

MINIMUM STANDARDS
FOR

CHILD-CARE CENTERS

TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES
LICENSING DIVISION

§746.3707 Are firearms or other weapons allowed at my child-care center?

*Subchapter S, Safety Practices
Division 1, Safety Precautions
September 2003*

- | | |
|-------------|---|
| (no weight) | (a) Law enforcement officials who are trained and certified to carry a firearm on duty may have firearms or ammunition on the premises of the child-care center. |
| High | (b) For all other persons, firearms, hunting knives, bows and arrows, and other weapons are prohibited on the premises of the child-care center, unless the child-care center is also your residence. |
| High | (c) Firearms, hunting knives, bows and arrows, and other weapons kept on the premises of a child-care center located in your home must remain in a locked cabinet inaccessible to children during all hours of operation. |
| High | (d) Ammunition must be kept in a separate locked cabinet and inaccessible to children during all hours of operation. |

§746.3709 May I have other toys or equipment that explodes or shoots things?

*Subchapter S, Safety Practices
Division 1, Safety Precautions
September 2003*

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|-------------|--|
| Medium-High | No. Toys that explode or that shoot things, such as caps, BB guns, darts, or fireworks, are prohibited as toys for children in both residential and non-residential locations. Toys that explode or shoot things kept on the premises of a child-care center located in your home must remain in a locked cabinet inaccessible to any child during all hours of operation. |
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Division 2, Medications and Medical Assistance**§746.3801 What does "medication" refer to in this division?**

*Subchapter S, Safety Practices
Division 2, Medications and Medical Assistance
March 2012*

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|-------------|--|
| (no weight) | In this division, medication means: |
| | (1) A prescription medication; or |
| | (2) A non-prescription medication, excluding topical ointments such as diaper ointment or sunscreen. |

From: Department of Family and Protective Services [txhhs@public.govdelivery.com]
Sent: Monday, January 11, 2016 4:08 PM
To: ~~txhhs@public.govdelivery.com~~
Subject: Open Carry Law and Child Care Providers

Information on the Open Carry Law Session effective:

January 1, 2016

SB 273 & House Bill 910

Notice requirements of Texas Penal Code Title 7 Chapter 30; Sections 30.06 and 30.07

Licensed Child Care Centers, School-Age and Before or After-School Programs, and Homes will still fall under the following standards:

746.3707 Are firearms or other weapons allowed at my child-care center?

- (a) Law enforcement officials who are trained and certified to carry a firearm on duty may have firearms or ammunition on the premises of the child-care center.
- (b) For all other persons, firearms, hunting knives, bows and arrows, and other weapons are prohibited on the premises of the child-care center, unless the child-care center is also your residence.
- (c) Firearms, hunting knives, bows and arrows, and other weapons kept on the premises of a child-care center located in your home must remain in a locked cabinet inaccessible to children during all hours of operation.
- (d) Ammunition must be kept in a separate locked cabinet and inaccessible to children during your hours of operation.

744.2607. Are firearms or other weapons allowed at my operation?

- (a) Law enforcement officials who are trained and certified to carry a firearm on duty may have firearms or ammunition on the premises of the operation.

(b) For all other persons, firearms, hunting knives, bows and arrows, and other weapons are prohibited on the premises of the operation, unless the operation is also your residence and except as allowed under subsection (e) of this section.

(c) Firearms, hunting knives, bows and arrows, and other weapons kept on the premises of an operation located in your home must remain in a locked cabinet inaccessible to children during your hours of operation.

(d) Ammunition must be kept in a separate locked cabinet and inaccessible to children during your hours of operation.

747.3505 Are firearms or other weapons allowed at my child-care home?

(a) Firearms, hunting knives, bows and arrows, or other weapons kept on the premises of a child-care home must remain in a locked cabinet inaccessible to children during all hours of operation, with the exception of law enforcement officials who are trained and certified to carry a firearm and ammunition.

(b) You must keep ammunition in a separate locked cabinet and inaccessible to children during all hours of operation.

Child Placing Agencies and General Residential Operations will still fall under the following standards:

748.3931 Are weapons, firearms, explosive materials, and projectiles permitted at my operation?

Generally, weapons, firearms, explosive materials, and projectiles (such as darts or arrows), are permitted, however, there are some specific restrictions:

(1) Handguns are not permitted at an operation or during any type of activity;

(2) A child receiving treatment services or emergency care services is not permitted to use weapons, firearms, explosive materials, or projectiles, or toys that explode or shoot (such as fireworks or BB guns);

(3) If you allow weapons, firearms, explosive materials, projectiles, or toys that explode or shoot, you must ensure children do not have unsupervised access to them by implementing specific precautions outlined in your policies, including locked storage and separate locked storage for the weapons and ammunition;

(4) You must determine it is appropriate for a child receiving only child-care services to use the weapons, firearms, explosive materials, projectiles, or toys that explode or shoot; and

(5) No child may use a weapon, firearm, explosive material, projectile, or toy that explodes or shoots, unless the child is directly supervised by a qualified adult.

748.3935 May a caregiver transport a child in a vehicle where weapons, firearms, explosive materials, or projectiles are present?

A caregiver may not transport a child in a vehicle where a handgun is present. Otherwise, a caregiver may transport a child in a vehicle where weapons, firearms, explosive materials, or projectiles are present if:

- (1) The child is only receiving child-care services;
- (2) All firearms are not loaded; and
- (3) The weapons, firearms, explosive materials, or projectiles are inaccessible to the child.

749.2961 Are weapons, firearms, explosive materials, and projectiles permitted in a foster home?

(a) Generally, weapons, firearms, explosive materials, and projectiles (such as darts or arrows), are permitted, however, there are some specific restrictions:

(1) If you allow weapons, firearms, explosive materials, projectiles, or toys that explode or shoot, you must develop and enforce a policy identifying specific precautions to ensure children do not have unsupervised access to them, including:

- (A) Locked storage for the weapons and the ammunition;
- (B) Locked storage must be made of strong, unbreakable material;
- (C) If the locked storage has a glass or another breakable front or enclosure, guns must be secured with a locked cable or chain placed through the trigger guards; and
- (D) Separate locked storage for the weapons and the ammunition. Ammunition may be stored with weapons in the same location, such as a gun cabinet, provided that access to both ammunition and weapons cannot be obtained by using the same key and/or combination;

(2) You must determine that it is appropriate for a specific child to use the weapons, firearms, explosive materials, projectiles, or toys that explode or shoot; and

(3) No child may use a weapon, firearm, explosive material, projectile, or toy that explodes or shoots, unless the child is directly supervised by a qualified adult.

(b) Your policies must require foster parents/caregivers to notify you if there is a change in the type of or an addition to weapons, firearms, explosive materials, or projectiles that are on the property where the foster home is located.

(c) Firearms that are inoperable and solely ornamental are exempt from the storage requirements in this rule.

749.2967 May a caregiver transport a child in a vehicle where weapons, firearms, explosive materials, or projectiles are present?

1. a) A caregiver may transport a child in a vehicle where firearms (other than handguns), other weapons, explosive materials, or projectiles are present if:

- (1) All firearms are not loaded;

- (2) The firearms, other weapons, explosive materials, or projectiles are inaccessible to the child; and

- (3) Possession of the firearm is legal.

(b) A caregiver may transport a child in a vehicle where a handgun is present if:

- (1) The handgun is in the possession and control of the caregiver; and

- (2) The caregiver is licensed to carry the handgun under Subchapter H, Chapter 411, of the Government Code

Talking Points for providers:

1. Generally speaking, there are no changes with regard to whether firearms are allowed in child care operations as a result of the new open carry law.
2. Are day cares excluded from the new open carry law?

Firearms are ***prohibited*** (concealed or open carry) unless the individual is a *law enforcement official who is trained and certified to carry a firearm on duty may have firearms or ammunition on the premises of the operation.*

3. Can center employees and/or clients open carry with the new law?

center employees, parents, volunteers, and contractors (speech therapist, dance teachers, etc.) may not open carry in the program