

**SENATE BILL No. 428**

By Committee on Ways and Means

2-21

1 AN ACT concerning the department of health and environment; relating to  
2 regulation of child care facilities; exemption from certain licensure and  
3 inspection requirements; amending K.S.A. 65-527 and repealing the  
4 existing section.

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

7 Section 1. K.S.A. 65-527 is hereby amended to read as follows: 65-  
8 527. (a) As used in this section:

9 (1) ~~"Child care program" means a day care center, group day care~~  
10 ~~home or day care home.~~ "Drop-in program" means a child care facility  
11 that is not located in an individual's residence, that serves exclusively  
12 school-age children and youth and where the operator permits children  
13 and youth to arrive at and depart from the program at the child or youth's  
14 own volition at unscheduled times.

15 (2) "Public recreation center" means any building used by a political  
16 or taxing subdivision of this state, or by an agency ~~thereof of such~~  
17 ~~subdivision, for recreation programs which that serve children who are~~ 16  
18 ~~less than 18 years of age or younger.~~

19 (3) "School" means any building used by a unified school district or  
20 an accredited nonpublic school for student for instruction or attendance of  
21 pupils of students enrolled in kindergarten or any of the grades ~~1~~ one  
22 through ~~6~~ 12 by a school district or an accredited nonpublic school.

23 (4) "School-age program" means a child care facility that serves  
24 exclusively school-age children and youth but does not include a drop-in  
25 program.

26 (b) No license for a ~~child care program for school-age children drop-~~  
27 ~~in program or school-age program~~ shall be denied, suspended or revoked  
28 on the basis that the building does not meet requirements for licensure if  
29 the building:

30 (1) Is a public recreation center or school and is used by school-age  
31 children and youth the same age as children and youth cared for in the  
32 drop-in program or school-age program;

33 (2) complies, during all hours of operation of the ~~child care drop-in~~  
34 ~~program or school-age program~~, with the Kansas fire prevention code or a  
35 building code ~~compliance with which that is by law deemed to be~~  
36 ~~compliance~~ comply with the Kansas fire prevention code; and

1       (3) ~~subject to~~ *complies, except as provided in subsection (c),*  
2 ~~complies,~~ during all hours of operation of the ~~child care drop-in program~~  
3 ~~or school-age program,~~ with all local building code provisions that apply  
4 to recreation centers, if the building is a *public* recreation center, or  
5 schools, if the building is a school; ~~and~~

6       ~~(4) as a recreation center or school, is used by school-age children and~~  
7 ~~the same age children are cared for in the child care program.~~

8       ~~(c) In the case of an inconsistency in standards with which~~ *If the*  
9 ~~standards that a building is required to comply pursuant to subsections (b)~~  
10 ~~(2) and (b)(3) conflict or are otherwise inconsistent, then the standards~~  
11 ~~provided by subsection (b)(2) shall control.~~

12       ~~(d) No license for a drop-in program or school-age program that~~  
13 ~~operates in accordance with subsection (b)(1) shall be denied, suspended~~  
14 ~~or revoked based on an environmental deficiency if:~~

15       ~~(1) The environmental deficiency does not pose an imminent risk to~~  
16 ~~children and youth;~~

17       ~~(2) the environmental deficiency is outside the applicant's or~~  
18 ~~licensee's immediate authority to correct; and~~

19       ~~(3) the applicant or licensee has notified the public recreation center~~  
20 ~~or school of the environmental deficiency.~~

21       Sec. 2. K.S.A. 65-527 is hereby repealed.

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