

FIRST REGULAR SESSION

HOUSE BILL NO. 358

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HANNEGAN.

1161H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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Section A. Section 210.211, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.211, to read as follows: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 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 children of personal friends of such person, and who receives custody of no other unrelated child or children;

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.

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

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

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

28 (7) Any nursery school.

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

36 3. Any child care facility not exempt from licensure shall disclose the licensure status
37 of the facility to the parents or guardians of children for which the facility provides care. No
38 child care facility exempt from licensure shall represent to any parent or guardian of children for
39 which the facility provides care that the facility is licensed when such facility is in fact not
40 licensed.

41 4. Any in-home licensed child care facility that is organized as a corporation, association,
42 firm, partnership, proprietorship, limited liability company, or any other type of business entity
43 in this state shall qualify for the exemption for related children for children who are related to
44 the member of the corporation, association, firm, partnership, proprietorship, limited liability
45 company, or other type of business entity who is responsible for the daily operation of the child
46 care facility and who meets the requirements of the child care provider. If more than one
47 member of the corporation, association, firm, partnership, proprietorship, limited liability
48 company, or other type of business entity is responsible for the daily operation of the child care
49 facility, the exemption for related children shall only be granted for children who are related to
50 one of the members. All child care facilities under this subsection shall disclose the licensure
51 status of the facility to the parents or guardians of children for which the facility provides care.

52 A parent or guardian shall sign a written notice indicating he or she is aware of the licensure
53 status of the facility. The facility shall keep a copy of this signed written notice on file. All child
54 care facilities shall provide the parent or guardian enrolling a child in the facility with a written
55 explanation of the disciplinary philosophy and policies of the child care facility.

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