

REFERENCE TITLE: day care; infant; definition

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2720

Introduced by
Representative Jermaine: Senator Bowie

AN ACT

AMENDING SECTIONS 36-883 AND 36-883.05, ARIZONA REVISED STATUTES; RELATING TO DAY CARE CENTERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-883, Arizona Revised Statutes, is amended to
3 read:

4 36-883. Standards of care; rules; classifications; definition

5 A. The director of the department of health services shall
6 prescribe reasonable rules regarding the health, safety and well-being of
7 the children to be cared for in a child care facility. These rules shall
8 include standards for the following:

9 1. Adequate physical facilities for the care of children, such as
10 building construction, fire protection, sanitation, sleeping facilities,
11 isolation facilities, toilet facilities, heating, ventilation, indoor and
12 outdoor activity areas and, if provided by the facility, transportation
13 safely to and from the premises.

14 2. Adequate staffing per number and age groups of children by
15 persons who are qualified by education or experience to meet their
16 respective responsibilities in the care of children.

17 3. Activities, toys and equipment to enhance the development of
18 each child.

19 4. Nutritious and well-balanced food.

20 5. Encouragement of parental participation.

21 6. Exclusion of any person from the facility whose presence may be
22 detrimental to the welfare of children.

23 B. The department shall adopt rules pursuant to title 41, chapter 6
24 and section 36-115.

25 C. Any rule that relates to educational activities, physical
26 examination, medical treatment or immunization shall include appropriate
27 exemptions for children whose parents object on the ground that it
28 conflicts with the tenets and practices of a recognized church or
29 religious denomination of which the parent or child is an adherent or
30 member.

31 D. The department of health services shall conduct a comprehensive
32 review of its rules at least once every two years. Before conducting this
33 review, the department shall consult with agencies and organizations that
34 are knowledgeable about the provision of child care facilities to
35 children, including:

36 1. The department of economic security.

37 2. The department of education.

38 3. The office of the state fire marshal.

39 4. The league of Arizona cities and towns.

40 5. Citizen groups.

41 6. Licensed child care facility representatives.

42 7. The department of child safety.

43 E. The department shall designate appropriate classifications and
44 establish corresponding standards pertaining to the type of care
45 offered. These classifications shall include:

- 1 1. Facilities offering infant care.
- 2 2. Facilities offering specific educational programs.
- 3 3. Facilities offering evening and nighttime care.
- 4 F. Rules for the operation of child care facilities shall be stated
- 5 in a way that clearly states the purpose of each rule.
- 6 G. FOR THE PURPOSES OF THIS SECTION, "INFANT" HAS THE SAME MEANING
- 7 PRESCRIBED IN SECTION 36-883.05.

8 Sec. 2. Section 36-883.05, Arizona Revised Statutes, is amended to
9 read:

10 36-883.05. Child care facilities; infants; floor bedding;
11 requirements; emergency evacuation; notice;
12 definitions

13 A. A child care facility that provides child care services
14 ~~utilizing~~ USING the practice of a documented educational philosophy,
15 including least restrictive environment for infants, and THAT meets the
16 requirements of this section may use floor bedding in the facility instead
17 of cribs.

18 B. Floor bedding USED pursuant to subsection A of this section must
19 meet all of the following requirements:

- 20 1. Be a mat that meets the following dimensions:
 - 21 (a) Is not less than two inches and not more than three inches
 - 22 thick.
 - 23 (b) Is not less than three feet and not more than four feet long.
 - 24 (c) Is not less than two feet and not more than three feet wide.
- 25 2. Not be elevated or raised in any way.
- 26 3. Be covered with a waterproof and washable mattress pad, a
- 27 washable zip cover and an individually assigned sheet.
- 28 4. Be assigned to an individual infant and not shared with another
- 29 infant.
- 30 5. Be turned over at least once a week.
- 31 6. Be placed at least eighteen inches apart, eighteen inches from
- 32 any wall and two feet from any other object.
- 33 7. Be placed on a floor that is vacuumed and sanitized every day
- 34 and, if the floor is carpeted, is shampooed at least twice a month.

35 C. The ratio of staff members to resting infants in the resting
36 area must be at least one staff member to every four infants. A staff
37 member in the resting area must be supervised for the first ninety days of
38 employment to ensure the staff member's proper use of the floor bedding
39 pursuant to this section. Any staff member in the resting area shall have
40 current certification in cardiopulmonary resuscitation and first aid.

41 D. If an emergency requiring evacuation occurs, the infant nursery
42 staff shall place the infants in an evacuation crib and move the infants
43 in the crib to a designated evacuation assembly area. Evacuation cribs
44 must be stored not more than ten feet from the exterior exit. If stored
45 on the outside of the building, an evacuation crib must be protected from

1 weather. On arrival at the designated evacuation assembly area, all
2 infants must be physically accounted for against the sign-in log and the
3 results reported to the director of the child care facility immediately.
4 The infant nursery supervisor is responsible for bringing all attendance
5 sheets, child rosters and information sheets to the evacuation assembly
6 area. The child care facility staff shall take appropriate supplies
7 during the evacuation to protect the children, if possible, during
8 inclement weather.

9 E. A facility shall provide the department written notice thirty
10 days before implementing the use of floor bedding pursuant to this
11 section.

12 F. If a licensed facility does not comply with the requirements of
13 this section, the department may require the installation of cribs.

14 G. For the purposes of this section:

15 1. "Infant" means ~~either:~~

16 ~~(a)~~ a child who is ~~twelve~~ EIGHTEEN months or younger.

17 ~~(b) A child who is eighteen months or younger if not walking.~~

18 2. "Resting area" means a space within the classroom that is
19 separate from the activity area and that contains only the floor bedding,
20 infants and staff members.