

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 32
101ST GENERAL ASSEMBLY

0263H.04P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 210.211, RSMo, and to enact in lieu thereof one new section relating to licensed child care facilities, with an emergency clause.

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Section A. Section 210.211, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.211, to read as follows: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 six or fewer children, including a maximum of three children under the age of two, at the same physical address. For purposes of this subdivision, children who live in the caregiver's home and who are eligible for enrollment in a public kindergarten, elementary, or high school shall not be considered in the total number of children being cared for;

(2) 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;

(3) Any graded boarding school that is conducted in good faith primarily to provide education;

(4) Any summer camp that is conducted in good faith primarily to provide recreation;

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.

- 18 (5) Any hospital, sanitarium, or home that is conducted in good faith primarily to provide
19 medical treatment or nursing or convalescent care for children;
- 20 (6) Any residential facility or day program licensed by the department of mental health
21 under sections 630.705 to 630.760 that provides care, treatment, and habilitation exclusively to
22 children who have a primary diagnosis of mental disorder, mental illness, intellectual disability,
23 or developmental disability, as those terms are defined in section 630.005;
- 24 (7) Any school system as defined in section 210.201;
- 25 (8) Any Montessori school as defined in section 210.201;
- 26 (9) Any business that operates a child care program for the convenience of its customers
27 if the following conditions are met:
- 28 (a) The business provides child care for employees' children for no more than four hours
29 per day; and
- 30 (b) Customers remain on site while their children are being cared for by the business
31 establishment;
- 32 (10) Any home school as defined in section 167.031;
- 33 (11) Any religious organization academic preschool or kindergarten for four- and
34 five-year-old children;
- 35 (12) Any weekly Sunday or Sabbath school, a vacation bible school, or child care made
36 available while the parents or guardians are attending worship services or other meetings and
37 activities conducted or sponsored by a religious organization;
- 38 (13) Any neighborhood youth development program under section 210.278;
- 39 (14) Any religious organization elementary or secondary school;
- 40 (15) Any private organization elementary or secondary school system providing child
41 care to children younger than school age. If a facility or program is exempt from licensure based
42 upon this exception, such facility or program shall submit documentation annually to the
43 department to verify its licensure-exempt status;
- 44 (16) Any nursery school as defined in section 210.201; and
- 45 (17) Any child care facility maintained or operated under the exclusive control of a
46 religious organization. If a nonreligious organization having as its principal purpose the
47 provision of child care services enters into an arrangement with a religious organization for the
48 maintenance or operation of a child care facility, the facility is not under the exclusive control
49 of the religious organization.
- 50 2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility
51 shall be exempt from licensure if such facility receives any state or federal funds for providing
52 care for children, except for federal funds for those programs which meet the requirements for
53 participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. Section 1766.

54 Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed
55 to be funds received by a person or facility listed in subdivisions (1) and (17) of subsection 1 of
56 this section.

57 3. Any child care facility not exempt from licensure shall disclose the licensure status
58 of the facility to the parents or guardians of children for which the facility provides care. No
59 child care facility exempt from licensure shall represent to any parent or guardian of children for
60 which the facility provides care that the facility is licensed when such facility is in fact not
61 licensed. A parent or guardian shall sign a written notice indicating he or she is aware of the
62 licensure status of the facility. The facility shall keep a copy of this signed written notice on file.
63 All child care facilities shall provide the parent or guardian enrolling a child in the facility with
64 a written explanation of the disciplinary philosophy and policies of the child care facility.

65 4. **Up to two children who are five years of age or older and who are related within**
66 **the third degree of consanguinity or affinity to, adopted by, or under court appointed**
67 **guardianship or legal custody of a child care provider who is responsible for the daily**
68 **operation of a licensed family child care facility or group child care facility that is**
69 **organized as a corporation, association, firm, partnership, limited liability company, sole**
70 **proprietorship, or any other type of business entity in this state shall not be included in the**
71 **number of children counted toward the maximum number of children for which the**
72 **licensed family child care facility or group child care facility is licensed under section**
73 **210.221. If more than one member of the corporation, association, firm, partnership,**
74 **limited liability company, or other business entity is responsible for the daily operation of**
75 **the licensed family child care facility or group child care facility, then the related children**
76 **of only one such member shall be excluded. A licensed family child care facility or group**
77 **child care facility caring for children not counted in the maximum number of children, as**
78 **permitted under this subsection, shall disclose this to parents or guardians on the written**
79 **notice required under subsection 3 of this section. If a licensed family child care facility**
80 **or group child care facility begins caring for children not counted in the maximum number**
81 **of children after a parent or guardian has signed the written notice required under**
82 **subsection 3 of this section, the licensed family child care facility or group child care**
83 **facility shall provide a separate notice to the parent or guardian that the licensed family**
84 **child care facility or group child care facility is caring for children not counted in the**
85 **maximum number of children for which the licensed family child care facility or group**
86 **child care facility is licensed and shall keep a copy of the signed notice on file.**

87 5. **Nothing in this section shall prevent the department from enforcing licensing**
88 **regulations promulgated under this chapter, including, but not limited to, supervision**
89 **requirements and capacity limitations based on the amount of child care space available.**

90 **6. Notwithstanding any other provision of law to the contrary, any licensed child**
91 **care facility receiving funding for a child in the facility's care under the Child Care and**
92 **Development Block Grant Act of 2014, as amended, and not utilizing the exemptions**
93 **outlined in this section, shall abide by the licensure provisions required under this chapter**
94 **to receive such funding.**

 Section B. Because of the need for safe and adequate child care services for Missouri
2 families, section A of this act is deemed necessary for the immediate preservation of the public
3 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the
4 meaning of the constitution, and section A of this act shall be in full force and effect upon its
5 passage and approval.

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