

AN ACT

relating to the regulation of child-care facilities that maintain a certificate to operate issued by the United States Department of Defense.

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

SECTION 1. Section 42.041(b), Human Resources Code, is amended to read as follows:

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

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

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

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

24 (9) a kindergarten or preschool educational program
25 that is operated as part of a public school or a private school
26 accredited by the Texas Education Agency, that offers educational
27 programs through grade six, and that does not provide custodial

1 care during the hours before or after the customary school day;

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

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

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

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

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

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

26 (14) an elementary-age (ages 5-13) recreation program
27 operated by a municipality provided the governing body of the

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

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

14 (16) a food distribution program that:

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

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

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

23 (18) a program:

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

26 (B) that does not provide services or offerings
27 that are not directly related to the single talent, ability,

1 expertise, or proficiency;

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

6 (D) that informs the parent or guardian:

7 (i) that the program is not licensed by the
8 state; and

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

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

15 (19) an elementary-age (ages 5-13) recreation program
16 that:

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

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

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

27 (D) informs parents that the program is not

1 licensed by the state;

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

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

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

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

12 (20) 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 caretaker:

15 (A) had a prior relationship with the child or
16 sibling group or other family members of the child or sibling group;

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

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

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

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

26 (A) the department is the managing conservator of
27 the child or sibling group;

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

3 (C) the caretaker had a long-standing and
4 significant relationship with the child or sibling group, or the
5 family of the child or sibling group, before the child or sibling
6 group was placed with the caretaker;

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

12 (23) a facility operated by a nonprofit organization
13 that:

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

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

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

23 (D) meets one of the following criteria:

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

27 (ii) meets the eligibility requirements for

1 a contract under Section 51.005(b)(3);

2 (24) a facility that provides respite care exclusively
3 for a local mental health authority under a contract with the local
4 mental health authority; ~~or~~

5 (25) a living arrangement in a caretaker's home
6 involving one or more children or a sibling group in which the
7 caretaker:

8 (A) has a written authorization agreement under
9 Chapter 34, Family Code, with the parent of each child or sibling
10 group to care for each child or sibling group;

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

13 (C) does not receive compensation for caring for
14 any child or sibling group;

15 (26) a child-care facility located on a federal
16 military base or other federal property that maintains a
17 certificate to operate issued by the United States Department of
18 Defense; or

19 (27) a military family child-care provider that
20 maintains a certificate to operate issued by the United States
21 Department of Defense.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 4529 was passed by the House on May 7, 2025, by the following vote: Yeas 147, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4529 was passed by the Senate on May 20, 2025, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor