

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1831

97TH GENERAL ASSEMBLY

Reported from the Committee on Small Business, Insurance and Industry, May 8, 2014, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

5710S.06C

AN ACT

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Section A. Section 210.211, RSMo, is repealed and one new section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

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

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

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

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

18 (4) Any graded boarding school, summer camp, hospital, sanitarium or
19 home which is conducted in good faith primarily to provide education, recreation,

20 medical treatment, or nursing or convalescent care for children;

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

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

32 (7) Any nursery school.

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

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

46 **4. Any in-home licensed child care facility that is organized as**
47 **a corporation, association, firm, partnership, proprietorship, limited**
48 **liability company, or any other type of business entity in this state**
49 **shall qualify for the exemption for related children for children who**
50 **are related to the member of the corporation, association, firm,**
51 **partnership, proprietorship, limited liability company, or other type of**
52 **business entity who is responsible for the daily operation of the child**
53 **care facility and who meets the requirements of the child care**
54 **provider. If more than one member of the corporation, association,**
55 **firm, partnership, proprietorship, limited liability company, or other**

56 type of business entity is responsible for the daily operation of the
57 child care facility, the exemption for related children shall only be
58 granted for children who are related to one of the members. All child
59 care facilities under this subsection shall disclose the licensure status
60 of the facility to the parents or guardians of children for which the
61 facility provides care. A parent or guardian shall sign a written notice
62 indicating he or she is aware of the licensure status of the facility. The
63 facility shall keep a copy of this signed written notice on file. All child
64 care facilities shall provide the parent or guardian enrolling a child in
65 the facility with a written explanation of the disciplinary philosophy
66 and policies of the child care facility.

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