This document shows the rule changes that went into effect on 2/25/2020. The changes are underlined or crossed out. This document is for informational purposes only and does not constitute a full set of the rules.

R381. Health, Child Care Center Licensing Committee.
R381-100. Child Care Centers.

R381-100-2. Definitions.
(18) “Crib” means an infant’s bed with sides to protect them from falling including a bassinet, porta-crib, and play pen.

[(24)](25) “Group" means the children who are supervised by one or more caregivers in an individual room or in an area within a room that is defined by furniture or other partition assigned to and supervised by one or more caregivers.

[(32)](33) “Involved with Child Care" means to do any of the following at or for a child care program [licensed by the Department]:
   (a) [provide child] care for or supervise children;
   (b) volunteer [at a child care program];
   (c) own, operate, direct, [or be employed at a child care program];
   (d) reside [at a facility where child care is provided]; [or]
   (e) count in the caregiver-to-child ratio; or
   (f) have unsupervised contact with a child in care. [be present at a facility while care is being provided, except for authorized guests or parents who are dropping off a child, picking up a child, or attending a scheduled event at the child care facility.]

(49) “Room” will be defined as follows:
When a large room is divided into smaller rooms or areas with barriers such as furniture or with half walls, the room or area will be considered:
   (a) One room, when the room is divided by a solid barrier that is 24 inches or less, whether the barrier is movable or immovable.
   (b) One room, when the room is divided by a solid barrier that is between 25 and 40 inches in height and there is an opening in the barrier through which caregivers and children can move freely.
   (c) Two rooms, when the room is divided by a solid barrier that is between 25 and 40 inches in height and there is no opening in the barrier through which caregivers and children can move freely, or there is an opening between the two sides but the opening is blocked such as with a child safety gate. This applies to a diaper changing station that is located behind a closed gate.
   (d) Two rooms, when the room is divided by a solid barrier that is over 40 inches in height and there is no opening in the barrier through which caregivers and children can move freely, or there is an opening between the two sides but the opening is blocked such as with a child safety gate. If there is an opening through which caregivers and children can move freely and it the opening is not blocked, refer to the instructions for a large opening, archway, or doorway.
When two rooms or areas are connected by a large opening, archway, or doorway, the rooms or areas will be considered:

(e) One room, when the width of the opening or archway is equal to or greater than the combined width of the walls on each side of the opening or archway, in the larger of the two rooms or areas, and there is no furniture or other dividers blocking the opening or archway. Otherwise this will be considered two rooms.

(f) Two rooms, when the width of the opening or archway is smaller than the combined width of the walls on each side of the opening or archway, in the larger of the two rooms or areas.

When in outdoor areas separated by interior fences, consider it:

(g) One area, when the interior fence is 24 inches or lower in height, whether or not the fence has an opening.

(h) One area, when the interior fence is 40 inches or lower in height with an opening through which caregivers and children can move freely.

(i) Two areas when the interior fence is higher than 24 inches and there is no opening.

(j) Two areas, when the interior fence is higher than 40 inches whether or not the fence has an opening.

R381-100-3. License Required.

(1) A person or persons shall be licensed as a child care center if they provide care:

(a) in the absence of the child's parent,
(b) in a place other than the provider's home or the child's home,
(c) for 5 or more children,
[(d) for 4 or more hours per day,]
[(e) for each individual child for less than 24 hours per day,]
[(f) on an ongoing basis for 4 or more weeks in a year, and]
[(g) for direct or indirect compensation.]

(3) [According to Foster Care Services rule R501-12-4(8)(f)(d), a provider may not be licensed to provide child care in a facility that is also licensed to offer foster or respite care services, or another licensed or certified human services program. A provider may not be licensed to provide child care in a facility that is also licensed to offer foster or respite care services, or another licensed or certified human services program, unless the part of the building requesting a CCL license is physically separated from the other building services.]

R381-100-4. License Application, Renewal, Changes, and Variances.

(1) An applicant for a new child care license shall submit to the Department:

(a) an online application;
(b) a copy of a current local fire clearance or a statement from the local fire authority that a fire inspection is not required;
(c) a copy of a current local health department kitchen clearance for a facility providing food service or a statement from the local health department that a kitchen inspection is not required;
(d) a copy of a current local business license or a statement from the city that a business license is not required;
(e) a copy of the educational credentials of the person who will be the director as required in R381-100-7(4);
(f) a copy of a completed Department health and safety plan form;
(g) CCL background checks for all covered individuals as required in R381-100-8;
(h) [a Department's] new provider training [certificate of attendance] completion no more than six months before the date of the application; and
(i) all required fees, which are nonrefundable.

(3) If the local fire authority states that a fire inspection is not required, a Department's CCL inspection for a new license or a renewal of a license shall verify compliance with the following:
(a) address numbers and/or letters shall be readable from the street;
(b) address numbers and/or letters shall be at least 4 inches in height and 1/2 inch thick;
(c) exit doors shall operate properly and shall be well maintained;
(d) obstructions in exits, aisles, corridors, and stairways shall be removed;
(e) exit doors shall be unlocked from the inside during business hours;
(f) exits shall be clearly identified;
(g) there shall be at least one unobstructed fire extinguisher[s] on each level of the building that are of an X minimum rate and appropriate to the type of hazard, currently charged and serviced, and mounted not more than 5 feet above the floor;
(h) there shall be working smoke detectors that are properly installed on each level of the building; and
(i) boiler, mechanical, and electrical panel rooms shall not be used for storage.

(4) If the provider serves food and the local health department states that a kitchen inspection is not required, a Department's CCL inspection for a new license or a renewal of a license shall verify compliance with the following:
(a) the refrigerator shall be clean, in good repair, and working at or below 41 degrees Fahrenheit;
(b) there shall be a working thermometer in the refrigerator;
(c) there shall be a working stem thermometer available to check cook and hot hold temperatures;
(d) cooks shall have a current food handler's permit available on-site for review by the Department;
(e) cooks shall use hair restraints and wear clean outer clothing;
(f) according to Food Code 2-103-11, only necessary staff shall be present in the kitchen;
(g) reusable food holders, utensils, and food preparation surfaces shall be washed, rinsed, and sanitized with an approved sanitizer before each use;
(h) chemicals shall be stored away from food and food service items;
(i) food shall be properly stored, kept to the proper temperature, and in good condition; and
(j) there shall be a working handwashing sink in the kitchen and handwashing instructions posted by the sink.

R381-100-8. Background Checks.
[4] Before a new covered individual becomes involved with child care in the program, the provider shall:
(a) have the individual submit an online background check form,
(b) authorize the individual's background check form,
(c) pay all required fees, and
(d) receive written notice from CCL that the individual passed the background check.

(2) The provider shall ensure that an online background check form is submitted and
background check authorized, and that background check fees are paid within 10 working days from
when a child who resides in the facility turns 12 years old.

(3) The provider shall ensure that a CCL background check for each individual age 18
years or older includes fingerprints and fingerprints fees.

(4) The fingerprints shall be prepared by a local law enforcement agency or an agency
approved by local law enforcement.

(5) If fingerprints are submitted through Live Scan (electronically), the agency taking the
fingerprints shall follow the Department's guidelines.

(6) Fingerprints are not required if the covered individual has:
(a) previously submitted fingerprints to CCL for a Next Generation, national criminal
history check;
(b) resided in Utah continuously since the fingerprints were submitted; and
(c) kept their CCL background check current.

(7) Background checks are valid for 1 year and shall be renewed before the last day of the
month listed on the covered individual's background check card.

(8) At least 2 weeks before the end of the renewal month that is written on a covered
individual's background check card, the provider shall:

(a) have the individual submit an online CCL background check form and fingerprints if
not previously submitted,
(b) authorize the individual's background check form through the provider portal, and
(c) pay all required fees.

(9) The following background findings may deny a covered individual from being involved
with child care:
(a) LIS supported findings,
(b) the individual's name appears on the Utah or national sex offender registry,
(c) any felony convictions,
(d) any Misdemeanor A convictions, or
(e) Misdemeanor B and C convictions for the reasons listed in R381-100-8(10).

(10) The following convictions, regardless of severity, may result in a background check
denial:
(a) unlawful sale or furnishing alcohol to minors;
(b) sexual enticing of a minor;
(c) cruelty to animals, including dogfighting;
(d) bestiality;
(e) lewdness, including lewdness involving a child;
(f) voyeurism;
(g) providing dangerous weapons to a minor;
(h) a parent providing a firearm to a violent minor;
(i) a parent knowing of a minor's possession of a dangerous weapon;
(j) sales of firearms to juveniles;
(k) pornographic material or performance;
(l) sexual solicitation;
(m) prostitution and related crimes;
(n) contributing to the delinquency of a minor;
(o) any crime against a person;
(p) a sexual exploitation act;
(q) leaving a child unattended in a vehicle; and
(r) driving under the influence (DUI) while a child is present in the vehicle.

(11) A covered individual with a Class A misdemeanor background finding not listed in R381-100-8(10) may be involved with child care when:
(a) 10 or more years have passed since the Class A misdemeanor offense, and
(b) there is no other conviction for the individual in the past 10 years.

(12) A covered individual with a Class A misdemeanor background finding not listed in R381-100-8(10) may be involved with child care for up to 6 months if:
(a) 5 to 9 years have passed since the offense,
(b) there is no other conviction since the Class A misdemeanor offense,
(c) the individual provides to the Department documentation of an active petition for expungement, and
(d) the provider ensures that the individual does not have unsupervised contact with any child in care.

(13) If a petition for expungement is denied, the covered individual shall no longer be involved with child care.

(1) Before a new covered individual becomes involved with child care in the program, the provider shall use the CCL provider portal search to:
(a) verify that the individual has a current CCL background check, and
(b) associate that individual with their facility.

(2) Before a new covered individual who does not show in the CCL provider portal search becomes involved with child care in the program, the provider shall:
(a) have the individual submit an online background check form and fingerprints for individuals age 18 years and older,
(b) authorize the individual's background check through the CCL provider’s portal,
(c) pay all required fees, and
(d) receive written notice from CCL that the individual passed the background check.

(3) A covered individual without a current background check will not show in the CCL provider portal search. The Department may not consider a covered individual’s background check current when the covered individual has:
(a) failed to pass a CCL background check;
(b) moved outside of Utah; or
(c) not been associated with an active, CCL approved child care facility for the past 180 days.

(4) Within 10 working days from when a child who resides in the facility turns 12 years old, the provider shall:
(a) ensure that an online background check form is submitted,
(b) authorize the child’s background check through the CCL provider’s portal, and
(c) pay all required fees.

(5) The fingerprints shall be prepared by a local law enforcement agency or an agency approved by local law enforcement.

(6) If fingerprints are submitted through Live Scan (electronically), the agency taking the fingerprints shall follow the Department's guidelines.

(7) The following background findings may deny a covered individual from being involved with child care:
   (a) LIS supported findings,
   (b) the individual's name appears on the Utah or national sex offender registry,
   (c) any felony convictions, or
   (d) for any of the reasons listed under R381-100-8(8).

(8) The following convictions, regardless of severity, may result in a background check denial:
   (a) unlawful sale or furnishing alcohol to minors;
   (b) sexual enticing of a minor;
   (c) cruelty to animals, including dogfighting;
   (d) bestiality;
   (e) lewdness, including lewdness involving a child;
   (f) voyeurism;
   (g) providing dangerous weapons to a minor;
   (h) a parent providing a firearm to a violent minor;
   (i) a parent knowing of a minor's possession of a dangerous weapon;
   (j) sales of firearms to juveniles;
   (k) pornographic material or performance;
   (l) sexual solicitation;
   (m) prostitution and related crimes;
   (n) contributing to the delinquency of a minor;
   (o) any crime against a person;
   (p) a sexual exploitation act;
   (q) leaving a child unattended in a vehicle; and
   (r) driving under the influence (DUI) while a child is present in the vehicle.

   (20) [In compliance with the Utah Indoor Clean Air Act, tobacco, e-cigarettes, e-juice, e-liquids, and similar products shall be inaccessible and not used:] Tobacco, e-cigarettes, e-juice, e-liquids, and similar products shall be inaccessible and, in compliance with the Utah Indoor Clean Air Act, not used:
   (a) in the facility or any other building when a child is in care,
   (b) in any vehicle that is being used to transport a child in care,
   (c) within 25 feet of any entrance to the facility or other building occupied by a child in care, or
(d) in any outdoor area or within 25 feet of any outdoor area occupied by a child in care.

R381-100-16. Food and Nutrition.

(2) When food for children's meals and/or snacks is supplied by the provider:

   (a) the meal service shall meet local health department food service regulations;

   (b) the foods that are served shall meet the nutritional requirements of the USDA Child and Adult Care Food Program (CACFP) whether or not the provider participates in the CACFP;

   (c) the provider shall use the CACFP [menus]meal pattern requirements, the standard Department-approved menus, or menus approved by a registered [dietician]dietitian. Dietitian approval shall be noted and dated on the menus, and shall be current within the past 5 years;

   (d) the current week's menu shall be posted for review by parents and the Department; and

   (e) providers who are not participating or in good standing with the CACFP shall keep a six-week record of foods served at each meal and snack.


(20) Stationary play equipment shall be stable [and]or securely anchored.