

**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—*  
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—*  
22 *one 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.