

By: Hefner

H.B. No. 4529

A BILL TO BE ENTITLED

AN ACT

relating to provisional child care licensing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section [42.041](#), Government Code, is amended to read as follows:

Sec. 42.041. REQUIRED LICENSE. (a) No person may operate a child-care facility or child-placing agency without a license issued by the department.

(b) This section does not apply to:

(1) a state-operated facility;

(2) an agency foster home;

(3) a facility that is operated in connection with a shopping center, business, religious organization, or establishment where children are cared for during short periods while parents or persons responsible for the children are attending religious services, shopping, or engaging in other activities, including retreats or classes for religious instruction, on or near the premises, that does not advertise as a child-care facility or day-care center, and that informs parents that it is not licensed by the state;

(4) a school or class for religious instruction that does not last longer than two weeks and is conducted by a religious organization during the summer months;

1           (5) a youth camp licensed by the Department of State  
2 Health Services;

3           (6) a facility licensed, operated, certified, or  
4 registered by another state agency;

5           (7) an educational facility that is accredited by the  
6 Texas Education Agency, the Southern Association of Colleges and  
7 Schools, or an accreditation body that is a member of the Texas  
8 Private School Accreditation Commission and that operates  
9 primarily for educational purposes for prekindergarten and above,  
10 a before-school or after-school program operated directly by an  
11 accredited educational facility, or a before-school or after-  
12 school program operated by another entity under contract with the  
13 educational facility, if the Texas Education Agency, the Southern  
14 Association of Colleges and Schools, or the other accreditation  
15 body, as applicable, has approved the curriculum content of the  
16 before-school or after-school program operated under the contract;

17           (8) an educational facility that operates solely for  
18 educational purposes for prekindergarten through at least grade  
19 two, that does not provide custodial care for more than one hour  
20 during the hours before or after the customary school day, and  
21 that is a member of an organization that promulgates, publishes,  
22 and requires compliance with health, safety, fire, and sanitation  
23 standards equal to standards required by state, municipal, and  
24 county codes;

25           (9) a kindergarten or preschool educational program  
26 that is operated as part of a public school or a private school  
27 accredited by the Texas Education Agency, that offers educational

1 programs through grade six, and that does not provide custodial  
2 care during the hours before or after the customary school day;

3 (10) a family home, whether registered or listed;

4 (11) an educational facility that is integral to and  
5 inseparable from its sponsoring religious organization or an  
6 educational facility both of which do not provide custodial care  
7 for more than two hours maximum per day, and that offers an  
8 educational program in one or more of the following:  
9 prekindergarten through at least grade three, elementary grades,  
10 or secondary grades;

11 (12) an emergency shelter facility, other than a  
12 facility that would otherwise require a license as a child-care  
13 facility under this section, that provides shelter or care to a  
14 minor and the minor's child or children, if any, under Section  
15 [32.201](#), Family Code, if the facility:

16 (A) is currently under a contract with a state or  
17 federal agency; or

18 (B) meets the requirements listed under Section  
19 [51.005](#) (b) (3);

20 (13) a juvenile detention facility certified under  
21 Section [51.12](#), Family Code, a juvenile correctional facility  
22 certified under Section [51.125](#), Family Code, a juvenile facility  
23 providing services solely for the Texas Juvenile Justice  
24 Department, or any other correctional facility for children  
25 operated or regulated by another state agency or by a political  
26 subdivision of the state;

1           (14) an elementary-age (ages 5-13) recreation program  
2 operated by a municipality provided the governing body of the  
3 municipality annually adopts standards of care by ordinance after  
4 a public hearing for such programs, that such standards are  
5 provided to the parents of each program participant, and that the  
6 ordinances shall include, at a minimum, staffing ratios, minimum  
7 staff qualifications, minimum facility, health, and safety  
8 standards, and mechanisms for monitoring and enforcing the adopted  
9 local standards; and further provided that parents be informed  
10 that the program is not licensed by the state and the program may  
11 not be advertised as a child-care facility;

12           (15) an annual youth camp held in a municipality with  
13 a population of more than 1.5 million that operates for not more  
14 than three months and that has been operated for at least 10 years  
15 by a nonprofit organization that provides care for the homeless;

16           (16) a food distribution program that:

17                   (A) serves an evening meal to children two years  
18 of age or older; and

19                   (B) is operated by a nonprofit food bank in a  
20 nonprofit, religious, or educational facility for not more than  
21 two hours a day on regular business days;

22           (17) a child-care facility that operates for less than  
23 three consecutive weeks and less than 40 days in a period of 12  
24 months;

25           (18) a program:

26                   (A) in which a child receives direct instruction  
27 in a single skill, talent, ability, expertise, or proficiency;

1           (B)    that does not provide services or offerings  
2   that are not directly related to the single talent, ability,  
3   expertise, or proficiency;

4           (C)    that does not advertise or otherwise represent  
5   that the program is a child-care facility, day-care center, or  
6   licensed before-school or after-school program or that the program  
7   offers child-care services;

8           (D)    that informs the parent or guardian:

9                   (i)   that the program is not licensed by the  
10   state; and

11                   (ii)   about the physical risks a child may  
12   face while participating in the program; and

13           (E)    that conducts background checks for all  
14   program employees and volunteers who work with children in the  
15   program using information that is obtained from the Department of  
16   Public Safety;

17           (19)   an elementary-age (ages 5-13) recreation program  
18   that:

19                   (A)   adopts standards of care, including standards  
20   relating to staff ratios, staff training, health, and safety;

21                   (B)   provides a mechanism for monitoring and  
22   enforcing the standards and receiving complaints from parents of  
23   enrolled children;

24                   (C)   does not advertise as or otherwise represent  
25   the program as a child-care facility, day-care center, or licensed  
26   before-school or after-school program or that the program offers  
27   child-care services;

1                   (D)     informs parents that the program is not  
2   licensed by the state;

3                   (E)     is organized as a nonprofit organization or is  
4   located on the premises of a participant's residence;

5                   (F)     does not accept any remuneration other than a  
6   nominal annual membership fee;

7                   (G)     does not solicit donations as compensation or  
8   payment for any good or service provided as part of the program;  
9   and

10                  (H)     conducts background checks for all program  
11   employees and volunteers who work with children in the program  
12   using information that is obtained from the Department of Public  
13   Safety;

14                  (20)     a living arrangement in a caretaker's home  
15   involving one or more children or a sibling group, excluding  
16   children who are related to the caretaker, in which the caretaker:

17                         (A)     had a prior relationship with the child or  
18   sibling group or other family members of the child or sibling  
19   group;

20                         (B)     does not care for more than one unrelated child  
21   or sibling group;

22                         (C)     does not receive compensation or solicit  
23   donations for the care of the child or sibling group; and

24                         (D)     has a written agreement with the parent to  
25   care for the child or sibling group;

1           (21)     a living arrangement in a caretaker's home  
2 involving one or more children or a sibling group, excluding  
3 children who are related to the caretaker, in which:

4                   (A)   the department is the managing conservator of  
5 the child or sibling group;

6                   (B)   the department placed the child or sibling  
7 group in the caretaker's home; and

8                   (C)   the caretaker had a long-standing and  
9 significant relationship with the child or sibling group, or the  
10 family of the child or sibling group, before the child or sibling  
11 group was placed with the caretaker;

12           (22)     a living arrangement in a caretaker's home  
13 involving one or more children or a sibling group, excluding  
14 children who are related to the caretaker, in which the child is  
15 in the United States on a time-limited visa under the sponsorship  
16 of the caretaker or of a sponsoring organization;

17           (23)     a facility operated by a nonprofit organization  
18 that:

19                   (A)   does not otherwise operate as a child-care  
20 facility that is required to be licensed under this section;

21                   (B)   provides emergency shelter and care for not  
22 more than 15 days to children 13 years of age or older but younger  
23 than 18 years of age who are victims of human trafficking alleged  
24 under Section [20A.02](#), Penal Code;

25                   (C)   is located in a municipality with a population  
26 of at least 600,000 that is in a county on an international border;  
27 and

1 (D) meets one of the following criteria:

2 (i) is licensed by, or operates under an  
3 agreement with, a state or federal agency to provide shelter and  
4 care to children; or

5 (ii) meets the eligibility requirements for  
6 a contract under Section [51.005](#)(b)(3);

7 (24) a facility that provides respite care exclusively  
8 for a local mental health authority under a contract with the local  
9 mental health authority; or

10 (25) a living arrangement in a caretaker's home  
11 involving one or more children or a sibling group in which the  
12 caretaker:

13 (A) has a written authorization agreement under  
14 Chapter [34](#), Family Code, with the parent of each child or sibling  
15 group to care for each child or sibling group;

16 (B) does not care for more than six children,  
17 excluding children who are related to the caretaker; and

18 (C) does not receive compensation for caring for  
19 any child or sibling group;

20 (26) a childcare provider on a military base or federal  
21 property, or a facility licensed as a family child care provider  
22 by a branch of the United States Department of Defense.

23 SECTION 2. This Act takes effect September 1, 2025.