

SECOND REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

# SENATE BILL NO. 1111

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLACK.

4268S.03P

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 210.201, 210.211, 210.252, and 210.275, RSMo, and to enact in lieu thereof ten new sections relating to the regulation of child care.

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

Section A. Sections 210.201, 210.211, 210.252, and  
2 210.275, RSMo, are repealed and ten new sections enacted in  
3 lieu thereof, to be known as sections 192.2550, 192.2552,  
4 192.2554, 192.2556, 192.2558, 192.2560, 210.201, 210.211,  
5 210.252, and 210.275, to read as follows:

**192.2550. As used in sections 192.2550 to 192.2560,  
2 the following terms mean:**

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

5 **(2) "Department", the department of health and senior  
6 services;**

7 **(3) "Eligible child", an individual who is under the  
8 age of six years and has complex medical needs requiring  
9 continuous skilled nursing intervention of at least four  
10 hours per day, as ordered by a physician;**

11 **(4) "Person", any individual, firm, corporation,  
12 partnership, association, agency, incorporated or**

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13 unincorporated organization, or other legal entity,  
14 regardless of the name used;

15 (5) "Prescribed pediatric extended care facility", a  
16 facility providing medically necessary multidisciplinary  
17 services to eligible children in a child care facility  
18 licensed by the department of elementary and secondary  
19 education under chapter 210. Multidisciplinary services  
20 include skilled nursing, personal care, nutritional  
21 assessment, developmental assessment, and speech, physical,  
22 and occupational therapy services, as ordered by a physician;

23 (6) "Prescribed pediatric extended care provider" or  
24 "provider", the person or persons licensed or required to be  
25 licensed under sections 192.2550 to 192.2560 to establish,  
26 conduct, or maintain, a prescribed pediatric extended care  
27 facility.

192.2552. 1. Beginning on August 28, 2025, it shall  
2 be unlawful for any person to establish, maintain, or  
3 operate a prescribed pediatric extended care facility, or to  
4 advertise or hold himself or herself out as being able to  
5 perform any of the services of a prescribed pediatric  
6 extended care facility, without having in effect a written  
7 license granted by the department.

8 2. Nothing in sections 192.2550 to 192.2560 shall be  
9 construed to apply to:

10 (1) Any child care facility that provides care to  
11 eligible children with a caregiver staffing ratio of not  
12 fewer than one licensed nurse present for every one eligible  
13 child present, unless said facility voluntarily applies for  
14 licensure as a prescribed pediatric extended care facility;

15 (2) Any hospital, sanitarium, or home that is  
16 conducted in good faith primarily to provide medical  
17 treatment or nursing or convalescent care for children; or

18           (3) Any program licensed by the department of mental  
19 health under sections 630.705 to 630.760 that provides care,  
20 treatment, and habilitation exclusively to children who have  
21 a primary diagnosis of mental disorder, mental illness,  
22 intellectual disability, or developmental disability, as  
23 those terms are defined in section 630.005.

          192.2554. 1. The department shall have the following  
2 powers and duties:

3           (1) After inspection, to grant licenses to persons to  
4 operate prescribed pediatric extended care facilities if  
5 satisfied as to the good character and intent of the  
6 applicant and that such applicant is qualified and equipped  
7 to render care or service conducive to the welfare of  
8 children;

9           (2) To inspect the conditions of the places in which  
10 the applicant operates a prescribed pediatric extended care  
11 facility; inspect their books and records, premises, and  
12 numbers of children to be served, provided that the  
13 department shall not interview a child without the consent  
14 of the child's parents or guardian; examine their officers  
15 and agents; and deny, immediately suspend, place on  
16 probation, or revoke the license of such persons as fail to  
17 obey the provisions of sections 192.2550 to 192.2560. The  
18 director may revoke or suspend a license when the licensee  
19 surrenders the license; and

20           (3) To promulgate rules and regulations the department  
21 deems necessary or proper in order to establish standards of  
22 service and care to be rendered by such licensees to  
23 children. Such rules and regulations shall include, at a  
24 minimum, requirements related to the following:

- 25           (a) Staffing;  
26           (b) Fire safety;

- 27 (c) Sanitation, including infection control;  
28 (d) Equipment; and  
29 (e) Record keeping.

30 2. (1) The department shall have the right to enter  
31 the premises of any prescribed pediatric extended care  
32 facility or potential facility pursuant to an announced  
33 inspection at any time during the hours of operation of a  
34 facility to determine compliance with sections 192.2550 to  
35 192.2560 and applicable rules promulgated pursuant thereto.  
36 Entry shall also be granted for investigative purposes  
37 involving complaints regarding the operations of a  
38 prescribed pediatric extended care facility. The department  
39 may make inspections, announced to the applicant for or  
40 holder of a license twenty-four hours in advance of the  
41 inspection, as it deems necessary to carry out the  
42 provisions of sections 192.2550 to 192.2560.

43 (2) Notwithstanding the provisions of subdivision (1)  
44 of this subsection, the department may make unannounced  
45 inspections as necessary to investigate allegations of abuse  
46 or neglect of a child served by the facility.

47 3. The applicant for or holder of a license shall  
48 cooperate with the investigation and inspection.

49 4. Failure to comply with any lawful request of the  
50 department in connection with the investigation and  
51 inspection is a ground for refusal to issue a license or for  
52 the revocation of a license.

53 5. Any prescribed pediatric extended care facility may  
54 request a variance from a rule or regulation promulgated  
55 pursuant to sections 192.2550 to 192.2560. The request for  
56 a variance shall be made in writing to the department and  
57 shall include the reasons the facility is requesting the  
58 variance. The department shall not approve any variance

59 request that endangers the health or safety of the children  
60 served by the facility.

61         6. Any rule or portion of a rule, as that term is  
62 defined in section 536.010, that is created under the  
63 authority delegated in sections 192.2550 to 192.2560 shall  
64 become effective only if it complies with and is subject to  
65 all of the provisions of chapter 536 and, if applicable,  
66 section 536.028. This section and chapter 536 are  
67 nonseverable and if any of the powers vested with the  
68 general assembly pursuant to chapter 536 to review, to delay  
69 the effective date, or to disapprove and annul a rule are  
70 subsequently held unconstitutional, then the grant of  
71 rulemaking authority and any rule proposed or adopted after  
72 August 28, 2024, shall be invalid and void.

       192.2556. 1. All applicants for or holders of a  
2 license to operate a prescribed pediatric extended care  
3 facility shall have an active, nonsuspended license to  
4 operate a child care facility issued by the department of  
5 elementary and secondary education.

6         2. All persons employed by the prescribed pediatric  
7 extended care facility for compensation, including contract  
8 employees or self-employed individuals, and individuals or  
9 volunteers whose activities involve the care or supervision  
10 of children for a prescribed pediatric extended care  
11 provider or unsupervised access to children who are cared  
12 for or supervised by a prescribed pediatric extended care  
13 provider shall be considered a child care staff member, as  
14 that term is defined in section 210.1080, and shall comply  
15 with all requirements under that section and regulations  
16 promulgated pursuant thereto.

       192.2558. 1. If the department proposes to deny,  
2 place on probation, or revoke a license, the department

3 shall serve upon the applicant or licensee written notice of  
4 the proposed action to be taken. The notice shall contain a  
5 statement of the type of action proposed, the basis for it,  
6 the date the action will become effective, and a statement  
7 that the applicant or licensee shall have thirty days to  
8 request in writing a hearing before the administrative  
9 hearing commission and that such request shall be made to  
10 the department. If no written request for a hearing is  
11 received by the department within thirty days of the  
12 delivery or mailing by certified mail of the notice to the  
13 applicant or licensee, then the proposed discipline shall  
14 take effect on the thirty-first day after such delivery or  
15 mailing of the notice to the applicant or licensee. If the  
16 applicant or licensee makes a written request for a hearing,  
17 the department shall file a complaint with the  
18 administrative hearing commission within thirty days of  
19 receipt of the request for a hearing.

20 2. The department shall immediately suspend and  
21 propose to revoke any prescribed pediatric extended care  
22 facility license if the department of elementary and  
23 secondary education immediately suspends the licensee's  
24 license to operate a child care facility. The immediate  
25 suspension of the license to operate a child care facility  
26 shall be sufficient grounds for the department of health and  
27 senior services to immediately suspend and revoke the  
28 prescribed pediatric extended care license.

29 3. The department shall immediately suspend and  
30 propose to revoke any prescribed pediatric extended care  
31 license if the department of elementary and secondary  
32 education revokes the licensee's license to operate a child  
33 care facility. The revocation of the license to operate a  
34 child care facility shall be sufficient grounds for the

35 department of health and senior services to immediately  
36 suspend and revoke the prescribed pediatric extended care  
37 license.

38 4. The department may immediately suspend any license  
39 simultaneously with the notice of the proposed action to be  
40 taken in subsection 1 of this section if the department  
41 finds that there is a threat of imminent bodily harm to the  
42 children in the care of the prescribed pediatric extended  
43 care facility.

44 5. The notice of immediate suspension shall include  
45 the basis of the immediate suspension and the appeal rights  
46 of the licensee pursuant to this section. The licensee may  
47 appeal the decision to immediately suspend the license to  
48 the department. The appeal shall be filed within ten days  
49 from the delivery or mailing by certified mail of the notice  
50 of appeal. A hearing shall be conducted by the department  
51 within fifteen days from the date the appeal is filed. The  
52 immediate suspension shall continue in effect until the  
53 conclusion of the proceedings, including review thereof,  
54 unless sooner withdrawn by the department or stayed by a  
55 court of competent jurisdiction.

56 6. Any person aggrieved by a final decision of the  
57 department made in the administration of sections 192.2550  
58 to 192.2560 shall be entitled to judicial review thereof as  
59 provided in chapter 536.

60 7. In cases of imminent bodily harm to children in the  
61 care of a prescribed pediatric extended care facility,  
62 including an unlicensed facility not exempt under section  
63 192.2552, the department may file suit in the circuit court  
64 of the county in which the prescribed pediatric extended  
65 care facility is located for injunctive relief, which may  
66 include removing children from the facility, overseeing the

67 operation of the facility, or closing the facility. The  
68 department may request that the attorney general bring the  
69 action in place of the department. Failure by the  
70 department to file suit under the provisions of this  
71 subsection shall not be construed as creating any civil  
72 liability or incurring other obligations or duties, except  
73 as otherwise specified.

192.2560. 1. Nothing contained in sections 192.2550  
2 to 192.2560 shall permit the public disclosure by the  
3 department of confidential medical, social, personal, or  
4 financial records of any child in the care of any prescribed  
5 pediatric extended care facility, except when disclosed in a  
6 manner which does not identify any child or when ordered to  
7 do so by a court of competent jurisdiction. Such records  
8 shall be accessible without court order for examination and  
9 copying only to the following persons or offices, or to  
10 their designees:

11 (1) The department or any person or agency designated  
12 by the department;

13 (2) The department of elementary and secondary  
14 education or any person or agency designated by the  
15 department of elementary and secondary education;

16 (3) The department of social services or any person or  
17 agency designated by the department of social services;

18 (4) The attorney general;

19 (5) Any appropriate law enforcement agency;

20 (6) Any appropriate prosecutor's office; and

21 (7) The child's parent or guardian, or any other  
22 person designated by the child's parent or guardian.

23 2. Inspection reports and written reports of  
24 investigations of complaints and complaints received by the  
25 department relating to the quality of care of children in



26 the care of a prescribed pediatric extended care provider  
27 shall be accessible to the public for examination and  
28 copying, provided that such reports are disclosed in a  
29 manner which does not identify the complainant or any  
30 particular child.

210.201. As used in sections 210.201 to 210.257, the  
2 following terms mean:

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

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

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

16 (a) Six children; or

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

18 (4) "Child care provider" or "provider", the person or  
19 persons licensed or required to be licensed under section  
20 210.221 to establish, conduct, or maintain a child care  
21 facility;

22 (5) "Day camp", a program operated by a person or  
23 organization between the hours of 6:00 a.m. and 7:00 p.m.,  
24 when a local school system is not in session requiring  
25 actual pupil attendance, and with the primary function of  
26 providing a recreational program for children five years of  
27 age or older who are enrolled in kindergarten or any grade

28 above kindergarten, but providing no child care for children  
29 under five years of age who are not yet enrolled in  
30 kindergarten in the same space or in the same outdoor play  
31 area simultaneously;

32 (6) "Montessori school", a child care program that is  
33 either accredited by, actively seeking accreditation by, or  
34 maintains an active school membership with the American  
35 Montessori Society, the Association Montessori  
36 Internationale, the International Montessori Counsel, or the  
37 Montessori Educational Programs International;

38 (7) "Neighborhood youth development program", as  
39 described in section 210.278;

40 (8) "Nursery school", a program operated by a person  
41 or an organization with the primary function of providing an  
42 educational program for preschool-age children for no more  
43 than four hours per day per child;

44 (9) "Person", any individual, firm, corporation,  
45 partnership, association, agency, or an incorporated or  
46 unincorporated organization regardless of the name used;

47 (10) "Religious organization", a church, synagogue or  
48 mosque; an entity that has or would qualify for federal tax-  
49 exempt status as a nonprofit religious organization under  
50 Section 501(c) of the Internal Revenue Code; or an entity  
51 whose real estate on which the child-care facility is  
52 located is exempt from taxation because it is used for  
53 religious purposes;

54 (11) **"School-age child", any child five years of age  
55 or older who is in kindergarten or above;**

56 (12) "School system", a program established primarily  
57 for education and that meets the following criteria:

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

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

63 [(12)] (13) "Summer camp", a program operated from May  
64 to September by a person or organization with the primary  
65 function of providing a summer recreational program for  
66 children five years of age or older and providing no child  
67 care for children under five years of age in the same space  
68 or in the same outdoor play area simultaneously.

210.211. 1. It shall be unlawful for any person to  
2 establish, maintain or operate a child-care facility for  
3 children, or to advertise or hold himself or herself out as  
4 being able to perform any of the services as defined in  
5 section 210.201, without having in effect a written license  
6 granted by the department of elementary and secondary  
7 education; except that nothing in sections 210.203 to  
8 210.245 shall apply to:

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

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

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

23           (4) Any summer or day camp that is conducted in good  
24 faith primarily to provide recreation;

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

28           (6) Any residential facility or day program licensed  
29 by the department of mental health under sections 630.705 to  
30 630.760 that provides care, treatment, and habilitation  
31 exclusively to children who have a primary diagnosis of  
32 mental disorder, mental illness, intellectual disability, or  
33 developmental disability, as those terms are defined in  
34 section 630.005;

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

36           (8) Any Montessori school as defined in section  
37 210.201;

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

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

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

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

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

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

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

55           (14) **Any program serving only children enrolled in**  
56 **grade six or above;**

57           (15) Any religious organization elementary or  
58 secondary school;

59           [(15)] (16) Any private organization elementary or  
60 secondary school system providing child care to children  
61 younger than school age. If a facility or program is exempt  
62 from licensure based upon this exception, such facility or  
63 program shall submit documentation annually to the  
64 department to verify its licensure-exempt status;

65           [(16)] (17) Any nursery school as defined in section  
66 210.201; and

67           [(17)] (18) Any child care facility maintained or  
68 operated under the exclusive control of a religious  
69 organization. If a nonreligious organization having as its  
70 principal purpose the provision of child care services  
71 enters into an arrangement with a religious organization for  
72 the maintenance or operation of a child care facility, the  
73 facility is not under the exclusive control of the religious  
74 organization.

75           2. Notwithstanding the provisions of subsection 1 of  
76 this section, no child-care facility shall be exempt from  
77 licensure if such facility receives any state or federal  
78 funds for providing care for children, except for federal  
79 funds for those programs which meet the requirements for  
80 participation in the Child and Adult Care Food Program  
81 pursuant to 42 U.S.C. Section 1766. Grants to parents for  
82 child care pursuant to sections 210.201 to 210.257 shall not  
83 be construed to be funds received by a person or facility  
84 listed in subdivisions (1) and [(17)] (18) of subsection 1  
85 of this section.

86           3. Every child care facility shall disclose the  
87 licensure status of the facility to the parents or guardians  
88 of children for which the facility provides care. No child  
89 care facility exempt from licensure shall represent to any  
90 parent or guardian of children for which the facility  
91 provides care that the facility is licensed when such  
92 facility is in fact not licensed. A parent or guardian  
93 utilizing an unlicensed child care facility shall sign a  
94 written notice indicating he or she is aware of the  
95 unlicensed status of the facility. The facility shall keep  
96 a copy of this signed written notice on file. All child  
97 care facilities shall provide the parent or guardian  
98 enrolling a child in the facility with a written explanation  
99 of the disciplinary philosophy and policies of the child  
100 care facility.

101           4. Up to two children who are five years of age or  
102 older and who are related within the third degree of  
103 consanguinity or affinity to, adopted by, or under court  
104 appointed guardianship or legal custody of a child care  
105 provider who is responsible for the daily operation of a  
106 licensed family child care home that is organized as a  
107 corporation, association, firm, partnership, limited  
108 liability company, sole proprietorship, or any other type of  
109 business entity in this state shall not be included in the  
110 number of children counted toward the maximum number of  
111 children for which the family child care home is licensed  
112 under section 210.221. If more than one member of the  
113 corporation, association, firm, partnership, limited  
114 liability company, or other business entity is responsible  
115 for the daily operation of the licensed family child care  
116 home, then the related children of only one such member  
117 shall be excluded. A family child care home caring for

118 children not counted in the maximum number of children, as  
119 permitted under this subsection, shall disclose this to  
120 parents or guardians on the written notice required under  
121 subsection 3 of this section. If a family child care home  
122 begins caring for children not counted in the maximum number  
123 of children after a parent or guardian has signed the  
124 written notice required under subsection 3 of this section,  
125 the family child care home shall provide a separate notice  
126 to the parent or guardian that the family child care home is  
127 caring for children not counted in the maximum number of  
128 children for which the family child care home is licensed  
129 and shall keep a copy of the signed notice on file.

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

210.252. 1. All buildings and premises used by a  
2 child-care facility to care for more than six children  
3 except those exempted from the licensing provisions of the  
4 department of elementary and secondary education pursuant to  
5 subdivisions (1) to [(15)] (16) of subsection 1 of section  
6 210.211, shall be inspected annually for fire and safety by  
7 the state fire marshal, the marshal's designee or officials  
8 of a local fire district and for health and sanitation by  
9 the department of elementary and secondary education or the  
10 department's designee, including officials of the department  
11 of health and senior services, or officials of the local  
12 health department. Evidence of compliance with the  
13 inspections required by this section shall be kept on file  
14 and available to parents of children enrolling in the child-  
15 care facility.

16           2. Local inspection of child-care facilities may be  
17 accomplished if the standards employed by local personnel  
18 are substantially equivalent to state standards and local  
19 personnel are available for enforcement of such standards.

20           3. Any child-care facility may request a variance from  
21 a rule or regulation promulgated pursuant to this section.  
22 The request for a variance shall be made in writing to the  
23 department of elementary and secondary education and shall  
24 include the reasons the facility is requesting the variance.

25           The department shall approve any variance request that does  
26 not endanger the health or safety of the children served by  
27 the facility. The burden of proof at any appeal of a  
28 disapproval of a variance application shall be with the  
29 department of elementary and secondary education. Local  
30 inspectors may grant a variance, subject to approval by the  
31 department of elementary and secondary education.

32           4. The department of elementary and secondary  
33 education shall administer the provisions of sections  
34 210.252 to 210.256, with the cooperation of the state fire  
35 marshal, the department of health and senior services, local  
36 fire departments and local health agencies.

37           5. The department of elementary and secondary  
38 education shall promulgate rules and regulations to  
39 implement and administer the provisions of sections 210.252  
40 to 210.256. Such rules and regulations shall provide for  
41 the protection of children in all child-care facilities  
42 whether or not such facility is subject to the licensing  
43 provisions of sections 210.201 to 210.245.

44           6. The department of health and senior services, after  
45 consultation with the department of elementary and secondary  
46 education, may promulgate rules and regulations to implement  
47 and administer the provisions of this section related to



48 sanitation requirements. Such rules and regulations shall  
49 provide for the protection of children in all child-care  
50 facilities whether or not such facility is subject to the  
51 licensing provisions of sections 210.201 to 210.245.

52 7. Any rule or portion of a rule, as that term is  
53 defined in section 536.010, that is created under the  
54 authority delegated in sections 210.252 to 210.256 shall  
55 become effective only if it complies with and is subject to  
56 all of the provisions of chapter 536 and, if applicable,  
57 section 536.028. All rulemaking authority delegated prior  
58 to August 28, 1999, is of no force and effect and repealed.  
59 Nothing in this section shall be interpreted to repeal or  
60 affect the validity of any rule filed or adopted prior to  
61 August 28, 1999, if it fully complied with all applicable  
62 provisions of law. This section and chapter 536 are  
63 nonseverable and if any of the powers vested with the  
64 general assembly pursuant to chapter 536 to review, to delay  
65 the effective date or to disapprove and annul a rule are  
66 subsequently held unconstitutional, then the grant of  
67 rulemaking authority and any rule proposed or adopted after  
68 August 28, 1999, shall be invalid and void.

210.275. Any program licensed by the department of  
2 elementary and secondary education pursuant to this chapter  
3 providing child care to **only** school-age children [that is  
4 located and operated on elementary or secondary school  
5 property] shall comply with the child-care licensure  
6 provisions in this chapter; except that, for safety, health  
7 and fire purposes, all buildings and premises for any such  
8 programs shall be deemed to be in compliance with the child-  
9 care licensure provisions in this chapter.

✓