

SENATE BILL NO. 88

February 21, 2023, Introduced by Senators SANTANA, CHERRY, GEISS, CHANG, SHINK, WOJNO, BAYER, MCMORROW, POLEHANKI, OUTMAN, MCDONALD RIVET, VICTORY, BELLINO, CAMILLERI, CAVANAGH, WEBBER and DALEY and referred to the Committee on Energy and Environment.

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

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

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

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

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

26 (i) Provides care exclusively to minors who have been
27 emancipated by court order under section 4(3) of 1968 PA 293, MCL
28 722.4.

29 (ii) Provides care exclusively to ~~persons~~**individuals** who are

1 18 years of age or older and to minors who have been emancipated by
2 court order under section 4(3) of 1968 PA 293, MCL 722.4, at the
3 same location.

4 (c) "Child caring institution" means a child care facility
5 that is organized for the purpose of receiving minor children for
6 care, maintenance, and supervision, usually on a 24-hour basis, in
7 buildings maintained by the child caring institution for that
8 purpose, and operates throughout the year. An educational program
9 may be provided, but the educational program ~~shall~~**must** not be the
10 primary purpose of the facility. Child caring institution includes
11 a maternity home for the care of unmarried mothers who are minors
12 and an agency group home, that is described as a small child caring
13 institution, owned, leased, or rented by a licensed agency
14 providing care for more than 4 but less than 13 minor children.
15 Child caring institution also includes an institution for
16 developmentally disabled or emotionally disturbed minor children.
17 Child caring institution does not include a hospital, nursing home,
18 or home for the aged licensed under article 17 of the public health
19 code, 1978 PA 368, MCL 333.20101 to 333.22260, a boarding school
20 licensed under section 1335 of the revised school code, 1976 PA
21 451, MCL 380.1335, a hospital or facility operated by the state or
22 licensed under the mental health code, 1974 PA 258, MCL 330.1001 to
23 330.2106, or an adult foster care family home or an adult foster
24 care small group home licensed under the adult foster care facility
25 licensing act, 1979 PA 218, MCL 400.701 to 400.737, in which a
26 child has been placed under section 5(6).

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

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

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

6 (iii) The individual is an intern or other individual who
7 provides specific services under the rules promulgated under this
8 act.

9 (e) "Child placing agency" means a governmental organization
10 or an agency organized under the nonprofit corporation act, 1982 PA
11 162, MCL 450.2101 to 450.3192, for the purpose of receiving
12 children for placement in private family homes for foster care or
13 for adoption. The function of a child placing agency may include
14 investigating applicants for adoption and investigating and
15 certifying foster family homes and foster family group homes as
16 provided in this act. The function of a child placing agency may
17 also include supervising children who are at least 16 but less than
18 21 years of age and who are living in unlicensed residences as
19 provided in section 5(4).

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

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

27 (h) "Children's therapeutic group home" means a child caring
28 institution receiving not more than 6 minor children who are
29 diagnosed with a developmental disability as defined in section

1 100a of the mental health code, 1974 PA 258, MCL 330.1100a, or a
2 serious emotional disturbance as defined in section 100d of the
3 mental health code, 1974 PA 258, MCL 330.1100d, and that meets all
4 of the following requirements:

5 (i) Provides care, maintenance, and supervision, usually on a
6 24-hour basis.

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

12 (iii) Is not a private home.

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

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

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

29 (ii) A facility operated by a religious organization where

1 children are in the religious organization's care for not more than
2 3 hours while persons responsible for the children are attending
3 religious services.

4 (iii) A program that is primarily supervised, school-age-child-
5 focused training in a specific subject, including, but not limited
6 to, dancing, drama, music, or religion. This exclusion applies only
7 to the time a child is involved in supervised, school-age-child-
8 focused training.

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

17 (v) A program that primarily provides therapeutic services to
18 a child.

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

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

29 (l) "Criminal history record information" means that term as

1 defined in section 1a of 1925 PA 289, MCL 28.241a.

2 (m) "Department" means the department of health and human
3 services and the department of licensing and regulatory affairs or
4 a successor agency or department responsible for licensure under
5 this act. The department of licensing and regulatory affairs is
6 responsible for licensing and regulatory matters for child care
7 centers, group child care homes, family child care homes,
8 children's camps, and children's campsites. The department of
9 health and human services is responsible for licensing and
10 regulatory matters for child caring institutions, child placing
11 agencies, children's therapeutic group homes, foster family homes,
12 and foster family group homes.

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

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

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

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

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

27 (ii) **Filters water and is certified to meet NSF/ANSI standard**
28 **53 for lead reduction and NSF/ANSI standard 42 for particulate**
29 **removal.**

1 (iii) The flow rate through the station is paired to the
2 specified flow rate of the filter cartridge.

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

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

6 (vi) Includes a drinking fountain.

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

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

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

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

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

1 foster family group home, a group child care home, or a family
2 child care home, as follows:

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

10 (ii) "Foster family group home" means the private home of an
11 individual who has been licensed by the department to provide 24-
12 hour care for more than 4 but fewer than 7 minor children who are
13 placed away from their parent, legal guardian, or legal custodian
14 in foster care. The licensed individual providing care is required
15 to comply with the reasonable and prudent parenting standard as
16 defined in section 1 of chapter XIIIA of the probate code of 1939,
17 1939 PA 288, MCL 712A.1.

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

1 would according to the internal revenue code of 1986 obligate the
2 child's parent or guardian to provide a form 1099-MISC to the
3 individual for compensation paid during the calendar year for those
4 services. Family child care home includes a private home with
5 increased capacity.

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

14 (w) ~~(r)~~ "Legal custodian" means an individual who is at least
15 18 years of age in whose care a minor child remains or is placed
16 after a court makes a finding under section 13a(5) of chapter XIIA
17 of the probate code of 1939, 1939 PA 288, MCL 712A.13a.

18 (x) ~~(s)~~ "Legal entity" means a sole proprietorship,
19 partnership, corporation, limited liability company, or any other
20 entity.

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

25 (z) ~~(u)~~ "Listed offense" means that term as defined in section
26 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

27 (aa) ~~(v)~~ "Member of the household" means any individual who
28 resides in a family child care home, group child care home, foster
29 family home, or foster family group home on an ongoing basis, or

1 who has a recurrent presence in the home, including, but not
2 limited to, overnight stays. For foster family homes and foster
3 family group homes, a member of the household does not include a
4 foster child. For group child care homes and family child care
5 homes, a member of the household does not include a child to whom
6 child care is being provided.

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

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

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

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

20 (ii) The program has registered or licensed nursing and other
21 licensed clinical staff on-site or available 24 hours a day, 7 days
22 a week, who provide care in the scope of their practice as provided
23 in parts 170, 172, 181, 182, 182A, and 185 of the public health
24 code, 1978 PA 368, MCL 333.17001 to 333.17097, 333.17201 to
25 333.17242, 333.18101 to 333.18117, 333.18201 to 333.18237,
26 333.18251 to 333.18267, and 333.18501 to 333.18518.

27 (iii) The program integrates families into treatment, including
28 maintaining sibling connections.

29 (iv) The program provides aftercare services for at least 6

1 months post discharge.

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

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

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

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

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

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

16 (ii) ~~A person~~ **An individual** who is a resident in a child caring
17 institution, foster family home, or foster family group home, who
18 is at least 18 but less than 21 years of age, and who meets the
19 requirements of the young adult voluntary foster care act, 2011 PA
20 225, MCL 400.641 to 400.671.

21 (iii) ~~A person~~ **An individual** who is a resident in a child caring
22 institution, children's camp, foster family home, or foster family
23 group home; who becomes 18 years of age while residing in a child
24 caring institution, children's camp, foster family home, or foster
25 family group home; and who continues residing in a child caring
26 institution, children's camp, foster family home, or foster family
27 group home to receive care, maintenance, training, and supervision.
28 A minor child under this subparagraph does not include a person 18
29 years of age or older who is placed in a child caring institution,

1 foster family home, or foster family group home under an
 2 adjudication under section 2(a) of chapter XIIIA of the probate code
 3 of 1939, 1939 PA 288, MCL 712A.2, or under section 1 of chapter IX
 4 of the code of criminal procedure, 1927 PA 175, MCL 769.1. This
 5 subparagraph applies only if the number of those residents who
 6 become 18 years of age does not exceed the following:

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

8 (B) Three, if the total number of residents is not less than
 9 11 and not more than 14.

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

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

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

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

17 (i) Except as provided in subparagraph (ii), a relative as
 18 defined in section 13a of chapter XIIIA of the probate code of 1939,
 19 1939 PA 288, MCL 712A.13a.

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

1 (ii) ~~(dd)~~ "Religious organization" means a church,
 2 ecclesiastical corporation, or group, not organized for pecuniary
 3 profit, that gathers for mutual support and edification in piety or
 4 worship of a supreme deity.

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

10 (kk) ~~(ff)~~ "Severe physical injury" means serious physical harm
 11 as that term is defined in section 136b of the Michigan penal code,
 12 1931 PA 328, MCL 750.136b.

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

21 (mm) **"Water delivery service" means a service that delivers**
 22 **drinking water to a child care center and provides drinking water**
 23 **that meets the standards of the safe drinking water act, 42 USC**
 24 **300f to 300j-25.**

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

28 (a) Holds a current license.

29 (b) Has been licensed to operate for at least 29 consecutive

1 months.

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

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

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

8 (a) Corrective action.

9 (b) Licensing action.

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

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

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

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

28 (a) Locations where water outlets will be maintained to
29 deliver water for human consumption, whether as drinking water or a

1 component of a food or beverage, using the following categories, if
2 applicable:

3 (i) Locations where filtered bottle-filling stations will be
4 maintained.

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

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

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

9 (v) Locations where drinking water from a water delivery
10 service will be maintained.

11 (b) Locations where water outlets will be maintained for
12 purposes other than to deliver water for human consumption, if
13 applicable.

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

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

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

25 (3) A local health department or the department of licensing
26 and regulatory affairs shall conduct a water inspection at each
27 child care center at least once every 2 years. As part of the water
28 inspection, the local health department or the department of
29 licensing and regulatory affairs shall test water collected from

1 all filtered bottle-filling stations and filtered faucets. If the
2 water inspection under this subsection indicates the presence of
3 lead at a concentration 5 parts per billion or more, the local
4 health department or the department of licensing and regulatory
5 affairs shall alert the department of environment, Great Lakes, and
6 energy. Within 30 days after providing notice under this
7 subsection, the child care center shall develop a remediation plan
8 and incorporate the remediation plan into the drinking water
9 management plan under subsection (1). The child care center shall
10 collect the water for the water inspection under this subsection.
11 Water collected for the water inspection under this subsection must
12 be drawn from all of the bubblers of the filtered bottle-filling
13 stations and filtered faucets and must be collected in 250-
14 milliliter bottles after at least an 8-hour stagnation period and
15 before any water use occurs at the child care center. The local
16 health department or department of licensing and regulatory affairs
17 shall provide the child care center with a sufficient number of
18 250-milliliter bottles before the water is collected under this
19 subsection. After the child care center collects the water samples,
20 the local health department or department of licensing and
21 regulatory affairs shall collect all of the 250-milliliter bottles
22 and conduct the testing described under this subsection. As used in
23 this subsection, "local health department" means that term as
24 defined in section 1105 of the public health code, 1978 PA 368, MCL
25 333.1105, and having those powers and duties described under part
26 24 of the public health code, 1978 PA 368, MCL 333.2401 to
27 333.2498.

28 (4) If, on a continual basis, a water inspection conducted
29 under subsection (3) delays the department of licensing and

1 regulatory affairs from issuing or denying a license for a child
2 care center under this act, the department of licensing and
3 regulatory affairs may complete the water inspection instead of the
4 local health department.

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

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

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

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

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

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

25 (a) Post a conspicuous sign near each water outlet and
26 drinking fountain indicating whether the outlet is intended to
27 provide water for human consumption. If the water outlet or
28 drinking fountain is intended to provide water for human
29 consumption but is unfiltered, the sign must also state that the

1 water is unfiltered and could contain lead.

2 (b) Ensure that any water furnished to children for human
3 consumption by the child care center is from a filtered faucet or
4 other filtered source that is certified to meet NSF/ANSI standard
5 53 for lead reduction and NSF/ANSI standard 42 for particulate
6 removal, or from a water delivery service.

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

10 (i) The results of all water inspections conducted under
11 section 3i(3).

12 (ii) All filter and filter cartridge replacement dates for each
13 filtered bottle-filling station, filtered faucet, filtered pitcher,
14 or other filtered source.

15 Sec. 3k. If a child care center is located in a school
16 building that complies with the clean drinking water access act,
17 the child care center is considered to comply with sections 3i and
18 3j.

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

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

26 (b) A template for tracking filter and filter cartridge
27 replacement dates and the results of water inspections conducted
28 under section 3i(3).

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

1 (i) Factors that a child care center should consider when
2 selecting filtered bottle-filling stations, filtered faucets, and
3 filters.

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

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

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

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

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

29 Enacting section 1. This amendatory act does not take effect

1 unless Senate Bill No. 89 of the 102nd Legislature is enacted into
2 law.