

## ACT 146

H.B. NO. 2227

A Bill for an Act Relating to Child Care.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature recognizes that military child care certification enhances the quality of life and economic security of both the providers and military families seeking qualified child care options.

The legislature notes that under existing administrative rules, the process of issuing a registration for family child care could take up to one hundred eighty days from the date of submission of the application for registration. This delay occurs at a time when both civilian and military families frequently encounter waitlists and capacity issues for family child care.

The legislature finds that both civilian and military families are often in urgent need of qualified child care options. The legislature further finds that by exempting family child care providers who are already certified through the military service process from state laws governing child care, the State can improve the quality of life and economic security for both providers and families.

Accordingly, the purpose of this Act is to expand the existing state exemption for United States Department of Defense-certified child care providers to those operating off federal property.

SECTION 2. Section 346-152, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Nothing in this part shall be construed to include:

- (1) A person caring for children who is related to each child by blood, marriage, or adoption as:
  - (A) ~~[An aunt, uncle,]~~ A parent’s sibling; grandparent[;]; great-grandparent[;]; great-great grandparent[;]; first cousin[; niece, nephew, grandniece, grandnephew, great aunt, or great uncle]; sibling’s child; sibling’s grandchild; or grandparent’s sibling;
  - (B) ~~A [stepfather, stepmother, stepbrother, or stepsister;]~~ stepparent or stepsibling; or
  - (C) The spouse of a person named in subparagraph (A) or (B), even if the marriage is terminated by death, separation, or divorce;
- (2) A person, group of persons, or facility caring for a child less than six hours a week;

- (3) A kindergarten, school, or child care program licensed or certified by the department of education ~~for the United States Department of Defense and located on federal property, or a classroom administered by the executive office on early learning pursuant to section 302L-7~~];
- (4) A program that provides exclusively for a specialized training or skill development for children who are eligible pupils in grades kindergarten through twelve in public or private schools, including but not limited to programs providing activities including athletic sports, foreign language, the Hawaiian language, dance, drama, music, or martial arts;
- (5) A multiservice organization or community association, duly incorporated under the laws of the State, that operates for the purpose of promoting recreation, health, safety, or social group functions for eligible pupils in public and private schools through seventeen years of age;
- (6) Programs for children four years of age and older that operate for no more than two consecutive calendar weeks in a three-month period;
- (7) A provider agency operating or managing a homeless facility or any other program for homeless persons authorized under part XVII;
- (8) After-school, weekend, and summer recess programs conducted by the department of education pursuant to section 302A-408;
- (9) Child care programs conducted by counties pursuant to section 302A-408; provided that each county adopts rules for its programs;
- (10) Any person who enters a home in a child caring capacity and only cares for children who are of that household;
- (11) A person caring for two or fewer children unrelated to the caregiver by blood, marriage, or adoption as described in paragraph (1); ~~and~~
- (12) A child care program licensed by the Hawaii council of private schools. A child care program claiming an exemption under this paragraph shall submit an application for the exemption on a form provided by the department and shall provide to the department evidence that the licensing standards of the Hawaii council of private schools meet or exceed the department's standards for a comparable program, including a monitoring component. Upon application of a child care program for the exemption under this paragraph, the department shall have the discretion to determine whether the licensing standards of the Hawaii council of private schools meet or exceed the department's standards~~[-]~~;
- (13) A kindergarten, school, or child care program certified by the United States Department of Defense; and
- (14) A classroom administered by the executive office on early learning pursuant to section 302L-7."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved July 1, 2024.)