

1.1 moves to amend H.F. No. 1926 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. [245A.149] SUPERVISION OF FAMILY CHILD CARE LICENSE
1.4 HOLDER'S OWN CHILD.

1.5 Notwithstanding Minnesota Rules, part 9502.0365, subpart 5, an individual may supervise
1.6 the family day care or group family day care license holder's own child both inside and
1.7 outside of the licensed space, and is exempt from the requirements of this chapter and
1.8 Minnesota Rules, chapter 9502, if the individual:

1.9 (1) is related to the license holder, as defined in section 245A.02, subdivision 13;

1.10 (2) is not a designated caregiver, helper, substitute, or emergency substitute for the
1.11 licensed program; and

1.12 (3) is involved only in the care of the license holder's own child.

1.13 **EFFECTIVE DATE.** This section is effective September 30, 2019.

1.14 Sec. 2. Minnesota Statutes 2018, section 245A.50, is amended by adding a subdivision to
1.15 read:

1.16 Subd. 12. **Training exemption.** An individual who is related to the license holder, as
1.17 defined in section 245A.02, subdivision 13, who is involved only in the care of the family
1.18 day care or group family day care license holder's own child and who is not a designated
1.19 caregiver, helper, substitute, or emergency substitute for the licensed program is exempt
1.20 from the training requirements in this section.

1.21 **EFFECTIVE DATE.** This section is effective September 30, 2019.

2.1 Sec. 3. **[245A.53] SUBSTITUTE AND REPLACEMENT CAREGIVERS IN FAMILY**
2.2 **CHILD CARE.**

2.3 Subdivision 1. **Total hours allowed.** Notwithstanding Minnesota Rules, part 9502.0365,
2.4 subpart 5, the use of a substitute caregiver in a licensed family day care or group family
2.5 day care must be limited to a cumulative total of not more than 300 hours in a calendar year.
2.6 The license holder must document the name, dates, and number of hours of the substitute
2.7 who provided care.

2.8 Subd. 2. **Emergency replacement caregiver.** (a) A license holder may allow an adult
2.9 who has not completed the training requirements under this chapter or the background study
2.10 requirements under chapter 245C to supervise children in a family day care or group family
2.11 day care in an emergency. For purposes of this subdivision, an emergency is a situation in
2.12 which:

2.13 (1) the license holder has begun operating the family day care or group family day care
2.14 for the day and for reasons beyond the license holder's control, including, but not limited
2.15 to a serious illness or injury, accident, or situation requiring the license holder's immediate
2.16 attention, the license holder must leave the licensed space and close the program for the
2.17 day; and

2.18 (2) the parents or guardians of the children attending the program are contacted to pick
2.19 of their children as soon as is practicable.

2.20 (b) The license holder must make reasonable efforts to minimize the time the emergency
2.21 replacement caregiver has unsupervised contact with the children in care, not to exceed 24
2.22 hours per emergency incident.

2.23 (c) The license holder shall not knowingly use a person as an emergency replacement
2.24 caregiver who has committed an action or has been convicted of a crime that would cause
2.25 the person to be disqualified from providing care to children, if a background study was
2.26 conducted under chapter 245C.

2.27 (d) To the extent practicable, the license holder must attempt to arrange for emergency
2.28 care by a substitute caregiver before using an emergency replacement caregiver.

2.29 (e) To the extent practicable, the license holder must obtain a written and signed statement
2.30 from the emergency replacement caregiver before leaving children in the emergency
2.31 replacement caregiver's care, or within seven days after the emergency, stating, to the best
2.32 of the emergency replacement caregiver's knowledge, that:

3.1 (1) the emergency replacement caregiver has not committed an action or been convicted
3.2 of a crime that would cause the person to be disqualified from providing care to children,
3.3 if a background study was conducted under chapter 245C;

3.4 (2) the emergency replacement caregiver has not been disqualified from providing care
3.5 to children after a background study was completed; and

3.6 (3) the emergency replacement caregiver is not being investigated for maltreatment or
3.7 any other child protection or adult protection matter by any state or local government agency.

3.8 The license holder must submit the emergency replacement caregiver's signed, written
3.9 statement to the county licensing agency within seven calendar days after the emergency
3.10 incident. The county licensing agency must submit the signed, written statement to the
3.11 commissioner within three business days after receipt.

3.12 (f) Notwithstanding the requirements in Minnesota Rules, part 9502.0405, a license
3.13 holder is not required to provide the names of persons who may be used as substitutes or
3.14 replacements in emergencies to parents or the county licensing agency.

3.15 **EFFECTIVE DATE.** This section is effective September 30, 2019."

3.16 Amend the title accordingly