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# A BILL FOR AN ACT

RELATING TO CHILD CARE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to clarify certain  
2 requirements regarding licensure of child care facilities,  
3 including exemptions from licensure, health and safety  
4 standards, and investigations of violations.

5           SECTION 2. Section 346-152, Hawaii Revised Statutes, is  
6 amended to read as follows:

7           "§346-152 Exclusions; exemptions. (a) Nothing in this  
8 part shall be construed to include:

9           (1) A person caring for children who is related to [~~the~~  
10 ~~caregiver~~] each child by blood, marriage, or  
11 adoption[+] as:

12           (A) An aunt, uncle, grandparent, great-grandparent,  
13 great-great grandparent, first cousin, niece,  
14 nephew, grandniece, grandnephew, great aunt, or  
15 great uncle;

16           (B) A stepfather, stepmother, stepbrother, or  
17 stepsister; or



- 1            (C) The spouse of a person named in subparagraph (A)  
2            or (B), even though the marriage is terminated by  
3            death, separation, or divorce;
- 4            (2) A person, group of persons, or facility caring for a  
5            child less than six hours a week;
- 6            (3) A kindergarten, school, or child care program licensed  
7            or certified by the department of education or the  
8            United States Department of Defense and located on  
9            federal property~~[7]~~, or a
- 10          ~~[(4)~~ A] classroom administered by the executive office on  
11          early learning pursuant to section 302L-7;
- 12          ~~[(5)]~~ (4) A program that provides exclusively for a  
13          specialized training or skill development for  
14          children~~[7]~~ who are eligible pupils in grades  
15          kindergarten through twelve in public or private  
16          schools, including but not limited to programs  
17          providing activities such as athletic sports, foreign  
18          language, the Hawaiian language, dance, drama, music,  
19          or martial arts;
- 20          ~~[(6)]~~ (5) A multiservice organization or community  
21          association, duly incorporated under the laws of the



1 State, that operates for the purpose of promoting  
2 recreation, health, safety, or social group functions  
3 for eligible pupils in public and private schools  
4 through seventeen years of age;

5 ~~[(7)]~~ (6) Programs for children four years of age and older  
6 that operate for no more than two consecutive calendar  
7 weeks in a three-month period;

8 ~~[(8)]~~ (7) A provider agency operating or managing a  
9 homeless facility or any other program for homeless  
10 persons authorized under part XVII;

11 ~~[(9)]~~ (8) After-school, weekend, and summer recess programs  
12 conducted by the department of education pursuant to  
13 section 302A-408;

14 ~~[(10)]~~ (9) Child care programs conducted by counties  
15 pursuant to section 302A-408; provide that each county  
16 adopts rules for its programs;

17 ~~[(11)]~~ (10) Any person who enters a home in a child caring  
18 capacity and only cares for children who are of that  
19 household;





1 (c) Minimum health and safety requirements or standards as  
2 required by federal law may be imposed on any of the groups  
3 listed in this section that provide child care [~~services and are~~  
4 ~~reimbursed with federal funds.~~] for a child whose family  
5 receives a child care subsidy from the department.

6 (d) Any person or child care facility asserting an  
7 exemption under this section shall cooperate with the department  
8 in investigations relating to unlicensed or unregistered child  
9 care[-], has the burden of proof, and shall provide verification  
10 to the department that the person or child care facility falls  
11 within an exemption."

12 SECTION 3. Section 346-152.3, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "[~~+~~] §346-152.3 Investigations. [~~+~~] (a) Upon receiving a  
15 report that a person or child care facility may be caring for  
16 [~~more than two children unrelated to the caregiver by blood,~~  
17 ~~marriage, or adoption, or providing care for a child for more~~  
18 ~~than six hours per week, without a child care license issued by~~  
19 ~~the department,~~] children in violation of this part, the  
20 department may conduct an investigation for the [~~limited~~]  
21 purpose of determining [~~the number of children in care who are~~



1 ~~unrelated to the caregiver by blood, marriage, or adoption, and~~  
2 ~~the number of hours of care provided per week, in accordance~~  
3 ~~with the following provisions:]~~ whether a violation of this part  
4 has occurred or is occurring.

5 [~~1~~] (b) The department may request access to the  
6 location indicated in the report [~~7~~ ~~or~~  
7 ~~(2)~~ The], and the department may file a [~~complaint~~]  
8 petition for a search warrant with the district court in the  
9 circuit where the location is indicated in the report [~~is, and~~  
10 ~~the~~]. The district court, upon probable cause, may issue a  
11 search warrant, directed to the department and the appropriate  
12 [~~county police department,~~] law enforcement agency, if  
13 necessary, to conduct an investigation pursuant to this section  
14 [~~between the hours of sunrise and sunset~~]. "

15 SECTION 4. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on December 31,  
18 2059.



**Report Title:**

Child Care; Child Care Facilities; Licensure Exemptions;  
Violations

**Description:**

Clarifies certain requirements regarding licensure of child care facilities, including exemptions from licensure, health and safety standards, and investigations of violations. Effective 12/31/2059. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

