

## HOUSE BILL No. 2450

By Committee on Appropriations

3-20

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AN ACT concerning maternity centers and child care facilities; relating to licensure requirements and exemptions therefrom; amending K.S.A. 59-2123, 65-501 and 65-503 and repealing the existing sections; also repealing K.S.A. 65-502.

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

New Section 1. (a) The provisions of K.S.A. 65-501 *et seq.*, and amendments thereto, shall not apply to any:

(1) Residential facility or hospital that is operated and maintained by a state agency as defined in K.S.A. 75-3701, and amendments thereto.

(2) Summer instructional camp that:

(A) Is operated by a Kansas educational institution as defined in K.S.A. 74-32,120, and amendments thereto, or a postsecondary educational institution as defined in K.S.A. 74-3201b, and amendments thereto;

(B) is operated for not more than five weeks;

(C) provides instruction to children, all of whom are 10 years of age and older; and

(D) is accredited by an agency or organization acceptable to the secretary of health and environment.

(3) Family day care home as defined in K.S.A. 65-517, and amendments thereto.

(4) Facilities, programs or services designed for mental health treatment of children and adolescents provided by a community mental health center licensed pursuant to K.S.A. 75-3307b, and amendments thereto.

(5) Facilities, programs or services operated by a school on school property for children five years and older before and after the customary school day during the regular school term.

(6) Drop-in recreation programs that are for children five years and older provided by a municipality, the salvation army, the boys and girls club of America where the children are free to come and go from the premises without being escorted by a parent or responsible person and short-term educational programs or classes for children in which the supervision and care of the children are incidental to their participation in the activity or training in specific subjects including, but not limited to, music, dance, religion and the program provider does not assume re-

1 responsibility for the provision of daily child care outside the scheduled  
2 program.

3 (7) Day camping or recreation programs for children five years and  
4 older which have as the primary emphasis outdoor education and recre-  
5 ation and are operated between school terms for no more than seven  
6 hours per day or which are accredited by the American camping associ-  
7 ation or other national standard-setting agency or church camp accredi-  
8 tation programs which must provide standards equivalent to the American  
9 camping association standards.

10 (b) This section shall not preclude any person who is not required to  
11 be licensed under K.S.A. 65-501 *et seq.*, and amendments thereto, from  
12 applying for a license nor shall this section preclude the secretary from  
13 issuing a license to any person not required to be licensed.

14 Sec. 2. K.S.A. 59-2123 is hereby amended to read as follows: 59-  
15 2123. (a) Except as otherwise provided in this section:

16 (1) No person shall advertise that such person will adopt, find an  
17 adoptive home for a child or otherwise place a child for adoption;

18 (2) no person shall offer to adopt, find a home for or otherwise place  
19 a child as an inducement to a woman to come to such person's maternity  
20 center during pregnancy or after delivery; and

21 (3) no person shall offer to adopt, find a home for or otherwise place  
22 a child as an inducement to any parent, guardian or custodian of a child  
23 to place such child in such person's home, institution or establishment.

24 (b) The provisions of subsection (a)(1) shall not apply to a licensed  
25 child placement agency operating as authorized by Kansas law or to the  
26 department of social and rehabilitation services.

27 (c) As used in this section:

28 (1) "Advertise" means to communicate by newspaper, radio, televi-  
29 sion, handbills, placards or other print, broadcast or electronic medium.

30 (2) "Person" means an individual, firm, partnership, corporation,  
31 joint venture or other association or entity.

32 (3) "Maternity center" ~~means the same as provided in K.S.A. 65-502~~  
33 *shall have the meaning ascribed thereto by K.S.A. 65-503*, and amend-  
34 ments thereto.

35 (d) Any person who violates the provisions of this section shall be  
36 guilty of a class C misdemeanor.

37 Sec. 3. K.S.A. 65-501 is hereby amended to read as follows: 65-501.  
38 *Except as provided by section 1, and amendments thereto*, it shall be  
39 unlawful for any person, firm, corporation or association to conduct or  
40 maintain a maternity center or a child care facility for children under 16  
41 years of age without having a license or temporary permit therefor from  
42 the secretary of health and environment. ~~Nothing in this act shall apply~~  
43 ~~to:~~

1 ~~—(a) A residential facility or hospital that is operated and maintained~~  
 2 ~~by a state agency as defined in K.S.A. 75-3701 and amendments thereto;~~  
 3 ~~or~~

4 ~~—(b) a summer instructional camp that:~~

5 ~~—(1) Is operated by a Kansas educational institution as defined in~~  
 6 ~~K.S.A. 74-32,120, and amendments thereto, or a postsecondary educa-~~  
 7 ~~tional institution as defined in K.S.A. 74-3201b, and amendments thereto;~~

8 ~~—(2) is operated for not more than five weeks;~~

9 ~~—(3) provides instruction to children, all of whom are 10 years of age~~  
 10 ~~and older, and~~

11 ~~—(4) is accredited by an agency or organization acceptable to the sec-~~  
 12 ~~retary of health and environment.~~

13 Sec. 4. K.S.A. 65-503 is hereby amended to read as follows: 65-503.  
 14 As used in ~~this act~~ *65-501 et seq., and amendments thereto:*

15 (a) “Child placement agency” means a business or service conducted,  
 16 maintained or operated by a person engaged in finding homes for children  
 17 by placing or arranging for the placement of such children for adoption  
 18 or foster care.

19 (b) “Child care resource and referral agency” means a business or  
 20 service conducted, maintained or operated by a person engaged in pro-  
 21 viding resource and referral services, including information of specific  
 22 services provided by child care facilities, to assist parents to find child  
 23 care.

24 (c) ~~(1)~~ “Child care facility” means:

25 ~~(A)~~ (1) A facility maintained by a person who has control or custody  
 26 of one or more children under 16 years of age, unattended by parent or  
 27 guardian, for the purpose of providing the children with food or lodging,  
 28 or both, except children related to the person by blood, marriage or legal  
 29 adoption;

30 ~~(B)~~ (2) a children’s home, orphanage, maternity home, day care fa-  
 31 cility or other facility of a type determined by the secretary to require  
 32 regulation under the provisions of this act;

33 ~~(C)~~ (3) a child placement agency or child care resource and referral  
 34 agency, or a facility maintained by such an agency for the purpose of  
 35 caring for children under 16 years of age; or

36 ~~(D)~~ (4) any receiving or detention home for children under 16 years  
 37 of age provided or maintained by, or receiving aid from, any city or county  
 38 or the state.

39 ~~(2) “Child care facility” shall not include a family day care home de-~~  
 40 ~~finied in K.S.A. 65-517 and amendments thereto.~~

41 (d) “Person” means any individual, association, partnership, corpo-  
 42 ration, government, governmental subdivision or other entity.

43 (e) “Boarding school” means a facility which provides 24-hour care

1 to school age children, provides education as its primary function, and is  
2 accredited by an accrediting agency acceptable to the secretary of health  
3 and environment.

4 (f) *“Maternity center” means a facility which provides delivery serv-*  
5 *ices for normal, uncomplicated pregnancies but does not include a medical*  
6 *care facility as defined by K.S.A. 65-425 and amendments thereto.*

7 (g) *“Municipality” shall have the meaning ascribed thereto in K.S.A.*  
8 *75-6110, and amendments thereto.*

9 Sec. 5. K.S.A. 59-2123, 65-501, 65-502 and 65-503 are hereby  
10 repealed.

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

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