

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 1517  
Committee Substitute Favorable 6/1/05

Short Title: Clarify Definition of Child Care.

(Public)

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Sponsors:

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Referred to:

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April 21, 2005

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE DEFINITION OF CHILD CARE AS RELATED TO  
2 DROP-IN OR SHORT-TERM CARE UNDER THE LAWS PERTAINING TO  
3 CHILD CARE FACILITIES, SO AS TO CLARIFY THAT FACILITIES MAY  
4 ALSO OFFER CARE TO CHILDREN OF PART-TIME EMPLOYEES OF THE  
5 FACILITY.  
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 110-86(2) reads as rewritten:

9 **"§ 110-86. Definitions.**

10 Unless the context or subject matter otherwise requires, the terms or phrases used in  
11 this Article shall be defined as follows:

12 ...

13 (2) Child care. – A program or arrangement where three or more children  
14 less than 13 years old, who do not reside where the care is provided,  
15 receive care on a regular basis of at least once per week for more than  
16 four hours but less than 24 hours per day from persons other than their  
17 guardians or full-time custodians, or from persons not related to them  
18 by birth, marriage, or adoption. Child care does not include the  
19 following:

- 20 a. Arrangements operated in the home of any child receiving care  
21 if all of the children in care are related to each other and no  
22 more than two additional children are in care;
- 23 b. Recreational programs operated for less than four consecutive  
24 months in a year;
- 25 c. Specialized activities or instruction such as athletics, dance, art,  
26 music lessons, horseback riding, gymnastics, or organized clubs  
27 for children, such as Boy Scouts, Girl Scouts, 4-H groups, or  
28 boys and girls clubs;

- d. Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
- d1. Drop-in or short-term care provided by an employer for its part-time employees where (i) the child is provided care not to exceed two and one-half hours during that day, and (ii) the parents are on the premises. Where care is provided under this exception in this subdivision, there may not be more than 25 children in any one group in any one room. If an employer offers drop-in care for employees under this subdivision, it shall register with the Division of Child Development;
- e. Public schools;
- f. Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility as defined in subdivision (3) of this section for less than six and one-half hours per day either on or off the school site;
- g. Bible schools conducted during vacation periods;
- h. Care provided by facilities licensed under Article 2 of Chapter 122C of the General Statutes;
- i. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and
- j. Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.

...."

**SECTION 2.** The Director of the Division of Child Development shall report to the General Assembly no later than May 1, 2006, the number of drop-in and short-term facilities that have registered under G.S. 110-86(2)d1., as enacted by this act.

**SECTION 2.1.** The Director of the Division of Child Development, in coordination with other child care stakeholder organizations and advocates, shall study current policies, practices, and laws related to drop-in and short-term care and shall make recommendations to ensure the health and safety of children who utilize this type of care. The Division shall report its findings and recommendations to the General Assembly by April 30, 2006.

**SECTION 3.** This act is effective when it becomes law.