

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 152, Page 71, Section 210.201, Line 38, by inserting after all of said section and line  
3 the following:  
4

5 "210.252. 1. All buildings and premises used by a child-care facility to care for more than  
6 six children except those exempted from the licensing provisions of the department of health and  
7 senior services pursuant to subdivisions (1) to (15) of subsection 1 of section 210.211, shall be  
8 inspected annually for fire and safety by the state fire marshal, the marshal's designee or officials of  
9 a local fire district and for health and sanitation by the department of [~~health and senior services~~]  
10 elementary and secondary education or the department's designee, including officials of the  
11 department of health and senior services, or officials of the local health department. Evidence of  
12 compliance with the inspections required by this section shall be kept on file and available to  
13 parents of children enrolling in the child-care facility.

14 2. Local inspection of child-care facilities may be accomplished if the standards employed  
15 by local personnel are substantially equivalent to state standards and local personnel are available  
16 for enforcement of such standards.

17 3. Any child-care facility may request a variance from a rule or regulation promulgated  
18 pursuant to this section. The request for a variance shall be made in writing to the department of  
19 [~~health and senior services~~] elementary and secondary education and shall include the reasons the  
20 facility is requesting the variance. The department shall approve any variance request that does not  
21 endanger the health or safety of the children served by the facility. The burden of proof at any  
22 appeal of a disapproval of a variance application shall be with the department of [~~health and senior~~  
23 ~~services~~] elementary and secondary education. Local inspectors may grant a variance, subject to  
24 approval by the department.

25 4. The department of [~~health and senior services~~] elementary and secondary education shall  
26 administer the provisions of sections 210.252 to 210.256, with the cooperation of the state fire  
27 marshal, the department of health and senior services, local fire departments and local health  
28 agencies.

29 5. The department of [~~health and senior services~~] elementary and secondary education shall  
30 promulgate rules and regulations to implement and administer the provisions of sections 210.252 to  
31 210.256. Such rules and regulations shall provide for the protection of children in all child-care  
32 facilities whether or not such facility is subject to the licensing provisions of sections 210.201 to  
33 210.245.

34 6. The department of health and senior services, after consultation with the department of  
35 elementary and secondary education, may promulgate rules and regulations to implement and  
36 administer the provisions of this section related to sanitation requirements. Such rules and

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 regulations shall provide for the protection of children in all child-care facilities whether or not such  
2 facility is subject to the licensing provisions of section 210.201 to 210.245.

3       7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
4 under the authority delegated in sections 210.252 to 210.256 shall become effective only if it  
5 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
6 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and  
7 repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed  
8 or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This  
9 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
10 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are  
11 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
12 adopted after August 28, 1999, shall be invalid and void."; and

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