

**SUBSTITUTE FOR  
SENATE BILL NO. 185**

A bill to amend 1973 PA 116, entitled  
"An act to provide for the protection of children through the  
licensing and regulation of child care organizations; to provide  
for the establishment of standards of care for child care  
organizations; to prescribe powers and duties of certain  
departments of this state and adoption facilitators; to provide  
penalties; and to repeal acts and parts of acts,"  
by amending section 1 (MCL 722.111), as amended by 2022 PA 107, and  
by adding sections 3i, 3j, 3k, and 3l.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           Sec. 1. (1) As used in this act:
- 2           (a) "Child care staff member" means an individual who is 16
- 3 years of age or older to whom 1 or more of the following apply:
- 4           (i) The individual is employed by a child care center, group



1 child care home, or family child care home for compensation,  
2 including a contract employee or a self-employed individual.

3 (ii) An individual whose activities involve the unsupervised  
4 care or supervision of children for a child care center, group  
5 child care home, or family child care home.

6 (iii) An individual who has unsupervised access to children who  
7 are cared for or supervised by a child care center, group child  
8 care home, or family child care home.

9 (iv) An individual who acts in the role of a licensee designee  
10 or program director.

11 (b) "Child care organization" means a governmental or  
12 nongovernmental organization having as its principal function  
13 receiving minor children for care, maintenance, training, and  
14 supervision, notwithstanding that educational instruction may be  
15 given. Child care organization includes organizations commonly  
16 described as child caring institutions, child placing agencies,  
17 children's camps, children's campsites, children's therapeutic  
18 group homes, child care centers, day care centers, nursery schools,  
19 parent cooperative preschools, foster homes, group homes, or child  
20 care homes. Child care organization does not include a governmental  
21 or nongovernmental organization that does either of the following:

22 (i) Provides care exclusively to minors who have been  
23 emancipated by court order under section 4(3) of 1968 PA 293, MCL  
24 722.4.

25 (ii) Provides care exclusively to persons who are 18 years of  
26 age or older and to minors who have been emancipated by court order  
27 under section 4(3) of 1968 PA 293, MCL 722.4, at the same location.

28 (c) "Child caring institution" means a child care facility  
29 that is organized for the purpose of receiving minor children for



1 care, maintenance, and supervision, usually on a 24-hour basis, in  
2 buildings maintained by the child caring institution for that  
3 purpose, and operates throughout the year. An educational program  
4 may be provided, but the educational program shall not be the  
5 primary purpose of the facility. Child caring institution includes  
6 a maternity home for the care of unmarried mothers who are minors  
7 and an agency group home, that is described as a small child caring  
8 institution, owned, leased, or rented by a licensed agency  
9 providing care for more than 4 but less than 13 minor children.  
10 Child caring institution also includes an institution for  
11 developmentally disabled or emotionally disturbed minor children.  
12 Child caring institution does not include a hospital, nursing home,  
13 or home for the aged licensed under article 17 of the public health  
14 code, 1978 PA 368, MCL 333.20101 to 333.22260, a boarding school  
15 licensed under section 1335 of the revised school code, 1976 PA  
16 451, MCL 380.1335, a hospital or facility operated by the state or  
17 licensed under the mental health code, 1974 PA 258, MCL 330.1001 to  
18 330.2106, or an adult foster care family home or an adult foster  
19 care small group home licensed under the adult foster care facility  
20 licensing act, 1979 PA 218, MCL 400.701 to 400.737, in which a  
21 child has been placed under section 5(6).

22 (d) "Child caring institution staff member" means an  
23 individual who is 18 years of age or older to whom 1 or more of the  
24 following apply:

25 (i) The individual is employed by a child caring institution  
26 for compensation, including an adult who does not work directly  
27 with children.

28 (ii) The individual is a contract employee or self-employed  
29 individual with a child caring institution.



1 (iii) The individual is an intern or other individual who  
2 provides specific services under the rules promulgated under this  
3 act.

4 (e) "Child placing agency" means a governmental organization  
5 or an agency organized under the nonprofit corporation act, 1982 PA  
6 162, MCL 450.2101 to 450.3192, for the purpose of receiving  
7 children for placement in private family homes for foster care or  
8 for adoption. The function of a child placing agency may include  
9 investigating applicants for adoption and investigating and  
10 certifying foster family homes and foster family group homes as  
11 provided in this act. The function of a child placing agency may  
12 also include supervising children who are at least 16 but less than  
13 21 years of age and who are living in unlicensed residences as  
14 provided in section 5(4).

15 (f) "Children's camp" means a residential, day, troop, or  
16 travel camp that provides care and supervision and is conducted in  
17 a natural environment for more than 4 children, apart from the  
18 children's parents, relatives, or legal guardians, for 5 or more  
19 days in a 14-day period.

20 (g) "Children's campsite" means the outdoor setting where a  
21 children's residential or day camp is located.

22 (h) "Children's therapeutic group home" means a child caring  
23 institution receiving not more than 6 minor children who are  
24 diagnosed with a developmental disability as defined in section  
25 100a of the mental health code, 1974 PA 258, MCL 330.1100a, or a  
26 serious emotional disturbance as defined in section 100d of the  
27 mental health code, 1974 PA 258, MCL 330.1100d, and that meets all  
28 of the following requirements:

29 (i) Provides care, maintenance, and supervision, usually on a



1 24-hour basis.

2 (ii) Complies with the rules for child caring institutions,  
3 except that behavior management rooms, personal restraint,  
4 mechanical restraint, or seclusion, which is allowed in certain  
5 circumstances under licensing rules, are prohibited in a children's  
6 therapeutic group home.

7 (iii) Is not a private home.

8 (iv) Is not located on a campus with other licensed facilities.

9 (i) "Child care center" means a facility, other than a private  
10 residence, receiving 1 or more children under 13 years of age for  
11 care for periods of less than 24 hours a day, where the parents or  
12 guardians are not immediately available to the child. Child care  
13 center includes a facility that provides care for not less than 2  
14 consecutive weeks, regardless of the number of hours of care per  
15 day. The facility is generally described as a child care center,  
16 day care center, day nursery, nursery school, parent cooperative  
17 preschool, play group, before- or after-school program, or drop-in  
18 center. Child care center does not include any of the following:

19 (i) A Sunday school, a vacation bible school, or a religious  
20 instructional class that is conducted by a religious organization  
21 where children are attending for not more than 3 hours per day for  
22 an indefinite period or for not more than 8 hours per day for a  
23 period not to exceed 4 weeks during a 12-month period.

24 (ii) A facility operated by a religious organization where  
25 children are in the religious organization's care for not more than  
26 3 hours while persons responsible for the children are attending  
27 religious services.

28 (iii) A program that is primarily supervised, school-age-child-  
29 focused training in a specific subject, including, but not limited



1 to, dancing, drama, music, or religion. This exclusion applies only  
2 to the time a child is involved in supervised, school-age-child-  
3 focused training.

4 (iv) A program that is primarily an incident of group athletic  
5 or social activities for school-age children sponsored by or under  
6 the supervision of an organized club or hobby group, including, but  
7 not limited to, youth clubs, scouting, and school-age recreational  
8 or supplementary education programs. This exclusion applies only to  
9 the time the school-age child is engaged in the group athletic or  
10 social activities and if the school-age child can come and go at  
11 will.

12 (v) A program that primarily provides therapeutic services to  
13 a child.

14 (j) "Conviction" means a final conviction, the payment of a  
15 fine, a plea of guilty or nolo contendere if accepted by the court,  
16 a finding of guilt for a criminal law violation or a juvenile  
17 adjudication or disposition by the juvenile division of probate  
18 court or family division of circuit court for a violation that if  
19 committed by an adult would be a crime, or a conviction in a tribal  
20 court or a military court.

21 (k) "Criminal history check" means a fingerprint-based  
22 criminal history record information background check through the  
23 department of state police and the Federal Bureau of Investigation.

24 (l) "Criminal history record information" means that term as  
25 defined in section 1a of 1925 PA 289, MCL 28.241a.

26 (m) "Department" means the department of health and human  
27 services and the department of licensing and regulatory affairs or  
28 a successor agency or department responsible for licensure under  
29 this act. The department of licensing and regulatory affairs is



1 responsible for licensing and regulatory matters for child care  
2 centers, group child care homes, family child care homes,  
3 children's camps, and children's campsites. The department of  
4 health and human services is responsible for licensing and  
5 regulatory matters for child caring institutions, child placing  
6 agencies, children's therapeutic group homes, foster family homes,  
7 and foster family group homes.

8       **(n) "Drinking fountain" means a plumbing fixture that is**  
9 **connected to the potable water distribution system and the drainage**  
10 **system that allows the user to obtain a drink directly from a**  
11 **stream of flowing water without the use of any accessory.**

12       **(o) ~~(n)~~"Eligible" means that the individual obtained the**  
13 **checks and clearances described in sections 5n and 5q and is**  
14 **considered appropriate to obtain a license, to be a member of the**  
15 **household of a group child care home or family child care home, or**  
16 **to be a child care staff member.**

17       **(p) "Faucet" means a valve end of a water pipe by which water**  
18 **is drawn from or held within the pipe.**

19       **(q) "Filtered bottle-filling station" or "station" means an**  
20 **apparatus that meets all of the following requirements:**

21       **(i) Is connected to customer site piping.**

22       **(ii) Filters water and is certified to meet NSF/ANSI standard**  
23 **53 for lead reduction and NSF/ANSI standard 42 for particulate**  
24 **removal.**

25       **(iii) The flow rate through the station is paired to the**  
26 **specified flow rate of the filter cartridge.**

27       **(iv) Has a light or other device to indicate filter use.**

28       **(v) Is designed to fill drinking bottles or other containers**  
29 **for personal water consumption.**



1 (vi) Includes a drinking fountain.

2 (r) "Filtered faucet" means a faucet that at the point of use  
3 includes a filter that is certified to meet NSF/ANSI standard 53  
4 for lead reduction and NSF/ANSI standard 42 for particulate  
5 removal.

6 (s) "Filtered pitcher" means a container used for holding and  
7 pouring liquids that at the point of use includes a filter that is  
8 certified to meet NSF/ANSI standard 53 for lead reduction and  
9 NSF/ANSI standard 42 for particulate removal.

10 (t) ~~(e)~~—"Ineligible" means that the individual obtained the  
11 checks and clearances as described in sections 5n and 5q and is not  
12 considered appropriate to obtain a license, to be a member of the  
13 household of a group child care home or family child care home, or  
14 to be a child care staff member due to violation of section 5n, 5q,  
15 or 5r.

16 (u) ~~(p)~~—"Increased capacity" means 1 additional child added to  
17 the total number of minor children received for care and  
18 supervision in a family child care home or 2 additional children  
19 added to the total number of minor children received for care and  
20 supervision in a group child care home.

21 (v) ~~(q)~~—"Private home" means a private residence in which the  
22 licensee permanently resides, which residency is not contingent  
23 upon caring for children or employment by a child placing agency.  
24 Private home includes a full-time foster family home, a full-time  
25 foster family group home, a group child care home, or a family  
26 child care home, as follows:

27 (i) "Foster family home" means the private home of an  
28 individual who is licensed to provide 24-hour care for 1 but not  
29 more than 4 minor children who are placed away from their parent,





1 legal guardian, or legal custodian in foster care. The licensed  
2 individual providing care is required to comply with the reasonable  
3 and prudent parenting standard as defined in section 1 of chapter  
4 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1.

5 (ii) "Foster family group home" means the private home of an  
6 individual who has been licensed by the department to provide 24-  
7 hour care for more than 4 but fewer than 7 minor children who are  
8 placed away from their parent, legal guardian, or legal custodian  
9 in foster care. The licensed individual providing care is required  
10 to comply with the reasonable and prudent parenting standard as  
11 defined in section 1 of chapter XIIIA of the probate code of 1939,  
12 1939 PA 288, MCL 712A.1.

13 (iii) "Family child care home" means a private home in which 1  
14 but fewer than 7 minor children are received for care and  
15 supervision for compensation for periods of less than 24 hours a  
16 day, unattended by a parent or legal guardian, except children  
17 related to an adult member of the household by blood, marriage, or  
18 adoption. Family child care home includes a home in which care is  
19 given to an unrelated minor child for more than 4 weeks during a  
20 calendar year. A family child care home does not include an  
21 individual providing babysitting services for another individual.  
22 As used in this subparagraph, "providing babysitting services"  
23 means caring for a child on behalf of the child's parent or  
24 guardian if the annual compensation for providing those services  
25 does not equal or exceed \$600.00 or an amount that would according  
26 to the internal revenue code of 1986 obligate the child's parent or  
27 guardian to provide a form 1099-MISC to the individual for  
28 compensation paid during the calendar year for those services.  
29 Family child care home includes a private home with increased



1 capacity.

2 (iv) "Group child care home" means a private home in which more  
3 than 6 but not more than 12 minor children are given care and  
4 supervision for periods of less than 24 hours a day unattended by a  
5 parent or legal guardian, except children related to an adult  
6 member of the household by blood, marriage, or adoption. Group  
7 child care home includes a home in which care is given to an  
8 unrelated minor child for more than 4 weeks during a calendar year.  
9 Group child care home includes a private home with increased  
10 capacity.

11 (w) ~~(r)~~—"Legal custodian" means an individual who is at least  
12 18 years of age in whose care a minor child remains or is placed  
13 after a court makes a finding under section 13a(5) of chapter XIIA  
14 of the probate code of 1939, 1939 PA 288, MCL 712A.13a.

15 (x) ~~(s)~~—"Legal entity" means a sole proprietorship,  
16 partnership, corporation, limited liability company, or any other  
17 entity.

18 (y) ~~(t)~~—"Licensee" means a person, legal entity organized  
19 under a law of this state, state or local government, or trust that  
20 has been issued a license under this act to operate a child care  
21 organization.

22 (z) ~~(u)~~—"Listed offense" means that term as defined in section  
23 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

24 (aa) ~~(v)~~—"Member of the household" means any individual who  
25 resides in a family child care home, group child care home, foster  
26 family home, or foster family group home on an ongoing basis, or  
27 who has a recurrent presence in the home, including, but not  
28 limited to, overnight stays. For foster family homes and foster  
29 family group homes, a member of the household does not include a



1 foster child. For group child care homes and family child care  
 2 homes, a member of the household does not include a child to whom  
 3 child care is being provided.

4 **(bb)** ~~(w)~~—"Original license" means a license issued to a child  
 5 care organization during the first 6 months of operation indicating  
 6 that the organization is in compliance with all rules promulgated  
 7 by the department under this act.

8 **(cc)** ~~(x)~~—"Provisional license" means a license issued to a  
 9 child care organization that is temporarily unable to conform to  
 10 the rules promulgated under this act.

11 **(dd)** ~~(y)~~—"Qualified residential treatment program" or "QRTP"  
 12 means a program within a child caring institution to which all of  
 13 the following apply:

14 (i) The program has a trauma-informed treatment model,  
 15 evidenced by the inclusion of trauma awareness, knowledge, and  
 16 skills into the program's culture, practices, and policies.

17 (ii) The program has registered or licensed nursing and other  
 18 licensed clinical staff on-site or available 24 hours a day, 7 days  
 19 a week, who provide care in the scope of their practice as provided  
 20 in parts 170, 172, 181, 182, 182A, and 185 of the public health  
 21 code, 1978 PA 368, MCL 333.17001 to 333.17097, 333.17201 to  
 22 333.17242, 333.18101 to 333.18117, 333.18201 to 333.18237,  
 23 333.18251 to 333.18267, and 333.18501 to 333.18518.

24 (iii) The program integrates families into treatment, including  
 25 maintaining sibling connections.

26 (iv) The program provides aftercare services for at least 6  
 27 months post discharge.

28 (v) The program is accredited by an independent not-for-profit  
 29 organization as described in 42 USC 672(k)(4)(G).



1           (vi) The program does not include a detention facility,  
 2 forestry camp, training school, or other facility operated  
 3 primarily for detaining minor children who are determined to be  
 4 delinquent.

5           **(ee)** ~~(z)~~ "Regular license" means a license issued to a child  
 6 care organization indicating that the organization is in  
 7 substantial compliance with all rules promulgated under this act  
 8 and, if there is a deficiency, has entered into a corrective action  
 9 plan.

10           **(ff)** ~~(aa)~~ "Guardian" means the guardian of the person.

11           **(gg)** ~~(bb)~~ "Minor child" means any of the following:

12           (i) A person less than 18 years of age.

13           (ii) A person who is a resident in a child caring institution,  
 14 foster family home, or foster family group home, who is at least 18  
 15 but less than 21 years of age, and who meets the requirements of  
 16 the young adult voluntary foster care act, 2011 PA 225, MCL 400.641  
 17 to 400.671.

18           (iii) A person who is a resident in a child caring institution,  
 19 children's camp, foster family home, or foster family group home;  
 20 who becomes 18 years of age while residing in a child caring  
 21 institution, children's camp, foster family home, or foster family  
 22 group home; and who continues residing in a child caring  
 23 institution, children's camp, foster family home, or foster family  
 24 group home to receive care, maintenance, training, and supervision.  
 25 A minor child under this subparagraph does not include a person 18  
 26 years of age or older who is placed in a child caring institution,  
 27 foster family home, or foster family group home under an  
 28 adjudication under section 2(a) of chapter XIIA of the probate code  
 29 of 1939, 1939 PA 288, MCL 712A.2, or under section 1 of chapter IX



1 of the code of criminal procedure, 1927 PA 175, MCL 769.1. This  
2 subparagraph applies only if the number of those residents who  
3 become 18 years of age does not exceed the following:

4 (A) Two, if the total number of residents is 10 or fewer.

5 (B) Three, if the total number of residents is not less than  
6 11 and not more than 14.

7 (C) Four, if the total number of residents is not less than 15  
8 and not more than 20.

9 (D) Five, if the total number of residents is 21 or more.

10 (iv) A person 18 years of age or older who is placed in an  
11 unlicensed residence under section 5(4) or a foster family home  
12 under section 5(7).

13 **(hh)** ~~(ee)~~—"Related" means in the relationship by blood,  
14 marriage, or adoption, as parent, grandparent, great-grandparent,  
15 great-great-grandparent, aunt or uncle, great-aunt or great-uncle,  
16 great-great-aunt or great-great-uncle, sibling, stepsibling, nephew  
17 or niece, first cousin or first cousin once removed, and the spouse  
18 of any of the individuals described in this definition, even after  
19 the marriage has ended by death or divorce.

20 **(ii)** ~~(dd)~~—"Religious organization" means a church,  
21 ecclesiastical corporation, or group, not organized for pecuniary  
22 profit, that gathers for mutual support and edification in piety or  
23 worship of a supreme deity.

24 **(jj)** ~~(ee)~~—"School-age child" means a child who is eligible to  
25 attend a grade of kindergarten or higher, but is less than 13 years  
26 of age. A child is considered to be a school-age child on the first  
27 day of the school year in which he or she is eligible to attend  
28 school.

29 **(kk)** ~~(ff)~~—"Severe physical injury" means serious physical harm



1 as that term is defined in section 136b of the Michigan penal code,  
2 1931 PA 328, MCL 750.136b.

3 **(ll)** ~~(gg)~~ "Licensee designee" means the individual designated  
4 in writing by the board of directors of the corporation or by the  
5 owner or person with legal authority to act on behalf of the  
6 company or organization on licensing matters. The individual must  
7 agree in writing to be designated as the licensee designee. All  
8 license applications must be signed by the licensee in the case of  
9 the individual or by a member of the corporation, company, or  
10 organization.

11 **(mm) "Water delivery service" means a service that delivers**  
12 **drinking water to a child care center and provides drinking water**  
13 **that meets the standards of the safe drinking water act, 42 USC**  
14 **300f to 300j-25.**

15 (2) A family child care home or group child care home is  
16 automatically eligible for increased capacity after satisfying all  
17 of the following criteria:

18 (a) Holds a current license.

19 (b) Has been licensed to operate for at least 29 consecutive  
20 months.

21 (c) Has received 1 or more unrelated minor children for care  
22 and supervision during the licensed period under subdivision (b).

23 (d) Has received a renewed regular license after at least 29  
24 months of licensed operation under subdivision (b).

25 (3) The department may rescind increased capacity due to 1 or  
26 more of the following:

27 (a) Corrective action.

28 (b) Licensing action.

29 (c) Determination by the department that increased capacity is



1 not conducive to the welfare of children as that term is defined in  
2 section 5m.

3 (4) If the department rescinds increased capacity as outlined  
4 in subsection (3), the family child care home or group child care  
5 home may be considered for increased capacity not less than 22  
6 months after rescinding increased capacity in a form and manner  
7 determined by the department.

8 (5) A family child care home or group child care home may  
9 appeal rescission of increased capacity under a hearing held in the  
10 manner provided under section 11(2).

11 **Sec. 3i. (1) Within 1 year after the effective date of the**  
12 **amendatory act that added this section, each child care center**  
13 **shall develop a drinking water management plan. On request, the**  
14 **child care center shall make the plan available to the department**  
15 **of licensing and regulatory affairs, a staff member, or a parent or**  
16 **guardian of a child enrolled in the child care center. The plan**  
17 **must specify all of the following by category:**

18 (a) Locations where water outlets will be maintained to  
19 deliver water for human consumption, whether as drinking water or a  
20 component of a food or beverage, using the following categories:

21 (i) Locations where filtered bottle-filling stations will be  
22 maintained, if applicable.

23 (ii) Locations where filtered faucets will be maintained, if  
24 applicable.

25 (iii) Locations where filtered pitchers will be maintained, if  
26 applicable.

27 (iv) Locations where unfiltered drinking fountains or  
28 unfiltered faucets will be maintained, subject to section 3j(a).

29 (v) Locations where drinking water from a water delivery



1 service will be maintained, if applicable.

2 (b) Locations where water outlets will be maintained for  
3 purposes other than to deliver water for human consumption, if  
4 applicable.

5 (c) Locations where water outlets will be shut off or rendered  
6 permanently inoperable, if applicable.

7 (d) Regular replacement of the filter cartridge for each  
8 filtered bottle-filling station, filtered faucet, and filtered  
9 pitcher in compliance with manufacturer instructions or  
10 recommendations of the department of environment, Great Lakes, and  
11 energy.

12 (2) Each child care center shall review and update the  
13 drinking water management plan created under subsection (1) every 5  
14 years and make changes as needed or as directed by the department  
15 of licensing and regulatory affairs.

16 (3) A local health department or the department of licensing  
17 and regulatory affairs shall conduct a water inspection at each  
18 child care center at least once every 2 years. As part of the water  
19 inspection, the local health department or the department of  
20 licensing and regulatory affairs shall test water collected from  
21 all filtered bottle-filling stations and filtered faucets. If the  
22 water testing under this subsection indicates the presence of lead  
23 at a concentration of more than 5 parts per billion, the local  
24 health department or the department of licensing and regulatory  
25 affairs shall alert the department of environment, Great Lakes, and  
26 energy. Within 30 days after providing notice under this  
27 subsection, the child care center shall develop a remediation plan  
28 and incorporate the remediation plan into the drinking water  
29 management plan under subsection (1). The child care center shall





1 collect the water for sampling under this subsection. Water  
2 collected for sampling under this subsection must be drawn from all  
3 of the bubblers of the filtered bottle-filling stations and  
4 filtered faucets and must be collected in 250-milliliter bottles  
5 after at least an 8-hour stagnation period and before any water use  
6 occurs at the child care center. The local health department or  
7 department of licensing and regulatory affairs shall provide the  
8 child care center with a sufficient number of 250-milliliter  
9 bottles before the water is collected under this subsection. After  
10 the child care center collects the water samples, the local health  
11 department or department of licensing and regulatory affairs shall  
12 collect all of the 250-milliliter bottles and conduct the testing  
13 described under this subsection. As used in this subsection, "local  
14 health department" means that term as defined in section 1105 of  
15 the public health code, 1978 PA 368, MCL 333.1105, and having those  
16 powers and duties described under part 24 of the public health  
17 code, 1978 PA 368, MCL 333.2401 to 333.2498.

18 (4) If, on a continual basis, a health inspection conducted  
19 under subsection (3) delays the department of licensing and  
20 regulatory affairs from issuing or denying a license for a child  
21 care center under this act, the department of licensing and  
22 regulatory affairs may complete the water inspection instead of the  
23 local health department.

24 (5) A child care center that installs a filtered bottle-  
25 filling station, filtered faucet, filtered pitcher, or other  
26 filtered source shall install, operate, and maintain them in  
27 accordance with manufacturer instructions or recommendations of the  
28 department of environment, Great Lakes, and energy.

29 (6) A child care center shall retain the following documents



1 for 3 years or until after a health inspection occurs under  
2 subsection (3), whichever is sooner, and make the documents  
3 available to the department of licensing and regulatory affairs on  
4 request:

5 (a) Original copies of the results of all water sampling and  
6 testing, if applicable.

7 (b) Records of the dates when and locations where filters or  
8 filter cartridges were installed or replaced.

9 (c) Installation instructions for each filter and filter  
10 cartridge installed by the child care center.

11 Sec. 3j. Within 2 years after the effective date of the  
12 amendatory act that added this section, each child care center  
13 shall do all of the following in a manner consistent with the  
14 drinking water management plan created under section 3i:

15 (a) Post a conspicuous sign near each water outlet and  
16 drinking fountain indicating whether the outlet is intended to  
17 provide water for human consumption. If the water outlet or  
18 drinking fountain is intended to provide water for human  
19 consumption but is unfiltered, the sign must also state that the  
20 water is unfiltered and could contain lead.

21 (b) Ensure that any water furnished to children for human  
22 consumption by the child care center is from a filtered faucet or  
23 other filtered source that is certified to meet NSF/ANSI standard  
24 53 for lead reduction and NSF/ANSI standard 42 for particulate  
25 removal, or from a water delivery service.

26 (c) Make available to the public and notify each parent or  
27 guardian of each child enrolled in the child care center of the  
28 availability of both of the following:

29 (i) All water sampling and testing results.



1 (ii) All filter and filter cartridge replacement dates for each  
 2 filtered bottle-filling station, filtered faucet, filtered pitcher,  
 3 or other filtered source.

4 Sec. 3k. If a child care center is located in a school  
 5 building that complies with the clean drinking water access act,  
 6 the child care center is considered to comply with sections 3i and  
 7 3j.

8 Sec. 3l. (1) The department of licensing and regulatory  
 9 affairs, in coordination with the department of environment, Great  
 10 Lakes, and energy, shall assist each child care center in  
 11 maintaining compliance by providing all of the following:

12 (a) A template for the drinking water management plan required  
 13 under section 3i.

14 (b) A template for tracking filter and filter cartridge  
 15 replacement dates and water sampling and testing results.

16 (c) Guidance documents on all of the following:

17 (i) Factors that a child care center should consider when  
 18 selecting filtered bottle-filling stations, filtered faucets, and  
 19 filters.

20 (ii) How to shut off or render permanently inoperable a water  
 21 outlet identified under section 3i(1)(c).

22 (iii) How to flush a building's cold water plumbing before  
 23 installing new filtered bottle-filling stations and filtered  
 24 faucets.

25 (iv) Common filtered bottle-filling station or filtered faucet  
 26 installation and operation errors and how to avoid them.

27 (2) The department of licensing and regulatory affairs shall  
 28 provide training for child care center staff on filter cartridge  
 29 use, installation, and maintenance and water sampling protocol.



1 Training under this subdivision may be provided as a webinar or  
2 incorporated into existing training programs. Within 2 years after  
3 the effective date of the amendatory act that added this section,  
4 and every 5 years thereafter, all child care center staff  
5 responsible for providing or overseeing children's access to  
6 drinking water shall participate in training provided by the  
7 department of licensing and regulatory affairs under this  
8 subsection.

9 (3) The department shall provide and make available the  
10 guidance documents required under subsection (1)(c) not later than  
11 6 months after the effective date of the amendatory act that added  
12 this section. Before the department provides the guidance  
13 documents, the department shall issue the guidance documents as  
14 proposed guidance documents on its website and allow for a 30-day  
15 public comment period.

16 Enacting section 1. This amendatory act does not take effect  
17 unless Senate Bill No. 184 of the 101st Legislature is enacted into  
18 law.

