

**SENATE BILL No. 282**

By Committee on Federal and State Affairs

3-1

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1 AN ACT concerning the department of health and environment; relating to  
2 licensure of child care facilities; day care homes and child care centers;  
3 establishing license capacity and staff-to-child ratios; lowering license  
4 fees and training requirements; required age of child care center staff;  
5 creating a process for day care facility licensees to apply for temporary  
6 waiver of certain statutory requirements; authorizing the secretary to  
7 develop and operate pilot programs to increase day care facility  
8 availability and capacity; amending K.S.A. 65-503, 65-505, 65-508 and  
9 65-512 and K.S.A. 2022 Supp. 48-3406 and repealing the existing  
10 sections.  
11

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

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

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

22 (1) If a child care center has fewer than 13 children enrolled:

23 (A) Three months' teaching experience in a licensed day care facility;

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

27 (C) earned at least three semester hours of academic credit from a  
28 postsecondary educational institution or equivalent training in childhood  
29 development, early childhood education or curriculum resources and  
30 supervised observation in high school or college and three months'  
31 experience caring for children in a licensed day care facility; or

32 (D) a child development associate credential.

33 (2) If a child care center has at least 13 but not more than 24 children  
34 enrolled:

35 (A) Five sessions of observation for at least 2.5 consecutive hours per  
36 observation in a licensed day care facility and six months' teaching

- 1 experience or supervised practicum in a licensed day care facility;
- 2 (B) (i) seven to nine semester hours of academic credit from a  
3 postsecondary educational institution or equivalent training in childhood  
4 development, early childhood education or curriculum resources; and
- 5 (ii) three months' teaching experience in a licensed child care facility  
6 or one year of supervised practicum in a licensed day care facility; or
- 7 (C) a child development associate credential.
- 8 (3) If a child care center has more than 24 children:
- 9 (A) Seven to nine semester hours of academic credit from a  
10 postsecondary educational institution or equivalent training in child  
11 development, early childhood education, curriculum resources, nutrition,  
12 child guidance, parent education, supervised practicum or administration  
13 of early childhood programs and six months' teaching experience in a  
14 licensed day care facility;
- 15 (B) (i) A child development associate credential, an associate of arts  
16 degree or a two-year certificate in child development; and
- 17 (ii) nine months' teaching experience or supervised practicum in a  
18 licensed day care facility;
- 19 (C) a bachelor of arts or a bachelor of science degree in child  
20 development or early childhood education, including a supervised  
21 practicum, and three months' teaching experience in a licensed day care  
22 facility; or
- 23 (D) a bachelor of arts or a bachelor of science degree in a related  
24 academic discipline and 12 hours of academic study or equivalent training  
25 in child development, early childhood education, curriculum resources,  
26 nutrition, child guidance, parent education, supervised practicum, or  
27 administration of early childhood programs, and six months' teaching  
28 experience in a licensed day care facility.
- 29 (c) (1) Each individual designated as a group leader shall be 18 years  
30 of age or older and possess either a high school diploma or equivalent  
31 education and meet one of following qualifications:
- 32 (A) Three months' experience caring for children in a licensed day  
33 care facility;
- 34 (B) 30 days' teaching experience in a licensed day care facility;
- 35 (C) five sessions of observation for at least 2.5 consecutive hours per  
36 observation in a licensed day care facility and 10 clock hours of  
37 workshops approved by the state licensing staff; or
- 38 (D) at least three semester credit hours of academic credit or  
39 equivalent training in childhood development, early childhood education  
40 or curriculum resources and supervised observation in high school or  
41 college.
- 42 (2) Each individual designated as an assistant group leader shall be 16  
43 years of age or older and complete staff orientation at the time of

1 employment.

2 (d) (1) A unit with at least one infant shall have at least one staff  
3 member present who is designated as a group leader.

4 (2) A unit where all children are at least 12 months old shall have at  
5 least one staff member present who is designated as an assistant group  
6 leader.

7 (3) A unit with at least one infant may have a staff member present  
8 who is 16 years of age, but such staff member shall be under the direct  
9 supervision of an individual designated as a group leader.

10 (4) A unit where all children are at least 12 months old may have a  
11 staff member present who is 14 years of age, but such staff member shall  
12 be under the direct supervision of an individual designated as a group  
13 leader.

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

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

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

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

25 New Sec. 2. (a) The maximum number of children for which a day  
26 care home that has one provider may be licensed shall be the following:

27 Under 12 months	28 At least 12 months	29 At least five	License capacity
of age	but under five	but under 16	
	years of age	years of age	
30 0	8	4	12
31 1	5	6	12
32 2	4	4	10
33 3	3	3	9
34 4	2	2	8

35 (b) The maximum number of children for which a group day care  
36 home may be licensed shall be the following:

37 (1) Maximum number of children with one provider:

38 Age of child enrolled	License capacity
39 At least 2.5 years but under 16 years of age	12
40 At least three years but under 16 years of age	13
41 At least five years but under 16 years of age	15

42 (2) Maximum number of children with two providers:

43 Under 12 months	At least 12 months	At least five	License capacity
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	of age	but under five years of age	but under 16 years of age	
1				
2				
3	0	10	5	15
4	1	8	5	14
5	2	7	4	13
6	3	6	4	13
7	4	5	3	12

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

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

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

16 (3) Two or fewer children who are at least five years of age but under  
17 16 years of age and are not counted toward the license capacity in  
18 subsections (a) and (b) may be present as follows:

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

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

25 (4) Two or fewer children 16 years of age or older, unrelated to the  
26 applicant or licensee, may be present for two hours or less a day during  
27 child care hours if the additional children are:

28 (i) Not on the premises for the purpose of receiving child care in the  
29 facility;

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

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

33 (d) No child shall be left unsupervised.

34 (e) A volunteer shall be 14 years of age or older and, if working  
35 directly with children, at least three years older than the oldest child in the  
36 day care facility. A volunteer may be counted in the staff-to-child ratio if  
37 such volunteer completes the education and training requirements for a  
38 volunteer as determined by the secretary and is supervised at all times by a  
39 staff member who is not a volunteer.

40 (f) No city or county shall adopt any ordinance, resolution or  
41 regulation restricting the maximum number of children for which a day  
42 care home or group day care home may be licensed that is more strict than  
43 this section.

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

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

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

8 Age of children	9 Minimum staff-to-child 10 ratio of children 11 per unit	12 Maximum number
11 Infants	1 to 4	12
12 Infants and other 13 children under six	1 to 6 (including three or 14 fewer infants)	12 (including six or fewer infants)
15 Toddlers	1 to 7	14
16 Children at least two 17 but under three 18 years of age	8	16
19 Children at least 2.5 years 20 of age but under 21 school age	12	24
22 Children at least 3 years 23 of age but under 24 school age	15	30
25 Kindergarten enrollees	18	36
26 School age	20	40

27 (2) No child shall be left unsupervised.

28 (3) A volunteer shall be 14 years of age or older and, if working  
29 directly with children, at least three years older than the oldest child in the  
30 day care facility. A volunteer may be counted in the staff-to-child ratio if  
31 such volunteer completes the education and training requirements for a  
32 volunteer as determined by the secretary and is supervised at all times by a  
33 staff member who is not a volunteer.

34 (c) No city or county shall adopt any ordinance, resolution or  
35 regulation restricting the staff-to-child ratios and children per unit in a day  
36 care facility that is more strict than this section.

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

39 New Sec. 4. (a) A child care center shall meet the legal requirements  
40 of the local jurisdiction where the child care center is located for fire  
41 protection, water supply and sewage disposal.

42 (b) The designated area for children's activities shall contain a  
43 minimum of 25 square feet of floor space per child, exclusive of kitchens,

1 passageways, storage areas and bathrooms.

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

4 New Sec. 5. (a) The secretary shall not require as a condition of  
5 licensure for a day care home or group day care home that the licensee live  
6 in the day care home or group day care home.

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

9 New Sec. 6. (a) Notwithstanding the provisions of any other law to  
10 the contrary, a person granted licensure to maintain a day care facility may  
11 request from the secretary a waiver from the requirements of this act for a  
12 set period of time. Waiver requests shall be made in a form and manner  
13 approved by the secretary and shall contain the provisions of the statute  
14 sought to be waived and the reasons therefor.

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

17 New Sec. 7. (a) (1) Notwithstanding the provisions of any other law  
18 to the contrary, the secretary may develop and operate pilot programs  
19 designed to increase the availability or capacity of day care facilities in the  
20 state.

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

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

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

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

40 (1) Make suggestions and recommendations for statutory changes  
41 relating to day care facilities; and

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

1 requirements therefor.

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

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

12 Sec. 8. K.S.A. 2022 Supp. 48-3406 is hereby amended to read as  
13 follows: 48-3406. (a) For the purposes of this section:

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

20 (2) "Complete application" means the licensing body has received all  
21 forms, fees, documentation, a signed affidavit stating that the application  
22 information, including necessary prior employment history, is true and  
23 accurate and any other information required or requested by the licensing  
24 body for the purpose of evaluating the application, consistent with this  
25 section and the rules and regulations adopted by the licensing body  
26 pursuant to this section. If the licensing body has received all such forms,  
27 fees, documentation and any other information required or requested by  
28 the licensing body, an application shall be deemed to be a complete  
29 application even if the licensing body has not yet received a criminal  
30 background report from the Kansas bureau of investigation.

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

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

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

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

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

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

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

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

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

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

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

37 (C) has not committed an act in any jurisdiction that would have  
38 constituted grounds for the limitation, suspension or revocation of the  
39 license, certificate or registration, or that the applicant has never been  
40 censured or had other disciplinary action taken or had an application for  
41 licensure, registration or certification denied or refused to practice an  
42 occupation for which the applicant seeks licensure, registration or  
43 certification;



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

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

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

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

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

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

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

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

43 (1) Worked in a state that does not use an occupational license,

1 registration, certification or private certification to regulate an occupation,  
2 but this state uses an occupational license, registration or certification to  
3 regulate the occupation;

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

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

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

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

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

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

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

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

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

33 (h) In the event the licensing body determines that the license,  
34 registration or certificate currently held by an applicant under subsection  
35 (c)(2) or the work experience or private credential held by an applicant  
36 under subsections (e) or (f), who is a military spouse or military  
37 servicemember does not authorize a similar scope of practice as the  
38 license, registration or certification issued by the licensing body of this  
39 state, the licensing body shall issue a temporary permit for a limited period  
40 of time to allow the applicant to lawfully practice the applicant's  
41 occupation while completing any specific requirements that are required in  
42 this state for licensure, registration or certification that were not required  
43 in the state, district or territory of the United States in which the applicant

1 was licensed, registered, certified or otherwise credentialed, unless the  
2 licensing body finds, based on specific grounds, that issuing a temporary  
3 permit would jeopardize the health and safety of the public.

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

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

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

29 (l) Nothing in this section shall be construed to apply in conflict with  
30 or in a manner inconsistent with federal law or a multistate compact, or a  
31 rule or regulation or a reciprocal or other applicable statutory provision  
32 that would allow an applicant to receive a license. Nothing in this section  
33 shall be construed as prohibiting a licensing body from denying any  
34 application for licensure, registration or certification, or declining to grant  
35 a temporary or probationary license, if the licensing body determines that  
36 granting the application may jeopardize the health and safety of the public.

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

41 (n) Notwithstanding any other provision of law, during a state of  
42 emergency declared by the legislature, a licensing body may grant a  
43 temporary emergency license to practice any profession licensed, certified,

1 registered or regulated by the licensing body to an applicant whose  
2 qualifications the licensing body determines to be sufficient to protect  
3 health and safety of the public and may prohibit any unlicensed person  
4 from practicing any profession licensed, certified, registered or regulated  
5 by the licensing body.

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

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

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

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

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

- 36 (1) The abstracters' board of examiners;
- 37 (2) the board of accountancy;
- 38 (3) the board of adult care home administrators;
- 39 (4) the secretary for aging and disability services, with respect to  
40 K.S.A. 65-5901 et seq. and K.S.A. 65-6503 et seq., and amendments  
41 thereto;
- 42 (5) the Kansas board of barbering;
- 43 (6) the behavioral sciences regulatory board;

- 1 (7) the Kansas state board of cosmetology;  
 2 (8) the Kansas dental board;  
 3 (9) the state board of education;  
 4 (10) the Kansas board of examiners in fitting and dispensing of  
 5 hearing instruments;  
 6 (11) the board of examiners in optometry;  
 7 (12) the state board of healing arts, as provided by subsection (r);  
 8 (13) the secretary of health and environment, *including* with respect  
 9 to K.S.A. 82a-1201 et seq., and amendments thereto;  
 10 (14) the commissioner of insurance, with respect to K.S.A. 40-241  
 11 and 40-4901 et seq., and amendments thereto;  
 12 (15) the state board of mortuary arts;  
 13 (16) the board of nursing;  
 14 (17) the state board of pharmacy;  
 15 (18) the Kansas real estate commission;  
 16 (19) the real estate appraisal board;  
 17 (20) the state board of technical professions, as provided by  
 18 subsection (r); and  
 19 (21) the state board of veterinary examiners.
- 20 (t) All proceedings pursuant to this section shall be conducted in  
 21 accordance with the provisions of the Kansas administrative procedure act  
 22 and shall be reviewable in accordance with the Kansas judicial review act.
- 23 (u) ~~(l) Commencing on July 1, 2021, and each year thereafter, Each~~  
 24 ~~licensing body listed in subsection (s)(1) through (21) shall provide a~~  
 25 ~~report for the period of July 1 through June 30 to the director of legislative~~  
 26 ~~research by August 31 of each year, providing information requested by~~  
 27 ~~the director of legislative research to fulfill the requirements of this~~  
 28 ~~subsection. The director of legislative research shall develop the report~~  
 29 ~~format, prepare an analysis of the reports and submit and present the~~  
 30 ~~analysis to the office of the governor, the *house of representatives standing*~~  
 31 ~~committee on commerce, labor and economic development ~~of the house of~~~~  
 32 ~~representatives or any successor committee thereof, the senate standing~~  
 33 ~~committee on commerce ~~of the senate~~ or any successor committee thereof,~~  
 34 ~~the *house of representatives standing* committee on appropriations ~~of the~~~~  
 35 ~~house of representatives and the or any successor committee thereof ~~on~~~~  
 36 ~~and the senate standing committee on ways and means ~~of the senate~~ or~~  
 37 ~~any successor committee thereof, by January 15 of the succeeding year.~~  
 38 The director's report may provide any analysis the director deems useful  
 39 and shall provide the following items, detailed by applicant type, including  
 40 military servicemember, military spouse and non-military individual:  
 41 ~~(+)(A)~~ The number of applications received under the provisions of  
 42 this section;  
 43 ~~(-)(B)~~ the number of applications granted under this section;

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

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

14       Sec. 9. K.S.A. 65-503 is hereby amended to read as follows: 65-503.  
 15 As used in this act:

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

23       (b) ~~"Child care resource and referral agency" means a business or~~  
 24 ~~service conducted, maintained or operated by a person engaged in~~  
 25 ~~providing resource and referral services, including information of specific~~  
 26 ~~services provided by child care facilities, to assist parents to find child~~  
 27 ~~care~~ "Boarding school" means a facility that provides 24-hour care to  
 28 school-age children, provides education as its primary function and is  
 29 accredited by an accrediting agency acceptable to the secretary of health  
 30 and environment.

31       (c) "Child care center" means a facility that meets child care center  
 32 regulations and provides care and educational activities for children who  
 33 are two weeks to 16 years of age for at least three hours but less than 24  
 34 hours per day or care before and after school for school-age children.

35       (d) "Child care facility" means:

36       (1) A facility maintained by a person who has control or custody of  
 37 one or more children under 16 years of age, unattended by parent or  
 38 guardian, for the purpose of providing the children with food or lodging,  
 39 or both, ~~except~~ but does not include children in the custody of the  
 40 secretary for children and families who are placed with a prospective  
 41 adoptive family pursuant to the provisions of an adoptive placement  
 42 agreement or who are related to the person by blood, marriage or legal  
 43 adoption;

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

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

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

10 ~~(d)~~(e) *"Child care resource and referral agency" means a business or*  
11 *service conducted, maintained or operated by a person engaged in*  
12 *providing resource and referral services, including information of specific*  
13 *services provided by child care facilities, to assist parents to find child*  
14 *care.*

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

19 (g) *"Day care home" means the premises where care is provided for a*  
20 *maximum of 12 children under 16 years of age, with a limited number of*  
21 *children under five years of age in accordance with section 2, and*  
22 *amendments thereto.*

23 (h) *"Day care facility" means a child care facility that includes a day*  
24 *care home, preschool, child care center, school-age program or other*  
25 *facility of a type determined by the secretary to require regulation under*  
26 *the provisions of K.S.A. 65-501 et seq., and amendments thereto.*

27 ~~(e)~~(i) *"Group day care home" means a premises where care is*  
28 *provided for a maximum of 15 children under 16 years of age, including a*  
29 *limited number of children under five years of age, in accordance with*  
30 *section 2, and amendments thereto.*

31 (j) *"Group leader" means an individual who meets the requirements*  
32 *of section 1(c), and amendments thereto, and can independently staff any*  
33 *unit in a child care center.*

34 (k) *"Infant" means a child who is between two weeks and 12 months*  
35 *of age or a child older than 12 months of age who has not learned to walk.*  
36 *"Infant" does not include a toddler.*

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

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

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

1 corporation, government, governmental subdivision or other entity.

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

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

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

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

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

20 (r) *"Toddler" means a child who has learned to walk and is at least*  
 21 *12 but less than 30 months of age or a child who has learned to walk and*  
 22 *is at least nine months of age if such child's parent or guardian consents to*  
 23 *such child being considered a toddler for purposes of license capacity and*  
 24 *staff-to-child ratios.*

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

28 Sec. 10. K.S.A. 65-505 is hereby amended to read as follows: 65-505.

29 (a) (1) The annual fee for a license to conduct a maternity center or child  
 30 care facility shall be fixed by the secretary of health and environment by  
 31 rules and regulations in an amount not exceeding the following:

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

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

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

35 ~~(4)(2)~~ ~~for any other~~ Except for the child care facilities listed in  
 36 paragraph (1), there shall be no annual fee for a license to conduct a child  
 37 care facility, \$75 plus \$1 times the maximum number of children  
 38 authorized under the license to be on the premises at any one time.

39 (3) The license fee shall be paid to the secretary of health and  
 40 environment when the license is applied for and annually thereafter. The  
 41 fee shall not be refundable. No fee shall be charged for a license to  
 42 conduct a home for children which that is a family foster home as defined  
 43 in K.A.R. 28-4-311, and amendments thereto. ~~Fees in effect under this~~



1 ~~subsection (a) immediately prior to the effective date of this act shall~~  
2 ~~continue in effect on and after the effective date of this act until a different~~  
3 ~~fee is established by the secretary of health and environment by rules and~~  
4 ~~regulations under this subsection.~~

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

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

12 (d) The secretary of health and environment shall remit all moneys  
13 received by the secretary from fees under the provisions of this section to  
14 the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
15 and amendments thereto. Upon receipt of each such remittance, the state  
16 treasurer, notwithstanding any other law to the contrary, shall deposit the  
17 entire amount in the state treasury to the credit of the maternity centers and  
18 child care licensing fee fund. All expenditures from the maternity centers  
19 and child care licensing fee fund shall be made only for the purposes of  
20 article 5 of chapter 65 of the Kansas Statutes Annotated, *and amendments*  
21 *thereto*, in accordance with appropriation acts upon warrants of the  
22 director of accounts and reports issued pursuant to vouchers approved by  
23 the secretary of health and environment or by a person or persons  
24 designated by the secretary. Notwithstanding any other law to the contrary,  
25 no moneys shall be transferred or otherwise revert from this fund to the  
26 state general fund by appropriation act or other act of the legislature.  
27 Moneys available under this section by the creation of the maternity  
28 centers and child care licensing fee fund shall not be substituted for or  
29 used to reduce or eliminate moneys available to the department of health  
30 and environment to administer the provisions of article 5 of chapter 65 of  
31 the Kansas Statutes Annotated, *and amendments thereto*. Nothing in this  
32 act shall be construed to authorize a reduction or elimination of moneys  
33 made available by the state to local units of government for the purposes  
34 of article 5 of chapter 65 of the Kansas Statutes Annotated, *and*  
35 *amendments thereto*.

36 Sec. 11. K.S.A. 65-508 is hereby amended to read as follows: 65-508.

37 (a) Any maternity center or child care facility subject to the provisions of  
38 this act shall: (1) Be properly heated, plumbed, lighted and ventilated; (2)  
39 have plumbing, water and sewerage systems ~~which~~ *that* conform to all  
40 applicable state and local laws; and (3) be operated with strict regard to the  
41 health, safety and welfare of any woman or child.

42 (b) (1) Every maternity center or child care facility shall furnish or  
43 cause to be furnished for the use of each resident and employee *an*

1 individual towel, ~~wash cloth~~ *washcloth or disposable products*, comb and  
2 individual drinking cup or sanitary bubbling fountain, and toothbrushes for  
3 all other than infants, and shall keep or require such articles to be kept at  
4 all times in a clean and sanitary condition.

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

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

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

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

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

43 (1) A child shall only be placed to sleep on a surface and in an area

1 that has been approved for use as such by the secretary of health and  
2 environment;

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

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

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

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

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

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

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

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

31 Sec. 12. K.S.A. 65-512 is hereby amended to read as follows: 65-512.

32 (a) ~~It is hereby made the duty of~~ The secretary of health and environment  
33 ~~to shall~~ inspect or cause to be inspected ~~at least once every 15 months~~  
34 ~~prior to July 1, 2012, and once every 12 months thereafter,~~ every maternity  
35 center or child care facility, ~~unless otherwise~~ *once every 12 months, except*  
36 *as provided in subsections* ~~subsection (b) and (c).~~ For the purpose of  
37 inspection, the secretary or the secretary's authorized agent shall have the  
38 right of entry and access thereto in every department and to every place in  
39 the premises, ~~shall~~ call for and examine the records ~~which that~~ are required  
40 to be kept by the provisions of this act and ~~shall~~ make and preserve a  
41 record of every inspection. The licensee shall give all reasonable  
42 information to the authorized agent of the secretary of health and  
43 environment and ~~shall afford~~ *make available* every reasonable facility for

1 viewing of the premises and seeing the patients or children therein. No  
2 such patient or child without the consent of the patient or child shall be  
3 required to be interviewed by any agent unless the agent is an authorized  
4 person or a licensed physician.

5 (b) (1) ~~On or after the effective date of this act,~~ The secretary of  
6 health and environment shall ~~commence the inspection of~~ *inspect*  
7 registered family day care homes pursuant to K.S.A. 65-533, and  
8 amendments thereto.

9 (2) The secretary of health and environment shall conduct an  
10 inspection of any child care facility upon receiving a complaint. Any new  
11 child care facility shall be inspected prior to issuance of a license. The  
12 secretary may conduct an inspection of any child care facility that has a  
13 record of repeated complaints or serious violations at any time. The  
14 secretary shall inspect any child care facility that provides services to  
15 military families receiving military assistance for child care every 12  
16 months.

17 (c) (1) ~~Except as provided in subsection (b)(2), the following~~  
18 ~~categories of child care facilities which were in compliance on the~~  
19 ~~effective date of this act are not required to be inspected until July 1, 2011:~~  
20 ~~Day care homes, as defined in K.A.R. 28-4-113; group day care homes, as~~  
21 ~~defined in K.A.R. 28-4-113; child care centers, as defined in K.A.R. 28-4-~~  
22 ~~420; preschools, as defined in K.A.R. 28-4-420; school-age programs, as~~  
23 ~~defined in K.A.R. 28-4-576; and drop-in programs, as defined in K.A.R.~~  
24 ~~28-4-700~~ *On and after July 1, 2026, all inspections of facilities licensed*  
25 *under this act shall be conducted by employees of the department of*  
26 *health.*

27 (2) ~~The provisions of this subsection shall expire on July 1, 2011~~ *The*  
28 *secretary may hire, replace or transition all surveyors or similar*  
29 *employees working for a municipality who conduct inspections of facilities*  
30 *licensed under this act into the unclassified service.*

31 Sec. 13. K.S.A. 65-503, 65-505, 65-508 and 65-512 and K.S.A. 2022  
32 Supp. 48-3406 are hereby repealed.

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