

FIRST REGULAR SESSION

# HOUSE BILL NO. 1191

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VEIT.

2479H.02I

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 210.201 and 210.211, RSMo, and to enact in lieu thereof two new sections relating to child care facilities.

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

Section A. Sections 210.201 and 210.211, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 210.201 and 210.211, to read as follows:

210.201. As used in sections 210.201 to 210.257, the following terms mean:

- (1) "Child", an individual who is under the age of seventeen;
- (2) "Child care", care of a child away from his or her home for any part of the twenty-four-hour day for compensation or otherwise. "Child care" is a voluntary supplement to parental responsibility for the child's protection, development, and supervision;
- (3) "Child-care facility" or "child care facility", a house or other place conducted or maintained by any person who advertises or holds himself or herself out as providing child care for any part of the twenty-four-hour day for compensation or otherwise if providing child care to more than:
  - (a) Six children; or
  - (b) Three children under two years of age;
- (4) "Child care provider" or "provider", the person or persons licensed or required to be licensed under section 210.221 to establish, conduct, or maintain a child care facility;
- (5) **"Day camp", a program operated by a person or organization with the primary function of providing a recreational program for children five years of age or older and providing no child care for children under five years of age in the same building or in the same outdoor play area;**

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           **(6)** "Montessori school", a child care program that subscribes to Maria Montessori's  
19 educational philosophy and that is accredited by the American Montessori Society or the  
20 Association Montessori Internationale;

21           ~~[(6)]~~ **(7)** "Neighborhood youth development program", as described in section 210.278;

22           ~~[(7)]~~ **(8)** "Nursery school", a program operated by a person or an organization with the  
23 primary function of providing an educational program for preschool-age children for no more  
24 than four hours per day per child;

25           ~~[(8)]~~ **(9)** "Person", any individual, firm, corporation, partnership, association, agency, or  
26 an incorporated or unincorporated organization regardless of the name used;

27           ~~[(9)]~~ **(10)** "Religious organization", a church, synagogue or mosque; an entity that has  
28 or would qualify for federal tax-exempt status as a nonprofit religious organization under Section  
29 501(c) of the Internal Revenue Code; or an entity whose real estate on which the child-care  
30 facility is located is exempt from taxation because it is used for religious purposes;

31           ~~[(10)]~~ **(11)** "School system", a program established primarily for education and that  
32 meets the following criteria:

33           (a) Provides education in at least the first to the sixth grade; and

34           (b) Provides evidence that the school system's records will be accepted by a public or  
35 private school for the transfer of any student[;

36 ~~——— (11) "Summer camp", a program operated from May to September by a person or~~  
37 ~~organization with the primary function of providing a summer recreational program for children~~  
38 ~~five years of age or older and providing no child care for children under five years of age in the~~  
39 ~~same building or in the same outdoor play area].~~

210.211. 1. It shall be unlawful for any person to establish, maintain or operate a  
2 child-care facility for children, or to advertise or hold himself or herself out as being able to  
3 perform any of the services as defined in section 210.201, without having in effect a written  
4 license granted by the department of health and senior services; except that nothing in sections  
5 210.203 to 210.245 shall apply to:

6           (1) Any person who is caring for six or fewer children, including a maximum of three  
7 children under the age of two, at the same physical address. For purposes of this subdivision,  
8 children who live in the caregiver's home and who are eligible for enrollment in a public  
9 kindergarten, elementary, or high school shall not be considered in the total number of children  
10 being cared for;

11           (2) Any person who receives free of charge, and not as a business, for periods not  
12 exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or  
13 children of personal friends of such person, and who receives custody of no other unrelated child  
14 or children;

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

51           2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility  
52 shall be exempt from licensure if such facility receives any state or federal funds for providing  
53 care for children, except for federal funds for those programs which meet the requirements for  
54 participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. Section 1766.  
55 Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed  
56 to be funds received by a person or facility listed in subdivisions (1) and (17) of subsection 1 of  
57 this section.

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

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