

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/HS/House Bill No. 432, Page 46, Section 210.251, Line 18,

2 by inserting after all of said line the following:

3 "210.252. 1. All buildings and premises used by a  
 4 child-care facility to care for more than six children  
 5 except those exempted from the licensing provisions of the  
 6 department of health and senior services pursuant to  
 7 subdivisions (1) to (15) of subsection 1 of section 210.211,  
 8 shall be inspected annually for fire and safety by the state  
 9 fire marshal, the marshal's designee or officials of a local  
 10 fire district and for health and sanitation by the  
 11 department of [health and senior services] elementary and  
 12 secondary education or the department's designee, including  
 13 officials of the department of health and senior services,  
 14 or officials of the local health department. Evidence of  
 15 compliance with the inspections required by this section  
 16 shall be kept on file and available to parents of children  
 17 enrolling in the child-care facility.

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

22 3. Any child-care facility may request a variance from  
 23 a rule or regulation promulgated pursuant to this section.  
 24 The request for a variance shall be made in writing to the  
 25 department of [health and senior services] elementary and  
 26 secondary education and shall include the reasons the

27 facility is requesting the variance. The department shall  
28 approve any variance request that does not endanger the  
29 health or safety of the children served by the facility.  
30 The burden of proof at any appeal of a disapproval of a  
31 variance application shall be with the department of [health  
32 and senior services] elementary and secondary education.  
33 Local inspectors may grant a variance, subject to approval  
34 by the department.

35 4. The department of [health and senior services]  
36 elementary and secondary education shall administer the  
37 provisions of sections 210.252 to 210.256, with the  
38 cooperation of the state fire marshal, the department of  
39 elementary and secondary education, local fire departments  
40 and local health agencies.

41 5. The department of [health and senior services]  
42 elementary and secondary education shall promulgate rules  
43 and regulations to implement and administer the provisions  
44 of sections 210.252 to 210.256. Such rules and regulations  
45 shall provide for the protection of children in all child-  
46 care facilities whether or not such facility is subject to  
47 the licensing provisions of sections 210.201 to 210.245.

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

56 7. Any rule or portion of a rule, as that term is  
57 defined in section 536.010, that is created under the  
58 authority delegated in sections 210.252 to 210.256 shall  
59 become effective only if it complies with and is subject to

60 all of the provisions of chapter 536 and, if applicable,  
61 section 536.028. All rulemaking authority delegated prior  
62 to August 28, 1999, is of no force and effect and repealed.  
63 Nothing in this section shall be interpreted to repeal or  
64 affect the validity of any rule filed or adopted prior to  
65 August 28, 1999, if it fully complied with all applicable  
66 provisions of law. This section and chapter 536 are  
67 nonseverable and if any of the powers vested with the  
68 general assembly pursuant to chapter 536 to review, to delay  
69 the effective date or to disapprove and annul a rule are  
70 subsequently held unconstitutional, then the grant of  
71 rulemaking authority and any rule proposed or adopted after  
72 August 28, 1999, shall be invalid and void."; and  
73 Further amend the title and enacting clause accordingly.