

## **BILL ANALYSIS**

Senate Research Center  
87R7816 MLH-F

S.B. 863  
By: Blanco  
Health & Human Services  
3/15/2021  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law states that a license or permit issued to a child care operation is not transferable and applies only to the operator and facility location stated in the license application. If the operation relocates, their license is automatically revoked by the Health and Human Services Commission Child Care Regulation. During the COVID-19 pandemic, it became necessary for residential child care facilities to move the children in their care to different locations that were not included on the facility's license application in order to comply with public health orders to mitigate the spread of the virus, such as the quarantine of an infected person.

S.B. 863 allows residential child-care facilities to temporarily relocate to a separate location to comply with local and state health orders during a declared state of emergency.

As proposed, S.B. 863 amends current law relating to the temporary relocation of a residential child-care facility during a declared state of disaster.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 42.048, Human Resources Code, by amending Subsection (e) and adding Subsection (e-4), as follows:

(e) Provides that a change in location or ownership automatically revokes a license issued under Chapter 42 (Regulation of Certain Facilities, Homes, and Agencies that Provide Child-Care Services) except as provided by certain subsections, including Subsection (e-4). Makes a nonsubstantive change.

(e-4) Authorizes the Health and Human Services Commission, to the extent necessary to comply with a state or local order during a declared state of disaster under Chapter 418 (Emergency Management), Government Code, to authorize a residential child-care facility to temporarily:

- (1) relocate to a new location that is not stated in the facility's license application;  
or
- (2) provide to one or more children at an additional location that is not stated in the facility's license application.

SECTION 2. Effective date: upon passage or September 1, 2021.