

As Amended by House Committee

Session of 2019

HOUSE BILL No. 2228

By Committee on Children and Seniors

2-11

1 AN ACT concerning child care facilities; relating to civil fines; amending
2 K.S.A. 65-526 and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 65-526 is hereby amended to read as follows: 65-
6 526. (a) The secretary of health and environment, in addition to any other
7 penalty prescribed under article 5 of chapter 65 of the Kansas Statutes
8 Annotated, and amendments thereto, may assess a civil fine, after proper
9 notice and an opportunity to be heard in accordance with the Kansas
10 administrative procedure act, against a licensee for each violation of such
11 provisions or rules and regulations adopted pursuant thereto—~~which that~~
12 ~~affect significantly and adversely the health, safety or sanitation of~~
13 ~~children in a child care facility. Each~~ **A civil fine assessed under this**
14 **section shall not exceed \$500-, except that in the case of a continuing**
15 **violation, every day such violation continues shall be deemed a separate**
16 **violation that shall be subject to a civil fine in an amount not to exceed**
17 **\$100.**

18 (b) *The secretary of health and environment, upon finding that any*
19 *person has violated K.S.A. 65-501, and amendments thereto, shall notify*
20 *the person in writing that a license is required to operate a child care*
21 *facility.*

22 (c) *The secretary of health and environment, upon finding that any*
23 *person continues to violate K.S.A. 65-501, and amendments thereto, after*
24 *being provided notification pursuant to subsection (b), may assess a civil*
25 *fine, after proper notice and an opportunity to be heard in accordance*
26 *with the Kansas administrative procedure act, in an amount not to exceed*
27 ~~*\$1,000*~~ **\$500 for each a violation—and, except that in the case of a**
28 **continuing violation, every day such previously notified violation**
29 **continues shall be deemed a separate violation that shall be subject to a**
30 **civil fine in an amount not to exceed \$100.**

31 (d) **The provisions of subsections (b) and (c) shall not apply to a**
32 **person providing child care for:**

33 **(1) Children who are provided child care in the home in which**
34 **such children reside;**

35 **(2) children who are all relatives of the person; or**

36 **(3) up to two children unrelated to the person for not more than**

1 **20 hours a week. Such 20 hours shall be calculated by combining the**
2 **hours each child is provided care during the week by such person.**

3 (e) All fines assessed and collected under this section shall be
4 remitted to the state treasurer in accordance with the provisions of K.S.A.
5 75-4215, and amendments thereto. Upon receipt of each such remittance,
6 the state treasurer shall deposit the entire amount in the state treasury to
7 the credit of the state general fund.

8 ~~(e)~~(f) *Any person aggrieved by an order of the secretary made under*
9 *this section may appeal such order to the district court in the manner*
10 *provided by the Kansas judicial review act.*

11 Sec. 2. K.S.A. 65-526 is hereby repealed.

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