

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 916

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Section A. Sections 210.201 and 210.211, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 210.201 and 210.211, to read as follows: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

- (1) "Child", an individual who is under the age of seventeen;
- (2) "Child care", care of a child away from his or her home for any part of the twenty-four-hour day for compensation or otherwise. Child care is a voluntary supplement to parental responsibility for the child's protection, development, and supervision;
- (3) "Child-care facility" or "child care facility", a house or other place conducted or maintained by any person who advertises or holds himself or herself out as providing child care for any part of the twenty-four-hour day for compensation or otherwise if providing child care to more than:
  - (a) Six children; or
  - (b) Three children under two years of age;
- (4) "Child care provider" or "provider", the person or persons licensed or required to be licensed under section 210.221 to establish, conduct, or maintain a child care facility;

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

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

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

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

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

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

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

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

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

(11)] (12) "Summer camp", a program operated from May to September by a person or organization with the primary function of providing a summer recreational program for children five years of age or older and providing no child care for children under five years of 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 child-care facility for children, or to advertise or hold himself or herself out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of [health and senior services] elementary and secondary education; except that nothing in sections 210.203 to 210.245 shall apply to:

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

(2) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child

or children of personal friends of such person, and who receives custody of no other unrelated child or children;

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

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

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

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

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

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

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

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

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

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

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

(12) Any weekly Sunday or Sabbath school, a vacation bible school, or child care made available while the parents or guardians are attending worship services or other

meetings and activities conducted or sponsored by a religious organization;

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

(14) Any religious organization elementary or secondary school;

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

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

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

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

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