CHAPTER 218
SB 170-FN - FINAL VERSION

03/16/2023 0843s
8Jun2023... 1899h

2023 SESSION

23-0806
06/04

SENATE BILL ***170-FN***

AN ACT relative to small group child day care centers.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Gannon, Dist 23; Sen. Altschiller, Dist 24; Sen. Rosenwald, Dist 13; Sen. Soucy, Dist 18; Sen. Lang, Dist 2; Sen. Whitley, Dist 15; Sen. Chandley, Dist 11; Sen. Fenton, Dist 10; Sen. Prentiss, Dist 5

COMMITTEE: Health and Human Services

ANALYSIS

This bill creates a definition for "small group child day care center" for child day care licensing.

This bill removes the inclusion of school age children from the definition of "child day care agency" to make licensing rules more consistent with the national fire protection association's requirements for capacity.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to small group child day care centers.

Be it Enacted by the Senate and House of Representatives in General Court convened:

218:1 Legislative Findings. The general court finds that modifying the existing family child care definitions would allow new child care businesses to be formed. The child care licensing unit (CCLU) recommended drafting a new category for small child care centers caring for less than 12 children in commercial locations. Creation of this new rule provides alignment with National Fire Protection Association (NFPA) life safety codes and provides a new option for providing small group child care in a commercial setting, while meeting the more flexible mixed age rules of family care settings.

218:2 New Subparagraph; Child Day Care Licensing; Definitions. Amend RSA 170-E:2, IV by inserting after subparagraph (h) the following new subparagraph:

(i) “Small group child day care center” means a child day-care agency in which child day care is provided for not more than 12 preschool children, whether or not the service is known as day nursery, nursery school, kindergarten, cooperative, child development center, day-care center, center for the developmentally disabled, progressive school, Montessori school, or by any other name.

218:3 Child Day Care Licensing; Definitions. Amend RSA 170-E:2, IV(a) and (b) to read as follows:

(a) "Family day care home" means an occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for up to 6 children from one or more unrelated families. The 6 children shall include any foster children residing in the home and all children who are related to the caregiver except children who are 10 years of age or older. In addition to the 6 children, up to 3 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays***, provided that the after school and holiday increase in capacity is permitted by the state fire code and in compliance with any local ordinance***.

(b) "Family group day care home" means an occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for 7 to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. In addition to the 12 children, up to 5 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays***, provided that the after school and holiday increase in capacity is permitted by the state fire code and in compliance with any local ordinance***.

218:4 Applicability. The provisions of this act shall apply to programs licensed on or after the effective date of this act. Also, this act shall not apply to programs already licensed before the effective date of this act. Those programs will continue to operate under prior law unless and until such time as their license is not timely renewed or no longer valid.

218:5 Effective Date. This act shall take effect June 30, 2024.

Approved: August 04, 2023
Effective Date: June 30, 2024