

**Amendment - 1st Reading/2nd House-blue - Requested by: Jennifer Carlson - (S) Public Health, Welfare and Safety**

- 2023

68th Legislature 2023

Drafter: Madelyn Krezowski, (406) 444-6857

HB0556.002.002

HOUSE BILL NO. 556

INTRODUCED BY J. CARLSON, E. BUTTREY, S. FITZPATRICK, G. HERTZ, D. LENZ, L. SHELDON-  
GALLOWAY, D. BARTEL, C. KNUDSEN, S. VINTON, J. SMALL, M. HOPKINS, J. ELLSWORTH, N. DURAM,  
K. BOGNER, J. KASSMIER, T. MOORE, B. LER, A. REGIER, S. GIST, J. SCHILLINGER, G. FRAZER, M.  
BINKLEY, C. FRIEDEL, N. NICOL, L. DEMING, P. TUSS, W. RUSK, L. HELLEGAARD, E. BUTCHER

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING DAY CARE LAWS; REVISING THE  
DEFINITIONS OF "DAY-CARE FACILITY" AND "FAMILY DAY-CARE HOME" TO EXCLUDE A PRIVATE  
RESIDENCE IN WHICH CARE IS PROVIDED FOR EIGHT OR FEWER CHILDREN AND IN WHICH CERTAIN  
PAYMENTS ARE NOT RECEIVED; AND AMENDING SECTION 52-2-703, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 52-2-703, MCA, is amended to read:

**"52-2-703. Definitions.** In this part, the following definitions apply:

(1) "Child" means a person under 13 years of age or a person with special needs, as defined by  
the department, who is under 18 years of age or is 18 years of age and a full-time student expected to complete  
an educational program by 19 years of age.

(2) "Day care" or "child care" means care for children provided by an adult, other than a parent of  
the children or other person living with the children as a parent, on a regular or irregular basis, as applicable, for  
daily periods of less than 24 hours, whether that care is for daytime or nighttime hours.

(3) (a) "Day-care center" means an out-of-home place in which day care is provided to 16 or more  
children on a regular or irregular basis.

(b) The term does not include a place where day care is provided if a parent of a child for whom  
day care is provided remains on the premises.

(4) "Day-care facility" means a person, association, or place, incorporated or unincorporated, that  
provides day care on a regular basis or a place licensed or registered to provide day care on an irregular basis,

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1 as provided for in subsection (3)(a), or for children suffering from illness. The term includes a family day-care  
2 home, a day-care center, a group day-care home, or a facility providing care in a child's home for the purpose  
3 of meeting registration requirements for the receipt of payments as provided in 52-2-713. The term does not  
4 include:

5 (a) a person who limits care to children who are related to the person by blood or marriage or  
6 under the person's legal guardianship, unless registration or licensure as a day-care facility is required to  
7 receive payments as provided in 52-2-713; or

8 (b) any group facility established chiefly for educational purposes that limits its services to children  
9 who are 3 years of age or older; or

10 (c) a private residence in which day care is provided for eight six or fewer children, ~~INCLUDING THE~~  
11 ~~PROVIDER'S OWN CHILDREN,~~ unless registration is required to receive payments as provided in 52-2-713.

12 (5) "Department" means the department of public health and human services provided for in 2-15-  
13 2201.

14 (6) (a) "Family day-care home" means a private residence in which day care is provided to three to  
15 eight children on a regular basis.

16 (b) The term does not include a private residence in which day care is provided for eight six or  
17 fewer children, ~~INCLUDING THE PROVIDER'S OWN CHILDREN,~~ unless registration as a family day-care home is  
18 required to receive payments as provided in 52-2-713.

19 (7) "Group day-care home" means a private residence or other structure in which day care is  
20 provided to 9 to 15 children on a regular basis.

21 (8) "License" means a written document issued by the department that the license holder has  
22 complied with this part and the applicable standards and rules for day-care centers.

23 (9) "Licensee" means the holder of a license issued by the department in accordance with the  
24 provisions of this part.

25 (10) "Professional training" means training for early childhood or school-age care providers that is  
26 recognized as professional development by a national education or certification organization or by a higher  
27 education institution.

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21 - END -