

SESSION OF 2017

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2304**

As Recommended by Senate Committee on
Public Health and Welfare

Brief*

Senate Sub. for HB 2304 would amend the statute governing standards and regulation of maternity centers and child care facilities and the statute concerning restrictions on persons interacting with child care facilities.

The bill would require child care facilities to ensure the following requirements are met for children under 12 months of age:

- A child could be placed to sleep only on a surface and in an area approved for use as such by the Secretary of Health and Environment (Secretary); and
- The sleep surface would be required to be free from soft or loose bedding, including blankets, non-mesh bumpers and pillows, as well as toys, including mobiles and other types of play equipment or devices.

Child care facilities would be required to ensure that children over 12 months of age are placed to sleep only on a surface and in an area approved for use as such by the Secretary.

The Secretary would be allowed to make exceptions to the above requirements where special health needs exist.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The above requirements would be in addition to any rules and regulations adopted under the statute for safe sleep practices.

The bill would also amend the law concerning restrictions on persons maintaining, residing, working, or volunteering in a child care facility by expanding the list of existing prohibitions to comply with new federal requirements for background checks found in the federal Child Care and Development Block Grant (CCDBG) Act of 2014, also referred to as the CCDF Reauthorization [Child Care and Development Fund]. The expanded list of prohibitions would include individuals who have been convicted of arson; individuals who have been convicted or adjudicated of a crime that requires registration as a sex offender under the Kansas Offender Registration Act, as a sex offender in any other state, or as a sex offender on the National Sex Offender Registry; and individuals who have committed an act of physical, mental, or emotional abuse or neglect, or sexual abuse and are listed in any child abuse and neglect registries maintained by another state or the federal government that are similar to the Kansas Child Abuse and Neglect Registry maintained by the Department for Children and Families (DCF).

The bill would make technical amendments to the statute concerning restrictions on persons interacting with child care facilities.

Background

HB 2304—Infant Safety in Sleeping Equipment and Sleeping Areas

HB 2304 was introduced by Representative Burroughs. In the House Committee on Children and Seniors hearing, Representative Burroughs testified in support of the bill. A representative of the Kansas Department of Health and

Environment (KDHE) testified as a neutral conferee. No other testimony was provided.

The House Committee adopted an amendment clarifying the terms and phrasing used in the new requirements, limiting application of some of the new requirements to children under 12 months of age, and allowing the Secretary to make exceptions to the requirements where special health needs exist.

In the Senate Committee on Public Health and Welfare hearing, Representative Burroughs and a representative from BreathableBaby, LLC, testified in favor of the bill. The representative from BreathableBaby requested the Senate Committee amend the bill to allow mesh bumpers in sleep surfaces. A representative of the American Academy of Pediatrics, Kansas Chapter, provided written-only proponent testimony. KDHE provided written-only neutral testimony.

The Senate Committee amended HB 2304 to specify mesh bumpers would be allowed in sleep surfaces, inserted the language of SB 126 as amended by the Senate Committee of the Whole into HB 2304, and created a substitute bill.

According to the fiscal note prepared by the Division of the Budget on HB 2304, as introduced, enactment of the bill would have no fiscal effect for DCF or KDHE because the additional requirements could be implemented within existing resources.

SB 126—Restrictions on Persons Interacting with Child Care Facilities

SB 126 was introduced by the Senate Committee on Public Health and Welfare. In the Senate Committee hearing, Senator Taylor and a KDHE representative testified in support of the bill. The KDHE representative stated the proposed changes are necessary to comply with new requirements for

states found in the CCDF Reauthorization but, more importantly, the background check requirements are protections intended to reduce the risk of abuse or neglect to children while in regulated, out-of-home child care settings. The KDHE representative stated KDHE and DCF are working jointly on mutual aspects of the CCDF Reauthorization, including this legislation. The KDHE representative requested an amendment to the bill to include a conviction of arson in the list of prohibitions. Written-only proponent testimony was provided by Bokeh Development, LLC; Child Advocacy Center of Sedgwick County; Child Care Aware of Kansas; DCF; Hutton and Hutton Law Firm, LLC; Kansas Action for Children; Kansas State Alliance of YMCAs; and two private citizens.

No opponent or neutral testimony was provided.

The Senate Committee amended the bill to add a conviction for arson to the list of prohibitions for persons maintaining, residing, working, or volunteering in a child care facility.

The Senate Committee of the Whole adopted a technical amendment to the bill.

(The Senate Committee incorporated the language of SB 126, as amended by the Senate Committee of the Whole, into HB 2304.)

According to the fiscal note prepared by the Division of the Budget on SB 126, as introduced, enactment of the bill would have no fiscal effect for DCF except the possibility of changes to the transfers to KDHE from the CCDBG Fund. KDHE estimates enactment of the bill would require additional expenditures associated with the required updates to the background check database. Expenditures would include promulgating regulations, adapting existing work processes, enhancing the child care licensing data system, and informing the regulated community of the new requirements. KDHE estimates the majority of the

expenditures would be absorbed within existing resources; however, it is possible KDHE would need to request additional CCDBG funds from DCF to offset costs associated with the implementation of new requirements and enhancements to the database system. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2018 Governor's Budget Report*.