

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**HOUSE BILL 1517  
Committee Substitute Favorable 6/1/05  
Senate Mental Health & Youth Services Committee Substitute Adopted 8/10/05**

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  
AN ACT TO CLARIFY THE DEFINITION OF CHILD CARE AS RELATED TO  
DROP-IN OR SHORT-TERM CARE UNDER THE LAWS PERTAINING TO  
CHILD CARE FACILITIES.

The General Assembly of North Carolina enacts:

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

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

...

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

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

1 are on the premises or otherwise easily accessible, such as  
 2 drop-in or short-term care provided in health spas, bowling  
 3 alleys, shopping malls, resort hotels, or churches;

4 d1. Drop-in or short-term care provided by an employer for its  
 5 part-time employees where (i) the child is provided care not to  
 6 exceed two and one-half hours during that day, (ii) the parents  
 7 are on the premises, and (iii) there are no more than 25 children  
 8 in any one group in any one room;

9 e. Public schools;

10 f. Nonpublic schools described in Part 2 of Article 39 of Chapter  
 11 115C of the General Statutes that are accredited by the Southern  
 12 Association of Colleges and Schools and that operate a child  
 13 care facility as defined in subdivision (3) of this section for less  
 14 than six and one-half hours per day either on or off the school  
 15 site;

16 g. Bible schools conducted during vacation periods;

17 h. Care provided by facilities licensed under Article 2 of Chapter  
 18 122C of the General Statutes;

19 i. Cooperative arrangements among parents to provide care for  
 20 their own children as a convenience rather than for  
 21 employment; and

22 j. Any child care program or arrangement consisting of two or  
 23 more separate components, each of which operates for four  
 24 hours or less per day with different children attending each  
 25 component.

26 ...."

27 **SECTION 2.** G.S. 110-99(b) reads as rewritten:

28 "(b) A person who provides only drop-in or short-term child care as described in  
 29 ~~G.S. 110-86(2)(d)~~ G.S. 110-86(2)d. and G.S. 110-86(2)d1., excluding drop-in or short-  
 30 term child care provided in churches, shall ~~notify~~ register with the Department that the  
 31 person is providing only drop-in or short-term child care. Any person providing only  
 32 drop-in or short-term child care as described in ~~G.S. 110-86(2)(d)~~ G.S. 110-86(2)d. and  
 33 G.S. 110-86(2)d1., excluding drop-in or short-term child care provided in churches,  
 34 shall display in a prominent place at all times a notice that the child care arrangement is  
 35 not required to be licensed and regulated by the Department and is not licensed and  
 36 regulated by the Department."

37 **SECTION 3.** The Director of the Division of Child Development shall  
 38 report to the General Assembly no later than May 1, 2006, the number of drop-in and  
 39 short-term facilities that have registered under G.S. 110-99(b), as enacted by this act.

40 **SECTION 3.1.** The Director of the Division of Child Development, in  
 41 coordination with other child care stakeholder organizations and advocates, shall study  
 42 current policies, practices, and laws related to drop-in and short-term care and shall  
 43 make recommendations to ensure the health and safety of children who utilize this type

- 1 of care. The Division shall report its findings and recommendations to the General  
2 Assembly by April 30, 2006.  
3 **SECTION 4.** This act is effective when it becomes law.

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