

Amendment No. 219

Assembly Amendment to Assembly Bill No. 346	(BDR 38-283)
Proposed by: Assembly Committee on Health and Human Services	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	
Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 346 (§ 7.2).	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of *green bold underlining* is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) *orange double underlining* is deleted language in the original bill proposed to be retained in this amendment.

MKM/BJF



Date: 4/17/2017

A.B. No. 346—Enacts requirements relating to certain providers of child care.
(BDR 38-283)



ASSEMBLY BILL NO. 346--ASSEMBLYWOMAN JOINER

MARCH 20, 2017

Referred to Committee on Health and Human Services

SUMMARY—Enacts requirements relating to certain providers of child care.
(BDR 38-283)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to child care; requiring the operator of a small child care establishment to register with the Division of Welfare and Supportive Services of the Department of Health and Human Services; requiring certain persons who are employed at or otherwise present at a small child care establishment to undergo a criminal background check; authorizing the Division of Public and Behavioral Health of the Department to collect from a child care facility or small child care establishment the costs relating to an investigation of a violation; requiring the licensee of a child care facility to ensure that each child at the child care facility wears a helmet while using certain devices; providing for the inspection of such an establishment; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "child care facility" to mean an establishment that provides child care to five or more children for compensation and certain other child care establishments. (NRS 432A.024) **Section 2** of this bill defines the term "small child care establishment" to mean an establishment that furnishes child care to not more than four children unrelated to the operator for compensation, outside the home and the presence of the parent or guardian of any of the children and on a regular basis for at least 3 weeks. **Section 3** of this bill requires a person or governmental entity that wishes to operate a small child care establishment to register with the Division of ~~Public and Behavioral Health~~ Welfare and Supportive Services of the Department of Health and Human Services and submit certain information to the Division concerning employees and certain residents of the establishment. **Section 9** of this bill authorizes the Division ~~of Public and Behavioral Health of the Department~~ of Welfare and Supportive Services to seek an injunction against any person or governmental entity that operates a small child care establishment without registering with the Division ~~of Welfare and Supportive Services~~ of Welfare and Supportive Services. **Section 10** of this bill makes it a misdemeanor to operate a small child care establishment without registering with the Division ~~of Welfare and Supportive Services~~ of Welfare and Supportive Services.

Existing law requires every applicant for and holder of a license to operate a child care facility, employee of such an applicant or licensee and certain adult residents of a child care facility to undergo a criminal background check conducted by the Division at least once every

5 years. (NRS 432A.170, 432A.175) If a criminal background check reveals that such a person has been convicted of certain crimes, the person must be terminated or otherwise prevented from having direct contact with children at the facility. (NRS 432A.1775) Sections 7.2-7.6 of this bill make these requirements applicable to operators, employees and certain adult residents of small child care establishments. Section 7.8 of this bill also requires an operator of a small child care establishment to maintain certain records relating to those background checks. Section 3 prohibits a person who has been convicted of those certain crimes from operating a small child care establishment.

~~Existing law establishes within the Central Repository for Nevada Records of Criminal History a service to conduct a name based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer. (NRS 179A.103) Section 11 of this bill additionally authorizes this service to be used to conduct a name based search of the records of criminal history of a resident of a small child care establishment. Section 4 of this bill requires the operator of a small child care establishment to use the service to conduct a name based search of the records of criminal history of employees and certain residents of the establishment at least once every 5 years. Section 4 also requires the operator of a small child care facility to maintain certain records related to those background checks. Section 7 of this bill authorizes the State Board of Health to adopt regulations to enforce the requirements for registration and background checks and to ensure the safe operation of small child care establishments. The Division of Public and Behavioral Health is authorized to impose a fine against any small child care establishment that violates the requirements or regulations. (NRS 432A.190)~~

Section 5 of this bill requires the licensee of a child care facility or the operator of a small child care establishment to ensure that each child at the facility or establishment wears a helmet while riding a bicycle, tricycle, skateboard, scooter, roller skates or any other similar device or toy that renders the child mobile.

Existing law authorizes any authorized member or employee of the Division to enter and inspect any building or premises of a child care facility or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of applicable law. **Section 8** of this bill extends those inspection provisions to include small child care establishments. If a complaint against a child care facility or small child care establishment is substantiated, section 4.5 of this bill authorizes the Division to collect from the facility or establishment the costs of the Division relating to the violation, including the costs of any necessary inspection or investigation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *“Small child care establishment” means an establishment that furnishes care to not more than four children under 18 years of age who are not related to the operator of the establishment within the fourth degree of consanguinity or affinity:*

- 1. For monetary compensation;*
- 2. Outside the home and the presence of the parents or guardians of any of the children; and*
- 3. For at least 6 hours each day, at least 4 days each week and more than 3 consecutive weeks.*

Sec. 3. *1. A person, state or local government unit or agency thereof that wishes to operate a small child care establishment must, before furnishing care to any children, register the small child care establishment with the Division of Welfare and Supportive Services of the Department by submitting to the Division of Welfare and Supportive Services on the Internet website of the Division of Welfare and Supportive Services the following information:*

1 (a) The name, address and contact information of the prospective operator of
2 the small child care establishment;

3 (b) The name and address of the small child care establishment;

4 (c) ~~The information required by paragraph (b) of subsection 1 of section 4~~
5 ~~of this act relating to employees and residents of the small child care~~
6 ~~establishment;~~

7 ~~(d) An affirmation that the operator of the small child care establishment is~~
8 ~~in compliance with subsection 2; and~~

9 ~~(e) (d) Such additional information as the Division of Welfare and~~
10 ~~Supportive Services deems necessary.~~

11 2. A person shall not serve as the operator of a small child care
12 establishment if the person has been convicted of a crime listed in subsection 2 of
13 NRS 432A.170 or has had a substantiated report of child abuse or neglect made
14 against him or her.

15 Sec. 4. ~~1. The operator of a small child care establishment shall~~
16 ~~participate in the service to conduct a name based search of records of criminal~~
17 ~~history established within the Central Repository for Nevada Records of Criminal~~
18 ~~History by NRS 179A.103. Not later than 3 days after hiring an employee or~~
19 ~~accepting a resident who is 18 years of age or older, other than a resident who~~
20 ~~remains under the jurisdiction of a court pursuant to NRS 432B.594, and at least~~
21 ~~once every 5 years thereafter, the operator of a small child care establishment~~
22 ~~shall:~~

23 ~~(a) Submit an inquiry to the service concerning the employee or resident, as~~
24 ~~applicable; and~~

25 ~~(b) Submit to the Division, on the Internet website of the Division:~~

26 ~~(1) The name, address and contact information of the employee or~~
27 ~~resident; and~~

28 ~~(2) An affirmation that the operator of the small child care establishment~~
29 ~~is in compliance with subsection 2.~~

30 2. ~~Upon receiving information from the Central Repository pursuant to~~
31 ~~subsection 1 or evidence from any other source that an employee of the small~~
32 ~~child care establishment or a resident of the small child care establishment who is~~
33 ~~18 years of age or older, other than a resident who remains under the jurisdiction~~
34 ~~of a court pursuant to NRS 432B.594, has been convicted of a crime listed in~~
35 ~~subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or~~
36 ~~neglect made against him or her, the operator of the small child care~~
37 ~~establishment shall terminate the employment of the employee or remove the~~
38 ~~resident from the establishment after allowing the employee or resident time to~~
39 ~~correct the information as required by subsection 3.~~

40 3. ~~If an employee or resident of a small child care establishment believes~~
41 ~~that the information provided to the operator of the establishment pursuant to~~
42 ~~subsection 2 is incorrect, the employee or resident must inform the operator~~
43 ~~immediately. The operator of the establishment shall give any such employee or~~
44 ~~resident 30 days to correct the information.~~

45 4. ~~During any period in which an employee or resident of a small child care~~
46 ~~establishment seeks to correct information pursuant to subsection 3, it is within~~
47 ~~the discretion of the operator of the establishment whether to allow the employee~~
48 ~~or resident to continue to work for or reside at the small child care establishment,~~
49 ~~except that the employee or resident shall not have contact with a child without~~
50 ~~supervision during such a period.~~

51 5. ~~Each operator of a small child care establishment shall:~~

52 ~~(a) Maintain records of information received from the Central Repository~~
53 ~~pursuant to subsection 2 concerning employees and residents of the~~

~~establishment for the period of the employer's employment with or the resident's presence at the small child care establishment; and~~

~~(b) Make those records available for inspection by the Division at any reasonable time and furnish copies thereof to the Division upon request.~~
~~(Deleted by amendment.)~~

Sec. 4.5. 1. If a complaint against a child care facility, a small child care establishment, a person who operates a child care facility without a license or a person who operates a small child care establishment without registering in accordance with section 3 of this act is substantiated, the Division may charge and collect from the facility, establishment or person the actual cost incurred by the Division relating to the violation, including the actual cost of conducting an inspection or investigation of the facility, establishment or person.

2. Any money collected pursuant to subsection 1 may be used by the Division to administer and carry out the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 5. The licensee of a child care facility or the operator of a small child care establishment shall ensure that each child at the facility or establishment, as applicable, wears a helmet while using a bicycle, tricycle, skateboard, scooter, roller skates or any other similar device or toy that renders the child mobile.

Sec. 6. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.0205 to 432A.029, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.

Sec. 7. NRS 432A.077 is hereby amended to read as follows:

432A.077 1. The Board shall adopt:

(a) Licensing standards for child care facilities.

(b) In consultation with the State Fire Marshal, plans and requirements to ensure that each child care facility and its staff is prepared to respond to emergencies, including, without limitation:

(1) The conducting of fire drills on a monthly basis;

(2) The adoption of plans to respond to natural disasters and emergencies other than those involving fire; and

(3) The adoption of plans to provide for evacuation of child care facilities in an emergency.

(c) Any regulations necessary to carry out the provisions of ~~sections~~ section 3 and 4 of this act or to ensure the safe operation of small child care establishments.

(d) Such other regulations as it deems necessary or convenient to carry out the provisions of this chapter.

2. The Board shall require that the practices and policies of each child care facility provide adequately for the protection of the health and safety and the physical, moral and mental well-being of each child accommodated in the facility.

3. If the Board finds that the practices and policies of a child care facility are substantially equivalent to those required by the Board in its regulations, it may waive compliance with a particular standard or other regulation by that facility.

Sec. 7.2. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. The Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee ~~+~~ operator of a small child care establishment, employee of an applicant, ~~+~~ licensee ~~+~~ or ~~every~~ small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

3. The Division shall request information concerning every applicant, licensee ~~+~~ operator of a small child care establishment, employee of an applicant, ~~+~~ licensee ~~+~~ or ~~every~~ small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, from:

(a) The Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and

(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant, ~~+~~ licensee ~~+~~ or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program, and then at least once every 5 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

(c) Operator of a small child care establishment before the operator begins operating the establishment, and then at least once every 5 years after the establishment begins operating.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.

Sec. 7.4. NRS 432A.175 is hereby amended to read as follows:

432A.175 1. Every applicant for a license to operate a child care facility, licensee ~~and~~ operator of a small child care establishment, employee of ~~such~~ an applicant, ~~or~~ licensee, ~~and every~~ or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, shall submit to the Division, or to the person or agency designated by the Division, to enable the Division to conduct an investigation pursuant to NRS 432A.170, a:

(a) Complete set of fingerprints and a written authorization for the Division or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(b) Written statement detailing any prior criminal convictions; and

(c) Written authorization for the Division to obtain any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. If an employee of an applicant for a license to operate a child care facility, ~~or~~ licensee, ~~or~~ small child care establishment, a resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, has been convicted of any crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect filed against him or her, the Division shall immediately notify the applicant, ~~or~~ licensee, ~~or~~ small child care establishment who shall then comply with the provisions of NRS 432A.1755.

3. An applicant for a license to operate a child care facility, ~~or~~ licensee or operator of a small child care establishment shall notify the Division as soon as practicable but not later than 24 hours after hiring an employee, beginning the residency of a resident who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or beginning the participation of a participant in an outdoor youth program who is 18 years of age or older.

4. An applicant for a license to operate a child care facility, ~~or~~ licensee or operator of a small child care establishment shall notify the Division within 2 days after receiving notice that:

(a) The applicant, licensee or operator, an employee of the applicant, ~~or~~ licensee, ~~or~~ small child care establishment, a resident of the child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, or a facility, establishment or program operated by the applicant, ~~or~~ licensee, ~~or~~ operator is the subject of a lawsuit or any disciplinary proceeding; or

(b) The applicant, ~~or~~ licensee, ~~or~~ or operator or an employee, a resident or a participant has been charged with a crime listed in subsection 2 of NRS 432A.170 or is being investigated for child abuse or neglect.

Sec. 7.6. NRS 432A.1755 is hereby amended to read as follows:

432A.1755 1. Upon receiving information pursuant to NRS 432A.175 from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 or evidence from any other source that an employee of an applicant for a license to operate a child care facility, ~~or~~ a licensee, ~~or~~ a small child care establishment, a resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the applicant, ~~or~~ licensee or operator of the small child care establishment shall terminate the employment of the employee or remove the resident from the facility or establishment or participant from the outdoor youth program after allowing the employee, resident or participant time to correct the information as required pursuant to subsection 2.

2. If an employee, resident or participant believes that the information provided to the applicant, ~~or~~ licensee or operator pursuant to subsection 1 is incorrect, the employee, resident or participant must inform the applicant, ~~or~~ licensee or operator immediately. The applicant, ~~or~~ licensee or operator shall give any such employee, resident or participant 30 days to correct the information.

3. During any period in which an employee, resident or participant seeks to correct information pursuant to subsection 2, it is within the discretion of the applicant, ~~or~~ licensee or operator whether to allow the employee, resident or participant to continue to work for or reside at the child care facility or small child care establishment or participate in the outdoor youth program, as applicable, except that the employee, resident or participant shall not have contact with a child without supervision during such a period.

Sec. 7.8. NRS 432A.1785 is hereby amended to read as follows:

432A.1785 1. Each applicant for a license to operate a child care facility, ~~and~~ licensee and operator of a small child care establishment shall maintain records of the information concerning ~~the~~ employees of the child care facility or small child care establishment and any residents of the child care facility or small child care establishment who are 18 years of age or older, other than residents who remain under the jurisdiction of a court pursuant to NRS 432B.594, or participants in any outdoor youth program who are 18 years of age or older that is collected pursuant to NRS 432A.170 and 432A.175, including, without limitation:

(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History;

(b) Proof that the applicant, ~~or~~ licensee or operator submitted fingerprints to the Central Repository for Nevada Records of Criminal History; and

(c) The written authorization to obtain information from the Central Repository and the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. The records maintained pursuant to subsection 1 must be:

(a) Maintained for the period of the employee's employment with or the resident's presence at the child care facility or small child care establishment or the participant's presence in the outdoor youth program; and

(b) Made available for inspection by the Division at any reasonable time and copies thereof must be furnished to the Division upon request.

Sec. 8. NRS 432A.180 is hereby amended to read as follows:

432A.180 1. Any authorized member or employee of the Division may enter and inspect any building or premises of a child care facility *or small child care establishment* or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of any provision of this chapter.

2. The State Fire Marshal or a designee of the State Fire Marshal shall, at least annually:

(a) Enter and inspect every building or premises of a child care facility, on behalf of the Division; and

(b) Observe and make recommendations regarding the drills conducted pursuant to NRS 432A.077,

to secure compliance with standards for safety from fire and other emergencies.

3. The Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually, every building or premises of a child care facility and area of operation of an outdoor youth program, on behalf of the Division, to secure compliance with standards for health and sanitation.

4. The annual inspection of any child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the child care facility. The Chief Medical Officer shall publish reports of the inspections and make them available for public inspection upon request.

Sec. 9. NRS 432A.210 is hereby amended to read as follows:

432A.210 1. Except as *otherwise* provided in subsection 1 of NRS 432A.131, the Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any ~~child~~:

(a) *Child* care facility ~~+~~

~~—(a) Without~~ *without* first obtaining a license therefor ~~+~~

~~—(b) After~~ *or after* his or her license has been revoked or suspended by the Division.

(b) Small child care establishment without registering with the Division of Welfare and Supportive Services of the Department pursuant to section 3 of this act.

2. It is sufficient in such an action to allege that the defendant did, on a certain date and in a certain place, operate and maintain the facility *or establishment* without a license ~~+~~ *or the proper registration, as applicable.*

Sec. 10. NRS 432A.220 is hereby amended to read as follows:

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, *and sections 3, ~~+~~ 4.5 and 5 of this act or a small child care establishment without registering pursuant to section 3 of this act* is guilty of a misdemeanor.

Sec. 11. ~~NRS 179A.103 is hereby amended to read as follows:~~

~~179A.103 1. There is hereby established within the Central Repository a service to conduct a name based search of records of criminal history of an employee, prospective employee, volunteer, [or] prospective volunteer [.] , resident or prospective resident.~~

~~2. An eligible person that wishes or is required to participate in the service must enter into a contract with the Central Repository.~~

~~2. The Central Repository may charge a reasonable fee for participation in the service.~~

~~4. A participant of the service may inquire about the records of criminal history of an employee, prospective employee, volunteer, [or] prospective volunteer, **resident or prospective resident** to determine the suitability of the employee or prospective employee for employment, [or] the suitability of the volunteer or prospective volunteer for volunteering [], **or the suitability of the resident or prospective resident for residency.**~~

~~5. The Central Repository shall disseminate to a participant of the service information which:~~

~~(a) Reflects convictions only; or~~

~~(b) Pertains to an incident for which an employee, prospective employee, volunteer, [or] prospective volunteer, **resident or prospective resident** is currently within the system of criminal justice, including parole or probation.~~

~~6. An employee, prospective employee, volunteer, [or] prospective volunteer, **resident or prospective resident** who is proposed to be the subject of a name-based search must provide his or her written consent for the Central Repository to perform the search and to release the information to a participant. The written consent form may be:~~

~~(a) A form designated by the Central Repository; or~~

~~(b) If the participant is an employment screening service, a form that complies with the provisions of 15 U.S.C. § 1681b(b)2 for the procurement of a consumer report.~~

~~7. An employment screening service that is designated to receive records of criminal history on behalf of an employer or volunteer organization may provide such records of criminal history to the employer or volunteer organization upon request of the employer or volunteer organization.~~

~~8. The Central Repository may audit a participant, at such times as the Central Repository deems necessary, to ensure that records of criminal history are securely maintained.~~

~~9. The Central Repository may terminate participation in the service if a participant fails:~~

~~(a) To pay the fees required to participate in the service; or~~

~~(b) To address, within a reasonable period, deficiencies identified in an audit conducted pursuant to subsection 8.~~

~~10. As used in this section:~~

~~(a) "Consumer report" has the meaning ascribed to it in 15 U.S.C. § 1681a(d).~~

~~(b) "Eligible person" includes:~~

~~(1) An employer.~~

~~(2) A volunteer organization.~~

~~(3) An employment screening service.~~

~~(4) **The operator of a small child care establishment.**~~

~~(c) "Employer" means a person in this State that:~~

~~(1) Employs an employee; or~~

~~(2) Enters into a contract with an independent contractor.~~

~~(d) "Employment" includes performing services for an employer as an independent contractor.~~

~~(e) "Employment screening service" means a person or entity designated by an employer or volunteer organization to provide employment or volunteer screening services to the employer or volunteer organization.~~

~~(f) **"Resident" means a person who resides or wishes to reside at a small child care establishment.**~~

~~(g) "Small child care establishment" has the meaning ascribed to it in section 2 of this act.~~ **(Deleted by amendment.)**

Sec. 12. This act becomes effective on July 1, 2017.