

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 43, Page 45, Section 197.135, Lines 7 and 8, by deleting all of said lines and
3 inserting in lieu thereof the following:
4

5 "age shall be referred, and victims fourteen years of age or older but less than eighteen years of age
6 may be referred, to a SAFE CARE provider, as such term is defined in section 334.950, for medical
7 or"; and
8

9 Further amend said bill, Page 46, Section 197.135, Line 47, by inserting after all of said section and
10 line the following:
11

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

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

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

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

36 5. The department of [~~health and senior services~~] elementary and secondary education shall

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1 promulgate rules and regulations to implement and administer the provisions of sections 210.252 to
2 210.256. Such rules and regulations shall provide for the protection of children in all child-care
3 facilities whether or not such facility is subject to the licensing provisions of sections 210.201 to
4 210.245.

5 6. The department of health and senior services, after consultation with the department of
6 elementary and secondary education, may promulgate rules and regulations to implement and
7 administer the provisions of this section related to sanitation requirements. Such rules and
8 regulations shall provide for the protection of children in all child-care facilities whether or not such
9 facility is subject to the licensing provisions of section 210.201 to 210.245.

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

20
21 Further amend said bill by amending the title, enacting clause, and intersectional references
22 accordingly.