

SECOND REGULAR SESSION

SENATE BILL NO. 1026

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

Read 1st time February 20, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5481S.02I

AN ACT

To repeal section 210.211, RSMo, and to enact in lieu thereof one new section relating to in-home 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Section A. Section 210.211, RSMo, is repealed and one new section
2 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
2 operate a child-care facility for children, or to advertise or hold himself or herself
3 out as being able to perform any of the services as defined in section 210.201,
4 without having in effect a written license granted by the department of health
5 and senior services; except that nothing in sections 210.203 to 210.245 shall apply
6 to:

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

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

17 (3) Any graded boarding school, summer camp, hospital, sanitarium or
18 home which is conducted in good faith primarily to provide education, recreation,
19 medical treatment, or nursing or convalescent care for children;

20 (4) Any child-care facility maintained or operated under the exclusive

21 control of a religious organization. When a nonreligious organization, having as
22 its principal purpose the provision of child-care services, enters into an
23 arrangement with a religious organization for the maintenance or operation of a
24 child-care facility, the facility is not under the exclusive control of the religious
25 organization;

26 (5) Any residential facility or day program licensed by the department of
27 mental health pursuant to sections 630.705 to 630.760 which provides care,
28 treatment and habilitation exclusively to children who have a primary diagnosis
29 of mental disorder, mental illness, intellectual disability or developmental
30 disability, as defined in section 630.005; and

31 (6) Any nursery school.

32 2. Notwithstanding the provisions of subsection 1 of this section, no
33 child-care facility shall be exempt from licensure if such facility receives any state
34 or federal funds for providing care for children, except for federal funds for those
35 programs which meet the requirements for participation in the Child and Adult
36 Care Food Program pursuant to 42 U.S.C. Section 1766. Grants to parents for
37 child care pursuant to sections 210.201 to 210.257 shall not be construed to be
38 funds received by a person or facility listed in subdivisions (1) and (4) of
39 subsection 1 of this section.

40 3. Any child care facility not exempt from licensure shall disclose the
41 licensure status of the facility to the parents or guardians of children for which
42 the facility provides care. No child care facility exempt from licensure shall
43 represent to any parent or guardian of children for which the facility provides
44 care that the facility is licensed when such facility is in fact not licensed. A
45 parent or guardian shall sign a written notice indicating he or she is aware of the
46 licensure status of the facility. The facility shall keep a copy of this signed
47 written notice on file. All child care facilities shall provide the parent or
48 guardian enrolling a child in the facility with a written explanation of the
49 disciplinary philosophy and policies of the child care facility.

50 **4. Children who are related within the third degree of**
51 **consanguinity or affinity to a child care provider who is responsible for**
52 **the daily operation of an in-home licensed child care facility that is**
53 **organized as a corporation, association, firm, partnership, limited**
54 **liability company, or any other type of business entity in this state**
55 **shall not be included in the number of children counted toward the**
56 **maximum number of children for which the facility is licensed under**

57 **section 210.221. If more than one member of the corporation,**
58 **association, firm, partnership, limited liability company, or other**
59 **business entity is responsible for the daily operation of the facility,**
60 **then the related children of only one such member shall be excluded.**

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

Unofficial

✓

Bill

Copy