

HOUSE BILL No. 2383

By Committee on Appropriations

Requested by Representative Turk on behalf of Senator Titus

2-13

1 AN ACT concerning child care; relating to the department of
2 administration, the Kansas children's cabinet and the department of
3 health and environment; establishing a pilot program to provide health
4 services to child care providers; making telehealth consultation services
5 available to eligible child care providers; providing up to \$100 per
6 month in reimbursements for prescription medication costs to child care
7 providers accepted into the health services program; prohibiting cities,
8 counties or other political subdivisions from regulating licensed child
9 care providers more strictly than state law; requiring the department of
10 health and environment to provide a list of licensed child care providers
11 to any city, county or other political subdivision upon request;
12 providing any licensed in-home or group-home child care providers
13 that receive a lower tier of reimbursement under the child and adult
14 care food program to be matched with the top tier of funding that is
15 otherwise made available to other providers under the program;
16 developing and providing free orientation and training programs and
17 training materials to child care providers and licensees; allowing
18 orientation and training to count as continuing education hours;
19 requiring the department and the Kansas children's cabinet to develop a
20 training reimbursement program; amending K.S.A. 65-508 and
21 repealing the existing section.
22

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

24 New Section 1. (a) The department of administration shall coordinate
25 with the Kansas children's cabinet and the department of health and
26 environment to establish a pilot program to provide health services to child
27 care providers working in entities licensed by the department of health and
28 environment.

29 (b) (1) The department of administration shall contract for the
30 provision of telehealth consultation services for child care providers that
31 are:

32 (A) A child care provider or licensee for a family child care home,
33 day care home or group day care home or any type of teacher or program
34 director in a child care facility;

35 (B) actively providing child care services in a licensed facility;

1 (C) an individual with family income equal to or less than 150% of
2 the most recent federal poverty guidelines; and

3 (D) not receiving employer-based insurance at the time that such
4 child care provider applies for the health services program.

5 (2) (A) The department's provision of telehealth consultation services
6 pursuant to this subsection shall only be provided to child care providers
7 or licensees for a family child care home, day care home or group day care
8 home for the fiscal year ending on June 30, 2026.

9 (B) For the fiscal year ending on June 30, 2027, such services shall be
10 expanded to include child care center employees.

11 (C) For the fiscal year ending on June 30, 2028, such services shall be
12 expanded to include all child care providers that meet the criteria of
13 paragraph (1).

14 (c) Any child care provider that is accepted into the health services
15 program shall also be provided up to \$100 per month in reimbursements
16 for prescription medication costs. Any such reimbursements may be used
17 for the child care provider or any dependents thereof.

18 (d) The department of administration may determine the best method
19 to limit the number of applicants for purposes of the pilot program.

20 (e) The department of administration shall coordinate with the Kansas
21 department of health and environment to verify that applicants for the
22 program meet the eligibility requirements of subsections (b)(1)(A) and
23 (B).

24 (f) Subject to appropriations, for two calendar years, health services
25 shall be provided for in this section beginning with the services in 2026,
26 except that the Kansas children's cabinet is directed to seek grant funding
27 from federal, nonprofit or any other source that may be used to offset the
28 costs of the program.

29 New Sec. 2. (a) The legislature finds that, as a matter of public policy
30 and fact, it is necessary to provide statewide uniform standards for
31 licensed child care and occupy the field of regulation of licensed child care
32 to ensure that no person is subjectively or arbitrarily denied the ability to
33 give or receive such care.

34 (b) No city, county or other political subdivision of this state, or any
35 contractor thereof, shall regulate or restrict any child care provider
36 licensed by the department of health and environment from providing
37 child care in any matter that is stricter than what is required by state law or
38 rules and regulations adopted by the secretary.

39 (c) Any existing or future law, ordinance, rule, regulation or
40 resolution prohibited by subsection (b) shall be null and void.

41 (d) Upon request of a city, county or other political subdivision of this
42 state, the department of health and environment shall provide to the
43 governing authority of such political subdivision a list of licensed child

1 care providers located within such political subdivision.

2 New Sec. 3. (a) Subject to appropriations, for any licensed in-home
3 or group-home child care providers that receive a lower tier of
4 reimbursement from the federal government pursuant to 42 U.S.C. § 1766,
5 the state shall match funding for such providers with the top tier of funding
6 that is otherwise made available to other providers by 42 U.S.C. § 1766.

7 (b) The state shall not match funding in any fiscal year in which
8 enough federal or grant funding has been made available to fulfill the
9 highest rate of reimbursement as provided in subsection (a).

10 Sec. 4. K.S.A. 65-508 is hereby amended to read as follows: 65-508.

11 (a) Any maternity center or child care facility subject to the provisions of
12 this act shall:

13 (1) Be properly heated, plumbed, lighted and ventilated;

14 (2) have plumbing, water and sewerage systems ~~which~~ *that* conform
15 to all applicable state and local laws; and

16 (3) be operated with strict regard to the health, safety and welfare of
17 any woman or child.

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

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

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

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

16 (1) A child shall only be placed to sleep on a surface and in an area
17 that has been approved for use as such by the secretary of health and
18 environment;

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

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

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

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

29 (g) Each child cared for in a child care facility, including children of
30 the person maintaining the facility, shall be required to have current such
31 immunizations as the secretary of health and environment considers
32 necessary. The person maintaining a child care facility shall maintain a
33 record of each child's immunizations and shall provide to the secretary of
34 health and environment such information relating thereto, in accordance
35 with rules and regulations of the secretary, but the person maintaining a
36 child care facility shall not have such person's license revoked solely for
37 the failure to have or to maintain the immunization records required by
38 this subsection.

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

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

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

4 (i) (1) *The secretary of health and environment shall develop and*
5 *provide suitable orientation and training programs at no cost to child care*
6 *providers and licensees for all positions that are required by the secretary*
7 *to meet certain orientation and training standards prior to beginning work*
8 *at a licensed facility or prior to the approval of a license.*

9 (2) *The secretary shall develop and make available suitable training*
10 *materials at no cost to all child care providers and licensees that are*
11 *required by the secretary to complete training or any equivalents thereof.*

12 (3) *Any orientation and training completed pursuant to this section*
13 *shall also count as continuing education hours in the current or next*
14 *applicable year.*

15 (4) *The secretary and the Kansas children's cabinet shall:*

16 (A) *Develop a reimbursement program for licensees for the cost of*
17 *sending child care providers to in-person training;*

18 (B) *during the 2026 regular session of the legislature, report the*
19 *estimated cost for the development of such reimbursement program to the*
20 *house of representatives committee on commerce, labor and economic*
21 *development and the senate committee on commerce; and*

22 (C) *seek the necessary funding for any licensed in-home or group-*
23 *home child care providers that receive a lower tier of reimbursement from*
24 *the federal government pursuant to 42 U.S.C. § 1766, to be matched with*
25 *the top tier of funding that is otherwise made available to other providers*
26 *by 42 U.S.C. § 1766.*

27 Sec. 5. K.S.A. 65-508 is hereby repealed.

28 Sec. 6. This act shall take effect and be in force from and after its
29 publication in the statute book.