

SECOND REGULAR SESSION

# HOUSE BILL NO. 1917

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LAMPE (Sponsor), HARRIS (110), YAEGER, BOYKINS,  
OXFORD AND MCGHEE (Co-sponsors).

Read 1st time March 2, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5128L.01I

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### AN ACT

To repeal section 210.211, RSMo, and to enact in lieu thereof one new section relating to child care.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 210.211, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.211, to read as follows:

210.211. 1. It shall be unlawful for any person to establish, maintain or operate a child-care facility for children, or to advertise or hold himself or herself out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of health and senior services; except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for four or fewer children. For purposes of this subdivision, children who are related by blood, marriage or adoption to such person within the third degree shall [not be considered] **be included** in the total number of children being cared for;

(2) Any person who has been duly appointed by a court of competent jurisdiction the guardian of the person of the child or children, or the person who has legal custody of the child or children;

(3) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 children of personal friends of such person, and who receives custody of no other unrelated child  
16 or children;

17 (4) Any graded boarding school, summer camp, hospital, sanitarium or home which is  
18 conducted in good faith primarily to provide education, recreation, medical treatment, or nursing  
19 or convalescent care for children;

20 (5) Any child-care facility maintained or operated under the exclusive control of a  
21 religious organization. When a nonreligious organization, having as its principal purpose the  
22 provision of child-care services, enters into an arrangement with a religious organization for the  
23 maintenance or operation of a child-care facility, the facility is not under the exclusive control  
24 of the religious organization;

25 (6) Any residential facility or day program licensed by the department of mental health  
26 pursuant to sections 630.705 to 630.760, RSMo, which provides care, treatment and habilitation  
27 exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental  
28 retardation or developmental disability, as defined in section 630.005, RSMo; and

29 (7) Any nursery school.

30 2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility  
31 shall be exempt from licensure if such facility receives any state or federal funds for providing  
32 care for children, except for federal funds for those programs which meet the requirements for  
33 participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to  
34 parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds  
35 received by a person or facility listed in subdivisions (1) and (5) of subsection 1 of this section.

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