

As Amended by House Committee

Session of 2017

HOUSE BILL No. 2304

By Representative Burroughs

2-7

1 AN ACT concerning child care facilities; relating to infant sleeping
2 equipment and sleeping areas; amending K.S.A. 2016 Supp. 65-508
3 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2016 Supp. 65-508 is hereby amended to read as
7 follows: 65-508. (a) Any maternity center or child care facility subject to
8 the provisions of this act shall: (1) Be properly heated, plumbed, lighted
9 and ventilated; (2) have plumbing, water and sewerage systems which
10 conform to all applicable state and local laws; and (3) be operated with
11 strict regard to the health, safety and welfare of any woman or child.

12 (b) Every maternity center or child care facility shall furnish or cause
13 to be furnished for the use of each resident and employee individual towel,
14 wash cloth, comb and individual drinking cup or sanitary bubbling
15 fountain, and toothbrushes for all other than infants, and shall keep or
16 require such articles to be kept at all times in a clean and sanitary
17 condition. Every maternity center or child care facility shall comply with
18 all applicable fire codes and rules and regulations of the state fire marshal.

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

1 supervise and provide care to residents.

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

14 (d) *In addition to any rules and regulations adopted under this*
15 *section for safe sleep practices, child care facilities shall ~~not~~ ensure that*
16 **all of the following requirements are met for children under 12 months**
17 **of age:**

18 (1) ~~Use soft or loose bedding, including, but not limited to, blankets~~
19 ~~in sleeping equipment or in sleeping areas used only for infants;~~

20 (2) ~~allow toys or educational devices in sleeping equipment or in a~~
21 ~~sleeping area used only for infants; or~~

22 (3) ~~place a child in sleeping equipment or a sleeping area that has~~
23 ~~not been previously approved for use as such by the secretary of health~~
24 ~~and environment.~~

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

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

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

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

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

38 (g) **Each child cared for in a child care facility, including children of**
39 **the person maintaining the facility, shall be required to have current such**
40 **immunizations as the secretary of health and environment considers**
41 **necessary. The person maintaining a child care facility shall maintain a**
42 **record of each child's immunizations and shall provide to the secretary of**
43 **health and environment such information relating thereto, in accordance**

1 with rules and regulations of the secretary, but the person maintaining a
2 child care facility shall not have such person's license revoked solely for
3 the failure to have or to maintain the immunization records required by
4 this subsection.

5 ~~(e)(f)~~ **(h)** The immunization requirement of subsection ~~(d)~~ ~~(e)~~ **(g)**
6 shall not apply if one of the following is obtained:

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

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

13 Sec. 2. K.S.A. 2016 Supp. 65-508 is hereby repealed.

14 Sec. 3. This act shall take effect and be in force from and after its
15 publication in the statute book.