

# HB0627



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB0627**

Introduced 2/8/2021, by Rep. C.D. Davidsmeyer

#### SYNOPSIS AS INTRODUCED:

225 ILCS 10/7

from Ch. 23, par. 2217

Amends the Child Care Act of 1969. Allows adults who reside on the premises of a day care home to possess handguns on day care home premises (rather than adults who must possess a handgun as a condition of employment and who reside on the premises of a day care home) if the handgun and handgun ammunition are locked and inaccessible to children.

LRB102 12557 SPS 17895 b

A BILL FOR

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

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

23 (2) The character, suitability and qualifications of

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

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

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

1 in first aid and cardiopulmonary resuscitation;

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

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

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

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

21 (9) Filing of reports with the Department;

22 (10) Discipline of children;

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

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

1 officers;

2 (13) Provisions prohibiting handguns on day care home  
3 premises except: (i) in the possession of peace officers;  
4 or (ii) in the possession of ~~or other~~ adults ~~who must~~  
5 ~~possess a handgun as a condition of employment and~~ who  
6 reside on the premises of a day care home;

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

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

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

26 (17) With respect to foster family homes, provisions

1           requiring the Department to review quality of care  
2           concerns and to consider those concerns in determining  
3           whether a foster family home is qualified to care for  
4           children.

5           (b) If, in a facility for general child care, there are  
6           children diagnosed as mentally ill or children diagnosed as  
7           having an intellectual or physical disability, who are  
8           determined to be in need of special mental treatment or of  
9           nursing care, or both mental treatment and nursing care, the  
10          Department shall seek the advice and recommendation of the  
11          Department of Human Services, the Department of Public Health,  
12          or both Departments regarding the residential treatment and  
13          nursing care provided by the institution.

14          (c) The Department shall investigate any person applying  
15          to be licensed as a foster parent to determine whether there is  
16          any evidence of current drug or alcohol abuse in the  
17          prospective foster family. The Department shall not license a  
18          person as a foster parent if drug or alcohol abuse has been  
19          identified in the foster family or if a reasonable suspicion  
20          of such abuse exists, except that the Department may grant a  
21          foster parent license to an applicant identified with an  
22          alcohol or drug problem if the applicant has successfully  
23          participated in an alcohol or drug treatment program,  
24          self-help group, or other suitable activities and if the  
25          Department determines that the foster family home can provide  
26          a safe, appropriate environment and meet the physical and

1 emotional needs of children.

2 (d) The Department, in applying standards prescribed and  
3 published, as herein provided, shall offer consultation  
4 through employed staff or other qualified persons to assist  
5 applicants and licensees in meeting and maintaining minimum  
6 requirements for a license and to help them otherwise to  
7 achieve programs of excellence related to the care of children  
8 served. Such consultation shall include providing information  
9 concerning education and training in early childhood  
10 development to providers of day care home services. The  
11 Department may provide or arrange for such education and  
12 training for those providers who request such assistance.

13 (e) The Department shall distribute copies of licensing  
14 standards to all licensees and applicants for a license. Each  
15 licensee or holder of a permit shall distribute copies of the  
16 appropriate licensing standards and any other information  
17 required by the Department to child care facilities under its  
18 supervision. Each licensee or holder of a permit shall  
19 maintain appropriate documentation of the distribution of the  
20 standards. Such documentation shall be part of the records of  
21 the facility and subject to inspection by authorized  
22 representatives of the Department.

23 (f) The Department shall prepare summaries of day care  
24 licensing standards. Each licensee or holder of a permit for a  
25 day care facility shall distribute a copy of the appropriate  
26 summary and any other information required by the Department,

1 to the legal guardian of each child cared for in that facility  
2 at the time when the child is enrolled or initially placed in  
3 the facility. The licensee or holder of a permit for a day care  
4 facility shall secure appropriate documentation of the  
5 distribution of the summary and brochure. Such documentation  
6 shall be a part of the records of the facility and subject to  
7 inspection by an authorized representative of the Department.

8 (g) The Department shall distribute to each licensee and  
9 holder of a permit copies of the licensing or permit standards  
10 applicable to such person's facility. Each licensee or holder  
11 of a permit shall make available by posting at all times in a  
12 common or otherwise accessible area a complete and current set  
13 of licensing standards in order that all employees of the  
14 facility may have unrestricted access to such standards. All  
15 employees of the facility shall have reviewed the standards  
16 and any subsequent changes. Each licensee or holder of a  
17 permit shall maintain appropriate documentation of the current  
18 review of licensing standards by all employees. Such records  
19 shall be part of the records of the facility and subject to  
20 inspection by authorized representatives of the Department.

21 (h) Any standards involving physical examinations,  
22 immunization, or medical treatment shall include appropriate  
23 exemptions for children whose parents object thereto on the  
24 grounds that they conflict with the tenets and practices of a  
25 recognized church or religious organization, of which the  
26 parent is an adherent or member, and for children who should



1 not be subjected to immunization for clinical reasons.

2 (i) The Department, in cooperation with the Department of  
3 Public Health, shall work to increase immunization awareness  
4 and participation among parents of children enrolled in day  
5 care centers and day care homes by publishing on the  
6 Department's website information about the benefits of  
7 immunization against vaccine preventable diseases, including  
8 influenza and pertussis. The information for vaccine  
9 preventable diseases shall include the incidence and severity  
10 of the diseases, the availability of vaccines, and the  
11 importance of immunizing children and persons who frequently  
12 have close contact with children. The website content shall be  
13 reviewed annually in collaboration with the Department of  
14 Public Health to reflect the most current recommendations of  
15 the Advisory Committee on Immunization Practices (ACIP). The  
16 Department shall work with day care centers and day care homes  
17 licensed under this Act to ensure that the information is  
18 annually distributed to parents in August or September.

19 (j) Any standard adopted by the Department that requires  
20 an applicant for a license to operate a day care home to  
21 include a copy of a high school diploma or equivalent  
22 certificate with his or her application shall be deemed to be  
23 satisfied if the applicant includes a copy of a high school  
24 diploma or equivalent certificate or a copy of a degree from an  
25 accredited institution of higher education or vocational  
26 institution or equivalent certificate.

1 (Source: P.A. 99-143, eff. 7-27-15; 99-779, eff. 1-1-17;  
2 100-201, eff. 8-18-17.)