

SECOND REGULAR SESSION

HOUSE BILL NO. 1355

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FITZPATRICK.

459IH.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 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Section A. Section 210.211, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 210.211 and 210.247, to read as follows:

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; except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for four or fewer children. For purposes of this subdivision, children who are related by blood, marriage or adoption to such person within the third degree shall not be considered in the total number of children being cared for;

(2) Any person who has been duly appointed by a court of competent jurisdiction the guardian of the person of the child or children, or the person who has legal custody of the child or children;

(3) 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;

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.

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

19 (5) Any child-care facility maintained or operated under the exclusive control of a
20 religious organization. When a nonreligious organization, having as its principal purpose the
21 provision of child-care services, enters into an arrangement with a religious organization for the
22 maintenance or operation of a child-care facility, the facility is not under the exclusive control
23 of the religious organization;

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

28 (7) Any nursery school; **and**

29 **(8) Any child-care facility in a county of the third or fourth classification that has,**
30 **by affirmative vote of the governing body of such county, opted out of the provisions of**
31 **sections 210.203 to 210.245.**

32 2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility
33 shall be exempt from licensure if such facility receives any state or federal funds for providing
34 care for children, except for federal funds for those programs which meet the requirements for
35 participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to
36 parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds
37 received by a person or facility listed in subdivisions (1) and (5) of subsection 1 of this section.

38 3. Any child care facility not exempt from licensure shall disclose the licensure status
39 of the facility to the parents or guardians of children for which the facility provides care. No
40 child care facility exempt from licensure shall represent to any parent or guardian of children for
41 which the facility provides care that the facility is licensed when such facility is in fact not
42 licensed.

210.247. Any county of the third or fourth classification may, by an affirmative vote
2 of the governing body of such county, opt out of the provisions of sections 210.203 to
3 210.245. Any such county opting out of the provisions of sections 210.203 to 210.245 may
4 adopt its own regulations, by ordinance or order, regarding the licensing of child-care
5 facilities.

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