

**SUBSTITUTE FOR  
SENATE BILL NO. 88**

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 208, 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~~**individuals** who are  
26 18 years of age or older and to minors who have been emancipated by  
27 court order under section 4(3) of 1968 PA 293, MCL 722.4, at the  
28 same location.

29 (c) "Child caring institution" means a child care facility

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

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

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

29 (ii) The individual is a contract employee or self-employed

1 individual with a child caring institution.

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

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

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

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

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

1           (i) Provides care, maintenance, and supervision, usually on a  
2 24-hour basis.

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

8           (iii) Is not a private home.

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

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

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

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

29           (iii) A program that is primarily supervised, school-age-child-

1 focused training in a specific subject, including, but not limited  
2 to, dancing, drama, music, or religion. This exclusion applies only  
3 to the time a child is involved in supervised, school-age-child-  
4 focused training.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29       **(v) Is designed to fill drinking bottles or other containers**

1 for personal water consumption.

2 (vi) Includes a drinking fountain.

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

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

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

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

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

28 (i) "Foster family home" means the private home of an  
29 individual who is licensed to provide 24-hour care for 1 but not



1 more than 4 minor children who are placed away from their parent,  
2 legal guardian, or legal custodian in foster care. The licensed  
3 individual providing care is required to comply with the reasonable  
4 and prudent parenting standard as defined in section 1 of chapter  
5 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1.

6 (ii) "Foster family group home" means the private home of an  
7 individual who has been licensed by the department to provide 24-  
8 hour care for more than 4 but fewer than 7 minor children who are  
9 placed away from their parent, legal guardian, or legal custodian  
10 in foster care. The licensed individual providing care is required  
11 to comply with the reasonable and prudent parenting standard as  
12 defined in section 1 of chapter XIIIA of the probate code of 1939,  
13 1939 PA 288, MCL 712A.1.

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

1 increased 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. Group child care home includes a home in  
7 which care is given to an unrelated minor child for more than 4  
8 weeks during a calendar year. Group child care home includes a  
9 private home with increased capacity.

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

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

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

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

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

1 homes, a member of the household does not include a child to whom  
2 child care is being provided.

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

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

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

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

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

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

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

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

29 (vi) The program does not include a detention facility,

1 forestry camp, training school, or other facility operated  
 2 primarily for detaining minor children who are determined to be  
 3 delinquent.

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

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

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

11 (i) ~~A person~~ **An individual** less than 18 years of age.

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

17 (iii) ~~A person~~ **An individual** who is a resident in a child caring  
 18 institution, children's camp, foster family home, or foster family  
 19 group home; who becomes 18 years of age while residing in a child  
 20 caring institution, children's camp, foster family home, or foster  
 21 family group home; and who continues residing in a child caring  
 22 institution, children's camp, foster family home, or foster family  
 23 group home to receive care, maintenance, training, and supervision.  
 24 A minor child under this subparagraph does not include a person 18  
 25 years of age or older who is placed in a child caring institution,  
 26 foster family home, or foster family group home under an  
 27 adjudication under section 2(a) of chapter XIIA of the probate code  
 28 of 1939, 1939 PA 288, MCL 712A.2, or under section 1 of chapter IX  
 29 of the code of criminal procedure, 1927 PA 175, MCL 769.1. This

1 subparagraph applies only if the number of those residents who  
2 become 18 years of age does not exceed the following:

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

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

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

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

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

12 **(hh)** ~~(ee)~~ "Related" means 1 of the following:

13 (i) Except as provided in subparagraph (ii), a relative as  
14 defined in section 13a of chapter XIIIA of the probate code of 1939,  
15 1939 PA 288, MCL 712A.13a.

16 (ii) For licensing by the department related to a child care  
17 center, children's camp, children's campsite, family child care  
18 home, foster family home, foster family group home, or group child  
19 care home, in the relationship by blood, marriage, or adoption, as  
20 parent, grandparent, great-grandparent, great-great-grandparent,  
21 aunt or uncle, great-aunt or great-uncle, great-great-aunt or  
22 great-great-uncle, sibling, stepsibling, nephew or niece, first  
23 cousin or first cousin once removed, and the spouse of any of the  
24 individuals described in this definition, even after the marriage  
25 has ended by death or divorce.

26 **(ii)** ~~(dd)~~ "Religious organization" means a church,  
27 ecclesiastical corporation, or group, not organized for pecuniary  
28 profit, that gathers for mutual support and edification in piety or  
29 worship of a supreme deity.

1           (jj) ~~(ee)~~ "School-age child" means a child who is eligible to  
 2 attend a grade of kindergarten or higher, but is less than 13 years  
 3 of age. A child is considered to be a school-age child on the first  
 4 day of the school year in which he or she is eligible to attend  
 5 school.

6           (kk) ~~(ff)~~ "Severe physical injury" means serious physical harm  
 7 as that term is defined in section 136b of the Michigan penal code,  
 8 1931 PA 328, MCL 750.136b.

9           (ll) ~~(gg)~~ "Licensee designee" means the individual designated  
 10 in writing by the board of directors of the corporation or by the  
 11 owner or person with legal authority to act on behalf of the  
 12 company or organization on licensing matters. The individual must  
 13 agree in writing to be designated as the licensee designee. All  
 14 license applications must be signed by the licensee in the case of  
 15 the individual or by a member of the corporation, company, or  
 16 organization.

17           (mm) **"Water delivery service" means a service that delivers**  
 18 **drinking water to a child care center and provides drinking water**  
 19 **that meets the standards of the safe drinking water act, 42 USC**  
 20 **300f to 300j-25.**

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

24           (a) Holds a current license.

25           (b) Has been licensed to operate for at least 29 consecutive  
 26 months.

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

29           (d) Has received a renewed regular license after at least 29

1 months of licensed operation under subdivision (b).

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

4 (a) Corrective action.

5 (b) Licensing action.

6 (c) Determination by the department that increased capacity is  
7 not conducive to the welfare of children as that term is defined in  
8 section 5m.

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

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

17 **Sec. 3i. (1) Within 15 months after the effective date of the**  
18 **amendatory act that added this section, each child care center**  
19 **shall develop a drinking water management plan. The child care**  
20 **center shall make the plan available to the department of licensing**  
21 **and regulatory affairs, a staff member, or a parent or guardian of**  
22 **a child enrolled in the child care center on request. The plan must**  
23 **specify all of the following:**

24 (a) Locations where water outlets will be maintained to  
25 deliver water for human consumption, whether as drinking water or a  
26 component of a food or beverage, using the following categories, if  
27 applicable:

28 (i) Locations where filtered bottle-filling stations will be  
29 maintained.

1 (ii) Locations where filtered faucets will be maintained.

2 (iii) Locations where filtered pitchers will be maintained.

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

5 (v) Locations where drinking water from a water delivery  
6 service will be maintained.

7 (b) Locations where water outlets will be maintained for  
8 purposes other than to deliver water for human consumption, if  
9 applicable.

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

12 (d) Regular replacement of the filter cartridge for each  
13 filtered bottle-filling station, filtered faucet, and filtered  
14 pitcher in compliance with manufacturer instructions or  
15 recommendations of the department of environment, Great Lakes, and  
16 energy.

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

21 (3) A local health department or the department of licensing  
22 and regulatory affairs shall conduct a water inspection at each  
23 child care center at least once every 2 years. As part of the water  
24 inspection, the local health department or the department of  
25 licensing and regulatory affairs shall test water collected from  
26 all filtered bottle-filling stations and filtered faucets. If the  
27 water inspection under this subsection indicates the presence of  
28 lead at a concentration 5 parts per billion or more, the local  
29 health department or the department of licensing and regulatory



1 affairs shall alert the department of environment, Great Lakes, and  
2 energy. Within 30 days after providing notice under this  
3 subsection, the child care center shall develop a remediation plan  
4 and incorporate the remediation plan into the drinking water  
5 management plan under subsection (1). The child care center shall  
6 collect the water for the water inspection under this subsection.  
7 Water collected for the water inspection under this subsection must  
8 be drawn from all of the bubblers of the filtered bottle-filling  
9 stations and filtered faucets and must be collected in 250-  
10 milliliter bottles after at least an 8-hour stagnation period and  
11 before any water use occurs at the child care center. The local  
12 health department or department of licensing and regulatory affairs  
13 shall provide the child care center with a sufficient number of  
14 250-milliliter bottles before the water is collected under this  
15 subsection. After the child care center collects the water samples,  
16 the local health department or department of licensing and  
17 regulatory affairs shall collect all of the 250-milliliter bottles  
18 and conduct the testing described under this subsection. As used in  
19 this subsection, "local health department" means that term as  
20 defined in section 1105 of the public health code, 1978 PA 368, MCL  
21 333.1105, and having those powers and duties described under part  
22 24 of the public health code, 1978 PA 368, MCL 333.2401 to  
23 333.2498.

24 (4) If, on a continual basis, a water inspection conducted  
25 under subsection (3) delays the department of licensing and  
26 regulatory affairs from issuing or denying a license for a child  
27 care center under this act, the department of licensing and  
28 regulatory affairs may complete the water inspection instead of the  
29 local health department.

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

6 (6) A child care center shall retain the following documents  
7 for 3 years or until after a water inspection occurs under  
8 subsection (3), whichever is sooner, and make the documents  
9 available to the department of licensing and regulatory affairs on  
10 request:

11 (a) Original copies of the results of all water inspections  
12 conducted under subsection (3), if applicable.

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

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

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

21 (a) Post a conspicuous sign near each water outlet and  
22 drinking fountain indicating whether the outlet is intended to  
23 provide water for human consumption. If the water outlet or  
24 drinking fountain is intended to provide water for human  
25 consumption but is unfiltered, the sign must also state that the  
26 water is unfiltered and could contain lead.

27 (b) Ensure that any water furnished to children for human  
28 consumption by the child care center is from a filtered faucet or  
29 other filtered source that is certified to meet NSF/ANSI standard

1 53 for lead reduction and NSF/ANSI standard 42 for particulate  
2 removal, or from a water delivery service.

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

6 (i) The results of all water inspections conducted under  
7 section 3i(3).

8 (ii) All filter and filter cartridge replacement dates for each  
9 filtered bottle-filling station, filtered faucet, filtered pitcher,  
10 or other filtered source.

11 Sec. 3k. If a child care center is located in a school  
12 building that complies with the clean drinking water access act,  
13 the child care center is considered to comply with sections 3i and  
14 3j.

15 Sec. 3l. (1) The department of licensing and regulatory  
16 affairs, in coordination with the department of environment, Great  
17 Lakes, and energy, shall assist each child care center in  
18 maintaining compliance with sections 3i and 3j by providing all of  
19 the following:

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

22 (b) A template for tracking filter and filter cartridge  
23 replacement dates and the results of water inspections conducted  
24 under section 3i(3).

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

26 (i) Factors that a child care center should consider when  
27 selecting filtered bottle-filling stations, filtered faucets, and  
28 filters.

29 (ii) How to shut off or render permanently inoperable a water

1 outlet identified under section 3i(1)(c).

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

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

7 (2) The department of licensing and regulatory affairs shall  
8 provide training for child care center staff on filter cartridge  
9 use, installation, and maintenance and water sampling protocol.  
10 Training under this subdivision may be provided as a webinar or  
11 incorporated into existing training programs. Within 2 years after  
12 the effective date of the amendatory act that added this section,  
13 and every 5 years after that, all child care center staff  
14 responsible for providing or overseeing children's access to  
15 drinking water shall participate in training provided by the  
16 department of licensing and regulatory affairs under this  
17 subsection.

18 (3) The department shall provide and make available the  
19 guidance documents required under subsection (1)(c) not later than  
20 6 months after the effective date of the amendatory act that added  
21 this section. Before the department provides the guidance  
22 documents, the department shall issue the guidance documents as  
23 proposed guidance documents on its website and allow for a 30-day  
24 public comment period.

25 Enacting section 1. This amendatory act does not take effect  
26 unless Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
27 00937'23) of the 102nd Legislature is enacted into law.