**A** **BILL**

TO AMEND SECTION 63‑13‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE REGULATION OF CHILDCARE FACILITIES, INCLUDING THE DEFINITION OF CHILDCARE FACILITIES, SO AS TO REVISE THE DAYTIME PROGRAMS AND DAY CAMPS TO WHICH THE DEFINITION DOES NOT APPLY; BY ADDING SECTION 63‑13‑220 SO AS TO PROHIBIT USE OF ABC VOUCHERS BY CERTAIN CHILDCARE PROVIDERS; AND TO MAKE TECHNICAL CORRECTIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 63‑13‑20(4) of the 1976 Code, as added by Act 361 of 2008, is further amended to read:

“(4) ‘Childcare facilities’ means a facility which provides care, supervision, or guidance for a minor child who is not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit and whether or not the facility makes a charge for services offered by it. This definition includes, but is not limited to, day nurseries, nursery schools, childcare centers, group childcare homes, and family childcare homes. The term does not include:

(a) an educational facility, whether private or public, which operates solely for educational purposes in grade one or above;

(b) five‑year‑old kindergarten programs;

(c) kindergartens or nursery schools or other daytime programs, including public, private, and nonprofit programs, with or without stated educational purposes, operating no more than ~~four hours~~ one hour a day and receiving children younger than ~~lawful school age~~ twelve years of age;

(d) facilities operated for more than four hours a day in connection with a shopping center or service or other similar facility, where the same children are cared for less than four hours a day and not on a regular basis as defined in this chapter while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and immediately available; however, these facilities must meet local fire and sanitation requirements and maintain documentation on these requirements on file at the facility available for public inspection;

(e) school vacation or school holiday day camps ~~for children operating in distinct sessions running less than three~~ with sessions lasting two weeks per session ~~unless the day camp permits children to enroll in successive sessions so that their total attendance may exceed three weeks~~; provided, however, this chapter applies to school vacation and school holiday day camps that allow a child to attend successive sessions when, by doing so, the child is attending two weeks or more of camp. Programs lasting two weeks or more must comply with this chapter before opening, including the requirement to be licensed by the department;

(f) summer resident camps for children;

(g) bible schools normally conducted during vacation periods;

(h) facilities for persons with intellectual disability provided for in Chapter 21, Title 44;

(i) facilities for the mentally ill as provided for in Chapter 17, Title 44;

(j) childcare centers and group childcare homes owned and operated by a local church congregation, ~~or~~ an established religious denomination, or a religious college or university, which ~~does~~ do not receive state or federal financial assistance for childcare services; however, these facilities must comply with the provisions of Article 9~~,~~ and Sections 63‑13‑60 and 63‑13‑110, and ~~that~~ these facilities voluntarily may elect to become licensed according to the process as set forth in Article 3 and Sections 63‑13‑30, 63‑13‑40, 63‑13‑70, 63‑13‑80, 63‑13‑90, 63‑13‑100, 63‑13‑160, and 63‑13‑170.”

SECTION 2. Article 1, Chapter 13, Title 63 of the 1976 Code is amended by adding:

“Section 63‑13‑220. The department may issue ABC Child Care Program vouchers only to childcare facilities that are licensed or registered by the department’s Division of Child Care Services and that are in compliance with regulations promulgated by the department pursuant to this section or by another provision of law.”

SECTION 3. This act takes effect upon approval by the Governor.

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