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MEMORANDUM

To: Committee on Children and Seniors
From: Office of Revisor of Statutes
Date: February 2, 2021
Subject: House Bill 2149

HB 2149 would amend a statute related to the licensure of child care facilities under the Secretary of the Department for Children and Families. K.S.A. 65-516 establishes restrictions on persons who maintain a child care facility if there are certain persons who reside, work or regularly volunteer at the facility.

New subsection (k) permits the Secretary of the Department for Children and Families to exempt a child care facility who is licensed or applying for a license that has certain persons who reside, work or regularly volunteer at the facility that would otherwise not be permitted. The secretary may exempt child care facilities where any person who resides, works or regularly volunteers at the facility has:

- (1) been convicted of a crime classified as a person felony in Kansas, any other state or the federal government,

- (2) been convicted of acts involving controlled substances or violated any provision of the uniform controlled substances act before 2009, or any similar statute of any other state or the federal government,

- (3) been convicted of, any attempt to commit or conspiracy to commit crimes against persons, crimes affecting family relationships and children, sex offenses and other certain offenses, or similar statutes of any other state or the federal government,

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(4) been convicted of promoting obscenity to minors, or similar statutes of any other state or the federal government,

(5) been convicted of arson or aggravated arson, or similar statutes of any other state or the federal government,

(6) been adjudicated as a juvenile offender for a crime against persons that would have otherwise been a felony if committed by an adult for certain crimes listed in (a)(2), or similar statutes of any other state or the federal government, or

(7) an infectious or contagious disease.

If the Secretary determines that the exemption is in the best interest of a child in the custody of the secretary who is or will be under the care of the child care facility and does not present a safety concern, the Secretary may grant the exemption to the facility.

The section would take effect upon publication in the statute book.