

**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 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 cartridge**
29 **replacement status.**

1 (v) Is designed to fill drinking bottles or other containers
2 for personal water consumption.

3 (vi) Includes a drinking fountain.

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

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

12 (t) ~~(e)~~—"Ineligible" means that the individual obtained the
13 checks and clearances as described in sections 5n and 5q and is not
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 due to violation of section 5n, 5q,
17 or 5r.

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

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

29 (i) "Foster family home" means the private home of an

1 individual who is licensed to provide 24-hour care for 1 but not
2 more than 4 minor children who are placed away from their parent,
3 legal guardian, or legal custodian in foster care. The licensed
4 individual providing care is required to comply with the reasonable
5 and prudent parenting standard as defined in section 1 of chapter
6 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1.

7 (ii) "Foster family group home" means the private home of an
8 individual who has been licensed by the department to provide 24-
9 hour care for more than 4 but fewer than 7 minor children who are
10 placed away from their parent, legal guardian, or legal custodian
11 in foster care. The licensed individual providing care is required
12 to comply with the reasonable and prudent parenting standard as
13 defined in section 1 of chapter XIIIA of the probate code of 1939,
14 1939 PA 288, MCL 712A.1.

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

1 services. Family child care home includes a private home with
2 increased capacity.

3 (iv) "Group child care home" means a private home in which more
4 than 6 but not more than 12 minor children are given care and
5 supervision for periods of less than 24 hours a day unattended by a
6 parent or legal guardian, except children related to an adult
7 member of the household. Group child care home includes a home in
8 which care is given to an unrelated minor child for more than 4
9 weeks during a calendar year. Group child care home includes a
10 private home with increased 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~~ **An individual** less than 18 years of age.

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

18 (iii) ~~A person~~ **An individual** who is a resident in a child caring
 19 institution, children's camp, foster family home, or foster family
 20 group home; who becomes 18 years of age while residing in a child
 21 caring institution, children's camp, foster family home, or foster
 22 family 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~~ **An individual** 18 years of age or older who is
 11 placed in an unlicensed residence under section 5(4) or a foster
 12 family home under section 5(7).

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

14 (i) Except as provided in subparagraph (ii), a relative as
 15 defined in section 13a of chapter XIIA of the probate code of 1939,
 16 1939 PA 288, MCL 712A.13a.

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

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

1 worship of a supreme deity.

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

7 (kk) ~~(ff)~~ "Severe physical injury" means serious physical harm
8 as that term is defined in section 136b of the Michigan penal code,
9 1931 PA 328, MCL 750.136b.

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

18 (mm) **"Water delivery service" means a service that delivers**
19 **drinking water to a child care center and provides drinking water**
20 **that meets the standards of the safe drinking water act, 42 USC**
21 **300f to 300j-25.**

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

25 (a) Holds a current license.

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

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

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

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

5 (a) Corrective action.

6 (b) Licensing action.

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

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

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

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

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

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

1 maintained.

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

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

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

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

8 (b) Locations where water outlets will be maintained for
9 purposes other than as described in subdivision (a).

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) at
19 least once every 5 years and make changes as directed by the
20 department of licensing and regulatory affairs or as needed to
21 comply with this section.

22 (3) Water sampling and testing must be conducted at each child
23 care center at least once every 2 years and as otherwise required
24 under this section. The child care center shall collect the water
25 for water sampling and testing. The water must be drawn from all of
26 the bubble fixtures of the filtered bottle-filling stations and
27 filtered faucets and must be collected in 250-milliliter bottles
28 after at least an 8-hour stagnation period and before any water use
29 occurs at the child care center. Upon request, the department of

1 licensing and regulatory affairs shall provide the child care
2 center with a sufficient number of 250-milliliter bottles. After
3 the child care center collects the water, the child care center
4 shall deliver, through the mail or in person, all of the 250-
5 milliliter bottles for water testing. Water testing described under
6 this section must be conducted at a laboratory certified for lead
7 and copper testing for the approved EPA method.

8 (4) If the water sampling and testing under subsection (3)
9 indicates the presence of lead at a concentration of 1 part per
10 billion or more but not more than 5 parts per billion, the child
11 care center shall do all of the following:

12 (a) Immediately check the status of the filter or filters at
13 the filtered bottle-filling station or filtered faucet and replace
14 the filter cartridge if the status light indicates that replacement
15 is or will soon be required.

16 (b) Ensure the filtered bottle-filling station or filtered
17 faucet is properly installed.

18 (c) Resample and retest the water.

19 (d) If the water sampling and testing under subdivision (c)
20 indicates the presence of lead at a concentration of 1 part per
21 billion or more but not more than 5 parts per billion, have the
22 child care center do both of the following:

23 (i) Send a copy of the test results and a document that lists
24 the make and model of the filtered bottle-filling station or
25 filtered faucet and filter cartridge to the department of licensing
26 and regulatory affairs and the department of environment, Great
27 Lakes, and energy.

28 (ii) Consult with the department of environment, Great Lakes,
29 and energy and the filtered bottle-filling station or filtered

1 faucet manufacturer.

2 (5) If the water sampling and testing under subsection (3) or
3 (4) (c) indicates the presence of lead at a concentration of more
4 than 5 parts per billion, the child care center shall do all of the
5 following:

6 (a) Immediately shut off or render inoperable the water
7 outlet.

8 (b) Post a conspicuous sign near the water outlet stating that
9 the water outlet is inoperable because of high lead concentration
10 and maintain the sign until the water outlet is returned to service
11 under subdivision (e).

12 (c) Replace the filter cartridge in the filtered bottle-
13 filling station or filtered faucet.

14 (d) Resample and retest the water.

15 (e) If the water sampling and testing under subdivision (d)
16 indicates the presence of lead at a concentration of 1 part per
17 billion or more but not more than 5 parts per billion, return the
18 water outlet to service and comply with the requirements of
19 subsection (4) (b), (c), and (d).

20 (f) If the water sampling and testing under subdivision (d)
21 indicates the presence of lead at a concentration of more than 5
22 parts per billion, do all of the following:

23 (i) Within 30 days after receiving test results under this
24 subsection, send a copy of the test results to the department of
25 licensing and regulatory affairs, the department of environment,
26 Great Lakes, and energy, and each parent or guardian of a child
27 enrolled in the child care center.

28 (ii) Develop a remediation plan in consultation with the
29 department of licensing and regulatory affairs and the department

1 of environment, Great Lakes, and energy and incorporate the
2 remediation plan into the drinking water management plan under
3 subsection (1).

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

9 (7) A child care center shall retain the following documents
10 for 3 years or until after any water sampling and testing occurs
11 under this section, whichever is sooner, and make the documents
12 available to the department of licensing and regulatory affairs on
13 request:

14 (a) Original copies of the results of all water sampling and
15 testing conducted under this section, as applicable.

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

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

20 (8) As used in this section:

21 (a) "Bubble fixture" means a fixture on a drinking water
22 fountain through which water is forced up in a small arc from a
23 nozzle that allows an individual to drink from the arc directly.

24 (b) "EPA" means the United States Environmental Protection
25 Agency.

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

1 (a) Post a conspicuous sign near each water outlet and
2 drinking fountain indicating whether or not the outlet is intended
3 to provide water for human consumption. If the water outlet or
4 drinking fountain is intended to provide water for human
5 consumption but is unfiltered, the sign must also state that the
6 water is unfiltered and could contain lead.

7 (b) Ensure that any water furnished to children for human
8 consumption by the child care center is from a filtered faucet or
9 other filtered source that is certified to meet NSF/ANSI standard
10 53 for lead reduction and NSF/ANSI standard 42 for particulate
11 removal, or from a water delivery service.

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

15 (i) The results of all water sampling and testing conducted
16 under section 3i.

17 (ii) All filter and filter cartridge replacement dates for each
18 filtered bottle-filling station, filtered faucet, filtered pitcher,
19 or other filtered source.

20 Sec. 3k. If a child care center is located in a school
21 building that complies with the clean drinking water access act,
22 the child care center is considered to comply with sections 3i and
23 3j.

24 Sec. 3l. (1) The department of licensing and regulatory
25 affairs, in coordination with the department of environment, Great
26 Lakes, and energy, shall assist each child care center in
27 maintaining compliance with sections 3i and 3j by providing all of
28 the following:

29 (a) A template for the drinking water management plan required

1 under section 3i.

2 (b) A template for tracking filter and filter cartridge
3 replacement dates and the results of water sampling and testing
4 conducted under section 3i.

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

6 (i) Factors that a child care center should consider when
7 selecting filtered bottle-filling stations, filtered faucets, and
8 filters.

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

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

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

16 (2) The department of licensing and regulatory affairs shall
17 provide training for child care center staff on filter cartridge
18 use, installation, and maintenance and water sampling protocol.
19 Training under this subsection may be provided as a webinar or
20 incorporated into existing training programs. Within 2 years after
21 the effective date of the amendatory act that added this section,
22 and every 5 years thereafter, all child care center staff
23 responsible for providing or overseeing children's access to
24 drinking water shall participate in training provided by the
25 department of licensing and regulatory affairs under this
26 subsection.

27 (3) The department of licensing and regulatory affairs shall
28 provide and make available the guidance documents required under
29 subsection (1)(c) not later than 6 months after the effective date

1 of the amendatory act that added this section. Before the
2 department provides the guidance documents, the department shall
3 issue the guidance documents as proposed guidance documents on its
4 website and allow for a 30-day public comment period.

5 Enacting section 1. This amendatory act does not take effect
6 unless Senate Bill No. 89 of the 102nd Legislature is enacted into
7 law.