

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1991

CHAPTER 904  
SENATE BILL 1050

AN ACT TO AMEND THE DEFINITION OF "DAY CARE" TO EXCLUDE DROP-IN CARE AND TO REQUIRE THE DEPARTMENT OF HUMAN RESOURCES TO STUDY HOW TO ENSURE THE HEALTH AND SAFETY OF CHILDREN IN DROP-IN CARE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-86(2) reads as rewritten:

"(2) Child day care. – Any child care arrangement ~~except seasonal recreational programs operated for less than four consecutive months in a year,~~ wherein three or more children less than 13 years old receive care away from their own home by persons other than their parents, grandparents, aunts, uncles, brothers, sisters, first cousins, guardians or full-time custodians, or in the child's own home where other unrelated children are in care. Child day care does not include seasonal recreational programs operated for less than four consecutive months in a year. Child day care also does not include arrangements that provide only drop-in or short-term child care for parents participating in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term child care offered in health spas, bowling alleys, shopping malls, resort hotels, and churches.

Sec. 2. G.S. 110-86(3) reads as rewritten:

(3) Child day care facility. – Includes any child day care center or child care arrangement not excluded by G.S. 110-86(2), which provides day care for more than five children, not including the operator's own school-aged children, under the age of 13 years, on a regular basis of at least once per week for more than four hours but less than 24 hours per day, regardless of the time of day and regardless of whether the same or different children attend. The following are not included: public schools; nonpublic schools whether or not accredited by the State Department of Public Instruction, which regularly and exclusively provide a course of grade school instruction to children who are of public school age; summer camps having children in full-time residence; Bible schools conducted during vacation periods; facilities licensed under Article 2 of Chapter 122C of the General Statutes; and

cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment.  
Child day care facilities are separated by capacity into the following categories which determine applicable requirements and standards as established by the Commission pursuant to G.S. 110-88:

**Facility Type**

Large Home  
Small Center  
Medium Center  
Large Center

The Commission shall establish the maximum capacity for each of the four categories of facilities."

Sec. 3. The Department of Human Resources shall conduct a study of how the State may assure the health and safety of those children provided care in the drop-in and short-term care excluded from day care regulation pursuant to Section 1 of this act. The Department shall report its findings, together with any legislative recommendations, to the Legislative Research Commission Study Committee on Child Care Issues by November 1, 1992.

Sec. 4. The Department of Human Resources shall adopt rules to define "easily accessible" and any other rules necessary to implement this act.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 9th day of July, 1992.

James C. Gardner  
President of the Senate

Daniel Blue, Jr.  
Speaker of the House of Representatives