

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 877, Page 3, Section 210.195, Line 22, by inserting after said section and
2 line the following:

3
4 "210.221. 1. The department of health and senior services shall have the following powers
5 and duties:

6 (1) After inspection, to grant licenses to persons to operate child-care facilities if satisfied as
7 to the good character and intent of the applicant and that such applicant is qualified and equipped to
8 render care or service conducive to the welfare of children, and to renew the same when expired.
9 No license shall be granted for a term exceeding two years. Each license shall specify the kind of
10 child-care services the licensee is authorized to perform, the number of children that can be received
11 or maintained, and their ages and sex;

12 (2) To inspect the conditions of the homes and other places in which the applicant operates a
13 child-care facility, inspect their books and records, premises and children being served, examine
14 their officers and agents, deny, suspend, place on probation or revoke the license of such persons as
15 fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the
16 department of health and senior services. The director also may revoke or suspend a license when
17 the licensee fails to renew or surrenders the license;

18 (3) To promulgate and issue rules and regulations the department deems necessary or proper
19 in order to establish standards of service and care to be rendered by such licensees to children. No
20 rule or regulation promulgated by the division shall in any manner restrict or interfere with any
21 religious instruction, philosophies or ministries provided by the facility and shall not apply to
22 facilities operated by religious organizations which are not required to be licensed;

23 (4) To approve training concerning the safe sleep recommendations of the American
24 Academy of Pediatrics in accordance with section 210.223; and

25 (5) To determine what records shall be kept by such persons and the form thereof, and the
26 methods to be used in keeping such records, and to require reports to be made to the department at
27 regular intervals.

28 2. Any child-care facility may request a variance from a rule or regulation promulgated
29 pursuant to this section. The request for a variance shall be made in writing to the department of
30 health and senior services and shall include the reasons the facility is requesting the variance. The
31 department shall approve any variance request that does not endanger the health or safety of the
32 children served by the facility. The burden of proof at any appeal of a disapproval of a variance
33 application shall be with the department of health and senior services. Local inspectors may grant a
34 variance, subject to approval by the department of health and senior services.

35 3. The department shall deny, suspend, place on probation or revoke a license if it receives
36 official written notice that the local governing body has found that license is prohibited by any local

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1 law related to the health and safety of children. The department may deny an application for a
 2 license if the department determines that a home or other place in which an applicant would operate
 3 a child-care facility is located within one thousand feet of any location where a person required to
 4 register under sections 589.400 to 589.425 either resides as that term is defined in subsection 3 of
 5 section 566.147 or regularly receives treatment or services. This provision shall not apply to
 6 treatment or services delivered in a hospital, as hospital is defined in chapter 197, or in facilities
 7 owned or operated by a hospital system. The department may, after inspection, find the licensure,
 8 denial of licensure, suspension or revocation to be in the best interest of the state.

9 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
 10 under the authority delegated in sections 210.201 to 210.245 shall become effective only if it
 11 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
 12 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and
 13 repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed
 14 or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This
 15 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
 16 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
 17 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
 18 adopted after August 28, 1999, shall be invalid and void.

19 566.147. 1. Any person who, since July 1, 1979, has been or hereafter has been found guilty
 20 of:

21 (1) Violating any of the provisions of this chapter or the provisions of section 568.020,
 22 incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of
 23 section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual
 24 performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a
 25 sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025,
 26 promoting child pornography in the first degree; section 573.035, promoting child pornography in
 27 the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing
 28 pornographic material to minors; or

29 (2) Any offense in any other jurisdiction which, if committed in this state, would be a
 30 violation listed in this section;

31 shall not reside within one thousand feet of any public school as defined in section 160.011, any
 32 private school giving instruction in a grade or grades not higher than the twelfth grade, or any child
 33 care facility that is licensed under chapter 210, or any child care facility as defined in section
 34 210.201 that is exempt from state licensure but subject to state regulation under section 210.252 and
 35 holds itself out to be a child care facility, where the school or facility is in existence at the time the
 36 individual begins to reside at the location. Such person shall also not reside within one thousand
 37 feet of the property line of the residence of a former victim of such person.

38 2. If such person has already established a residence and a public school, a private school, or
 39 child care facility is subsequently built or placed within one thousand feet of such person's
 40 residence, or a former victim subsequently resides on property with a property line within one
 41 thousand feet of such person's residence, then such person shall, within one week of the opening of
 42 such public school, private school, or child care facility, or the former victim residing on the
 43 property, notify the county sheriff where such public school, private school, child care facility, or
 44 residence of a former victim is located that he or she is now residing within one thousand feet of
 45 such public school, private school, child care facility, or property line of the residence of a former
 46 victim, and shall provide verifiable proof to the sheriff that he or she resided there prior to the
 47 opening of such public school, private school, or child care facility, or the former victim residing on
 48 the property.
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1 3. For purposes of this section, "resides" means sleeps in a residence, which may include
2 more than one location and may be mobile or transitory but shall not include transitory or longer-
3 term presence in facilities licensed under chapters 197 and 198 for purposes of receiving care,
4 treatment, or services from such licensed facility.

5 4. For the purposes of the section, one thousand feet shall be measured from the edge of the
6 offender's property nearest the public school, private school, child care facility, or former victim to
7 the nearest edge of the public school, private school, child care facility, or former victim's property.

8 5. Violation of the provisions of subsection 1 of this section is a class E felony except that
9 the second or any subsequent violation is a class B felony. Violation of the provisions of subsection
10 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class E
11 felony."; and

12
13 Further amend said bill by amending the title, enacting clause, and intersectional references
14 accordingly.