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# A BILL FOR AN ACT

RELATING TO CHILD CARE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 346, Hawaii Revised Statutes, is  
2 amended by adding a new section to subpart B of part VIII to be  
3 appropriately designated and to read as follows:

4           "§346- Failure to properly care for a child resulting in  
5 death or injury. (a) Any person who operates, maintains, or  
6 conducts a group child care home or group child care center in  
7 which a child dies or is seriously injured as a result of  
8 failure to properly care for the child shall be guilty of a  
9 misdemeanor.

10           (b) Failure to properly care for a child shall be presumed  
11 when a person who operates, maintains, or conducts a group child  
12 care home or group child care center violates a statute, rule,  
13 or regulation relating to child care.

14           (c) Notwithstanding any provision of section 346-164 to  
15 the contrary, any license or temporary permit issued under this  
16 part to a person convicted of an offense under this section  
17 shall be revoked immediately upon conviction.



1        (d) For the purposes of this section, "seriously injured"  
2 means an injury that requires medical attention by a health care  
3 professional as defined in section 431:26-101."

4        SECTION 2. Section 346-164, Hawaii Revised Statutes, is  
5 amended to read as follows:

6        **"§346-164 Suspension and revocation of licenses and**  
7 **permits; reissuance.** Any license or temporary permit issued  
8 under this subpart may be suspended or revoked by the department  
9 of human services after due notice and hearing, the provisions  
10 for which shall be made in the rules. However, upon a  
11 determination by the department that conditions exist which  
12 constitute an imminent danger to the health, welfare, or safety  
13 of the children cared for, a license or temporary permit may be  
14 immediately suspended pending a hearing by the department as  
15 herein provided. The department, in its discretion, may reissue  
16 a license or temporary permit which has been suspended or  
17 revoked upon satisfying itself that minimum standards have been  
18 or will be met[-]; provided that the department shall not  
19 reissue a license or temporary permit that has been revoked  
20 pursuant to section 346- (c) unless the conviction that  
21 resulted in the revocation is vacated."



1 SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.

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**Report Title:**

Licensed Child Care Providers; Failure to Properly Care; Serious Injury or Death; Misdemeanor

**Description:**

Establishes a misdemeanor offense when a child under the care of a licensed child care provider is seriously injured or killed as a result of failure to properly care for the child. Requires that a child care provider's license or temporary permit be immediately revoked upon conviction of the new offense. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

