

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1239

By: Hamilton

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5  
6 AS INTRODUCED

7 An Act relating to child care; amending 10 O.S. 2021,  
8 Section 403, as amended by Section 1, Chapter 99,  
9 O.S.L. 2022 (10 O.S. Supp. 2023, Section 403), which  
10 relates to exemptions from the Oklahoma Child Care  
11 Facilities Licensing Act; adding exemption; and  
12 providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 10 O.S. 2021, Section 403, as  
15 amended by Section 1, Chapter 99, O.S.L. 2022 (10 O.S. Supp. 2023,  
16 Section 403), is amended to read as follows:

17 Section 403. A. The provisions of the Oklahoma Child Care  
18 Facilities Licensing Act shall not apply to:

- 19 1. Care provided in a child's own home or by relatives;
- 20 2. Informal arrangements which parents make with friends or  
21 neighbors for the occasional care of their children;
- 22 3. Care provided by an attorney-in-fact authorized by Section  
23 700 of this title who exercises parental or legal authority on a  
24 continuous basis for not less than twenty-four (24) hours and

1 without compensation for the intended duration of the power of  
2 attorney;

3 4. Programs in which school-aged children three (3) years of  
4 age and older are participating in home-schooling;

5 5. Programs that serve children three (3) years of age and  
6 older and that are operated during typical school hours by a public  
7 school district;

8 6. Programs that serve children three (3) years of age and  
9 older and that are operated during typical school hours by a private  
10 school that offers elementary education in grades kindergarten  
11 through third grade;

12 7. Summer youth camps, summer programs or after-school programs  
13 for children who are at least four (4) years of age, that are  
14 accredited by a national standard-setting agency or church camp  
15 accreditation program, or are accredited by, chartered by or  
16 affiliated with a national non-profit organization;

17 8. Programs in which children attend on a drop-in basis and  
18 parents are on the premises and readily accessible;

19 9. A program of specialized activity or instruction for  
20 children that is not designed or intended for child care purposes  
21 including, but not limited to, scouts, 4-H clubs and summer resident  
22 youth camps, programs that limit children from enrolling in multiple  
23 sessions because of the type of activity or ages accepted and  
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1 single-activity programs such as academics, athletics, gymnastics,  
2 hobbies, art, music, dance and craft instruction;

3 10. Any child care facility that:

4 a. provides care and supervision for fifteen (15) or  
5 fewer hours per week,

6 b. provides care and supervision for thirty (30) or fewer  
7 hours per week to not more than five (5) children,

8 c. operates less than ten (10) weeks annually,

9 ~~e.~~ d. operates in the summer for less than eight (8) hours  
10 per day, or

11 ~~d.~~ e. provides care and supervision for school-aged  
12 children only in a center-based program for twenty-one  
13 (21) or fewer hours a week and is located in a county  
14 with a population of less than one hundred thousand  
15 (100,000) according to the latest Federal Decennial  
16 Census;

17 11. Facilities whose primary purpose is medical treatment;

18 12. Boarding schools that have education as their primary  
19 purpose and that are recognized as accredited by the State Board of  
20 Education. To be exempt, such programs shall:

21 a. have classroom facilities that are not used for  
22 residential living,

23 b. not have been granted nor have assumed legal custody  
24 of any child attending the facility, and

1 c. adhere to standard educational holiday and seasonal  
2 recess periods to permit students reasonable  
3 opportunities to return to their primary places of  
4 residence with parents or legal guardians;

5 13. Day treatment programs and maternity homes operated by a  
6 licensed hospital;

7 14. Juvenile facilities certified by the Office of Juvenile  
8 Affairs or certified by any other state agency authorized by law to  
9 license such facilities;

10 15. A program where children are not enrolled by the parents  
11 and are free to come and go;

12 16. A program in tribal land as defined at 25 U.S.C.A. 1903  
13 (10); and

14 17. A program on a military base or federal property, or a  
15 facility licensed as a family child care provider by a branch of the  
16 United States Department of Defense or by the United States Coast  
17 Guard.

18 B. The provisions of the Oklahoma Child Care Facilities  
19 Licensing Act shall be equally incumbent upon all private and public  
20 child care facilities.

21 SECTION 2. This act shall become effective November 1, 2024.

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