

STATE OF KANSAS



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GOVERNOR LAURA KELLY

MESSAGE FROM THE GOVERNOR

REGARDING VETO OF HOUSE BILL 2344

As I said in my State of the State address, my North Star as Governor is to make Kansas the best place to raise a family. Key to that is ensuring parents have access to safe, affordable, quality childcare.

This bill would reverse the progress we've made toward that goal, loosening safety requirements for childcare centers, and preventing the state from being responsive to individual communities' needs.

While I agree it's time to review our childcare policies, we must do it together – and in a way that improves, not harms, our state's ability to help families and keep kids safe.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto House Bill 2344.

THE GOVERNOR'S OFFICE

BY THE GOVERNOR

A handwritten signature in black ink, appearing to read "Laura Kelly", written over a horizontal line.

DATED

A handwritten date in black ink, "April 19, 2023", written over a horizontal line.

Senate Substitute for HOUSE BILL No. 2344

AN ACT concerning the department of health and environment; relating to licensure of child care facilities; day care homes and child care centers; establishing license capacity and staff-to-child ratios; lowering license fees and training requirements; creating a process for day care facility licensees to apply for a temporary waiver of certain statutory requirements; authorizing the secretary to develop and operate pilot programs to increase child care facility availability and capacity; amending K.S.A. 65-503, 65-505 and 65-508 and K.S.A. 2022 Supp. 48-3406 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Child care center staff shall meet the training requirements for the license capacity of the child care center as set forth in this section.

(b) A program director shall be 18 years of age or older and shall meet the training requirements for the license capacity of the child care center, as determined by the secretary, but such requirements shall not require more teaching experience or college credit than provided in this section. A child care center shall have a program director on the premises with training requirements that meet one of the following options:

(1) If a child care center is licensed for fewer than 18 children:

(A) Three months of experience teaching in a licensed child care facility or preschool or working with children in a related field;

(B) five sessions of observation for at least 2.5 consecutive hours per observation in a licensed day care facility and 10 clock hours of workshops approved by the state licensing staff;

(C) earned at least three credit hours of academic credit from a postsecondary educational institution or equivalent training in childhood development, early childhood education or curriculum resources and supervised observation in high school or college and three months of experience caring for children in a child care facility or preschool or working with children in a related field; or

(D) a child development associate credential.

(2) If a child care center is licensed for at least 18 but fewer than 36 children:

(A) Five sessions of observation for at least 2.5 consecutive hours per observation in a licensed day care facility and six months of experience teaching or supervised practicum in a licensed child care facility or preschool or a related field;

(B) (i) Six credit hours from a postsecondary educational institution or equivalent training in childhood development, early childhood education or curriculum resources; and

(ii) three months of experience teaching in a licensed child care facility or preschool or working with children in a related field or one year of supervised practicum in a licensed child care facility; or

(C) a child development associate credential.

(3) If a child care center is licensed for 36 or more children:

(A) Six credit hours from a postsecondary educational institution or equivalent training in child development, early childhood education, curriculum resources, nutrition, child guidance, parent education, supervised practicum or administration of early childhood programs and six months of experience teaching in a licensed child care facility or preschool or working with children in a related field;

(B) (i) A child development associate credential, an associate of arts degree or a two-year certificate in child development; and

(ii) nine months of teaching experience or supervised practicum in a licensed child care facility or preschool or working with children in a related field;

(C) a bachelor of arts or a bachelor of science degree in child development or early childhood education, including a supervised practicum, and three months of teaching experience in a licensed child care facility or preschool or working with children in a related field; or

(D) a bachelor of arts or a bachelor of science degree in a related academic discipline and 12 hours of academic study or equivalent training in child development, early childhood education, curriculum resources, nutrition, child guidance, parent education, supervised

practicum or administration of early childhood programs, and six months of experience teaching in a licensed child care facility or preschool or working with children in a related field.

(4) The secretary shall not require a program director of a child care center to have training requirements that are more restrictive than the options in this section.

(c) (1) Each individual designated as a lead teacher shall be 18 years of age or older and possess either a high school diploma or equivalent education and meet one of following qualifications:

(A) Three months of experience caring for children in a licensed child care facility or preschool or working with children in a related field;

(B) 30 days of teaching experience in a licensed child care facility, preschool or a related field;

(C) five sessions of observation for at least 2.5 consecutive hours per observation in a licensed day care facility and 10 clock hours of workshops approved by the state licensing staff; or

(D) at least three credit hours of academic credit or equivalent training in childhood development, early childhood education or curriculum resources and supervised observation in high school or college.

(2) Each individual designated as an assistant teacher shall be 18 years of age or older and complete staff orientation at the time of employment.

(d) (1) A unit with at least one infant shall have at least one staff member present who is designated as lead teacher.

(2) A unit where all children are at least 12 months old shall have at least one staff member present who is designated as lead teacher or assistant teacher.

(3) All staff members shall be at least three years older than the oldest child in the unit where such staff member is caring for children.

(e) (1) For each licensure year beginning after July 1, 2023, each program director, administrator, lead teacher or assistant teacher and any other staff member who provides care to children in a child care center shall complete professional development training in an amount determined by the secretary not to exceed 12 clock hours per licensure year.

(2) Such training shall consist of a minimum of eight hours of training as specified by the secretary.

(3) As part of the professional development training required under this subsection, an individual who provides care to children in a child care center shall submit proof of completion of up to four hours of such outside training in child care or any related subject to the secretary, who shall retain records of such individual's compliance with this requirement.

(f) As used in this section:

(1) "Related field" includes, but is not limited to, early childhood education, elementary education, special education, speech pathology, occupational therapy, social work or family science and human development; and

(2) "secretary" means the secretary of health and environment.

(g) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 2. (a) (1) A child care home with one provider shall have a license capacity of 12 if the children enrolled in such child care home are all at least 2.5 years but under 10 years of age.

(2) If paragraph (1) does not apply, the license capacity for a child care home with one provider shall be as follows:

Children under 12 months of age	Children at least 12 months but under 5 years of age	Children at least 5 years but under 10 years of age	License capacity
0	8	4	12
1	7	4	12
2	4	4	10

3	3	3	9
4	2	2	8

(b) (1) A child care home with two providers shall have a license capacity of 17 if the children enrolled in such child care home are all at least 2.5 years but under 10 years of age.

(2) If paragraph (1) does not apply, the license capacity for a child care home with two providers shall be as follows:

Children under 12 months of age	Children at least 12 months but under 5 years of age	Children at least 5 years but under 10 years of age	License capacity
0	12	5	17
1	11	5	17
2	10	4	16
3	9	4	16
4	8	3	15

(3) If the number of children present exceeds the maximum number allowed for one provider, a second provider shall be present.

(c) (1) Children five years of age and older may be substituted for younger children in the license capacity in subsections (a) and (b).

(2) Two or fewer children who are 2.5 years of age or older and are not counted toward the license capacity in subsections (a) and (b) may be present on the premises between 11:00 a.m. and 1:00 p.m. for the noon meal.

(3) Two or fewer children who are at least five years of age but under 10 years of age and are not counted toward the license capacity in subsections (a) and (b) may be present as follows:

(A) During the academic school year before and after school, in-service days, school holidays, scheduled or emergency closures and school breaks not to exceed two consecutive weeks; and

(B) during the two consecutive weeks before the opening of the academic school year in August or September and following the end of the academic school year in May or June.

(4) Two or fewer children 10 years of age or older, unrelated to the applicant or licensee, may be present for two hours or less per day during child care hours if the additional children are:

(A) Not on the premises for the purpose of receiving child care in the facility;

(B) visiting the applicant's or the licensee's own child or children; or

(C) supervised by a provider if they have access to the children in care.

(d) (1) For each licensure year beginning after July 1, 2023, each person who provides care to children in a child care home shall complete professional development training in an amount determined by the secretary not to exceed 12 clock hours per licensure year.

(2) Such training shall consist of a minimum of eight hours of training specified by the secretary.

(3) As part of the professional development training required under this subsection:

(A) Each person who provides care to children in a child care home shall submit proof of completion of up to four hours of such outside training in child care or any related subject to the secretary, who shall retain records of such person's compliance with this requirement; and

(B) A person who maintains a child care home with one provider, if such provider provides care for four infants at once at any time during the licensure year, shall submit proof of completion of at least three hours of such professional development training in an infant-specific subject to the secretary, who shall retain records of such person's compliance with this requirement.

(e) (1) The secretary shall not adopt or implement any limitation on the maximum number of children for which a child care home may be licensed that is more restrictive than this section.

(2) No city or county shall adopt any ordinance, resolution or

regulation restricting the maximum number of children for which a child care home may be licensed that is more restrictive than this section.

(f) As used in this section, "secretary" means the secretary of health and environment.

(g) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 3. (a) The ratio of staff members to children in a child care center shall be determined by the ages of the children and the type of care provided.

(1) The minimum staff-to-child ratio and the maximum number of children per unit shall be the following:

Age of children	Minimum staff-to-child ratio of children per unit	Maximum number of children
Infants	1 to 4	12
Infants and other children under six	1 to 6 (including 3 or fewer infants)	12 (including 6 or fewer infants)
Toddlers	1 to 6	12
Children at least two but under three years of age	8	16
Children at least 2.5 years of age but under school age	12	24
Children at least 3 years of age but under school age	15	30
Kindergarten enrollees	20	40
School age	20	40

(2) No child shall be left unsupervised.

(b) (1) The secretary shall not adopt or implement any limitation on staff-to-child ratios or children per unit in a child care center that is more restrictive than this section.

(2) No city or county shall adopt any ordinance, resolution or regulation restricting the staff-to-child ratios and children per unit in a child care center that is more restrictive than this section.

(c) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 4. (a) Each child care center shall have a program director who is employed full time.

(b) Each child care center that is licensed for more than 75 children shall have an administrator, who may also be the program director.

(c) The program director or administrator may, as needed, perform the duties of a lead teacher or assistant teacher for up to half of the program director's or administrator's total hours worked during each calendar month.

New Sec. 5. (a) A child care center shall meet the legal requirements of the state fire marshal and the local jurisdiction where the child care center is located for fire protection, water supply and sewage disposal.

(b) (1) The designated area for children's activities shall contain a minimum of 28 square feet of floor space per child, excluding kitchens, passageways, storage areas and bathrooms.

(2) There shall be a minimum of 60 square feet of outdoor play space on the premises for each child using the space at a given time.

(c) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 6. (a) The secretary of health and environment shall not require as a condition of licensure for a child care home that the licensee live in the child care home.

(b) This section shall be a part of and supplemental to article 5 of

chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 7. (a) Notwithstanding the provisions of any other law to the contrary, a person granted licensure to maintain a day care facility may request from the secretary a waiver from the requirements of this act for a set period of time. Waiver requests shall be made in a form and manner approved by the secretary of health and environment and shall contain the provisions of the statute sought to be waived and the reasons therefor.

(b) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 8. (a) (1) Notwithstanding the provisions of any other law to the contrary, the secretary of health and environment may develop and operate pilot programs designed to increase the availability or capacity of child care facilities in the state.

(2) The secretary may grant licensure to a person to maintain a day care facility or drop-in program in a pilot program under this section that waives the requirements of this act or rules and regulations related to licensure and operation of a day care facility or drop-in program, including requirements for staff at such day care facility or drop-in program. A day care facility or drop-in program granted a license under this section shall comply with any alternative terms, conditions and requirements set by secretary as may be necessary to protect the health, safety and welfare of any children that attend such day care facility or drop-in program.

(3) The secretary shall not grant a license under this section if the secretary determines that a day care facility or drop-in program or staff of such facility or program would endanger the health, safety and welfare of any child.

(b) The secretary may grant licensure to a person to maintain a day care facility or drop-in program under this section for up to five licensure years, except that the secretary may grant an additional two years of licensure to any facility or program that participated in a pilot program pursuant to subsection (c) during the adoption of such rules and regulations.

(c) If the secretary determines that a pilot program has been successful and will increase the availability or capacity of child care facilities in the state, the secretary shall:

(1) Make suggestions and recommendations to the legislature for statutory changes relating to day care facilities or drop-in programs; and

(2) adopt any rules and regulations consistent with the findings from such pilot program, including additional licensure categories and requirements therefor.

(d) On or before the first day of each regular session of the legislature, the secretary shall prepare and submit a report to the legislature regarding any pilot program. Such report shall include, but not be limited to, the number of participating day care facilities or drop-in programs and number of children attending such facilities or programs, provisions of statutes and regulations waived by the secretary, recommendations for changes to this act and a summary of findings from the pilot program based on available information.

(e) As used in this section, "secretary" means the secretary of health and environment.

(f) This section shall be a part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 9. K.S.A. 2022 Supp. 48-3406 is hereby amended to read as follows: 48-3406. (a) For the purposes of this section:

(1) "Applicant" means an individual who is a military spouse, military servicemember or an individual who has established or intends to establish residency in this state. "Applicant" with respect to law enforcement certification by the Kansas commission on peace officers' standards and training means an applicant who has met the employment requirement pursuant to K.S.A. 74-5605(a), and amendments thereto.

(2) "Complete application" means the licensing body has received

all forms, fees, documentation, a signed affidavit stating that the application information, including necessary prior employment history, is true and accurate and any other information required or requested by the licensing body for the purpose of evaluating the application, consistent with this section and the rules and regulations adopted by the licensing body pursuant to this section. If the licensing body has received all such forms, fees, documentation and any other information required or requested by the licensing body, an application shall be deemed to be a complete application even if the licensing body has not yet received a criminal background report from the Kansas bureau of investigation.

(3) "Licensing body" means an official, agency, board or other entity of the state which authorizes individuals to practice a profession in this state and issues a license, registration, certificate, permit or other authorization to an individual so authorized.

(4) "Military servicemember" means a current member of any branch of the United States armed services, United States military reserves or national guard of any state or a former member with an honorable discharge.

(5) "Military spouse" means the spouse of a military servicemember.

(6) "Private certification" means a voluntary program in which a private organization grants nontransferable recognition to an individual who meets personal qualifications and standards relevant to performing the occupation as determined by the private organization.

(7) "Scope of practice" means the procedures, actions, processes and work that a person may perform under a government issued license, registration or certification.

(b) Notwithstanding any other provision of law, ~~any~~ a licensing body shall, upon submission of a complete application, issue a license, registration or certification to an applicant as provided by this section, so that the applicant may lawfully practice the person's occupation.

(c) An applicant who holds a valid current license, registration or certification in another state, district or territory of the United States shall receive a license, registration or certification:

(1) If the applicant qualifies under the applicable Kansas licensure, registration or certification by endorsement, reinstatement or reciprocity statutes, then pursuant to applicable licensure, registration or certification by endorsement, reinstatement or reciprocity statutes of the licensing body of this state for the license, registration or certification within 15 days from the date a complete application was submitted if the applicant is a military servicemember or military spouse or within 45 days from the date a complete application was submitted for all other applicants; or

(2) if the applicant does not qualify under the applicable licensure, registration or certification by endorsement, reinstatement or reciprocity statutes of the licensing body of this state, or if the Kansas professional practice act does not have licensure, registration or certification by endorsement, reinstatement or reciprocity statutes, then the applicant shall receive a license, registration or certification as provided herein if, at the time of application, the applicant:

(A) Holds a valid current license, registration or certification in another state, district or territory of the United States with licensure, registration or certification requirements that the licensing body determines authorize a similar scope of practice as those established by the licensing body of this state, or holds a certification issued by another state for practicing the occupation but this state requires an occupational license, and the licensing body of this state determines that the certification requirements certify a similar scope of practice as the licensing requirements established by the licensing body of this state;

(B) has worked for at least one year in the occupation for which the license, certification or registration is sought;

(C) has not committed an act in any jurisdiction that would have

constituted grounds for the limitation, suspension or revocation of the license, certificate or registration, or that the applicant has never been censured or had other disciplinary action taken or had an application for licensure, registration or certification denied or refused to practice an occupation for which the applicant seeks licensure, registration or certification;

(D) has not been disciplined by a licensing, registering, certifying or other credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure or disciplinary proceeding conducted by a licensing, registering, certifying or other credentialing entity in another jurisdiction nor has surrendered their membership on any professional staff in any professional association or society or faculty for another state or jurisdiction while under investigation or to avoid adverse action for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action in a Kansas practice act;

(E) does not have a disqualifying criminal record as determined by the licensing body of this state under Kansas law;

(F) provides proof of solvency, financial standing, bonding or insurance if required by the licensing body of this state, but only to the same extent as required of any applicant with similar credentials or experience;

(G) pays any fees required by the licensing body of this state; and

(H) submits with the application a signed affidavit stating that the application information, including necessary prior employment history, is true and accurate.

Upon receiving a complete application and the provisions of subsection (c)(2) apply and have been met by the applicant, the licensing body shall issue the license, registration or certification within 15 days from the date a complete application was submitted by a military servicemember or military spouse, or within 45 days from the date a complete application was submitted by an applicant who is not a military servicemember or military spouse, to the applicant on a probationary basis, but may revoke the license, registration or certification at any time if the information provided in the application is found to be false. The probationary period shall not exceed six months. Upon completion of the probationary period, the license, certification or registration shall become a non-probationary license, certification or registration.

(d) Any applicant who has not been in the active practice of the occupation during the two years preceding the application for which the applicant seeks a license, registration or certification under subsection (c)(2) may be required to complete such additional testing, training, monitoring or continuing education as the Kansas licensing body may deem necessary to establish the applicant's present ability to practice in a manner that protects the health and safety of the public, as provided by subsection (j).

(e) Upon submission of a complete application, an applicant may receive an occupational license, registration or certification based on the applicant's work experience in another state, if the applicant:

(1) Worked in a state that does not use an occupational license, registration, certification or private certification to regulate an occupation, but this state uses an occupational license, registration or certification to regulate the occupation;

(2) worked for at least three years in the occupation during the four years immediately preceding the application; and

(3) satisfies the requirements of subsection (c)(2)(C) through (H).

(f) Upon submission of a complete application, an applicant may receive an occupational license, registration or certification under subsection (b) based on the applicant's holding of a private certification and work experience in another state, if the applicant:

(1) Holds a private certification and worked in a state that does not use an occupational license or government certification to regulate an occupation, but this state uses an occupational license or government

certification to regulate the occupation;

(2) worked for at least two years in the occupation;

(3) holds a current and valid private certification in the occupation;

(4) is held in good standing by the organization that issued the private certification; and

(5) satisfies the requirements of subsection (c)(2)(C) through (H).

(g) An applicant licensed, registered or certified under this section shall be entitled to the same rights and subject to the same obligations as are provided by the licensing body for Kansas residents, except that revocation or suspension of an applicant's license, registration or certificate in the applicant's state of residence or any jurisdiction in which the applicant held a license, registration or certificate shall automatically cause the same revocation or suspension of such applicant's license, registration or certificate in Kansas. No hearing shall be granted to an applicant where such applicant's license, registration or certificate is subject to such automatic revocation or suspension, except for the purpose of establishing the fact of revocation or suspension of the applicant's license, registration or certificate by the applicant's state of residence or jurisdiction in which the applicant held a license, registration or certificate.

(h) In the event the licensing body determines that the license, registration or certificate currently held by an applicant under subsection (c)(2) or the work experience or private credential held by an applicant under subsections (e) or (f), who is a military spouse or military servicemember does not authorize a similar scope of practice as the license, registration or certification issued by the licensing body of this state, the licensing body shall issue a temporary permit for a limited period of time to allow the applicant to lawfully practice the applicant's occupation while completing any specific requirements that are required in this state for licensure, registration or certification that were not required in the state, district or territory of the United States in which the applicant was licensed, registered, certified or otherwise credentialed, unless the licensing body finds, based on specific grounds, that issuing a temporary permit would jeopardize the health and safety of the public.

(i) In the event the licensing body determines that the license, registration or certification currently held by an applicant under subsection (c)(2) or the work experience or private credential held by an applicant under subsections (e) or (f), who is not a military spouse or military servicemember, does not authorize a similar scope of practice as the license, registration or certification issued by the licensing body of this state, the licensing body may issue a temporary permit for a limited period of time to allow the applicant to lawfully practice the applicant's occupation while completing any specific requirements that are required in this state for licensure, registration or certification that was not required in the state, district or territory of the United States in which the applicant was licensed, registered, certified or otherwise credentialed, unless the licensing body finds, based on specific grounds, that issuing a temporary permit would jeopardize the health and safety of the public.

(j) Any testing, continuing education or training requirements administered under subsection (d), (h) or (i) shall be limited to Kansas law that regulates the occupation and that are materially different from or additional to the law of another state, or shall be limited to any materially different or additional body of knowledge or skill required for the occupational license, registration or certification in Kansas.

(k) A licensing body may grant licensure, registration, certification or a temporary permit to any person who meets the requirements under this section but was separated from such military service under less than honorable conditions or with a general discharge under honorable conditions.

(l) Nothing in this section shall be construed to apply in conflict with or in a manner inconsistent with federal law or a multistate

compact, or a rule or regulation or a reciprocal or other applicable statutory provision that would allow an applicant to receive a license. Nothing in this section shall be construed as prohibiting a licensing body from denying any application for licensure, registration or certification, or declining to grant a temporary or probationary license, if the licensing body determines that granting the application may jeopardize the health and safety of the public.

(m) Nothing in this section shall be construed to be in conflict with any applicable Kansas statute defining the scope of practice of an occupation. The scope of practice as provided by Kansas law shall apply to applicants under this section.

(n) Notwithstanding any other provision of law, during a state of emergency declared by the legislature, a licensing body may grant a temporary emergency license to practice any profession licensed, certified, registered or regulated by the licensing body to an applicant whose qualifications the licensing body determines to be sufficient to protect health and safety of the public and may prohibit any unlicensed person from practicing any profession licensed, certified, registered or regulated by the licensing body.

(o) Licensing bodies may provide electronic credentials to persons regulated by the licensing body. For purposes of this subsection, "electronic credential" means an electronic method by which a person may display or transmit to another person information that verifies a person's certification, licensure, registration or permit. A licensing body may prescribe the format or requirements of the electronic credential to be used by the licensing body. Any statutory or regulatory requirement to display, post or produce a credential issued by a licensing body may be satisfied by the proffer of an electronic credential authorized by the licensing body. A licensing body may use a third-party electronic credential system that is not maintained by the licensing body. Such electronic credential system shall include a verification system that is operated by the licensing body or its agent on behalf of the licensing body for the purpose of verifying the authenticity and validity of electronic credentials issued by the licensing body.

(p) Each licensing body shall adopt rules and regulations necessary to implement and carry out the provisions of this section.

(q) This section shall not apply to the practice of law or the regulation of attorneys pursuant to K.S.A. 7-103, and amendments thereto.

(r) The state board of healing arts and the state board of technical professions, with respect to an applicant who is seeking a license to practice professional engineering or engage in the practice of engineering, as defined in K.S.A. 74-7003, and amendments thereto, may deny an application for licensure, registration or certification, or decline to grant a temporary or probationary license, if the board determines the applicant's qualifications are not substantially equivalent to those established by the board. Such boards shall not otherwise be exempt from the provisions of this act.

(s) This section shall apply to all licensing bodies not excluded under subsection (q), including, but not limited to:

- (1) The abstracters' board of examiners;
- (2) the board of accountancy;
- (3) the board of adult care home administrators;
- (4) the secretary for aging and disability services, with respect to K.S.A. 65-5901 et seq. and K.S.A. 65-6503 et seq., and amendments thereto;
- (5) the Kansas board of barbering;
- (6) the behavioral sciences regulatory board;
- (7) the Kansas state board of cosmetology;
- (8) the Kansas dental board;
- (9) the state board of education;
- (10) the Kansas board of examiners in fitting and dispensing of hearing instruments;
- (11) the board of examiners in optometry;

- (12) the state board of healing arts, as provided by subsection (r);
- (13) the secretary of health and environment, *including* with respect to K.S.A. 82a-1201 et seq., and amendments thereto;
- (14) the commissioner of insurance, with respect to K.S.A. 40-241 and 40-4901 et seq., and amendments thereto;
- (15) the state board of mortuary arts;
- (16) the board of nursing;
- (17) the state board of pharmacy;
- (18) the Kansas real estate commission;
- (19) the real estate appraisal board;
- (20) the state board of technical professions, as provided by subsection (r); and
- (21) the state board of veterinary examiners.

(t) All proceedings pursuant to this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act.

~~(u) (1) Commencing on July 1, 2021, and each year thereafter,~~ Each licensing body listed in subsection (s)(1) through (21) shall provide a report for the period of July 1 through June 30 to the director of legislative research by August 31 of each year, providing information requested by the director of legislative research to fulfill the requirements of this subsection. The director of legislative research shall develop the report format, prepare an analysis of the reports and submit and present the analysis to the office of the governor, the *house of representatives standing* committee on commerce, labor and economic development ~~of the house of representatives or any successor committee thereof,~~ the *senate standing* committee on commerce ~~of the senate or any successor committee thereof,~~ the *house of representatives standing* committee on appropriations ~~of the house of representatives and the~~ *or any successor committee thereof* ~~on and the senate standing committee on ways and means of the senate or any successor committee thereof,~~ by January 15 of the succeeding year. The director's report may provide any analysis the director deems useful and shall provide the following items, detailed by applicant type, including military servicemember, military spouse and non-military individual:

- ~~(1)(A)~~ The number of applications received under the provisions of this section;
- ~~(2)(B)~~ the number of applications granted under this section;
- ~~(3)(C)~~ the number of applications denied under this section;
- ~~(4)(D)~~ the average time between receipt of the application and completion of the application;
- ~~(5)(E)~~ the average time between receipt of a complete application and issuance of a license, certification or registration; and
- ~~(6)(F)~~ identification of applications submitted under this section where the issuance of credentials or another determination by the licensing body was not made within the time limitations pursuant to this section and the reasons for the failure to meet such time limitations.

(2) All information shall be provided by the licensing body to the director of legislative research in a manner that maintains the confidentiality of all applicants and in aggregate form that does not permit identification of individual applicants.

Sec. 10. K.S.A. 65-503 is hereby amended to read as follows: 65-503. As used in this act:

~~(a) "Child placement agency" means a business or service conducted, maintained or operated by a person engaged in finding homes for children by placing or arranging for the placement of such children for adoption or foster care~~ *"Assistant teacher" means an individual who meets the requirements of section 1(c), and amendments thereto, and can independently staff a unit in a child care center where all children are at least 12 months old.*

~~(b) "Child care resource and referral agency" means a business or service conducted, maintained or operated by a person engaged in providing resource and referral services, including information of~~

~~specific services provided by child care facilities, to assist parents to find child care~~ "Boarding school" means a facility that provides 24-hour care to school-age children, provides education as its primary function and is accredited by an accrediting agency acceptable to the secretary of health and environment.

(c) "Child care center" means a facility that meets child care center regulations and provides care and educational activities for children who are two weeks to 10 years of age for at least three hours but less than 24 hours per day or care before and after school for school-age children.

(d) "Child care facility" means:

(1) A facility maintained by a person who has control or custody of one or more children under 16 years of age, unattended by parent or guardian, for the purpose of providing the children with food or lodging, or both, ~~except~~ excluding children in the custody of the secretary for children and families who are placed with a prospective adoptive family pursuant to the provisions of an adoptive placement agreement or who are related to the person by blood, marriage or legal adoption;

(2) a children's home, orphanage, maternity home, day care facility or other facility ~~of a type determined by~~ that the secretary ~~to require~~ determines to require regulation under the provisions of this act;

(3) a child placement agency or child care resource and referral agency, or a facility maintained by such an agency for the purpose of caring for children under 16 years of age; or

(4) any receiving or detention home for children under 16 years of age provided or maintained by, or receiving aid from, any city or county or the state.

~~(d)~~(e) "Child care home" means the premises where care is provided for a maximum of 12 children under 10 years of age by one provider or a maximum number of 17 children under 10 years of age by two or more providers, with a limited number of children under five years of age in accordance with section 2, and amendments thereto.

(f) "Child care resource and referral agency" means a business or service conducted, maintained or operated by a person engaged in providing resource and referral services, including information of specific services provided by child care facilities, to assist parents to find child care.

(g) "Child placement agency" means a business or service conducted, maintained or operated by a person engaged in finding homes for children by placing or arranging for the placement of such children for adoption or foster care.

(h) "Day care facility" means a child care facility that includes a ~~day~~ child care home, preschool, child care center, school-age program or other facility of a type determined by the secretary to require regulation under the provisions of K.S.A. 65-501 et seq., and amendments thereto. "Day care facility" does not include a drop-in program.

~~(e)~~(i) "Drop-in program" means the same as defined in K.S.A. 65-527, and amendments thereto.

(j) "Infant" means a child who is between two weeks and 12 months of age or a child older than 12 months of age who has not learned to walk.

(k) "Lead teacher" means an individual who meets the requirements of section 1(c), and amendments thereto, and can independently staff any unit in a child care center.

(l) "Licensure year" means the period of time beginning on the effective date and ending on the expiration date of a license.

(m) "Maternity center" means a facility that provides delivery services for normal, uncomplicated pregnancies. "Maternity center" does not include a medical care facility as defined in K.S.A. 65-425, and amendments thereto.

(n) "Person" means any individual, association, partnership,

corporation, government, governmental subdivision or other entity.

~~(f) "Boarding school" means a facility which provides 24-hour care to school age children, provides education as its primary function, and is accredited by an accrediting agency acceptable to the secretary of health and environment.~~

~~(g) "Maternity center" means a facility which provides delivery services for normal, uncomplicated pregnancies but does not include a medical care facility as defined by K.S.A. 65-425, and amendments thereto.~~

(o) "Program director" means the staff member of a child care center who meets the requirements of section 1(b), and amendments thereto, and who is responsible for implementing and supervising the comprehensive and coordinated plan of activities that provide for the education, care, protection and development of children who attend a child care center.

(p) "School-age" means a child who will be at least six years of age on or before the first day of September of any school year but is under 16 years of age.

(q) "This act" means article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(r) "Toddler" means a child who has learned to walk and is at least 12 but less than 30 months of age.

(s) "Unit" means the number of children that may be present in one group in a child care center as specified in sections 2 and 3, and amendments thereto.

Sec. 11. K.S.A. 65-505 is hereby amended to read as follows: 65-505. (a) (1) The annual fee for a license to conduct a maternity center or child care facility shall be fixed by the secretary of health and environment by rules and regulations in an amount not exceeding the following:

~~(1)(A)~~ (A) For a maternity center, \$150;

~~(2)(B)~~ (B) for a child placement agency, \$150; and

~~(3)(C)~~ (C) for a child care resource and referral agency, \$150; and

~~(4)(2) for any other. Except for child care facilities listed in paragraph (1), there shall be no annual fee for a license to conduct a child care facility, \$75 plus \$1 times the maximum number of children authorized under the license to be on the premises at any one time.~~

(3) The license fee shall be paid to the secretary of health and environment when the license is applied for and annually thereafter. The fee shall not be refundable. No fee shall be charged for a license to conduct a home for children ~~which~~ that is a family foster home as defined in K.A.R. 28-4-311, and amendments thereto. ~~Fees in effect under this subsection (a) immediately prior to the effective date of this act shall continue in effect on and after the effective date of this act until a different fee is established by the secretary of health and environment by rules and regulations under this subsection.~~

(b) Any licensee who fails to renew such license within 30 days after the expiration of the license shall pay to the secretary the renewal fee plus a late fee in an amount of \$75 or equal to the fee for the renewal of a license, whichever is greater.

(c) Any licensee applying for an amended license shall pay to the secretary of health and environment a fee established by rules and regulations of the secretary in an amount not exceeding \$35.

(d) The secretary of health and environment shall remit all moneys received by the secretary from fees under the provisions of this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer, notwithstanding any other law to the contrary, shall deposit the entire amount in the state treasury to the credit of the maternity centers and child care licensing fee fund. All expenditures from the maternity centers and child care licensing fee fund shall be made only for the purposes of article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, in accordance with appropriation acts upon warrants of the director of accounts and reports

issued pursuant to vouchers approved by the secretary of health and environment or by a person or persons designated by the secretary. Notwithstanding any other law to the contrary, no moneys shall be transferred or otherwise revert from this fund to the state general fund by appropriation act or other act of the legislature. Moneys available under this section by the creation of the maternity centers and child care licensing fee fund shall not be substituted for or used to reduce or eliminate moneys available to the department of health and environment to administer the provisions of article 5 of chapter 65 of the Kansas Statutes Annotated, *and amendments thereto*. Nothing in this act shall be construed to authorize a reduction or elimination of moneys made available by the state to local units of government for the purposes of article 5 of chapter 65 of the Kansas Statutes Annotated, *and amendments thereto*.

Sec. 12. K.S.A. 65-508 is hereby amended to read as follows: 65-508. (a) Any maternity center or child care facility subject to the provisions of this act shall: (1) Be properly heated, plumbed, lighted and ventilated; (2) have plumbing, water and sewerage systems ~~which~~ *that* conform to all applicable state and local laws; and (3) be operated with strict regard to the health, safety and welfare of any woman or child.

(b) (1) Every maternity center or child care facility shall furnish or cause to be furnished for the use of each resident and employee *an* individual towel, ~~wash cloth~~ *washcloth or disposable products*, comb and individual drinking cup or sanitary bubbling fountain, and toothbrushes for all other than infants, and shall keep or require such articles to be kept at all times in a clean and sanitary condition.

(2) *Toothbrushes in a day care facility may be used after meals or as appropriate.*

(3) Every maternity center or child care facility shall comply with all applicable fire codes and rules and regulations of the state fire marshal.

(c) (1) The secretary of health and environment with the cooperation of the secretary for children and families shall develop and adopt rules and regulations for the operation and maintenance of maternity centers and child care facilities. The rules and regulations for operating and maintaining maternity centers and child care facilities shall be designed to promote the health, safety and welfare of any woman or child served in such facilities by ensuring safe and adequate physical surroundings, healthful food, adequate handwashing, safe storage of toxic substances and hazardous chemicals, sanitary diapering and toileting, home sanitation, supervision and care of the residents by capable, qualified persons of sufficient number, after-hour care, an adequate program of activities and services, sudden infant death syndrome and safe sleep practices training, prohibition on corporal punishment, crib safety, protection from electrical hazards, protection from swimming pools and other water sources, fire drills, emergency plans, safety of outdoor playground surfaces, door locks, safety gates and transportation and such appropriate parental participation as may be feasible under the circumstances. Boarding schools are excluded from requirements regarding the number of qualified persons who must supervise and provide care to residents.

(2) Rules and regulations developed under this subsection shall include provisions for the competent supervision and care of children in day care facilities. For purposes of such rules and regulations, competent supervision as this term relates to children less than five years of age includes, but is not limited to, direction of activities, adequate oversight including sight or sound monitoring, or both, physical proximity to children, diapering and toileting practices; and for all children, competent supervision includes, but is not limited to, planning and supervision of daily activities, safe sleep practices, including, but not limited to, visual or sound monitoring, periodic checking, emergency response procedures and drills, illness and injury response procedures, food service preparation and sanitation,

playground supervision, pool and water safety practices.

(d) In addition to any rules and regulations adopted under this section for safe sleep practices, child care facilities shall ensure that all of the following requirements are met for children under 12 months of age:

(1) A child shall only be placed to sleep on a surface and in an area that has been approved for use as such by the secretary of health and environment;

(2) the sleep surface shall be free from soft or loose bedding, including, but not limited to, blankets, bumpers and pillows; and

(3) the sleep surface shall be free from toys, including mobiles and other types of play equipment or devices.

(e) Child care facilities shall ensure that children over 12 months of age only be placed to sleep on a surface and in an area that has been approved for use as such by the secretary of health and environment.

(f) The secretary of health and environment may exercise discretion to make exceptions to requirements in subsections (d) and (e) where special health needs exist.

(g) Each child cared for in a child care facility, including children of the person maintaining the facility, shall be required to have current such immunizations as the secretary of health and environment considers necessary. The person maintaining a child care facility shall maintain a record of each child's immunizations and shall provide to the secretary of health and environment such information relating thereto, in accordance with rules and regulations of the secretary, but the person maintaining a child care facility shall not have such person's license revoked solely for the failure to have or to maintain the immunization records required by this subsection.

(h) The immunization requirement of subsection (g) shall not apply if one of the following is obtained:

(1) Certification from a licensed physician stating that the physical condition of the child is such that immunization would endanger the child's life or health; or

(2) a written statement signed by a parent or guardian that the parent or guardian is an adherent of a religious denomination whose teachings are opposed to immunizations.

Sec. 13. K.S.A. 65-503, 65-505 and 65-508 and K.S.A. 2022 Supp. 48-3406 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the House,
and passed that body

HOUSE concurred in
SENATE amendments _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.