



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

**HB4406**

by Rep. Robyn Gabel

#### SYNOPSIS AS INTRODUCED:

225 ILCS 10/7

from Ch. 23, par. 2217

Amends the Child Care Act of 1969. Provides that the licensing standards for day care centers and day care homes shall include a requirement that such facilities adopt policies regarding immunizations for day care staff, and that the most current recommendations of the Advisory Committee on Immunization Practices may be used as a guideline in adopting such policies. Further provides that the licensing standards shall include exemptions for day care staff who object to immunization on religious grounds or for clinical reasons. Effective immediately.

LRB098 17476 ZMM 52581 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Child Care Act of 1969 is amended by  
5 changing Section 7 as follows:

6 (225 ILCS 10/7) (from Ch. 23, par. 2217)

7 Sec. 7. (a) The Department must prescribe and publish  
8 minimum standards for licensing that apply to the various types  
9 of facilities for child care defined in this Act and that are  
10 equally applicable to like institutions under the control of  
11 the Department and to foster family homes used by and under the  
12 direct supervision of the Department. The Department shall seek  
13 the advice and assistance of persons representative of the  
14 various types of child care facilities in establishing such  
15 standards. The standards prescribed and published under this  
16 Act take effect as provided in the Illinois Administrative  
17 Procedure Act, and are restricted to regulations pertaining to  
18 the following matters and to any rules and regulations required  
19 or permitted by any other Section of this Act:

20 (1) The operation and conduct of the facility and  
21 responsibility it assumes for child care;

22 (2) The character, suitability and qualifications of  
23 the applicant and other persons directly responsible for

1 the care and welfare of children served. All child day care  
2 center licensees and employees who are required to report  
3 child abuse or neglect under the Abused and Neglected Child  
4 Reporting Act shall be required to attend training on  
5 recognizing child abuse and neglect, as prescribed by  
6 Department rules;

7 (3) The general financial ability and competence of the  
8 applicant to provide necessary care for children and to  
9 maintain prescribed standards;

10 (4) The number of individuals or staff required to  
11 insure adequate supervision and care of the children  
12 received. The standards shall provide that each child care  
13 institution, maternity center, day care center, group  
14 home, day care home, and group day care home shall have on  
15 its premises during its hours of operation at least one  
16 staff member certified in first aid, in the Heimlich  
17 maneuver and in cardiopulmonary resuscitation by the  
18 American Red Cross or other organization approved by rule  
19 of the Department. Child welfare agencies shall not be  
20 subject to such a staffing requirement. The Department may  
21 offer, or arrange for the offering, on a periodic basis in  
22 each community in this State in cooperation with the  
23 American Red Cross, the American Heart Association or other  
24 appropriate organization, voluntary programs to train  
25 operators of foster family homes and day care homes in  
26 first aid and cardiopulmonary resuscitation;

1           (5) The appropriateness, safety, cleanliness and  
2           general adequacy of the premises, including maintenance of  
3           adequate fire prevention and health standards conforming  
4           to State laws and municipal codes to provide for the  
5           physical comfort, care and well-being of children  
6           received;

7           (6) Provisions for food, clothing, educational  
8           opportunities, program, equipment and individual supplies  
9           to assure the healthy physical, mental and spiritual  
10          development of children served;

11          (7) Provisions to safeguard the legal rights of  
12          children served;

13          (8) Maintenance of records pertaining to the  
14          admission, progress, health and discharge of children,  
15          including, for day care centers and day care homes, records  
16          indicating each child has been immunized as required by  
17          State regulations. The Department shall require proof that  
18          children enrolled in a facility have been immunized against  
19          Haemophilus Influenzae B (HIB);

20          (9) Filing of reports with the Department;

21          (10) Discipline of children;

22          (11) Protection and fostering of the particular  
23          religious faith of the children served;

24          (12) Provisions prohibiting firearms on day care  
25          center premises except in the possession of peace officers;

26          (13) Provisions prohibiting handguns on day care home

1 premises except in the possession of peace officers or  
2 other adults who must possess a handgun as a condition of  
3 employment and who reside on the premises of a day care  
4 home;

5 (14) Provisions requiring that any firearm permitted  
6 on day care home premises, except handguns in the  
7 possession of peace officers, shall be kept in a  
8 disassembled state, without ammunition, in locked storage,  
9 inaccessible to children and that ammunition permitted on  
10 day care home premises shall be kept in locked storage  
11 separate from that of disassembled firearms, inaccessible  
12 to children;

13 (15) Provisions requiring notification of parents or  
14 guardians enrolling children at a day care home of the  
15 presence in the day care home of any firearms and  
16 ammunition and of the arrangements for the separate, locked  
17 storage of such firearms and ammunition; and

18 (16) Provisions requiring all licensed child care  
19 facility employees who care for newborns and infants to  
20 complete training every 3 years on the nature of sudden  
21 unexpected infant death (SUID), sudden infant death  
22 syndrome (SIDS), and the safe sleep recommendations of the  
23 American Academy of Pediatrics.

24 (b) If, in a facility for general child care, there are  
25 children diagnosed as mentally ill, intellectually disabled or  
26 physically handicapped, who are determined to be in need of

1 special mental treatment or of nursing care, or both mental  
2 treatment and nursing care, the Department shall seek the  
3 advice and recommendation of the Department of Human Services,  
4 the Department of Public Health, or both Departments regarding  
5 the residential treatment and nursing care provided by the  
6 institution.

7 (c) The Department shall investigate any person applying to  
8 be licensed as a foster parent to determine whether there is  
9 any evidence of current drug or alcohol abuse in the  
10 prospective foster family. The Department shall not license a  
11 person as a foster parent if drug or alcohol abuse has been  
12 identified in the foster family or if a reasonable suspicion of  
13 such abuse exists, except that the Department may grant a  
14 foster parent license to an applicant identified with an  
15 alcohol or drug problem if the applicant has successfully  
16 participated in an alcohol or drug treatment program, self-help  
17 group, or other suitable activities.

18 (d) The Department, in applying standards prescribed and  
19 published, as herein provided, shall offer consultation  
20 through employed staff or other qualified persons to assist  
21 applicants and licensees in meeting and maintaining minimum  
22 requirements for a license and to help them otherwise to  
23 achieve programs of excellence related to the care of children  
24 served. Such consultation shall include providing information  
25 concerning education and training in early childhood  
26 development to providers of day care home services. The

1 Department may provide or arrange for such education and  
2 training for those providers who request such assistance.

3 (e) The Department shall distribute copies of licensing  
4 standards to all licensees and applicants for a license. Each  
5 licensee or holder of a permit shall distribute copies of the  
6 appropriate licensing standards and any other information  
7 required by the Department to child care facilities under its  
8 supervision. Each licensee or holder of a permit shall maintain  
9 appropriate documentation of the distribution of the  
10 standards. Such documentation shall be part of the records of  
11 the facility and subject to inspection by authorized  
12 representatives of the Department.

13 (f) The Department shall prepare summaries of day care  
14 licensing standards. Each licensee or holder of a permit for a  
15 day care facility shall distribute a copy of the appropriate  
16 summary and any other information required by the Department,  
17 to the legal guardian of each child cared for in that facility  
18 at the time when the child is enrolled or initially placed in  
19 the facility. The licensee or holder of a permit for a day care  
20 facility shall secure appropriate documentation of the  
21 distribution of the summary and brochure. Such documentation  
22 shall be a part of the records of the facility and subject to  
23 inspection by an authorized representative of the Department.

24 (g) The Department shall distribute to each licensee and  
25 holder of a permit copies of the licensing or permit standards  
26 applicable to such person's facility. Each licensee or holder

1 of a permit shall make available by posting at all times in a  
2 common or otherwise accessible area a complete and current set  
3 of licensing standards in order that all employees of the  
4 facility may have unrestricted access to such standards. All  
5 employees of the facility shall have reviewed the standards and  
6 any subsequent changes. Each licensee or holder of a permit  
7 shall maintain appropriate documentation of the current review  
8 of licensing standards by all employees. Such records shall be  
9 part of the records of the facility and subject to inspection  
10 by authorized representatives of the Department.

11 (h) Any standards involving physical examinations,  
12 immunization, or medical treatment shall include appropriate  
13 exemptions for children whose parents object thereto on the  
14 grounds that they conflict with the tenets and practices of a  
15 recognized church or religious organization, of which the  
16 parent is an adherent or member, and for children who should  
17 not be subjected to immunization for clinical reasons.

18 (i) The Department, in cooperation with the Department of  
19 Public Health, shall work to increase immunization awareness  
20 and participation among parents of children enrolled in day  
21 care centers and day care homes by publishing on the  
22 Department's website information about the benefits of  
23 immunization against vaccine preventable diseases, including  
24 influenza and pertussis. The information for vaccine  
25 preventable diseases shall include the incidence and severity  
26 of the diseases, the availability of vaccines, and the



1 importance of immunizing children and persons who frequently  
2 have close contact with children. The website content shall be  
3 reviewed annually in collaboration with the Department of  
4 Public Health to reflect the most current recommendations of  
5 the Advisory Committee on Immunization Practices (ACIP). The  
6 Department shall work with day care centers and day care homes  
7 licensed under this Act to ensure that the information is  
8 annually distributed to parents in August or September.

9 (j) The licensing standards of the Department for licensed  
10 day care centers and licensed day care homes shall include a  
11 requirement that such facilities adopt policies regarding  
12 immunizations for day care staff. The facilities may use the  
13 most current recommendations of the Advisory Committee on  
14 Immunization Practices (ACIP) as a guideline for such policies.  
15 The licensure standards shall include appropriate exemptions  
16 for day care staff who object on the grounds that they conflict  
17 with the tenets and practices of a recognized church or  
18 religious organization, of which the staff person is an  
19 adherent or member, and for staff members who should not be  
20 subjected to immunization for clinical reasons.

21 (Source: P.A. 96-391, eff. 8-13-09; 97-83, eff. 1-1-12; 97-227,  
22 eff. 1-1-12; 97-494, eff. 8-22-11; 97-813, eff. 7-13-12.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.