

## Prince George's County Council

### Agenda Item Summary

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<b>Meeting Date:</b>	11/19/2014
<b>Reference No.:</b>	CB-083-2014
<b>Draft No.:</b>	1
<b>Proposer(s):</b>	County Executive
<b>Sponsor(s):</b>	Franklin, Lehman, Patterson
<b>Item Title:</b>	An Act repealing provisions of the Prince George's County Code that pertain to licenses for Child Care Facilities

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<b>Drafter:</b>	LaKeecia Allen, Office of Law
<b>Resource Personnel:</b>	Adam Ortiz, Department of Environment Pamela B. Creekmur, Health Officer

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#### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	9/23/2014	<b>Executive Action:</b>	12/4/2014 S
<b>Committee Referral:</b>	9/23/2014 - HEHS	<b>Effective Date:</b>	1/20/2015

**Committee Action:** 10/9/2014 - FAV

**Date Introduced:** 10/21/2014

**Public Hearing:** 11/19/2014 - 10:00 AM

**Council Action (1)** 11/19/2014 - ENACTED

**Council Votes:** WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A

**Pass/Fail:** P

**Remarks:**

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#### AFFECTED CODE SECTIONS:

05-120, 05-121, 05-122, 05-123, 05-124, 05-125, 05-127, 05-128, 05-129

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#### COMMITTEE REPORTS:

##### HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE

**Date 10/9/2014**

Committee Vote: Favorable, 4-0 (In favor: Council Members Patterson, Harrison, Lehman and Turner)

CB-83-2014 repeals provisions of the County Code that pertains to business licensing for Child Care Facilities. Under §5-585 of the Family Law Article of the Maryland Annotated Code, the State of Maryland preempts the rights of local jurisdictions to regulate child care centers. The functions are authorized to be provided by the Office of Child Care in the Maryland State Department of Education.

The County Health Department representative indicated that it has been 15 years since they regulated Child Care Facilities. The County Health Officer, under COMAR regulation §10.06.01.06.F(1), does inspect Child Care Facilities with communicable disease concerns. It was further stated that they may receive approximately six (6) complaints annually. The Committee questioned the effectiveness of the reporting procedures based on the number of complaints.

The Committee raised concerns as to why the State preempted local legislation and requested information on the

number of licensed Child Care Facilities in the county.

The Office of Audits and Investigations determined that enactment of CB-83-2014 will not have a negative fiscal impact on the County since the Health Department has not collected fees for the licensing of Child Care Facilities for the past several years.

The Office of Law finds it to be in proper legislative form.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

This bill repeals sections 5-120 through 5-125 and 5-127 through 5-129 of the Prince George's County Code, which covers child care facilities. Currently the permitting and regulation of child care facilities are done at the State level by the Office of Child Care (OCC) in the Maryland State Department of Education. This legislation would have the County Code comport with current State law.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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