

**UTAH CHILD CARE LICENSING ACT**

**AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ross I. Romero**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends exemption provisions of the Utah Child Care Licensing Act.

**Highlighted Provisions:**

This bill:

▶ exempts from the provisions of the Utah Child Care Licensing Act a summer camp provided by an organization that qualifies for tax exempt status under Section 501(c)(3) of the Internal Revenue Code; and

▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26-39-403**, as renumbered and amended by Laws of Utah 2008, Chapter 111

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **26-39-403** is amended to read:

**26-39-403. Exclusions from chapter -- Criminal background checks by an**



28 **excluded person.**

29 (1) The provisions and requirements of this chapter do not apply to:

30 (a) a facility or program owned or operated by an agency of the United States  
31 government;

32 (b) group counseling provided by a mental health therapist, as defined in Section  
33 58-60-102, who is licensed to practice in this state;

34 (c) a health care facility licensed pursuant to Title 26, Chapter 21, Health Care Facility  
35 Licensing and Inspection Act;

36 (d) care provided to qualifying children by or in the homes of parents, legal guardians,  
37 grandparents, brothers, sisters, uncles, or aunts;

38 (e) care provided to qualifying children, in the home of the provider, for less than four  
39 hours a day or on a sporadic basis, unless that child care directly affects or is related to a  
40 business licensed in this state;

41 (f) care provided to qualifying children as part of a course of study at or a program  
42 administered by an educational institution that is regulated by the boards of education of this  
43 state, a private education institution that provides education in lieu of that provided by the  
44 public education system, or by a parochial education institution;

45 (g) care provided to qualifying children by a public or private institution of higher  
46 education, if the care is provided in connection with a course of study or program, relating to  
47 the education or study of children, that is provided to students of the institution of higher  
48 education;

49 (h) care provided to qualifying children at a public school by an organization other than  
50 the public school, if:

51 (i) the care is provided under contract with the public school or on school property; or

52 (ii) the public school accepts responsibility and oversight for the care provided by the  
53 organization;

54 (i) care provided to qualifying children as part of a summer camp that operates on  
55 federal land pursuant to a federal permit;

56 (j) care provided by an organization that:

57 (i) qualifies for tax exempt status under Section 501(c)(3) of the Internal Revenue  
58 Code;

- 59 (ii) is provided pursuant to a written agreement with:  
60 (A) a municipality, as defined in Section 10-1-104, that provides oversight for the  
61 program; or  
62 (B) a county that provides oversight for the program; and  
63 (iii) is provided to children who are over the age of four and under the age of 13; ~~or~~  
64 (k) care provided at a residential support program that is licensed by the Department of  
65 Human Services~~[-]; or~~  
66 (l) care provided as part of a summer camp that:  
67 (i) is provided by an organization that qualifies for tax exempt status under Section  
68 501(c)(3) of the Internal Revenue Code; and  
69 (ii) is only provided between May 15 and September 15.  
70 (2) A person who is excluded, under Subsection (1), from the provisions and  
71 requirements of this chapter, shall conduct a criminal background check on all of the person's  
72 employees who have access to a qualifying child to whom care is provided by the person.

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**Legislative Review Note**  
as of 1-11-10 11:23 AM

**Office of Legislative Research and General Counsel**

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**S.B. 46 - Utah Child Care Licensing Act Amendments**

**Fiscal Note**

2010 General Session  
State of Utah

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**State Impact**

This legislation will save the state \$13,100 total funds through fewer child care facility inspections and reduce revenues to the state by \$1,800 from reduced child care licensing fees.

	<u>FY 2010 Approp.</u>	<u>FY 2011 Approp.</u>	<u>FY 2012 Approp.</u>	<u>FY 2010 Revenue</u>	<u>FY 2011 Revenue</u>	<u>FY 2012 Revenue</u>
General Fund	\$0	(\$6,000)	(\$6,000)	\$0	(\$1,800)	(\$1,800)
Dedicated Credits	\$0	(\$7,100)	(\$7,100)	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>(\$13,100)</b>	<b>(\$13,100)</b>	<b>\$0</b>	<b>(\$1,800)</b>	<b>(\$1,800)</b>

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**Individual, Business and/or Local Impact**

About thirty summer camp businesses will no longer be required to be state-licensed for child care. Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, or local governments.