

**§8402. Licensure****(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)****1. License required.**

[PL 1983, c. 386, §4 (RP).]

**2. Term of license.**

[PL 1983, c. 386, §4 (RP).]

**3. Requirements.** In order to receive a license from the department, a nursery school must meet the requirements of chapter 1673 applicable to nursery schools and the following requirements.

A. **(TEXT EFFECTIVE UNTIL 9/1/21)** The department shall adopt rules regarding the health of staff as required to protect the health and safety of the children. The rules must include a requirement that every 2 years each licensee, administrator or other staff member of the nursery school who provides care for children be declared free from communicable disease by a licensed physician, except that this requirement may be waived for a person who objects on the grounds of sincerely held religious or philosophical belief. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. [PL 2001, c. 645, §10 (AMD).]

A. **(TEXT EFFECTIVE 9/1/21)** The department shall adopt rules regarding the health of staff as required to protect the health and safety of the children. The rules must include a requirement that every 2 years each licensee, administrator or other staff member of the nursery school who provides care for children be declared free from communicable disease by a licensed physician, nurse practitioner or physician assistant. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2019, c. 154, §10 (AMD); PL 2019, c. 154, §12 (AFF).]

B. Drinking water that is taken from sources other than a public water system must pass a test for bacteria, nitrates and nitrites every year and must pass a partial chemical test every 4 years. [PL 2001, c. 645, §10 (AMD).]

C. The nursery school carries minimum liability insurance of \$100,000 per person and \$300,000 per occurrence. [PL 2001, c. 645, §10 (AMD).]

D. [PL 2001, c. 645, §10 (RP).]

E. The nursery school meets, biennially, the fire safety requirements specified in section 8403, subsection 2. [PL 2005, c. 640, §5 (AMD).]

F. [PL 2001, c. 645, §10 (RP).]

[PL 2005, c. 640, §5 (AMD); PL 2019, c. 154, §10 (AMD); PL 2019, c. 154, §12 (AFF).]

**3-A. Rules.** The department shall establish routine technical rules pursuant to Title 5, chapter 375, subchapter II-A for the safe operation of nursery schools. These rules must be reasonably related to the health and safety of children cared for in nursery schools.

[PL 2001, c. 266, §1 (NEW).]

**4. License issued promptly.** The department shall issue with reasonable promptness a license to each nursery school from which the department has received and verified documentation indicating that the nursery school has met the requirements included in subsection 3.

[PL 1975, c. 709, §2 (NEW).]

**5. Fee.**

[PL 1993, c. 353, §6 (RP); PL 1993, c. 353, §7 (AFF).]

**6. Relationship to licensing of child care facilities.** A nursery school must be licensed as a child care facility under chapter 1673.

[PL 2001, c. 645, §11 (AMD).]

**SECTION HISTORY**

PL 1975, c. 709, §2 (NEW). PL 1977, c. 497, §8 (AMD). PL 1983, c. 386, §4 (AMD). PL 1993, c. 353, §6 (AMD). PL 1993, c. 353, §7 (AFF). PL 2001, c. 266, §1 (AMD). PL 2001, c. 645, §§10,11 (AMD). PL 2005, c. 640, §5 (AMD). PL 2019, c. 154, §10 (AMD). PL 2019, c. 154, §12 (AFF).

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