

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/House Bill No. 556, Page 7, Section 210.148, Line 6,

by inserting immediately after all of said line the following:

"210.221. 1. The department of health and senior services shall have the following powers and duties:

(1) After inspection, to grant licenses to persons to operate child-care facilities if satisfied as to the good character and intent of the applicant and that such applicant is qualified and equipped to render care or service conducive to the welfare of children, and to renew the same when expired. No license shall be granted for a term exceeding two years. Each license shall specify the kind of child-care services the licensee is authorized to perform, the number of children that can be received or maintained, and their ages and sex;

(2) To inspect the conditions of the homes and other places in which the applicant operates a child-care facility, inspect their books and records, premises and children being served, examine their officers and agents, deny, suspend, place on probation or revoke the license of such persons as fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the department of health and senior services. The director also may revoke or suspend a license when the

1 licensee fails to renew or surrenders the license;

2 (3) To promulgate and issue rules and regulations the
3 department deems necessary or proper in order to establish
4 standards of service and care to be rendered by such licensees to
5 children. No rule or regulation promulgated by the division
6 shall in any manner restrict or interfere with any religious
7 instruction, philosophies or ministries provided by the facility
8 and shall not apply to facilities operated by religious
9 organizations which are not required to be licensed; [and]

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

13 (5) To determine what records shall be kept by such persons
14 and the form thereof, and the methods to be used in keeping such
15 records, and to require reports to be made to the department at
16 regular intervals.

17 2. Any child-care facility may request a variance from a
18 rule or regulation promulgated pursuant to this section. The
19 request for a variance shall be made in writing to the department
20 of health and senior services and shall include the reasons the
21 facility is requesting the variance. The department shall
22 approve any variance request that does not endanger the health or
23 safety of the children served by the facility. The burden of
24 proof at any appeal of a disapproval of a variance application
25 shall be with the department of health and senior services.
26 Local inspectors may grant a variance, subject to approval by the
27 department of health and senior services.

28 3. The department shall deny, suspend, place on probation
29 or revoke a license if it receives official written notice that

1 the local governing body has found that license is prohibited by
2 any local law related to the health and safety of children. The
3 department may, after inspection, find the licensure, denial of
4 licensure, suspension or revocation to be in the best interest of
5 the state.

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

22 210.223. 1. All licensed child care facilities that
23 provide care for children less than one year of age shall
24 implement and maintain a written safe sleep policy in accordance
25 with the most recent safe sleep recommendations of the American
26 Academy of Pediatrics. The purpose of the safe sleep policy is
27 to maintain a safe sleep environment that reduces the risk of
28 sudden infant death syndrome and sudden unexpected infant deaths
29 in children less than one year of age.

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

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

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

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

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

29 5. The department shall promulgate rules to implement the

1 provisions of this section. Such rules shall include, but not be
2 limited to:

3 (1) Amending any current rules which are not in compliance
4 with the most recent safe sleep recommendations of the American
5 Academy of Pediatrics, including but not limited to 19 CSR 30.62-
6 092(1)C which permits the use of bumper pads in cribs or
7 playpens;

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

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

15 6. The department may adopt emergency rules to implement
16 the requirements of this section. Any rule or portion of a rule,
17 as that term is defined in section 536.010, that is created under
18 the authority delegated in this section shall become effective
19 only if it complies with and is subject to all of the provisions
20 of chapter 536 and, if applicable, section 536.028. This section
21 and chapter 536 are nonseverable and if any of the powers vested
22 with the general assembly pursuant to chapter 536 to review, to
23 delay the effective date, or to disapprove and annul a rule are
24 subsequently held unconstitutional, then the grant of rulemaking
25 authority and any rule proposed or adopted after the effective
26 date of this section shall be invalid and void."; and

27 Further amend the title and enacting clause accordingly.