

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2376, Page 2, Section 163.063, Line 26,
2 by inserting after all of said section and line the following:

3
4 "210.201. As used in sections 210.201 to 210.257, the following terms mean:

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

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

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

13 (a) Six children; or

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

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

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

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

27 ~~(6)~~ (7) "Neighborhood youth development program", as described in section 210.278;

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

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1 ~~[(8)]~~ (9) "Person", any individual, firm, corporation, partnership, association, agency, or an
2 incorporated or unincorporated organization regardless of the name used;

3 ~~[(9)]~~ (10) "Religious organization", a church, synagogue or mosque; an entity that has or
4 would qualify for federal tax-exempt status as a nonprofit religious organization under Section
5 501(c) of the Internal Revenue Code; or an entity whose real estate on which the child-care facility
6 is located is exempt from taxation because it is used for religious purposes;

7 ~~[(10)]~~ (11) "School system", a program established primarily for education and that meets
8 the following criteria:

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

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

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

16 210.211. 1. It shall be unlawful for any person to establish, maintain or operate a child-care
17 facility for children, or to advertise or hold himself or herself out as being able to perform any of the
18 services as defined in section 210.201, without having in effect a written license granted by the
19 department of health and senior services; except that nothing in sections 210.203 to 210.245 shall
20 apply to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (14) Any religious organization elementary or secondary school;

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

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

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

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

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

- 1 Further amend said bill by amending the title, enacting clause, and intersectional references
- 2 accordingly.