

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By

1 AMEND House Amendment No. _____ to House Committee Substitute for House Bill No. 2227,
2 Page 2, Line 30, by deleting said line and inserting in lieu thereof the following:

3
4 "(3) A licensed attorney representing the minor in any legal matter.

5 210.203. The department of elementary and secondary education shall maintain a record of
6 substantiated, signed parental complaints against child care facilities or summer camps licensed
7 pursuant to this chapter, and shall make such complaints and findings available to the public upon
8 request.

9 210.211. 1. It shall be unlawful for any person to establish, maintain, or operate a child-care
10 facility, or for any person or organization to establish, maintain, or operate a summer camp, for
11 children, or to advertise or hold himself or herself out as being able to perform any of the services as
12 defined in section 210.201, without having in effect a written license granted by the department of
13 elementary and secondary education; except that nothing in sections 210.203 to 210.245 shall apply
14 to:

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

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

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

25 (4) Any ~~[summer or]~~ day camp that is conducted in good faith primarily to provide
26 recreation;

27 (5) Any hospital, sanitarium, or home that is conducted in good faith primarily to provide
28 medical treatment or nursing or convalescent care for children;

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1 (6) Any residential facility or day program licensed by the department of mental health
 2 under sections 630.705 to 630.760 that provides care, treatment, and habilitation exclusively to
 3 children who have a primary diagnosis of mental disorder, mental illness, intellectual disability, or
 4 developmental disability, as those terms are defined in section 630.005;

5 (7) Any school system as defined in section 210.201;

6 (8) Any Montessori school as defined in section 210.201;

7 (9) Any business that operates a child care program for the convenience of its customers or
 8 its employees if the following conditions are met:

9 (a) The business provides child care for customers' or employees' children for no more than
 10 four hours per day; and

11 (b) Customers or employees remain on site while their children are being cared for by the
 12 business establishment;

13 (10) Any home school as defined in section 167.031;

14 (11) Any religious organization academic preschool or kindergarten for four- and five-year-
 15 old children;

16 (12) Any weekly Sunday or Sabbath school, a vacation bible school, or child care made
 17 available while the parents or guardians are attending worship services or other meetings and
 18 activities conducted or sponsored by a religious organization;

19 (13) Any neighborhood youth development program under section 210.278;

20 (14) Any religious organization elementary or secondary school;

21 (15) Any private organization elementary or secondary school system providing child care
 22 to children younger than school age. If a facility or program is exempt from licensure based upon
 23 this exception, such facility or program shall submit documentation annually to the department to
 24 verify its licensure-exempt status;

25 (16) Any nursery school as defined in section 210.201; and

26 (17) Any child care facility maintained or operated under the exclusive control of a religious
 27 organization not including summer camps as defined in section 210.201. If a nonreligious
 28 organization having as its principal purpose the provision of child care services enters into an
 29 arrangement with a religious organization for the maintenance or operation of a child care facility,
 30 the facility is not under the exclusive control of the religious organization.

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

37 3. Every child care facility or summer camp shall disclose the licensure status of the facility
 38 or camp to the parents or guardians of children for which the facility provides care or for which the
 39 camp provides recreation in the summer. No child care facility exempt from licensure shall

1 represent to any parent or guardian of children for which the facility provides care that the facility is
2 licensed when such facility is in fact not licensed. A parent or guardian utilizing an unlicensed child
3 care facility shall sign a written notice indicating he or she is aware of the unlicensed status of the
4 facility. The facility shall keep a copy of this signed written notice on file. All child care facilities
5 shall provide the parent or guardian enrolling a child in the facility with a written explanation of the
6 disciplinary philosophy and policies of the child care facility.

7 4. Up to two children who are five years of age or older and who are related within the third
8 degree of consanguinity or affinity to, adopted by, or under court appointed guardianship or legal
9 custody of a child care provider who is responsible for the daily operation of a licensed family child
10 care home that is organized as a corporation, association, firm, partnership, limited liability
11 company, sole proprietorship, or any other type of business entity in this state shall not be included
12 in the number of children counted toward the maximum number of children for which the family
13 child care home is licensed under section 210.221. If more than one member of the corporation,
14 association, firm, partnership, limited liability company, or other business entity is responsible for
15 the daily operation of the licensed family child care home, then the related children of only one such
16 member shall be excluded. A family child care home caring for children not counted in the
17 maximum number of children, as permitted under this subsection, shall disclose this to parents or
18 guardians on the written notice required under subsection 3 of this section. If a family child care
19 home begins caring for children not counted in the maximum number of children after a parent or
20 guardian has signed the written notice required under subsection 3 of this section, the family child
21 care home shall provide a separate notice to the parent or guardian that the family child care home is
22 caring for children not counted in the maximum number of children for which the family child care
23 home is licensed and shall keep a copy of the signed notice on file.

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

27 6. Nothing in this section shall prevent the department from promulgating rules or
28 regulations relating to supervision requirements and capacity limitations for summer camps.

29 210.212. 1. As used in this section, the following terms mean:

30 (1) "Camp counselor", an employee of a summer camp who interacts with and is responsible
31 for the supervision and safety of children at a summer camp and engages in activities including, but
32 not limited to, planning and leading group events, maintaining a schedule of activities for children at
33 the camp, and responding to safety or behavioral incidents;

34 (2) "Medical emergency", an injury or the sudden and, at the time, unexpected onset of a
35 health condition that manifests itself by symptoms of sufficient severity that would lead a prudent
36 layperson, possessing an average knowledge of health and medicine, to believe that the absence of
37 immediate medical care could result in:

38 (a) Placing the person's health in significant jeopardy;

39 (b) Serious impairment to a bodily function;

1 (c) Serious dysfunction of any bodily organ or part; or

2 (d) Inadequately controlled pain;

3 (3) "Specialized recreational activity", an activity that may expose a child to a risk of
4 serious injury because of the inherent danger of the activity and includes, but is not limited to,
5 ziplining, diving, boating, horseback riding, rock climbing, shooting sports, high ropes courses,
6 operating all-terrain vehicles, canoeing, and aquatic activities involving a pool or other body of
7 water.

8 2. Any person or organization operating a summer camp in this state shall ensure that
9 employees of the summer camp are certified in operating equipment used in a specialized
10 recreational activity offered by the summer camp.

11 3. (1) Any person or organization operating a summer camp in this state shall establish and
12 retain onsite a written site-specific emergency plan, which shall be approved by the director of the
13 summer camp, outlining procedures that address the following emergency situations:

14 (a) Natural disasters;

15 (b) A lost child or children;

16 (c) Fires;

17 (d) Transportation emergencies;

18 (e) Medical emergencies;

19 (f) Unauthorized persons on or near the premises of the summer camp;

20 (g) Aquatic emergencies, as appropriate for the site; and

21 (h) Other emergency situations, as appropriate for the site.

22 (2) Summer camp employees, including the director and camp counselors, shall be trained
23 in implementing the emergency plan procedures provided for under subdivision (1) of this
24 subsection.

25 4. All camp counselors and any director employed by a summer camp shall be trained in
26 cardiopulmonary resuscitation and in the use of an automated external defibrillator.

27 5. Any specialized recreational activity offered by a summer camp to children attending the
28 summer camp shall be inspected annually by the relevant state department including, but not limited
29 to, the department of health and senior services, the department of public safety, or the department
30 of conservation. Such inspections may be completed by local agencies if the standards employed by
31 local personnel are substantially equivalent to state standards and local personnel are available for
32 enforcement of such standards.

33 6. Any person or organization operating a summer camp in this state shall maintain records
34 of all inspections required under subsection 5 of this section of specialized recreational activities
35 offered by the summer camp to children attending the summer camp.

36 7. The department of elementary and secondary education may promulgate all necessary
37 rules and regulations for the administration of this section. Any rule or portion of a rule, as that
38 term is defined in section 536.010, that is created under the authority delegated in this section shall
39 become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if

1 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers
2 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to
3 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
4 authority and any rule proposed or adopted after August 28, 2024, shall be invalid and void.

5 210.221. 1. The department of elementary and secondary education shall have the
6 following powers and duties:

7 (1) After inspection, to grant licenses to persons to operate child-care facilities or to grant
8 licenses to persons or organizations to operate summer camps if satisfied as to the good character
9 and intent of the applicant and that such applicant is qualified and equipped to render care or service
10 conducive to the welfare of children or to render recreational activities to children in the summer.

11 Each license shall specify the kind of child-care services the licensee is authorized to perform, the
12 number of children that can be received or maintained, and their ages;

13 (2) To inspect the conditions of the homes and other places in which the applicant operates a
14 child-care facility or to inspect the conditions of the property in which the person or organization
15 operates a summer camp, inspect their books and records, premises and children being served,
16 examine their officers and agents, deny, suspend, place on probation or revoke the license of such
17 persons as fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations
18 made by the department of elementary and secondary education. The commissioner also may
19 revoke or suspend a license when the licensee surrenders the license;

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

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

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

30 2. Any child-care facility or summer camp may request a variance from a rule or regulation
31 promulgated pursuant to this section. The request for a variance shall be made in writing to the
32 department of elementary and secondary education and shall include the reasons the facility or camp
33 is requesting the variance. The department shall approve any variance request that does not
34 endanger the health or safety of the children served by the facility or camp. The burden of proof at
35 any appeal of a disapproval of a variance application shall be with the department of elementary and
36 secondary education. Local inspectors may grant a variance, subject to approval by the department
37 of elementary and secondary education.

38 3. The department shall deny, suspend, place on probation or revoke a license if it receives
39 official written notice that the local governing body has found that license is prohibited by any local

1 law related to the health and safety of children. The department may deny an application for a
2 license if the department determines that a home or other place in which an applicant would operate
3 a child-care facility or summer camp is located within one thousand feet of any location where a
4 person required to register under sections 589.400 to 589.425 either resides, as that term is defined
5 in subsection 3 of section 566.147, or regularly receives treatment or services, excluding any
6 treatment or services delivered in a hospital, as that term is defined in section 197.020, or in
7 facilities owned or operated by a hospital system. The department may, after inspection, find the
8 licensure, denial of licensure, suspension or revocation to be in the best interest of the state.

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

19 210.231. The department of elementary and secondary education may designate to act for it,
20 with full authority of law, any instrumentality of any political subdivision of the state of Missouri
21 deemed by the department of elementary and secondary education to be competent, to investigate
22 and inspect licensees and applicants for a license. Local inspection of child care facilities or
23 summer camps may be accomplished if the standards employed by local personnel are substantially
24 equivalent to state standards and local personnel are available for enforcement of such standards.

25 210.245. 1. Any person who violates any provision of sections 210.201 to 210.245, or who
26 for such person or for any other person makes materially false statements in order to obtain a license
27 or the renewal thereof pursuant to sections 210.201 to 210.245, shall be guilty of a class C
28 misdemeanor for the first offense and shall be assessed a fine not to exceed seven hundred fifty
29 dollars and shall be guilty of a class A misdemeanor and shall be assessed a fine of up to two
30 thousand dollars per day, not to exceed a total of ten thousand dollars for subsequent offenses. In
31 case such guilty person is a corporation, association, institution or society, the officers thereof who
32 participate in such misdemeanor shall be subject to the penalties provided by law.

33 2. If the department of elementary and secondary education proposes to deny, suspend,
34 place on probation or revoke a license, the department of elementary and secondary education shall
35 serve upon the applicant or licensee written notice of the proposed action to be taken. The notice
36 shall contain a statement of the type of action proposed, the basis for it, the date the action will
37 become effective, and a statement that the applicant or licensee shall have thirty days to request in
38 writing a hearing before the administrative hearing commission and that such request shall be made
39 to the department of elementary and secondary education. If no written request for a hearing is

1 received by the department of elementary and secondary education within thirty days of the delivery
2 or mailing by certified mail of the notice to the applicant or licensee, the proposed discipline shall
3 take effect on the thirty-first day after such delivery or mailing of the notice to the applicant or
4 licensee. If the applicant or licensee makes a written request for a hearing, the department of
5 elementary and secondary education shall file a complaint with the administrative hearing
6 commission within ninety days of receipt of the request for a hearing.

7 3. The department of elementary and secondary education may issue letters of censure or
8 warning without formal notice or hearing. Additionally, the department of elementary and
9 secondary education may place a licensee on probation pursuant to chapter 621.

10 4. The department of elementary and secondary education may suspend any license
11 simultaneously with the notice of the proposed action to be taken in subsection 2 of this section, if
12 the department of elementary and secondary education finds that there is a threat of imminent bodily
13 harm to the children in care. The notice of suspension shall include the basis of the suspension and
14 the appeal rights of the licensee pursuant to this section. The licensee may appeal the decision to
15 suspend the license to the department of elementary and secondary education. The appeal shall be
16 filed within ten days from the delivery or mailing by certified mail of the notice of appeal. A
17 hearing shall be conducted by the department of elementary and secondary education within ten
18 days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of
19 the proceedings, including review thereof, unless sooner withdrawn by the department of elementary
20 and secondary education, dissolved by a court of competent jurisdiction or stayed by the
21 administrative hearing commission. Any person aggrieved by a final decision of the department
22 made pursuant to this section shall be entitled to judicial review in accordance with chapter 536.

23 5. In addition to initiating proceedings pursuant to subsection 1 of this section, or in lieu
24 thereof, the prosecuting attorney of the county where the child-care facility or summer camp is
25 located may file suit for a preliminary and permanent order overseeing or preventing the operation
26 of a child-care facility or summer camp for violating any provision of sections 210.201 to 210.245.
27 The order shall remain in force until such a time as the court determines that the child-care facility
28 or summer camp is in substantial compliance. If the prosecuting attorney refuses to act or fails to
29 act after receipt of notice from the department of elementary and secondary education, the
30 department of elementary and secondary education may request that the attorney general seek an
31 injunction of the operation of such child-care facility or summer camp.

32 6. In cases of imminent bodily harm to children in the care of a child-care facility or
33 summer camp, including an unlicensed, nonexempt facility, the department may file suit in the
34 circuit court of the county in which the child-care facility or summer camp is located for injunctive
35 relief, which may include removing the children from the facility or camp, overseeing the operation
36 of the facility or camp, or closing the facility or camp. Failure by the department to file suit under
37 the provisions of this subsection shall not be construed as creating any liability in tort or incurring
38 other obligations or duties except as otherwise specified.

1 7. Any person who operates an unlicensed, nonexempt child-care facility or summer camp
2 in violation of the provisions of sections 210.201 to 210.245 shall be liable for a civil penalty of not
3 less than seven hundred fifty dollars and not more than two thousand dollars. The department shall
4 serve upon such person written notice of the department's findings as to the child-care facility's
5 unlicensed, nonexempt status, along with educational materials about Missouri's child-care facility
6 laws and regulations, how a facility may become exempt or licensed, and penalties for operating an
7 unlicensed, nonexempt child-care facility. The notice shall contain a statement that the person shall
8 have thirty days to become compliant with sections 210.201 to 210.245, including attaining exempt
9 status or becoming licensed. The person's failure to do so shall result in a civil action in the circuit
10 court of Cole County or criminal charges under this section. If, following the receipt of the written
11 notice, the person operating the child-care facility fails to become compliant with sections 210.201
12 to 210.245, the department may bring a civil action in the circuit court of Cole County against such
13 person. The department may, but shall not be required to, request that the attorney general bring the
14 action in place of the department. No civil action provided by this subsection shall be brought if the
15 criminal penalties under subsection 1 of this section have been previously ordered against the person
16 for the same violation. Failure by the department to file suit under the provisions of this subsection
17 shall not be construed as creating any liability in tort or incurring other obligations or duties except
18 as otherwise specified.

19 8. There shall be established the "Family Child Care Provider Fund" in the state treasury,
20 which shall consist of such funds as appropriated by the general assembly. The state treasurer shall
21 be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may
22 approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used
23 solely by the department for the dissemination of information concerning compliance with child-
24 care facility or summer camp laws and regulations, including licensed or exempt status; educational
25 initiatives relating to, inter alia, child care, safe sleep practices, and child nutrition; and the provision
26 of financial assistance on the basis of need for family child-care homes to become licensed, as
27 determined by the department and subject to available moneys in the fund. Notwithstanding the
28 provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the
29 biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest
30 moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned
31 on such investments shall be credited to the fund.

32 210.252. 1. All buildings and premises used by a child-care facility to care for more than
33 six children except those exempted from the licensing provisions of the department of elementary
34 and secondary education pursuant to subdivisions (1) to (15) of subsection 1 of section 210.211[~~5~~] or
35 all buildings and premises used by a summer camp shall be inspected annually for fire and safety by
36 the state fire marshal, the marshal's designee or officials of a local fire district and for health and
37 sanitation by the department of elementary and secondary education or the department's designee,
38 including officials of the department of health and senior services, or officials of the local health

1 department. Evidence of compliance with the inspections required by this section shall be kept on
2 file and available to parents of children enrolling in the child-care facility.

3 2. Local inspection of child-care facilities or summer camps may be accomplished if the
4 standards employed by local personnel are substantially equivalent to state standards and local
5 personnel are available for enforcement of such standards.

6 3. Any child-care facility or summer camp may request a variance from a rule or regulation
7 promulgated pursuant to this section. The request for a variance shall be made in writing to the
8 department of elementary and secondary education and shall include the reasons the facility or camp
9 is requesting the variance. The department shall approve any variance request that does not
10 endanger the health or safety of the children served by the facility or camp. The burden of proof at
11 any appeal of a disapproval of a variance application shall be with the department of elementary and
12 secondary education. Local inspectors may grant a variance, subject to approval by the department
13 of elementary and secondary education.

14 4. The department of elementary and secondary education shall administer the provisions of
15 sections 210.252 to 210.256, with the cooperation of the state fire marshal, the department of health
16 and senior services, local fire departments and local health agencies.

17 5. The department of elementary and secondary education shall promulgate rules and
18 regulations to implement and administer the provisions of sections 210.252 to 210.256. Such rules
19 and regulations shall provide for the protection of children in all child-care facilities or summer
20 camps whether or not such facility or camp is subject to the licensing provisions of sections 210.201
21 to 210.245.

22 6. The department of health and senior services, after consultation with the department of
23 elementary and secondary education, may promulgate rules and regulations to implement and
24 administer the provisions of this section related to sanitation requirements. Such rules and
25 regulations shall provide for the protection of children in all child-care facilities or summer camps
26 whether or not such facility or camp is subject to the licensing provisions of sections 210.201 to
27 210.245.

28 7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
29 under the authority delegated in sections 210.252 to 210.256 shall become effective only if it
30 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
31 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and
32 repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed
33 or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This
34 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
35 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are
36 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
37 adopted after August 28, 1999, shall be invalid and void.

38 210.256. 1. Any person who violates any provision of sections 210.252 to 210.255, or who
39 for such person or for any other person makes a materially false statement in the notice of parental

1 responsibility required by sections 210.254 and 210.255, shall be guilty of an infraction for the first
2 offense and shall be assessed a fine not to exceed two hundred dollars and shall be guilty of a class
3 A misdemeanor for subsequent offenses. In case such guilty person is a corporation, association,
4 institution, or society, the officers thereof who participate in such violation shall be subject to the
5 same penalties.

6 2. In addition to initiating proceedings pursuant to subsection 1 of this section, or in lieu
7 thereof, the prosecuting attorney of the county where the child-care facility or summer camp is
8 located may file suit for a preliminary and permanent order overseeing or preventing the operation
9 of a child-care facility or summer camp for violating any provision of section 210.252. The
10 injunction shall remain in force until such time as the court determines that the child-care facility or
11 summer camp is in substantial compliance.

12 3. In cases of imminent bodily harm to children in the care of a child-care facility or
13 summer camp, the department of elementary and secondary education may apply to the circuit court
14 of the county in which the child-care facility or summer camp is located for injunctive relief, which
15 may include removing the children from the facility or camp, overseeing the operation of the facility
16 or camp, or closing the facility or camp."; and"; and

17
18 Further amend said bill by amending the title, enacting clause, and intersectional references
19 accordingly.

20
21 THIS AMENDMENT AMENDS 3974H02.04H.