

# SENATE BILL NO. 916

## 101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

4023S.01I

ADRIANE D. CROUSE, Secretary

### 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.

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

Section A. Sections 210.201 and 210.211, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 210.201 and 210.211, to read as follows:

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;

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

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 with the primary function of providing a**  
24 **recreational program for children five years of age or older**  
25 **and providing no child care for children under five years of**  
26 **age in the same building or in the same outdoor play area;**

27           (6) "Montessori school", a child care program that is  
28 either accredited by, actively seeking accreditation by, or  
29 maintains an active school membership with the American  
30 Montessori Society, the Association Montessori  
31 Internationale, the International Montessori Counsel, or the  
32 Montessori Educational Programs International;

33           [(6)] (7) "Neighborhood youth development program", as  
34 described in section 210.278;

35           [(7)] (8) "Nursery school", a program operated by a  
36 person or an organization with the primary function of  
37 providing an educational program for preschool-age children  
38 for no more than four hours per day per child;

39           [(8)] (9) "Person", any individual, firm, corporation,  
40 partnership, association, agency, or an incorporated or  
41 unincorporated organization regardless of the name used;

42           [(9)] (10) "Religious organization", a church,  
43 synagogue or mosque; an entity that has or would qualify for  
44 federal tax-exempt status as a nonprofit religious  
45 organization under Section 501(c) of the Internal Revenue  
46 Code; or an entity whose real estate on which the child-care  
47 facility is located is exempt from taxation because it is  
48 used for religious purposes;

49            [(10)] (11) "School system", a program established  
50 primarily for education and that meets the following  
51 criteria:

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

54            (b) Provides evidence that the school system's records  
55 will be accepted by a public or private school for the  
56 transfer of any student[;]

57            (11) "Summer camp", a program operated from May to  
58 September by a person or organization with the primary  
59 function of providing a summer recreational program for  
60 children five years of age or older and providing no child  
61 care for children under five years of age in the same  
62 building or in the same outdoor play area].

          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 health and senior services;  
7 except that nothing in sections 210.203 to 210.245 shall  
8 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] **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 if the following  
40 conditions are met:

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

43 (b) Customers remain on site while their children are  
44 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 religious organization elementary or  
56 secondary school;

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

63 (16) Any nursery school as defined in section 210.201;  
64 and

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

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

82 listed in subdivisions (1) and (17) of subsection 1 of this  
83 section.

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

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