

As Reported by the House Public Health Policy Committee

135th General Assembly

Regular Session

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Am. H. B. No. 602

Representatives Fowler Arthur, McClain

**Cosponsors: Representatives Barhorst, Claggett, Click, Dean, Ferguson, Gross,
Holmes, John, Johnson, Kick, King, Klopfenstein, Lear, Stein, Stoltzfus,
Swearingen, Wiggam, Williams, Willis, Mathews**

A BILL

To amend sections 5104.01, 5104.02, and 5104.38 and 1
to enact sections 303.215 and 519.215 of the 2
Revised Code to exempt home education groups 3
from child care regulations, county and township 4
zoning regulations, and to amend the versions of 5
sections 5104.01, 5104.02, and 5104.38 of the 6
Revised Code that are scheduled to take effect 7
on January 1, 2025, to continue the change on 8
and after that date. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5104.01, 5104.02, and 5104.38 be 10
amended and sections 303.215 and 519.215 of the Revised Code be 11
enacted to read as follows: 12

Sec. 303.215. (A) Except as provided in this section, 13
sections 303.01 to 303.25 of the Revised Code do not confer on 14
any county rural zoning commission, board of county 15
commissioners, or board of zoning appeals the authority to 16
prohibit or restrict the location of a home education learning 17

pod, as defined in section 5104.01 of the Revised Code, in any 18
district or zone in the county. 19

(B) A county rural zoning commission, board of county 20
commissioners, or board of zoning appeals shall not impose 21
additional or more stringent regulations on a building or 22
residence based solely on its association with or use by a home 23
education learning pod. 24

(C) This section does not limit the authority of a county 25
rural zoning commission, board of county commissioners, or board 26
of zoning appeals to require that a building or residence used 27
by a home education learning pod comply with zoning requirements 28
that would otherwise apply to the building or residence if it 29
was not associated with or used by a home education learning 30
pod. 31

Sec. 519.215. (A) Except as provided in this section, 32
sections 519.01 to 519.25 of the Revised Code do not confer on 33
any township zoning commission, board of township trustees, or 34
board of zoning appeals the authority to prohibit or restrict 35
the location of a home education learning pod, as defined in 36
section 5104.01 of the Revised Code, in any district or zone in 37
the township. 38

(B) A township zoning commission, board of township 39
trustees, or board of zoning appeals shall not impose additional 40
or more stringent regulations on a building or residence based 41
solely on its association with or use by a home education 42
learning pod. 43

(C) This section does not limit the authority of a 44
township zoning commission, board of township trustees, or board 45
of zoning appeals to require that a building or residence used 46

by a home education learning pod comply with zoning requirements 47
that would otherwise apply to the building or residence if it 48
was not associated with or used by a home education learning 49
pod. 50

Sec. 5104.01. As used in this chapter: 51

(A) "Administrator" means the person responsible for the 52
daily operation of a center, type A home, or approved child day 53
camp. The administrator and the owner may be the same person. 54

(B) "Approved child day camp" means a child day camp 55
approved pursuant to section 5104.22 of the Revised Code. 56

(C) "Authorized representative" means an individual 57
employed by a center, type A home, or approved child day camp 58
that is owned by a person other than an individual and who is 59
authorized by the owner to do all of the following: 60

(1) Communicate on the owner's behalf; 61

(2) Submit on the owner's behalf applications for 62
licensure or approval; 63

(3) Enter into on the owner's behalf provider agreements 64
for publicly funded child care. 65

(D) "Border state child care provider" means a child care 66
provider that is located in a state bordering Ohio and that is 67
licensed, certified, or otherwise approved by that state to 68
provide child care funded by the child care block grant act. 69

(E) "Career pathways model" means an alternative pathway 70
to meeting the requirements to be a child care staff member or 71
administrator that does both of the following: 72

(1) Uses a framework approved by the director of job and 73

family services to document formal education, training, 74
experience, and specialized credentials and certifications; 75

(2) Allows the child care staff member or administrator to 76
achieve a designation as an early childhood professional level 77
one, two, three, four, five, or six. 78

(F) "Caretaker parent" means the father or mother of a 79
child whose presence in the home is needed as the caretaker of 80
the child, a person who has legal custody of a child and whose 81
presence in the home is needed as the caretaker of the child, a 82
guardian of a child whose presence in the home is needed as the 83
caretaker of the child, and any other person who stands in loco 84
parentis with respect to the child and whose presence in the 85
home is needed as the caretaker of the child. 86

(G) "Chartered nonpublic school" means a school that meets 87
standards for nonpublic schools prescribed by the director of 88
education and workforce for nonpublic schools pursuant to 89
section 3301.07 of the Revised Code. 90

(H) "Child" includes an infant, toddler, preschool-age 91
child, or school-age child. 92

(I) "Child care block grant act" means the "Child Care and 93
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 94
U.S.C. 9858, as amended. 95

(J) "Child day camp" means a program in which only school- 96
age children attend or participate, that operates for no more 97
than twelve hours per day and no more than fifteen weeks during 98
the summer. For purposes of this division, the maximum twelve 99
hours of operation time does not include transportation time 100
from a child's home to a child day camp and from a child day 101
camp to a child's home. 102

(K) "Child care" means all of the following:	103
(1) Administering to the needs of infants, toddlers,	104
preschool-age children, and school-age children outside of	105
school hours;	106
(2) By persons other than their parents, guardians, or	107
custodians;	108
(3) For part of the twenty-four-hour day;	109
(4) In a place other than a child's own home, except that	110
an in-home aide provides child care in the child's own home;	111
(5) By a provider required by this chapter to be licensed	112
or approved by the department of job and family services,	113
certified by a county department of job and family services, or	114
under contract with the department to provide publicly funded	115
child care as described in section 5104.32 of the Revised Code.	116
(L) "Child care center" and "center" mean any place that	117
is not the permanent residence of the licensee or administrator	118
in which child care or publicly funded child care is provided	119
for seven or more children at one time. "Child care center" and	120
"center" do not include any of the following:	121
(1) A place located in and operated by a hospital, as	122
defined in section 3727.01 of the Revised Code, in which the	123
needs of children are administered to, if all the children whose	124
needs are being administered to are monitored under the on-site	125
supervision of a physician licensed under Chapter 4731. of the	126
Revised Code or a registered nurse licensed under Chapter 4723.	127
of the Revised Code, and the services are provided only for	128
children who, in the opinion of the child's parent, guardian, or	129
custodian, are exhibiting symptoms of a communicable disease or	130
other illness or are injured;	131

(2) A child day camp;	132
(3) A place that provides care, if all of the following apply:	133 134
(a) An organized religious body provides the care;	135
(b) A parent, custodian, or guardian of at least one child receiving care is on the premises and readily accessible at all times;	136 137 138
(c) The care is not provided for more than thirty days a year;	139 140
(d) The care is provided only for preschool-age and school-age children.	141 142
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	143 144 145 146
(N) "Child care resource and referral services" means all of the following services:	147 148
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	149 150 151
(2) Provision of individualized consumer education to families seeking child care;	152 153
(3) Provision of timely referrals of available child care providers to families seeking child care;	154 155
(4) Recruitment of child care providers;	156
(5) Assistance in developing, conducting, and disseminating training for child care professionals and	157 158

provision of technical assistance to current and potential child care providers, employers, and the community;	159
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(6) Collection and analysis of data on the supply of and demand for child care in the community;	161
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(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	163
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(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	166
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(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	169
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(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	172
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(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family child care homes.	177
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(O) "Child care staff member" means an employee of a child care center, type A family child care home, licensed type B family child care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child care staff member when not involved in other duties.	181
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(P) "Drop-in child care center," "drop-in center," "drop-in type A family child care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.

(Q) "Employee" means a person who either:

(1) Receives compensation for duties performed in a child care center, type A family child care home, licensed type B family child care home, or approved child day camp;

(2) Is assigned specific working hours or duties in a child care center, type A family child care home, licensed type B family child care home, or approved child day camp.

(R) "Employer" means a person, firm, institution, organization, or agency that operates a child care center, type A family child care home, licensed type B family child care home, or approved child day camp subject to licensure or approval under this chapter.

(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(T) "Head start program" means a school-readiness program that satisfies all of the following:

(1) Is for children from birth to age five who are from low-income families;

(2) Receives funds distributed under the "Improving Head

Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended;	215 216
(3) Is licensed as a child care program.	217
(U) <u>"Home education" has the same meaning as in section 3321.042 of the Revised Code.</u>	218 219
(V) <u>"Home education learning pod" means a voluntary association of parents who direct their children's education through home education and includes the following characteristics:</u>	220 221 222 223
(1) <u>The parents choose to group their children together in a home or other location at various times, which may include hours when home education is not provided.</u>	224 225 226
(2) <u>The pod includes only the parents' children who are receiving home education, except that it also may include siblings of those children, or other children who are under the care of the parents, regardless of age.</u>	227 228 229 230
(3) <u>At least one parent of any of the children participating in the pod must be on the premises while the pod is meeting.</u>	231 232 233
(W) <u>"Homeless child care" means child care provided to a child who satisfies any of the following:</u>	234 235
(1) Is homeless as defined in 42 U.S.C. 11302;	236
(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;	237 238
(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is determined by a county department of job and family services to	239 240 241

be homeless.	242
(V) <u>(X)</u> "Income" means gross income, as defined in section	243
5107.10 of the Revised Code, less any amounts required by	244
federal statutes or regulations to be disregarded.	245
(W) <u>(Y)</u> "Indicator checklist" means an inspection tool,	246
used in conjunction with an instrument-based program monitoring	247
information system, that contains selected licensing	248
requirements that are statistically reliable indicators or	249
predictors of a child care center's, type A family child care	250
home's, or licensed type B family child care home's compliance	251
with licensing requirements.	252
(X) <u>(Z)</u> "Infant" means a child who is less than eighteen	253
months of age.	254
(Y) <u>(AA)</u> "In-home aide" means a person who does not reside	255
with the child but provides care in the child's home and is	256
certified by a county director of job and family services	257
pursuant to section 5104.12 of the Revised Code to provide	258
publicly funded child care to a child in a child's own home	259
pursuant to this chapter and any rules adopted under it.	260
(Z) <u>(BB)</u> "Instrument-based program monitoring information	261
system" means a method to assess compliance with licensing	262
requirements for child care centers, type A family child care	263
homes, and licensed type B family child care homes in which each	264
licensing requirement is assigned a weight indicative of the	265
relative importance of the requirement to the health, growth,	266
and safety of the children that is used to develop an indicator	267
checklist.	268
(AA) <u>(CC)</u> "License capacity" means the maximum number in	269
each age category of children who may be cared for in a child	270

care center, type A family child care home, or licensed type B 271
family child care home at one time as determined by the director 272
of job and family services considering building occupancy limits 273
established by the department of commerce, amount of available 274
indoor floor space and outdoor play space, and amount of 275
available play equipment, materials, and supplies. 276

~~(BB)~~ (DD) "Licensed child care program" means any of the 277
following: 278

(1) A child care center licensed by the department of job 279
and family services pursuant to this chapter; 280

(2) A type A family child care home or type B family child 281
care home licensed by the department of job and family services 282
pursuant to this chapter; 283

(3) A licensed preschool program or licensed school child 284
program. 285

~~(CC)~~ (EE) "Licensed preschool program" or "licensed school 286
child program" means a preschool program or school child 287
program, as defined in section 3301.52 of the Revised Code, that 288
is licensed by the department of education and workforce 289
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 290

~~(DD)~~ (FF) "Licensed type B family child care home" and 291
"licensed type B home" mean a type B family child care home for 292
which there is a valid license issued by the director of job and 293
family services pursuant to section 5104.03 of the Revised Code. 294

~~(EE)~~ (GG) "Licensee" means the owner of a child care 295
center, type A family child care home, or type B family child 296
care home that is licensed pursuant to this chapter and who is 297
responsible for ensuring compliance with this chapter and rules 298
adopted pursuant to this chapter. 299

(FF) <u>(HH)</u> "Operate a child day camp" means to operate,	300
establish, manage, conduct, or maintain a child day camp.	301
(GG) <u>(II)</u> "Owner" includes a person, as defined in section	302
1.59 of the Revised Code, or government entity.	303
(HH) <u>(JJ)</u> "Parent cooperative child care center," "parent	304
cooperative center," "parent cooperative type A family child	305
care home," and "parent cooperative type A home" mean a	306
corporation or association organized for providing educational	307
services to the children of members of the corporation or	308
association, without gain to the corporation or association as	309
an entity, in which the services of the corporation or	310
association are provided only to children of the members of the	311
corporation or association, ownership and control of the	312
corporation or association rests solely with the members of the	313
corporation or association, and at least one parent-member of	314
the corporation or association is on the premises of the center	315
or type A home during its hours of operation.	316
(II) <u>(KK)</u> "Part-time child care center," "part-time	317
center," "part-time type A family child care home," and "part-	318
time type A home" mean a center or type A home that provides	319
child care or publicly funded child care for not more than four	320
hours a day for any child or not more than fifteen consecutive	321
weeks per year, regardless of the number of hours per day.	322
(JJ) <u>(LL)</u> "Place of worship" means a building where	323
activities of an organized religious group are conducted and	324
includes the grounds and any other buildings on the grounds used	325
for such activities.	326
(KK) <u>(MM)</u> "Preschool-age child" means a child who is three	327
years old or older but is not a school-age child.	328

~~(LL)~~ (NN) "Protective child care" means publicly funded 329
child care for the direct care and protection of a child to whom 330
all of the following apply: 331

(1) A case plan has been prepared and maintained for the 332
child pursuant to section 2151.412 of the Revised Code. 333

(2) The case plan indicates a need for protective care. 334

(3) The child resides with a parent, stepparent, guardian, 335
or another person who stands in loco parentis as defined in 336
rules adopted under section 5104.38 of the Revised Code. 337

~~(MM)~~ (OO) "Publicly funded child care" means administering 338
to the needs of infants, toddlers, preschool-age children, and 339
school-age children under age thirteen during any part of the 340
twenty-four-hour day by persons other than their caretaker 341
parents for remuneration wholly or in part with federal or state 342
funds, including funds available under the child care block 343
grant act, Title IV-A, and Title XX, distributed by the 344
department of job and family services. 345

~~(NN)~~ (PP) "Religious activities" means any of the 346
following: worship or other religious services; religious 347
instruction; Sunday school classes or other religious classes 348
conducted during or prior to worship or other religious 349
services; youth or adult fellowship activities; choir or other 350
musical group practices or programs; meals; festivals; or 351
meetings conducted by an organized religious group. 352

~~(OO)~~ (QQ) "School-age child" means a child who is enrolled 353
in or is eligible to be enrolled in a grade of kindergarten or 354
above but is less than fifteen years old or, in the case of a 355
child who is receiving special needs child care, is less than 356
eighteen years old. 357

~~(PP)~~ (RR) "Serious risk noncompliance" means a licensure 358
or certification rule violation that leads to a great risk of 359
harm to, or death of, a child, and is observable, not inferable. 360

~~(QQ)~~ (SS) "Special needs child care" means child care 361
provided to a child who is less than eighteen years of age and 362
either has one or more chronic health conditions or does not 363
meet age appropriate expectations in one or more areas of 364
development, including social, emotional, cognitive, 365
communicative, perceptual, motor, physical, and behavioral 366
development and that may include on a regular basis such 367
services, adaptations, modifications, or adjustments needed to 368
assist in the child's function or development. 369

~~(RR)~~ (TT) "Title IV-A" means Title IV-A of the "Social 370
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 371

~~(SS)~~ (UU) "Title XX" means Title XX of the "Social 372
Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 373

~~(TT)~~ (VV) "Toddler" means a child who is at least eighteen 374
months of age but less than three years of age. 375

~~(UU)~~ (WW) "Type A family child care home" and "type A 376
home" mean the permanent residence of the administrator in which 377
child care or publicly funded child care is provided for seven 378
to twelve children at one time or a permanent residence of the 379
administrator in which child care is provided for four to twelve 380
children at one time if four or more children at one time are 381
under two years of age. In counting children for the purposes of 382
this division, any children under six years of age who are 383
related to a licensee, administrator, or employee and who are on 384
the premises of the type A home shall be counted. "Type A family 385
child care home" and "type A home" do not include any child day 386

camp. 387

~~(VV)~~ (XX) "Type B family child care home" and "type B 388
home" mean a permanent residence of the provider in which care 389
is provided for one to six children at one time and in which no 390
more than three children are under two years of age at one time. 391
In counting children for the purposes of this division, any 392
children under six years of age who are related to the provider 393
and who are on the premises of the type B home shall be counted. 394
"Type B family child care home" and "type B home" do not include 395
any child day camp. 396

Sec. 5104.02. (A) The director of job and family services 397
is responsible for licensing child care centers, type A family 398
child care homes, and type B family child care homes. Each 399
entity operating a head start program shall meet the criteria 400
for, and be licensed as, a child care center. The director is 401
responsible for the enforcement of this chapter and of rules 402
promulgated pursuant to this chapter. 403

No person, firm, organization, institution, or agency 404
shall operate, establish, manage, conduct, or maintain a child 405
care center or type A family child care home without a license 406
issued under section 5104.03 of the Revised Code. The current 407
license shall be posted in the center or home in a conspicuous 408
place that is accessible to parents, custodians, or guardians 409
and employees of the center or home at all times when the center 410
or home is in operation. 411

(B) A person, firm, institution, organization, or agency 412
operating any of the following programs is exempt from the 413
requirements of this chapter: 414

(1) A program caring for children that operates for two 415

consecutive weeks or less and not more than six weeks total in	416
each calendar year;	417
(2) Caring for children in places of worship during	418
religious activities while at least one parent, guardian, or	419
custodian of each child is participating in such activities and	420
is readily available;	421
(3) Supervised training, instruction, or activities of	422
children in specific areas, including, but not limited to: art;	423
drama; dance; music; athletic skills or sports; computers; or an	424
educational subject conducted on an organized or periodic basis	425
that a child does not attend for more than eight total hours per	426
week;	427
(4) Programs in which the director determines that at	428
least one parent, custodian, or guardian of each child is on the	429
premises of the facility that offers care and is readily	430
accessible at all times and care is not provided for more than	431
two and one-half hours a day per child;	432
(5) Programs that provide care and are regulated by state	433
departments other than the department of job and family services	434
or the department of education and workforce.	435
(6) Any preschool program or school child program, except	436
a head start program, that is subject to licensure by the	437
department of education and workforce under sections 3301.52 to	438
3301.59 of the Revised Code.	439
(7) Any program providing care that meets all of the	440
following requirements and, on October 20, 1987, was being	441
operated by a nonpublic school that holds a charter issued under	442
section 3301.16 of the Revised Code for kindergarten only:	443
(a) The nonpublic school has given the notice to the state	444

board of education and the director of job and family services 445
required by Section 4 of Substitute House Bill No. 253 of the 446
117th general assembly; 447

(b) The nonpublic school continues to be chartered by the 448
department of education and workforce for kindergarten, or 449
receives and continues to hold a charter from the department for 450
kindergarten through grade five; 451

(c) The program is conducted in a school building; 452

(d) The program is operated in accordance with rules 453
promulgated by the department of education and workforce under 454
section 3301.53 of the Revised Code. 455

(8) A youth development program operated outside of school 456
hours to which all of the following apply: 457

(a) The children enrolled in the program are under 458
nineteen years of age and enrolled in or eligible to be enrolled 459
in a grade of kindergarten or above. 460

(b) The program provides informal care, which is care that 461
does not require parental signature, permission, or notice for 462
the child receiving the care to enter or leave the program. 463

(c) The program provides any of the following supervised 464
activities: educational, recreational, culturally enriching, 465
social, and personal development activities. 466

(d) The entity operating the program is exempt from 467
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 468

(9) A program caring for children that is operated by a 469
nonchartered, nontax-supported school if the program meets all 470
of the following conditions: 471

(a) The program complies with state and local health,	472
fire, and safety laws.	473
(b) The program annually certifies in a report to the	474
children's parents that the program is in compliance with	475
division (B) (9) (a) of this section and files a copy of the	476
report with the department of job and family services on or	477
before the thirtieth day of September of each year.	478
(c) The program complies with all applicable reporting	479
requirements in the same manner as required by the department of	480
education and workforce for nonchartered, nonpublic primary and	481
secondary schools.	482
(d) The program is associated with a nonchartered, nontax-	483
supported primary or secondary school.	484
(10) A program that provides activities for children who	485
are five years of age or older and is operated by a county,	486
township, municipal corporation, township park district created	487
under section 511.18 of the Revised Code, park district created	488
under section 1545.04 of the Revised Code, or joint recreation	489
district established under section 755.14 of the Revised Code.	490
<u>(11) A home education learning pod.</u>	491
Sec. 5104.38. In addition to any other rules adopted under	492
this chapter, the director of job and family services shall	493
adopt rules in accordance with Chapter 119. of the Revised Code	494
governing financial and administrative requirements for publicly	495
funded child care and establishing all of the following:	496
(A) Procedures and criteria to be used in making	497
determinations of eligibility for publicly funded child care	498
that give priority to children of families with lower incomes	499
and procedures and criteria for eligibility for publicly funded	500

protective child care or homeless child care. The rules shall 501
specify the maximum amount of income a family may have for 502
initial and continued eligibility. The maximum amount shall not 503
exceed three hundred per cent of the federal poverty line. The 504
rules may specify exceptions to the eligibility requirements in 505
the case of a family that previously received publicly funded 506
child care and is seeking to have the child care reinstated 507
after the family's eligibility was terminated. 508

(B) Procedures under which an applicant for publicly 509
funded child care may receive publicly funded child care while 510
the county department of job and family services determines 511
eligibility and under which a child care provider may appeal a 512
denial of payment under division (A) (2) (b) of section 5104.34 of 513
the Revised Code; 514

(C) A schedule of fees requiring all eligible caretaker 515
parents to pay a fee for publicly funded child care according to 516
income and family size, which shall be uniform for all types of 517
publicly funded child care, except as authorized by rule, and, 518
to the extent permitted by federal law, shall permit the use of 519
state and federal funds to pay the customary deposits and other 520
advance payments that a provider charges all children who 521
receive child care from that provider. 522

(D) A formula for determining the amount of state and 523
federal funds appropriated for publicly funded child care that 524
may be allocated to a county department to use for 525
administrative purposes; 526

(E) Procedures to be followed by the department and county 527
departments in recruiting individuals and groups to become 528
providers of child care; 529

(F) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child care;	530 531 532 533 534
(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;	535 536
(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;	537 538
(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;	539 540 541
(J) A definition of "person who stands in loco parentis" for the purposes of division (LL) (3) <u>(NN) (3)</u> of section 5104.01 of the Revised Code;	542 543 544
(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;	545 546 547 548 549
(L) If the director establishes a different reimbursement rate under division (E) (3) (d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;	550 551 552 553 554
(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities	555 556 557 558

in anticipation of enrolling in or attending an education or 559
training program or activity, if the employment or the education 560
or training program or activity is expected to begin within the 561
thirty-day period; 562

(N) Any other rules necessary to carry out sections 563
5104.30 to 5104.43 of the Revised Code. 564

Section 2. That existing sections 5104.01, 5104.02, and 565
5104.38 of the Revised Code are hereby repealed. 566

Section 3. That the versions of sections 5104.01, 5104.02, 567
and 5104.38 of the Revised Code that are scheduled to take 568
effect January 1, 2025, be amended to read as follows: 569

Sec. 5104.01. As used in this chapter: 570

(A) "Administrator" means the person responsible for the 571
daily operation of a center, type A home, or approved child day 572
camp. The administrator and the owner may be the same person. 573

(B) "Approved child day camp" means a child day camp 574
approved pursuant to section 5104.22 of the Revised Code. 575

(C) "Authorized representative" means an individual 576
employed by a center, type A home, or approved child day camp 577
that is owned by a person other than an individual and who is 578
authorized by the owner to do all of the following: 579

(1) Communicate on the owner's behalf; 580

(2) Submit on the owner's behalf applications for 581
licensure or approval; 582

(3) Enter into on the owner's behalf provider agreements 583
for publicly funded child care. 584

(D) "Border state child care provider" means a child care 585

provider that is located in a state bordering Ohio and that is 586
licensed, certified, or otherwise approved by that state to 587
provide child care funded by the child care block grant act. 588

(E) "Career pathways model" means an alternative pathway 589
to meeting the requirements to be a child care staff member or 590
administrator that does both of the following: 591

(1) Uses a framework approved by the director of children 592
and youth to document formal education, training, experience, 593
and specialized credentials and certifications; 594

(2) Allows the child care staff member or administrator to 595
achieve a designation as an early childhood professional level 596
one, two, three, four, five, or six. 597

(F) "Caretaker parent" means the father or mother of a 598
child whose presence in the home is needed as the caretaker of 599
the child, a person who has legal custody of a child and whose 600
presence in the home is needed as the caretaker of the child, a 601
guardian of a child whose presence in the home is needed as the 602
caretaker of the child, and any other person who stands in loco 603
parentis with respect to the child and whose presence in the 604
home is needed as the caretaker of the child. 605

(G) "Chartered nonpublic school" means a school that meets 606
standards for nonpublic schools prescribed by the director of 607
education and workforce for nonpublic schools pursuant to 608
section 3301.07 of the Revised Code. 609

(H) "Child" includes an infant, toddler, preschool-age 610
child, or school-age child. 611

(I) "Child care block grant act" means the "Child Care and 612
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 613
U.S.C. 9858, as amended. 614

(J) "Child day camp" means a program in which only school- 615
age children attend or participate, that operates for no more 616
than twelve hours per day and no more than fifteen weeks during 617
the summer. For purposes of this division, the maximum twelve 618
hours of operation time does not include transportation time 619
from a child's home to a child day camp and from a child day 620
camp to a child's home. 621

(K) "Child care" means all of the following: 622

(1) Administering to the needs of infants, toddlers, 623
preschool-age children, and school-age children outside of 624
school hours; 625

(2) By persons other than their parents, guardians, or 626
custodians; 627

(3) For part of the twenty-four-hour day; 628

(4) In a place other than a child's own home, except that 629
an in-home aide provides child care in the child's own home; 630

(5) By a provider required by this chapter to be licensed 631
or approved by the department of children and youth, certified 632
by a county department of job and family services, or under 633
contract with the department to provide publicly funded child 634
care as described in section 5104.32 of the Revised Code. 635

(L) "Child care center" and "center" mean any place that 636
is not the permanent residence of the licensee or administrator 637
in which child care or publicly funded child care is provided 638
for seven or more children at one time. "Child care center" and 639
"center" do not include any of the following: 640

(1) A place located in and operated by a hospital, as 641
defined in section 3727.01 of the Revised Code, in which the 642

needs of children are administered to, if all the children whose 643
needs are being administered to are monitored under the on-site 644
supervision of a physician licensed under Chapter 4731. of the 645
Revised Code or a registered nurse licensed under Chapter 4723. 646
of the Revised Code, and the services are provided only for 647
children who, in the opinion of the child's parent, guardian, or 648
custodian, are exhibiting symptoms of a communicable disease or 649
other illness or are injured; 650

(2) A child day camp; 651

(3) A place that provides care, if all of the following 652
apply: 653

(a) An organized religious body provides the care; 654

(b) A parent, custodian, or guardian of at least one child 655
receiving care is on the premises and readily accessible at all 656
times; 657

(c) The care is not provided for more than thirty days a 658
year; 659

(d) The care is provided only for preschool-age and 660
school-age children. 661

(M) "Child care resource and referral service 662
organization" means a community-based nonprofit organization 663
that provides child care resource and referral services but not 664
child care. 665

(N) "Child care resource and referral services" means all 666
of the following services: 667

(1) Maintenance of a uniform data base of all child care 668
providers in the community that are in compliance with this 669
chapter, including current occupancy and vacancy data; 670

(2) Provision of individualized consumer education to families seeking child care;	671 672
(3) Provision of timely referrals of available child care providers to families seeking child care;	673 674
(4) Recruitment of child care providers;	675
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	676 677 678 679
(6) Collection and analysis of data on the supply of and demand for child care in the community;	680 681
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	682 683 684
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	685 686 687
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	688 689 690
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of children and youth;	691 692 693 694 695
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A	696 697 698

family child care homes.	699
(O) "Child care staff member" means an employee of a child care center, type A family child care home, licensed type B family child care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child care staff member when not involved in other duties.	700 701 702 703 704 705
(P) "Drop-in child care center," "drop-in center," "drop-in type A family child care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.	706 707 708 709 710
(Q) "Employee" means a person who either:	711
(1) Receives compensation for duties performed in a child care center, type A family child care home, licensed type B family child care home, or approved child day camp;	712 713 714
(2) Is assigned specific working hours or duties in a child care center, type A family child care home, licensed type B family child care home, or approved child day camp.	715 716 717
(R) "Employer" means a person, firm, institution, organization, or agency that operates a child care center, type A family child care home, licensed type B family child care home, or approved child day camp subject to licensure or approval under this chapter.	718 719 720 721 722
(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being	723 724 725 726 727

determined.	728
(T) "Head start program" means a school-readiness program that satisfies all of the following:	729 730
(1) Is for children from birth to age five who are from low-income families;	731 732
(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended;	733 734 735
(3) Is licensed as a child care program.	736
(U) <u>"Home education" has the same meaning as in section 3321.042 of the Revised Code.</u>	737 738
<u>(V) "Home education learning pod" means a voluntary association of parents who direct their children's education through home education and includes the following characteristics:</u>	739 740 741 742
<u>(1) The parents choose to group their children together in a home or other location at various times, which may include hours when home education is not provided.</u>	743 744 745
<u>(2) The pod includes only the parents' children who are receiving home education, except that it also may include siblings of those children, or other children who are under the care of the parents, regardless of age.</u>	746 747 748 749
<u>(3) At least one parent of any of the children participating in the pod must be on the premises while the pod is meeting.</u>	750 751 752
(W) <u>"Homeless child care" means child care provided to a child who satisfies any of the following:</u>	753 754

(1) Is homeless as defined in 42 U.S.C. 11302;	755
(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;	756 757
(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is determined by a county department of job and family services to be homeless.	758 759 760 761
(V) <u>(X)</u> "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.	762 763 764
(W) <u>(Y)</u> "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child care center's, type A family child care home's, or licensed type B family child care home's compliance with licensing requirements.	765 766 767 768 769 770 771
(X) <u>(Z)</u> "Infant" means a child who is less than eighteen months of age.	772 773
(Y) <u>(AA)</u> "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.	774 775 776 777 778 779
(Z) <u>(BB)</u> "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child care centers, type A family child care homes, and licensed type B family child care homes in which each	780 781 782 783

licensing requirement is assigned a weight indicative of the 784
relative importance of the requirement to the health, growth, 785
and safety of the children that is used to develop an indicator 786
checklist. 787

~~(AA)~~ (CC) "License capacity" means the maximum number in 788
each age category of children who may be cared for in a child 789
care center, type A family child care home, or licensed type B 790
family child care home at one time as determined by the director 791
of children and youth considering building occupancy limits 792
established by the department of commerce, amount of available 793
indoor floor space and outdoor play space, and amount of 794
available play equipment, materials, and supplies. 795

~~(BB)~~ (DD) "Licensed child care program" means any of the 796
following: 797

(1) A child care center licensed by the department of 798
children and youth pursuant to this chapter; 799

(2) A type A family child care home or type B family child 800
care home licensed by the department of children and youth 801
pursuant to this chapter; 802

(3) A licensed preschool program or licensed school child 803
program. 804

~~(CC)~~ (EE) "Licensed preschool program" or "licensed school 805
child program" means a preschool program or school child 806
program, as defined in section 3301.52 of the Revised Code, that 807
is licensed by the department of children and youth pursuant to 808
sections 3301.52 to 3301.59 of the Revised Code. 809

~~(DD)~~ (FF) "Licensed type B family child care home" and 810
"licensed type B home" mean a type B family child care home for 811
which there is a valid license issued by the director of 812

children and youth pursuant to section 5104.03 of the Revised Code. 813
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~~(EE)~~ (GG) "Licensee" means the owner of a child care center, type A family child care home, or type B family child care home that is licensed pursuant to this chapter and who is responsible for ensuring compliance with this chapter and rules adopted pursuant to this chapter. 815
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~~(FF)~~ (HH) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp. 820
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~~(GG)~~ (II) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity. 822
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~~(HH)~~ (JJ) "Parent cooperative child care center," "parent cooperative center," "parent cooperative type A family child care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation. 824
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~~(II)~~ (KK) "Part-time child care center," "part-time center," "part-time type A family child care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for not more than four hours a day for any child or not more than fifteen consecutive 837
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weeks per year, regardless of the number of hours per day. 842

~~(JJ)~~ (LL) "Place of worship" means a building where 843
activities of an organized religious group are conducted and 844
includes the grounds and any other buildings on the grounds used 845
for such activities. 846

~~(KK)~~ (MM) "Preschool-age child" means a child who is three 847
years old or older but is not a school-age child. 848

~~(LL)~~ (NN) "Protective child care" means publicly funded 849
child care for the direct care and protection of a child to whom 850
all of the following apply: 851

(1) A case plan has been prepared and maintained for the 852
child pursuant to section 2151.412 of the Revised Code. 853

(2) The case plan indicates a need for protective care. 854

(3) The child resides with a parent, stepparent, guardian, 855
or another person who stands in loco parentis as defined in 856
rules adopted under section 5104.38 of the Revised Code. 857

~~(MM)~~ (OO) "Publicly funded child care" means administering 858
to the needs of infants, toddlers, preschool-age children, and 859
school-age children under age thirteen during any part of the 860
twenty-four-hour day by persons other than their caretaker 861
parents for remuneration wholly or in part with federal or state 862
funds, including funds available under the child care block 863
grant act, Title IV-A, and Title XX, distributed by the 864
department of children and youth. 865

~~(NN)~~ (PP) "Religious activities" means any of the 866
following: worship or other religious services; religious 867
instruction; Sunday school classes or other religious classes 868
conducted during or prior to worship or other religious 869

services; youth or adult fellowship activities; choir or other 870
musical group practices or programs; meals; festivals; or 871
meetings conducted by an organized religious group. 872

~~(OO)~~ (QQ) "School-age child" means a child who is enrolled 873
in or is eligible to be enrolled in a grade of kindergarten or 874
above but is less than fifteen years old or, in the case of a 875
child who is receiving special needs child care, is less than 876
eighteen years old. 877

~~(PP)~~ (RR) "Serious risk noncompliance" means a licensure 878
or certification rule violation that leads to a great risk of 879
harm to, or death of, a child, and is observable, not inferable. 880

~~(QQ)~~ (SS) "Special needs child care" means child care 881
provided to a child who is less than eighteen years of age and 882
either has one or more chronic health conditions or does not 883
meet age appropriate expectations in one or more areas of 884
development, including social, emotional, cognitive, 885
communicative, perceptual, motor, physical, and behavioral 886
development and that may include on a regular basis such 887
services, adaptations, modifications, or adjustments needed to 888
assist in the child's function or development. 889

~~(RR)~~ (TT) "Title IV-A" means Title IV-A of the "Social 890
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 891

~~(SS)~~ (UU) "Title XX" means Title XX of the "Social 892
Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 893

~~(TT)~~ (VV) "Toddler" means a child who is at least eighteen 894
months of age but less than three years of age. 895

~~(UU)~~ (WW) "Type A family child care home" and "type A 896
home" mean the permanent residence of the administrator in which 897
child care or publicly funded child care is provided for seven 898

to twelve children at one time or a permanent residence of the 899
administrator in which child care is provided for four to twelve 900
children at one time if four or more children at one time are 901
under two years of age. In counting children for the purposes of 902
this division, any children under six years of age who are 903
related to a licensee, administrator, or employee and who are on 904
the premises of the type A home shall be counted. "Type A family 905
child care home" and "type A home" do not include any child day 906
camp. 907

~~(VV)~~ (XX) "Type B family child care home" and "type B 908
home" mean a permanent residence of the provider in which care 909
is provided for one to six children at one time and in which no 910
more than three children are under two years of age at one time. 911
In counting children for the purposes of this division, any 912
children under six years of age who are related to the provider 913
and who are on the premises of the type B home shall be counted. 914
"Type B family child care home" and "type B home" do not include 915
any child day camp. 916

Sec. 5104.02. (A) The director of children and youth is 917
responsible for licensing child care centers, type A family 918
child care homes, and type B family child care homes. Each 919
entity operating a head start program shall meet the criteria 920
for, and be licensed as, a child care center. The director is 921
responsible for the enforcement of this chapter and of rules 922
promulgated pursuant to this chapter. 923

No person, firm, organization, institution, or agency 924
shall operate, establish, manage, conduct, or maintain a child 925
care center or type A family child care home without a license 926
issued under section 5104.03 of the Revised Code. The current 927
license shall be posted in the center or home in a conspicuous 928

place that is accessible to parents, custodians, or guardians 929
and employees of the center or home at all times when the center 930
or home is in operation. 931

(B) A person, firm, institution, organization, or agency 932
operating any of the following programs is exempt from the 933
requirements of this chapter: 934

(1) A program caring for children that operates for two 935
consecutive weeks or less and not more than six weeks total in 936
each calendar year; 937

(2) Caring for children in places of worship during 938
religious activities while at least one parent, guardian, or 939
custodian of each child is participating in such activities and 940
is readily available; 941

(3) Supervised training, instruction, or activities of 942
children in specific areas, including, but not limited to: art; 943
drama; dance; music; athletic skills or sports; computers; or an 944
educational subject conducted on an organized or periodic basis 945
that a child does not attend for more than eight total hours per 946
week; 947

(4) Programs in which the director determines that at 948
least one parent, custodian, or guardian of each child is on the 949
premises of the facility that offers care and is readily 950
accessible at all times and care is not provided for more than 951
two and one-half hours a day per child; 952

(5) Programs that provide care and are regulated by state 953
departments other than the department of children and youth or 954
the department of education and workforce. 955

(6) Any preschool program or school child program, except 956
a head start program, that is subject to licensure by the 957

department of children and youth under sections 3301.52 to 958
3301.59 of the Revised Code. 959

(7) Any program providing care that meets all of the 960
following requirements and, on October 20, 1987, was being 961
operated by a nonpublic school that holds a charter issued under 962
section 3301.16 of the Revised Code for kindergarten only: 963

(a) The nonpublic school has given the notice to the state 964
board of education and the director of children and youth 965
required by Section 4 of Substitute House Bill No. 253 of the 966
117th general assembly; 967

(b) The nonpublic school continues to be chartered by the 968
department of education and workforce for kindergarten, or 969
receives and continues to hold a charter from the department for 970
kindergarten through grade five; 971

(c) The program is conducted in a school building; 972

(d) The program is operated in accordance with rules 973
promulgated by the department of children and youth under 974
section 3301.53 of the Revised Code. 975

(8) A youth development program operated outside of school 976
hours to which all of the following apply: 977

(a) The children enrolled in the program are under 978
nineteen years of age and enrolled in or eligible to be enrolled 979
in a grade of kindergarten or above. 980

(b) The program provides informal care, which is care that 981
does not require parental signature, permission, or notice for 982
the child receiving the care to enter or leave the program. 983

(c) The program provides any of the following supervised 984
activities: educational, recreational, culturally enriching, 985

social, and personal development activities.	986
(d) The entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3).	987 988
(9) A program caring for children that is operated by a nonchartered, nontax-supported school if the program meets all of the following conditions:	989 990 991
(a) The program complies with state and local health, fire, and safety laws.	992 993
(b) The program annually certifies in a report to the children's parents that the program is in compliance with division (B)(9)(a) of this section and files a copy of the report with the department of children and youth on or before the thirtieth day of September of each year.	994 995 996 997 998
(c) The program complies with all applicable reporting requirements in the same manner as required by the department of education and workforce for nonchartered, nonpublic primary and secondary schools.	999 1000 1001 1002
(d) The program is associated with a nonchartered, nontax-supported primary or secondary school.	1003 1004
(10) A program that provides activities for children who are five years of age or older and is operated by a county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code.	1005 1006 1007 1008 1009 1010
<u>(11) A home education learning pod.</u>	1011
Sec. 5104.38. In addition to any other rules adopted under this chapter, the director of children and youth services shall	1012 1013

adopt rules in accordance with Chapter 119. of the Revised Code 1014
governing financial and administrative requirements for publicly 1015
funded child care and establishing all of the following: 1016

(A) Procedures and criteria to be used in making 1017
determinations of eligibility for publicly funded child care 1018
that give priority to children of families with lower incomes 1019
and procedures and criteria for eligibility for publicly funded 1020
protective child care or homeless child care. The rules shall 1021
specify the maximum amount of income a family may have for 1022
initial and continued eligibility. The maximum amount shall not 1023
exceed three hundred per cent of the federal poverty line. The 1024
rules may specify exceptions to the eligibility requirements in 1025
the case of a family that previously received publicly funded 1026
child care and is seeking to have the child care reinstated 1027
after the family's eligibility was terminated. 1028

(B) Procedures under which an applicant for publicly 1029
funded child care may receive publicly funded child care while 1030
the county department of job and family services determines 1031
eligibility and under which a child care provider may appeal a 1032
denial of payment under division (A) (2) (b) of section 5104.34 of 1033
the Revised Code; 1034

(C) A schedule of fees requiring all eligible caretaker 1035
parents to pay a fee for publicly funded child care according to 1036
income and family size, which shall be uniform for all types of 1037
publicly funded child care, except as authorized by rule, and, 1038
to the extent permitted by federal law, shall permit the use of 1039
state and federal funds to pay the customary deposits and other 1040
advance payments that a provider charges all children who 1041
receive child care from that provider. 1042

(D) A formula for determining the amount of state and 1043

federal funds appropriated for publicly funded child care that 1044
may be allocated to a county department to use for 1045
administrative purposes; 1046

(E) Procedures to be followed by the department and county 1047
departments in recruiting individuals and groups to become 1048
providers of child care; 1049

(F) Procedures to be followed in establishing state or 1050
local programs designed to assist individuals who are eligible 1051
for publicly funded child care in identifying the resources 1052
available to them and to refer the individuals to appropriate 1053
sources to obtain child care; 1054

(G) Procedures to deal with fraud and abuse committed by 1055
either recipients or providers of publicly funded child care; 1056

(H) Procedures for establishing a child care grant or loan 1057
program in accordance with the child care block grant act; 1058

(I) Standards and procedures for applicants to apply for 1059
grants and loans, and for the department to make grants and 1060
loans; 1061

(J) A definition of "person who stands in loco parentis" 1062
for the purposes of division ~~(LL) (3)~~ (NN) (3) of section 5104.01 1063
of the Revised Code; 1064

(K) Procedures for a county department of job and family 1065
services to follow in making eligibility determinations and 1066
redeterminations for publicly funded child care available 1067
through telephone, computer, and other means at locations other 1068
than the county department; 1069

(L) If the director establishes a different reimbursement 1070
rate under division (E) (3) (d) of section 5104.30 of the Revised 1071

Code, standards and procedures for determining the amount of the 1072
higher payment that is to be issued to a child care provider 1073
based on the special needs of the child being served; 1074

(M) To the extent permitted by federal law, procedures for 1075
paying for up to thirty days of child care for a child whose 1076
caretaker parent is seeking employment, taking part in 1077
employment orientation activities, or taking part in activities 1078
in anticipation of enrolling in or attending an education or 1079
training program or activity, if the employment or the education 1080
or training program or activity is expected to begin within the 1081
thirty-day period; 1082

(N) Any other rules necessary to carry out sections 1083
5104.30 to 5104.43 of the Revised Code. 1084

Section 4. That the existing versions of sections 5104.01, 1085
5104.02, and 5104.38 of the Revised Code that are scheduled to 1086
take effect January 1, 2025, are hereby repealed. 1087

Section 5. Sections 3 and 4 of this act take effect 1088
January 1, 2025, or on the effective date of this section, 1089
whichever is later. 1090