

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1550**  
**101ST GENERAL ASSEMBLY**

3704H.05C

DANA RADEMAN MILLER, Chief Clerk

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**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.

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*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Section A. Sections 210.201 and 210.211, RSMo, are repealed and two new sections  
2 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:

2 (1) "Child", an individual who is under the age of seventeen;

3 (2) "Child care", care of a child away from his or her home for any part of the twenty-  
4 four-hour day for compensation or otherwise. Child care is a voluntary supplement to  
5 parental responsibility for the child's protection, development, and supervision;

6 (3) "Child-care facility" or "child care facility", a house or other place conducted or  
7 maintained by any person who advertises or holds himself or herself out as providing child  
8 care for any part of the twenty-four-hour day for compensation or otherwise if providing child  
9 care to more than:

10 (a) Six children; or

11 (b) Three children under two years of age;

12 (4) "Child care provider" or "provider", the person or persons licensed or required to  
13 be licensed under section 210.221 to establish, conduct, or maintain a child care facility;

14 (5) "**Day camp**", a program operated by a person or organization between the  
15 hours of 6:00 a.m. and 7:00 p.m. when a local school system is not in session requiring  
16 actual pupil attendance with the primary function of providing a recreational program  
17 for children five years of age or older who are enrolled in kindergarten or any grade  
18 above kindergarten but providing no child care for children under five years of age who

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.

19 **are not yet enrolled in kindergarten in the same space or in the same outdoor play area**  
20 **simultaneously;**

21 (6) "Montessori school", a child care program that is either accredited by, actively  
22 seeking accreditation by, or maintains an active school membership with the American  
23 Montessori Society, the Association Montessori Internationale, the International Montessori  
24 Counsel, or the Montessori Educational Programs International;

25 ~~[(6)]~~ (7) "Neighborhood youth development program", as described in section  
26 210.278;

27 ~~[(7)]~~ (8) "Nursery school", a program operated by a person or an organization with  
28 the primary function of providing an educational program for preschool-age children for no  
29 more than four hours per day per child;

30 ~~[(8)]~~ (9) "Person", any individual, firm, corporation, partnership, association, agency,  
31 or an incorporated or unincorporated organization regardless of the name used;

32 ~~[(9)]~~ (10) "Religious organization", a church, synagogue or mosque; an entity that has  
33 or would qualify for federal tax-exempt status as a nonprofit religious organization under  
34 Section 501(c) of the Internal Revenue Code; or an entity whose real estate on which the  
35 child-care facility is located is exempt from taxation because it is used for religious purposes;

36 ~~[(10)]~~ (11) "School system", a program established primarily for education and that  
37 meets the following criteria:

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

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

41 ~~[(11)]~~ (12) "Summer camp", a program operated from May to September by a person  
42 or organization with the primary function of providing a summer recreational program for  
43 children five years of age or older and providing no child care for children under five years of  
44 age in the same ~~[building]~~ **space** or in the same outdoor play area **simultaneously**.

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  
5 sections 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  
10 children 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  
14 child or children;
- 15 (3) Any graded boarding school that is conducted in good faith primarily to provide  
16 education;
- 17 (4) Any summer **or 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  
20 provide medical treatment or nursing or convalescent care for children;
- 21 (6) Any residential facility or day program licensed by the department of mental  
22 health under sections 630.705 to 630.760 that provides care, treatment, and habilitation  
23 exclusively to children who have a primary diagnosis of mental disorder, mental illness,  
24 intellectual disability, or developmental disability, as those terms are defined in section  
25 630.005;
- 26 (7) Any school system as defined in section 210.201;
- 27 (8) Any Montessori school as defined in section 210.201;
- 28 (9) Any business that operates a child care program for the convenience of its  
29 customers if the following conditions are met:
- 30 (a) The business provides child care for employees' children for no more than four  
31 hours per day; and
- 32 (b) Customers remain on site while their children are being cared for by the business  
33 establishment;
- 34 (10) Any home school as defined in section 167.031;
- 35 (11) Any religious organization academic preschool or kindergarten for four- and  
36 five-year-old children;
- 37 (12) Any weekly Sunday or Sabbath school, a vacation bible school, or child care  
38 made available while the parents or guardians are attending worship services or other  
39 meetings and activities conducted or sponsored by a religious organization;
- 40 (13) Any neighborhood youth development program under section 210.278;
- 41 (14) Any religious organization elementary or secondary school;
- 42 (15) Any private organization elementary or secondary school system providing child  
43 care to children younger than school age. If a facility or program is exempt from licensure  
44 based upon this exception, such facility or program shall submit documentation annually to  
45 the department to verify its licensure-exempt status;
- 46 (16) Any nursery school as defined in section 210.201; and

47 (17) Any child care facility maintained or operated under the exclusive control of a  
48 religious organization. If a nonreligious organization having as its principal purpose the  
49 provision of child care services enters into an arrangement with a religious organization for  
50 the maintenance or operation of a child care facility, the facility is not under the exclusive  
51 control of the religious organization.

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

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

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