

SECOND REGULAR SESSION

# HOUSE BILL NO. 2529

102ND GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE KELLY (141).

5251H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 71.796, 191.776, 210.223, 210.906, and 210.1080, RSMo, and to enact in lieu thereof six new sections relating to child care, with penalty provisions.

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

Section A. Sections 71.796, 191.776, 210.223, 210.906, and 210.1080, RSMo, are  
2 repealed and six new sections enacted in lieu thereof, to be known as sections 71.796,  
3 135.2560, 191.776, 210.223, 210.906, and 210.1080, to read as follows:

71.796. The governing body in establishing and maintaining a business district shall  
2 have all the powers necessary to carry out any and all improvements adopted in the ordinance  
3 establishing the district including:

4 (1) To close existing streets or alleys or to open new streets and alleys or to widen or  
5 narrow existing streets and alleys in whole or in part;

6 (2) To construct or install pedestrian or shopping malls, plazas, sidewalks or moving  
7 sidewalks, parks, meeting and display facilities, convention centers, arenas, bus stop shelters,  
8 lighting, benches or other seating furniture, sculptures, telephone booths, traffic signs, fire  
9 hydrants, kiosks, trash receptacles, marquees, awnings, canopies, walls and barriers,  
10 paintings, murals, alleys, shelters, display cases, fountains, rest rooms, information booths,  
11 aquariums, aviaries, tunnels and ramps, pedestrian and vehicular overpasses and underpasses,  
12 and each and every other useful or necessary or desired improvement;

13 (3) To landscape and plant trees, bushes and shrubbery, flowers and each and every  
14 and other kind of decorative planting;

15 (4) To install and operate, or to lease, public music and news facilities;

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 (5) To purchase and operate buses, minibuses, mobile benches, and other modes of  
17 transportation;

18 (6) To construct [~~and~~], operate, **lease, or contract with** child-care facilities;

19 (7) To lease space within the district for sidewalk cafe tables and chairs;

20 (8) To construct lakes, dams, and waterways of whatever size;

21 (9) To provide special police or cleaning facilities and personnel for the protection  
22 and enjoyment of the property owners and the general public using the facilities of such  
23 business district;

24 (10) To maintain, as hereinafter provided, all city-owned streets, alleys, malls,  
25 bridges, ramps, tunnels, lawns, trees and decorative plantings of each and every nature, and  
26 every structure or object of any nature whatsoever constructed or operated by the said  
27 municipality;

28 (11) To grant permits for newsstands, sidewalk cafes, and each and every other useful  
29 or necessary or desired private usage of public or private property;

30 (12) To prohibit or restrict vehicular traffic on such streets within the business district  
31 as the governing body may deem necessary and to provide the means for access by  
32 emergency vehicles to or in such areas;

33 (13) To lease, acquire, dispose of, construct, reconstruct, extend, maintain, or repair  
34 parking lots or parking garages, both above and below ground, or other facilities for the  
35 parking of vehicles, including the power to install such facilities in public areas, whether such  
36 areas are owned in fee or by easement;

37 (14) To promote business activity in the district by, but not limited to, advertising,  
38 decoration of any public place in the area, promotion of public events which are to take place  
39 on or in public places, furnishing of music in any public place, and the general promotion of  
40 trade activities in the district.

**135.2560. 1. This section shall be known and may be cited as the "Supporting  
2 Use of Child Care for Economic Stability and Security Tax Credit" or the "SUCCESS  
3 Tax Credit".**

**4 2. The general assembly of this state finds that the availability of child care  
5 supports the well-being of children, families, the workforce, and society as a whole. The  
6 SUCCESS tax credit is intended to support the use of child care by Missouri parents  
7 who work or actively look for work, in order to promote economic stability and security.**

**8 3. For the purposes of this section, the following terms mean:**

**9 (1) "Department", the department of revenue;**

**10 (2) "Eligible taxpayer", a resident individual who:**

**11 (a) Is subject to the tax imposed under chapter 143, excluding withholding tax  
12 imposed under sections 143.191 to 143.265;**

13 (b) Has a status of:

14 a. Single, head of household, qualifying widow or widower, or married filing  
15 separately and such individual has a Missouri adjusted gross income of no more than  
16 seventy-five thousand dollars; or

17 b. Married filing combined and such individual has a combined Missouri  
18 adjusted gross income of no more than one hundred fifty thousand dollars; and

19 (c) Is eligible to receive, and claims, a federal tax credit under 26 U.S.C. Section  
20 21, as amended, relating to child and dependent care expenses, for the tax year for  
21 which the tax credit under this section is sought;

22 (3) "Employment-related expenses", the same meaning as defined in 26 U.S.C.  
23 Section 21, as amended;

24 (4) "Qualifying child", a qualifying child of the eligible taxpayer as defined in 26  
25 U.S.C. Section 152, as amended, if the child was under six years of age at any time  
26 during the tax year for which the tax credit is being sought;

27 (5) "Tax credit", a credit against the tax otherwise due under chapter 143,  
28 excluding withholding tax imposed under sections 143.191 to 143.265.

29 4. For all tax years beginning on or after January 1, 2025, an eligible taxpayer  
30 shall be allowed a nonrefundable tax credit equal to the eligible taxpayer's employment-  
31 related expenses incurred for up to two qualifying children, but not exceeding the  
32 following amounts per qualifying child:

33 (1) One thousand eight hundred dollars of such expenses for each such child who  
34 was under two years of age at any time during the tax year for which the tax credit is  
35 being sought; and

36 (2) One thousand two hundred dollars of such expenses for each such child who  
37 was two years of age or older during all of the tax year and under six years of age at any  
38 time during the tax year for which the tax credit is being sought.

39 5. The tax credit shall be claimed by an eligible taxpayer at the time such  
40 taxpayer files a return and shall be applied against the income tax liability imposed by  
41 chapter 143 after reduction for all other credits allowed thereon. The tax credit  
42 authorized under this section shall be nontransferable and nonrefundable, and shall not  
43 be carried back or forward to any other tax year.

44 6. For the same tax year or for overlapping tax years, a tax credit under this  
45 proposal shall not be claimed by more than one taxpayer for the same child.

46 7. The department may promulgate rules and regulations to administer the  
47 provisions of this section. Any rule or portion of a rule, as that term is defined in section  
48 536.010, that is created under the authority delegated in this section shall become  
49 effective only if it complies with and is subject to all of the provisions of chapter 536 and,

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

55 **8. Under section 23.253 of the Missouri sunset act:**

56 **(1) The provisions of the new program authorized under this section shall**  
57 **automatically sunset on December 31, 2030, unless reauthorized by an act of the general**  
58 **assembly;**

59 **(2) If such program is reauthorized, the program authorized under this section**  
60 **shall automatically sunset six years after the effective date of the reauthorization of this**  
61 **section;**

62 **(3) This section shall terminate on September first of the calendar year**  
63 **immediately following the calendar year in which the program authorized under this**  
64 **section is sunset; and**

65 **(4) The provisions of this subsection shall not be construed to limit or in any way**  
66 **impair the department's ability to redeem tax credits authorized on or before the date**  
67 **the program authorized under this section expires, or a taxpayer's ability to redeem**  
68 **such tax credits.**

191.776. No person shall smoke or otherwise use tobacco **or marijuana** products in  
2 any area of a child care facility licensed by the department of [~~health and senior services~~]  
3 **elementary and secondary education** pursuant to the provisions of sections 210.201 to  
4 210.245 during the period of time when the children cared for under that license are present.  
5 Any person who violates the provisions of this section **relating to tobacco or tobacco**  
6 **products** shall be guilty of an infraction. **Any person who knowingly violates the**  
7 **provisions of this section relating to marijuana or marijuana products shall be guilty of**  
8 **a class B misdemeanor.**

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

7 2. When, in the opinion of the infant's licensed health care provider, an infant requires  
8 alternative sleep positions or special sleeping arrangements that differ from those set forth in  
9 the most recent sleep recommendations of the American Academy of Pediatrics, the child  
10 care facility shall be provided with written instructions, signed by the infant's licensed health

11 care provider, detailing the alternative sleep positions or special sleeping arrangements for  
12 such infant. The child care facility shall put the infant to sleep in accordance with such  
13 written instructions.

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

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

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

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

27 5. The department of elementary and secondary education shall promulgate rules to  
28 implement the provisions of this section. Such rules shall include, but not be limited to:

29 (1) Amending any current rules which are not in compliance with the most recent safe  
30 sleep recommendations of the American Academy of Pediatrics;

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

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

37 6. **Any costs incurred in completing the required department-approved training**  
38 **on safe sleep may be paid by:**

39 (1) **The employees or volunteers of the child care facility;**

40 (2) **The child care facility;**

41 (3) **A public or private third party; or**

42 (4) **The state, subject to appropriation.**

43 7. The department of elementary and secondary education may adopt emergency  
44 rules to implement the requirements of this section. Any rule or portion of a rule, as that term  
45 is defined in section 536.010, that is created under the authority delegated in this section shall  
46 become effective only if it complies with and is subject to all of the provisions of chapter 536  
47 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any

48 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the  
49 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then  
50 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015,  
51 shall be invalid and void.

210.906. 1. Every child-care worker or elder-care worker hired on or after January 1,  
2 2001, or personal-care worker hired on or after January 1, 2002, or mental health worker  
3 hired on or after January 1, 2009, shall complete a registration form provided by the  
4 department. The department shall make such forms available no later than January 1, 2001,  
5 and may, by rule, determine the specific content of such form, but every form shall:

- 6 (1) Request the valid Social Security number of the applicant;
- 7 (2) Include information on the person's right to appeal the information contained in  
8 the registry pursuant to section 210.912;
- 9 (3) Contain the signed consent of the applicant for the background checks required  
10 pursuant to this section; and
- 11 (4) Contain the signed consent for the release of information contained in the  
12 background check for employment purposes only.

13 2. Every child-care worker or elder-care worker hired on or after January 1, 2001, and  
14 every personal-care worker hired on or after January 1, 2002, and every mental health worker  
15 hired on or after January 1, 2009, shall complete a registration form within fifteen days of the  
16 beginning of such person's employment. Any person employed as a child-care, elder-care,  
17 mental health, or personal-care worker who fails to submit a completed registration form to  
18 the department of health and senior services as required by sections 210.900 to 210.936  
19 without good cause, as determined by the department, is guilty of a class B misdemeanor.

20 3. The costs of the criminal background check may be paid by:

- 21 (1) The individual applicant~~[, or by]~~;
- 22 (2) The provider if the applicant is so employed~~[, or]~~;
- 23 (3) For those applicants receiving public assistance, by the state through the terms of  
24 the self-sufficiency pact pursuant to section 208.325;
- 25 (4) **A public or private third party; or**
- 26 (5) **The state, subject to appropriation.**

27

28 Any moneys remitted to the patrol for the costs of the criminal background check shall be  
29 deposited to the credit of the criminal record system fund as required by section 43.530.

30 4. Any person licensed pursuant to sections 210.481 to 210.565 shall be automatically  
31 registered in the family care safety registry at no additional cost other than the costs required  
32 pursuant to sections 210.481 to 210.565.

33           5. Any person not required to register pursuant to the provisions of sections 210.900  
34 to 210.936 may also be included in the registry if such person voluntarily applies to the  
35 department for registration and meets the requirements of this section and section 210.909,  
36 including submitting to the background checks in subsection 1 of section 210.909.

37           6. The provisions of sections 210.900 to 210.936 shall not extend to related child  
38 care, related elder care or related personal care.

210.1080. 1. As used in this section, the following terms mean:

2           (1) "Child care provider", a person licensed, regulated, or registered to provide child  
3 care within the state of Missouri, including the member or members, manager or managers,  
4 shareholder or shareholders, director or directors, and officer or officers of any entity  
5 licensed, regulated, or registered to provide child care within the state of Missouri;

6           (2) "Child care staff member", a child care provider; persons employed by the child  
7 care provider for compensation, including contract employees or self-employed individuals;  
8 individuals or volunteers whose activities involve the care or supervision of children for a  
9 child care provider or unsupervised access to children who are cared for or supervised by a  
10 child care provider; individuals residing in a home where child care is provided who are  
11 eighteen years of age or older; or individuals residing in a home where child care is provided  
12 who are under eighteen years of age and have been certified as an adult for the commission of  
13 an offense;

14           (3) "Criminal background check":

15           (a) A Federal Bureau of Investigation fingerprint check;

16           (b) A search of the National Crime Information Center's National Sex Offender  
17 Registry; and

18           (c) A search of the following registries, repositories, or databases in Missouri, the  
19 state where the child care staff member resides, and each state where such staff member  
20 resided during the preceding five years:

21           a. The state criminal registry or repository, with the use of fingerprints being required  
22 in the state where the staff member resides and optional in other states;

23           b. The state sex offender registry or repository; and

24           c. The state-based child abuse and neglect registry and database;

25           (4) "Department", the department of elementary and secondary education;

26           (5) "Qualifying result" or "qualifying criminal background check", a finding that a  
27 child care staff member or prospective child care staff member is eligible for employment or  
28 presence in a child care setting described under this section.

29           2. (1) Prior to the employment or presence of a child care staff member in a licensed,  
30 license-exempt, or unlicensed registered child care facility, the child care provider shall

31 request the results of a criminal background check for such child care staff member from the  
32 department.

33 (2) A prospective child care staff member may begin work for a child care provider  
34 after receiving the qualifying result of either a Federal Bureau of Investigation fingerprint  
35 check or a search of the Missouri criminal registry or repository with the use of fingerprints;  
36 however, pending completion of the criminal background check, the prospective child care  
37 staff member shall be supervised at all times by another child care staff member who received  
38 a qualifying result on the criminal background check within the past five years.

39 (3) Any individual who meets the definition of child care provider but is not  
40 responsible for the oversight or direction of the child care facility and does not have  
41 independent access to the child care facility shall not **be** required to request the results of a  
42 criminal background check under this section; however, such individual shall be accompanied  
43 by an individual with a qualifying criminal background check in order to be present at the  
44 child care facility during child care hours.

45 3. The costs of the criminal background check shall be the responsibility of the child  
46 care staff member, but may be paid or reimbursed by:

47 (1) The child care provider at the provider's discretion;

48 (2) **A public or private third party; or**

49 (3) **The state, subject to appropriation.**

50

51 The fees charged for the criminal background check shall not exceed the actual cost of  
52 processing and administration.

53 4. Upon completion of the criminal background check, any child care staff member or  
54 prospective child care staff member shall be ineligible for employment or presence at a  
55 licensed or license-exempt child care facility or an unlicensed child care facility registered  
56 with the department and shall be disqualified from receipt of state or federal funds for  
57 providing child care services either by direct payment or through reimbursement to an  
58 individual who receives child care benefits if such person:

59 (1) Refuses to consent to the criminal background check as required by this section;

60 (2) Knowingly makes a materially false statement in connection with the criminal  
61 background check as required by this section;

62 (3) Is registered, or is required to be registered, on a state sex offender registry or  
63 repository or the National Sex Offender Registry;

64 (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to  
65 210.183 or any other finding of child abuse or neglect based on any other state's registry or  
66 database; or

67 (5) Has pled guilty or nolo contendere to or been found guilty of:



- 68 (a) Any felony for an offense against the person as defined in chapter 565;  
69 (b) Any other offense against the person involving the endangerment of a child as  
70 prescribed by law;
- 71 (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;  
72 (d) Any misdemeanor or felony for an offense against the family as defined in chapter  
73 568;
- 74 (e) Burglary in the first degree as defined in 569.160;  
75 (f) Any misdemeanor or felony for robbery as defined in chapter 570;  
76 (g) Any misdemeanor or felony for pornography or related offense as defined in  
77 chapter 573;
- 78 (h) Any felony for arson as defined in chapter 569;  
79 (i) Any felony for armed criminal action as defined in section 571.015, unlawful use  
80 of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in  
81 section 571.070, or the unlawful possession of an explosive as defined in section 571.072;  
82 (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or  
83 574.125;
- 84 (k) A felony drug-related offense committed during the preceding five years; or  
85 (l) Any similar offense in any federal, state, municipal, or other court of similar  
86 jurisdiction of which the department has knowledge.
- 87 5. Household members eighteen years of age or older, or household members under  
88 eighteen years of age who have been certified as an adult for the commission of an offense,  
89 shall be ineligible to maintain a presence at a home where child care is provided during child  
90 care hours if any one or more of the provisions of subsection 4 of this section apply to such  
91 members.
- 92 6. A child care provider may also be disqualified from receipt of state or federal funds  
93 for providing child care services either by direct payment or through reimbursement to an  
94 individual who receives child care benefits if such person, or any person eighteen years of age  
95 or older residing in the household in which child care is being provided, excluding child care  
96 provided in the child's home, has been refused licensure or has experienced licensure  
97 suspension or revocation under section 210.221 or 210.496.
- 98 7. A child care provider shall not be required to submit a request for a criminal  
99 background check under this section for a child care staff member if:
- 100 (1) The staff member received a qualifying criminal background check within five  
101 years before the latest date on which such a submission may be made and while employed by  
102 or seeking employment by another child care provider within Missouri;

103 (2) The departments of elementary and secondary education, health and senior  
104 services, or [ef] social services provided to the first provider a qualifying criminal  
105 background check result, consistent with this section, for the staff member; and

106 (3) The staff member is employed by a child care provider within Missouri or has  
107 been separated from employment from a child care provider within Missouri for a period of  
108 not more than one hundred eighty consecutive days.

109 8. (1) The department shall process the request for a criminal background check for  
110 any prospective child care staff member or child care staff member as expeditiously as  
111 possible, but not to exceed forty-five days after the date on which the provider submitted the  
112 request.

113 (2) The department shall provide the results of the criminal background check to the  
114 child care provider in a statement that indicates whether the prospective child care staff  
115 member or child care staff member is eligible or ineligible for employment or presence at the  
116 child care facility or receipt of state or federal funds for providing child care services either by  
117 direct payment or through reimbursement to an individual who receives child care benefits.  
118 The department shall not reveal to the child care provider any disqualifying crime or other  
119 related information regarding the prospective child care staff member or child care staff  
120 member.

121 (3) If such prospective child care staff member or child care staff member is ineligible  
122 for employment or presence at the child care facility, the department shall, when providing  
123 the results of criminal background check, include information related to each disqualifying  
124 crime or other related information, in a report to such prospective child care staff member or  
125 child care staff member, along with information regarding the opportunity to appeal under  
126 subsection 9 of this section.

127 (4) If a prospective child care provider or child care provider has been denied state or  
128 federal funds by the department for providing child care, he or she may appeal such denial to  
129 the department pursuant to section 210.027.

130 9. (1) The prospective child care staff member or child care staff member may appeal  
131 a finding of ineligibility for employment or presence at a child care facility in writing to the  
132 department to challenge the accuracy or completeness of the information contained in his or  
133 her criminal background check if his or her finding of ineligibility is based on one or more of  
134 the following offenses:

- 135 (a) Murder, as described in 18 U.S.C. Section 1111;
- 136 (b) Felony child abuse or neglect;
- 137 (c) A felony crime against children, including child pornography;
- 138 (d) Felony spousal abuse;
- 139 (e) A felony crime involving rape or sexual assault;

140 (f) Felony kidnapping;  
141 (g) Felony arson;  
142 (h) Felony physical assault or battery;  
143 (i) A violent misdemeanor offense committed as an adult against a child, including  
144 the offense of child abuse, child endangerment, or sexual assault, or a misdemeanor offense  
145 involving child pornography; or  
146 (j) Any similar offense in any federal, state, municipal, or other court.  
147 (2) If a finding of ineligibility is based on an offense not provided for in subdivision  
148 (1) of this subsection, the prospective child care staff member or child care staff member may  
149 appeal to challenge the accuracy or completeness of the information contained in his or her  
150 criminal background check or to offer information mitigating the results and explaining why  
151 an eligibility exception should be granted.  
152 (3) The written appeal shall be filed with the department within ten days from the  
153 mailing of the notice of ineligibility. The department shall attempt to verify the accuracy of  
154 the information challenged by the individual, including making an effort to locate any missing  
155 disposition information related to the disqualifying offense. After the department verifies the  
156 accuracy of the information challenged by the individual, the department shall make a final  
157 decision on the written appeal, and such decision shall be made in a timely manner. Such  
158 decision shall be considered a noncontested final agency decision by the department,  
159 appealable under section 536.150. Such decision shall be appealed within thirty days of the  
160 mailing of the decision.

161 10. Nothing in this section shall prohibit the department from requiring more frequent  
162 checks of the family care safety registry established under section 210.903 or the central  
163 registry for child abuse established under section 210.109 in order to determine eligibility for  
164 employment or presence at the child care facility or receipt of state or federal funds for  
165 providing child care services either by direct payment or through reimbursement to an  
166 individual who receives child care benefits.

167 11. The department may adopt emergency rules to implement the requirements of this  
168 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
169 created under the authority delegated in this section shall become effective only if it complies  
170 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
171 This section and chapter 536 are nonseverable and if any of the powers vested with the  
172 general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
173 disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
174 rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid  
175 and void.

176           12. The provisions of this section shall not apply to any child care facility, as defined  
177 in section 210.201, maintained or operated under the exclusive control of a religious  
178 organization, as described in subdivision (17) of subsection 1 of section 210.211, unless such  
179 facility is a recipient of federal funds for providing care for children, except for federal funds  
180 for those programs that meet the requirements for participation in the Child and Adult Care  
181 Food Program under 42 U.S.C. Section 1766.

✓