or other structure owned or leased by a:**

14 **(A) school corporation;**

15 **(B) public school; or**

16 **(C) private school;**

17 **within the school district in which the school is located.**

18 **(2) The grounds adjacent to and owned or rented in common**
 19 **with the building or other structure described in subdivision**

20 **(1).**

21 SECTION 3. IC 12-17.2-1-1, AS AMENDED BY P.L.56-2023,
 22 SECTION 116, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2024]: Sec. 1. **Except as provided in**
 24 **IC 12-17.2-3.5**, this article does not apply to the following:

25 **(1) A child care center or child care home licensed or operated by**
 26 **any of the following:**

27 **(A) Programs for children in grades kindergarten through 12**
 28 **that are operated under the authority of the department of**
 29 **education or that are operated with the assistance of the**
 30 **department of education.**

31 **(B) The division of mental health and addiction.**

32 **(C) The Indiana department of health.**

33 **(D) The department of correction.**

34 **(2) A person who provides child care in the person's**
 35 **residential structure, if the person:**

36 **(A) does not receive regular compensation for child care;**

37 **(B) cares only for children who are related to the provider;**

38 **(C) cares for less than eight (8) children, not including a**
 39 **child who is:**

40 **(i) a relative of a provider;**

41 **(ii) under the custody or guardianship of a provider; or**

42 **(iii) at least fourteen (14) years of age and does not**



- 1 **require child care; or**
- 2 **(D) provides child care for less than six (6) hours per day,**
- 3 **but not more than thirty (30) hours per week.**
- 4 ~~(2)~~ **(3)** A county jail or detention center.
- 5 SECTION 4. IC 12-17.2-2-8, AS AMENDED BY P.L.81-2022,
- 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2024]: Sec. 8. The division shall exempt from licensure the
- 8 following programs:
- 9 (1) A program for children enrolled in grades kindergarten
- 10 through 12 that is operated by the department of education or a
- 11 public or private school.
- 12 (2) A program for children who become at least three (3) years of
- 13 age as of December 1 of a particular school year (as defined in
- 14 IC 20-18-2-17) that is operated by the department of education or
- 15 a public or private school.
- 16 (3) A nonresidential program for a child that provides child care
- 17 for less than four (4) hours a day.
- 18 (4) A recreation program for children that operates for not more
- 19 than ninety (90) days in a calendar year.
- 20 (5) A program whose primary purpose is to provide social,
- 21 recreational, or religious activities for school age children, such
- 22 as scouting, boys club, girls club, sports, or the arts.
- 23 (6) A program operated to serve migrant children that:
- 24 (A) provides services for children from migrant worker
- 25 families; and
- 26 (B) is operated during a single period of less than one hundred
- 27 twenty (120) consecutive days during a calendar year.
- 28 (7) A child care ministry registered under IC 12-17.2-6.
- 29 (8) A child care home if the provider
- 30 ~~(A) does not receive regular compensation;~~
- 31 ~~(B) cares only for children who are related to the provider;~~
- 32 ~~(C) cares for less than six (6) children; not including children~~
- 33 ~~for whom the provider is a parent, stepparent, guardian,~~
- 34 ~~custodian, or other relative; or~~
- 35 ~~(D) operates to serve migrant children.~~
- 36 (9) A child care program operated by a public or private school
- 37 that **does the following:**
- 38 (A) Provides day care on ~~the school premises~~ **school property**
- 39 for **one (1) or more of the following:**
- 40 (i) Children of students or employees of schools in the
- 41 school corporation in which the public or private school is
- 42 located.



- 1 **(ii) Children of employees of a business or organization**
 2 **with which the school has entered into a contract to**
 3 **provide services.**
 4 (B) Complies with health, safety, and sanitation standards as
 5 determined by the division under section 4 of this chapter for
 6 child care centers or in accordance with a variance or waiver
 7 of a rule governing child care centers approved by the division
 8 under section 10 of this chapter. ~~and~~
 9 (C) Substantially complies with the fire and life safety rules as
 10 determined by the state fire marshal under rules adopted by the
 11 division under section 4 of this chapter for child care centers
 12 or in accordance with a variance or waiver of a rule governing
 13 child care centers approved by the division under section 10 of
 14 this chapter.
 15 (10) A school age child care program (commonly referred to as a
 16 latch key program) established under IC 20-26-5-2 that is
 17 operated by:
 18 (A) the department of education;
 19 (B) a public or private school; or
 20 (C) a public or private organization under a written contract
 21 with:
 22 (i) the department of education; or
 23 (ii) a public or private school.
 24 (11) A child care program that:
 25 (A) is operated by a public or private organization under a
 26 contract with a public or private school;
 27 (B) serves children who are enrolled in the public or private
 28 school in:
 29 (i) grades kindergarten through 12; or
 30 (ii) a preschool program offered by a public or private
 31 school as described in this subdivision; and
 32 (C) serves children who are:
 33 (i) attending school through remote or e-learning due to a
 34 disaster emergency declared under IC 10-14-3-12 or
 35 IC 10-14-3-29; or
 36 (ii) participating in a learning recovery program that
 37 administers an assessment to measure student learning loss
 38 and provides Indiana academic standards aligned
 39 instruction.
 40 (12) An educational program:
 41 (A) consisting of a group of not more than ten (10) students
 42 who attend the educational program in lieu of attending



- 1 prekindergarten or kindergarten through grade 12 at a public
 2 or private school;
- 3 (B) whose students meet in a single classroom in person or
 4 outside a classroom and which may include mixed age level
 5 groupings; and
- 6 (C) that is under the supervision of a teacher or tutor.
- 7 (13) If located in the same public or private school building:
- 8 (A) a preschool program that is operated by the public or
 9 private school; and
- 10 (B) either or both of the following:
- 11 (i) A child care program described in subdivision (9).
 12 (ii) A school age child care program described in
 13 subdivision (10).
- 14 SECTION 5. IC 12-17.2-3.5-3.5 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2024]: **Sec. 3.5. A child care provider is**
 17 **eligible to receive a voucher payment if the provider complies with**
 18 **this chapter and:**
- 19 (1) **does not receive regular compensation;**
 20 (2) **cares only for children who are related to the provider;**
 21 (3) **cares for less than eight (8) children, not including**
 22 **children for whom the provider is a parent, stepparent,**
 23 **guardian, custodian, or other relative; or**
 24 (4) **operates to serve migrant children.**
- 25 SECTION 6. IC 12-17.2-4-12 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 12. (a) A license for a
 27 child care center expires ~~two (2)~~ **three (3)** years after the date of
 28 issuance, unless revoked, modified to a probationary or suspended
 29 status, or voluntarily returned.
- 30 (b) A license issued under this chapter:
- 31 (1) is not transferable;
 32 (2) applies only to the licensee and the location stated in the
 33 application; and
 34 (3) remains the property of the division.
- 35 (c) A current license shall be publicly displayed.
- 36 (d) When a licensee submits a timely application for renewal, the
 37 current license shall remain in effect until the division issues a license
 38 or denies the application.
- 39 (e) A licensee shall publicly display and make available, as a
 40 handout, written documentation of:
- 41 (1) any changes in the status of the licensee's license;
 42 (2) a telephone number and an Internet site where information



1 may be obtained from the division concerning:

- 2 (A) the current status of the licensee's license;
 3 (B) any complaints filed with the division concerning the
 4 licensee; and
 5 (C) violations of this article by the licensee; and
 6 (3) a telephone number of the office of the Indiana child care
 7 resource and referral program of the county in which the child
 8 care center is located.

9 SECTION 7. IC 12-17.2-5-6.5, AS AMENDED BY P.L.74-2022,
 10 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2024]: Sec. 6.5. (a) To qualify for a license to operate a class
 12 II child care home under this chapter, a person must do the following:

- 13 (1) Provide all child care services on the first story of the child
 14 care home unless the class II child care home meets the
 15 exceptions to the first story requirements contained in the Indiana
 16 building code adopted by the fire prevention and building safety
 17 commission in effect at the time the class II child care home
 18 provider applies for licensure.
 19 (2) Provide a smoke detection system that is:
 20 (A) hard wired to the building's electrical system; and
 21 (B) wired in a manner that activates all of the detector devices
 22 in the building when one (1) detector device is activated.
 23 (3) Provide a fire extinguisher in each room that is used to
 24 provide child care services.
 25 (4) Meet:
 26 (A) the exit requirements for an E-3 building occupancy
 27 classification under the Indiana building code adopted by the
 28 fire prevention and building safety commission, except for any
 29 illumination requirements, in effect at the time the class II
 30 child care home provider initially applies for licensure; and
 31 (B) the illumination requirements established in section
 32 6.3(b)(3) of this chapter.
 33 (5) Provide a minimum of thirty-five (35) square feet for each
 34 child.
 35 (6) Conduct fire drills required under article 37 of the Indiana fire
 36 prevention code adopted by the fire prevention and building
 37 safety commission in effect at the time the class II child care
 38 home provider applies for licensure.
 39 (7) Apply for a license before July 1, 1996, or after June 30, 2001.
 40 (8) Comply with rules adopted by the division of family resources
 41 for class II child care homes.
 42 (9) Complete the training course taught or approved by the



- 1 division concerning safe sleeping practices for a child within the
 2 person's care as described in IC 12-17.2-2-1(10).
- 3 ~~(b) To qualify for a license to operate a class H child care home~~
 4 ~~under this chapter, a person, before applying for the license, must have:~~
 5 ~~(1) a class I child care home license; or~~
 6 ~~(2) at least one (1) year of experience as a caregiver in a child~~
 7 ~~care home or child care center.~~
- 8 SECTION 8. IC 36-7-4-1108, AS AMENDED BY P.L.145-2006,
 9 SECTION 374, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2024]: Sec. 1108. (a) This section applies only
 11 to a child care home that is used as the primary residence of the person
 12 who operates the child care home **regardless of whether the child**
 13 **care home meets the definition set forth in IC 12-7-2-28.6.**
- 14 ~~(b) As used in this section, "child care home" has the meaning set~~
 15 ~~forth in IC 12-7-2-28.6.~~
- 16 ~~(e) (b) Except as provided in subsection (e);~~ A zoning ordinance
 17 may not do any of the following:
 18 (1) Exclude a child care home from a residential area solely
 19 because the child care home is a business.
 20 (2) Impose limits on the number of children that may be served by
 21 a child care home at any one (1) time that vary from the limits set
 22 forth in IC 12-7-2-33.7 and IC 12-7-2-33.8.
 23 (3) Impose requirements or restrictions upon child care homes
 24 that vary from the requirements and restrictions imposed upon
 25 child care homes by rules adopted by the division of family
 26 resources or the fire prevention and building safety commission.
- 27 ~~(d) (c) Notwithstanding subsection (e); (b),~~ a child care home may
 28 be required to meet the same:
 29 (1) zoning requirements;
 30 (2) developmental standards; and
 31 (3) building codes;
 32 that apply to other residential structures in the same residential district
 33 or classification as the child care home.
- 34 ~~(e) A zoning ordinance:~~
 35 ~~(1) that is in effect on July 1, 1993; and~~
 36 ~~(2) that:~~
 37 ~~(A) excludes a child care home from a residential area solely~~
 38 ~~because the child care home is a business;~~
 39 ~~(B) imposes limits on the number of children that may be~~
 40 ~~served by a child care home at any one (1) time that vary from~~
 41 ~~the limits set forth in IC 12-7-2-33.7 and IC 12-7-2-33.8; or~~
 42 ~~(C) imposes requirements or restrictions upon child care~~



1 homes that vary from the requirements and restrictions
2 imposed upon child care homes by rules adopted by the
3 division of family resources or the fire prevention and building
4 safety commission;
5 is not subject to subsection (c) until July 1, 1994.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1102, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1102 as introduced.)

DEVON

Committee Vote: yeas 8, nays 4.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1102 be amended to read as follows:

Page 1, line 5, reset in roman "(not including the".

Page 1, reset in roman line 6.

Page 1, line 7, reset in roman "custodian, or other".

Page 1, line 7, delete "relative" and insert "relative)".

(Reference is to HB 1102 as printed January 25, 2024.)

HEINE

 COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1102, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, delete lines 25 through 27, begin a new line double block indented and insert:

"(A) provides day care:

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- (i) on the school premises; or
- (ii) at another location leased by the school within the school district in which the school is located;**

for children of students or employees of schools in the school corporation in which the public or private school is located;".

Page 4, line 40, delete "care for" and insert "care:

- (i) on the school premises; or**
- (ii) at another location leased by the school within the school district in which the school is located;**

for".

Page 6, between lines 17 and 18, begin a new line blocked left and insert:

"A licensee may not provide care for more than three (3) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) who are less than twelve (12) months of age."

and when so amended that said bill do pass.

(Reference is to HB 1102 as reprinted January 30, 2024.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 8, Nays 2.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1102 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-28.6, AS AMENDED BY P.L.124-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 28.6. (a) **Except as provided in subsection (c),** "child care home", for purposes of IC 12-17.2, means a residential structure in which at least ~~six (6)~~ **eight (8)** children, **or at least four (4) children under twelve (12) months of age,** (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) **or any child who is at least fourteen (14) years of age and does not require child care)** at any time receive child care from a provider:

- (1) while unattended by a parent, legal guardian, or custodian;
- (2) for regular compensation; and

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(3) for more than ~~four (4)~~ **six (6)** hours **per day** but less than twenty-four (24) hours ~~in each of~~ **per day for** ten (10) consecutive days, ~~per year, excluding intervening~~ **not including** Saturdays, Sundays, and holidays.

(b) The term includes:

- (1) a class I child care home; and
- (2) a class II child care home.

(c) **A child who is:**

- (1) a relative of a provider;**
- (2) under the custody or guardianship of a provider; or**
- (3) at least fourteen (14) years of age and does not require child care;**

is not a child described under subsection (a)."

Page 2, delete lines 1 through 7, begin a new paragraph and insert:

"SECTION 2. IC 12-7-2-171.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 171.5. "School property", for purposes of IC 12-17.2, means the following:**

(1) A building or other structure owned or leased by a:

- (A) school corporation;**
- (B) public school; or**
- (C) private school;**

within the school district in which the school is located.

(2) The grounds adjacent to and owned or rented in common with the building or other structure described in subdivision (1)."

Page 2, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 4. IC 12-17.2-2-8, AS AMENDED BY P.L.81-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 8. The division shall exempt from licensure the following programs:**

- (1) A program for children enrolled in grades kindergarten through 12 that is operated by the department of education or a public or private school.
- (2) A program for children who become at least three (3) years of age as of December 1 of a particular school year (as defined in IC 20-18-2-17) that is operated by the department of education or a public or private school.
- (3) A nonresidential program for a child that provides child care for less than four (4) hours a day.
- (4) A recreation program for children that operates for not more



than ninety (90) days in a calendar year.

(5) A program whose primary purpose is to provide social, recreational, or religious activities for school age children, such as scouting, boys club, girls club, sports, or the arts.

(6) A program operated to serve migrant children that:

(A) provides services for children from migrant worker families; and

(B) is operated during a single period of less than one hundred twenty (120) consecutive days during a calendar year.

(7) A child care ministry registered under IC 12-17.2-6.

(8) A child care home if the provider

~~(A) does not receive regular compensation;~~

~~(B) cares only for children who are related to the provider;~~

~~(C) cares for less than six (6) children; not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative; or~~

~~(D) operates to serve migrant children.~~

(9) A child care program operated by a public or private school that **does the following:**

(A) Provides day care on ~~the school premises~~ **school property for one (1) or more of the following:**

(i) Children of students or employees of schools in the school corporation in which the public or private school is located.

(ii) Children of employees of a business or organization with which the school has entered into a contract to provide services.

(B) Complies with health, safety, and sanitation standards as determined by the division under section 4 of this chapter for child care centers or in accordance with a variance or waiver of a rule governing child care centers approved by the division under section 10 of this chapter. ~~and~~

(C) Substantially complies with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under section 4 of this chapter for child care centers or in accordance with a variance or waiver of a rule governing child care centers approved by the division under section 10 of this chapter.

(10) A school age child care program (commonly referred to as a latch key program) established under IC 20-26-5-2 that is operated by:

(A) the department of education;



- (B) a public or private school; or
- (C) a public or private organization under a written contract with:
 - (i) the department of education; or
 - (ii) a public or private school.
- (11) A child care program that:
 - (A) is operated by a public or private organization under a contract with a public or private school;
 - (B) serves children who are enrolled in the public or private school in:
 - (i) grades kindergarten through 12; or
 - (ii) a preschool program offered by a public or private school as described in this subdivision; and
 - (C) serves children who are:
 - (i) attending school through remote or e-learning due to a disaster emergency declared under IC 10-14-3-12 or IC 10-14-3-29; or
 - (ii) participating in a learning recovery program that administers an assessment to measure student learning loss and provides Indiana academic standards aligned instruction.
- (12) An educational program:
 - (A) consisting of a group of not more than ten (10) students who attend the educational program in lieu of attending prekindergarten or kindergarten through grade 12 at a public or private school;
 - (B) whose students meet in a single classroom in person or outside a classroom and which may include mixed age level groupings; and
 - (C) that is under the supervision of a teacher or tutor.
- (13) If located in the same public or private school building:
 - (A) a preschool program that is operated by the public or private school; and
 - (B) either or both of the following:
 - (i) A child care program described in subdivision (9).
 - (ii) A school age child care program described in subdivision (10)."

Delete pages 3 through 4.

Page 5, delete lines 1 through 19.

Page 6, delete lines 15 through 42.



Page 7, delete lines 1 through 24.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1102 as printed February 16, 2024.)

WALKER G

