

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Bill No. 533, Page 3, Section 210.003, Line 57, by inserting after all of said section
2 and line the following:

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4 "210.221. 1. The department of health and senior services shall have the following powers
5 and duties:

6 (1) After inspection, to grant licenses to persons to operate child-care facilities if satisfied as
7 to the good character and intent of the applicant and that such applicant is qualified and equipped to
8 render care or service conducive to the welfare of children, and to renew the same when expired. No
9 license shall be granted for a term exceeding two years. Each license shall specify the kind of
10 child-care services the licensee is authorized to perform, the number of children that can be received
11 or maintained, and their ages and sex;

12 (2) To inspect the conditions of the homes and other places in which the applicant operates a
13 child-care facility, inspect their books and records, premises and children being served, examine their
14 officers and agents, deny, suspend, place on probation or revoke the license of such persons as fail to
15 obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the
16 department of health and senior services. The director also may revoke or suspend a license when
17 the licensee fails to renew or surrenders the license;

18 (3) To promulgate and issue rules and regulations the department deems necessary or proper
19 in order to establish standards of service and care to be rendered by such licensees to children. No
20 rule or regulation promulgated by the division shall in any manner restrict or interfere with any
21 religious instruction, philosophies or ministries provided by the facility and shall not apply to
22 facilities operated by religious organizations which are not required to be licensed; [and]

23 (4) To approve training concerning the safe sleep recommendations of the American
24 Academy of Pediatrics in accordance with section 210.223; and

25 (5) To determine what records shall be kept by such persons and the form thereof, and the
26 methods to be used in keeping such records, and to require reports to be made to the department at
27 regular intervals.

28 2. Any child-care facility may request a variance from a rule or regulation promulgated
29 pursuant to this section. The request for a variance shall be made in writing to the department of
30 health and senior services and shall include the reasons the facility is requesting the variance. The
31 department shall approve any variance request that does not endanger the health or safety of the

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1 children served by the facility. The burden of proof at any appeal of a disapproval of a variance
2 application shall be with the department of health and senior services. Local inspectors may grant a
3 variance, subject to approval by the department of health and senior services.

4 3. The department shall deny, suspend, place on probation or revoke a license if it receives
5 official written notice that the local governing body has found that license is prohibited by any local
6 law related to the health and safety of children. The department may, after inspection, find the
7 licensure, denial of licensure, suspension or revocation to be in the best interest of the state.

8 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
9 under the authority delegated in sections 210.201 to 210.245 shall become effective only if it
10 complies with and is subject to all of the provisions of chapter 536, and, if applicable, section
11 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and
12 repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed
13 or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This
14 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
15 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are
16 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
17 adopted after August 28, 1999, shall be invalid and void.

18 210.223. 1. All licensed child care facilities that provide care for children less than one year
19 of age shall implement and maintain a written safe sleep policy in accordance with the most recent
20 safe sleep recommendations of the American Academy of Pediatrics. The purpose of the safe sleep
21 policy is to maintain a safe sleep environment that reduces the risk of sudden infant death syndrome
22 and sudden unexpected infant deaths in children less than one year of age.

23 2. When, in the opinion of the infant's licensed health care provider, an infant requires
24 alternative sleep positions or special sleeping arrangements that differ from those set forth in the
25 most recent sleep recommendations of the American Academy of Pediatrics, the child care facility
26 shall be provided with written instructions, signed by the infant's licensed health care provider,
27 detailing the alternative sleep positions or special sleeping arrangements for such infant. The child
28 care facility shall put the infant to sleep in accordance with such written instructions.

29 3. As used in this section, the following terms shall mean:

30 (1) "Sudden infant death syndrome", the sudden death of an infant less than one year of age
31 that cannot be explained after a thorough investigation has been conducted, including a complete
32 autopsy, an examination of the death scene, and a review of the clinical history;

33 (2) "Sudden unexpected infant death", the sudden and unexpected death of an infant less than
34 one year of age in which the manner and cause of death are not immediately obvious prior to
35 investigation. Causes of sudden unexpected infant death include, but are not limited to, metabolic
36 disorders, hypothermia or hyperthermia, neglect or homicide, poisoning, and accidental suffocation.

37 4. All employees of licensed child care facilities who care for infants less than one year of
38 age or any volunteer who may be assisting at the facility shall successfully complete
39 department-approved training on the most recent safe sleep recommendations of the American
40 Academy of Pediatrics every three years.

41 5. The department shall promulgate rules to implement the provisions of this section. Such

1 rules shall include, but not be limited to:

2 (1) Amending any current rules which are not in compliance with the most recent safe sleep
3 recommendations of the American Academy of Pediatrics, including but not limited to 19 CSR
4 30.62-092(1)C which permits the use of bumper pads in cribs and playpens;

5 (2) Keeping soft or loose bedding away from sleeping infants and out of safe sleep
6 environments including, but not limited to, bumper pads, pillows, quilts, comforters, sleep
7 positioning devices, sheepskins, blankets, flat sheets, cloth diapers, bibs, and other similar items; and

8 (3) Prohibiting blankets or other soft or loose bedding from being hung on the sides of cribs.

9 6. The department may adopt emergency rules to implement the requirements of this section.

10 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
11 authority delegated in this section shall become effective only if it complies with and is subject to all
12 of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
13 nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to
14 review, to delay the effective date, or to disapprove and annul a rule are subsequently held
15 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the
16 effective date of this section shall be invalid and void."; and

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18 Further amend said bill by amending the title, enacting clause, and intersectional references
19 accordingly.
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