

1 AN ACT relating to outdoor nature-based child care.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 199.894 is amended to read as follows:

4 As used in KRS 199.892 to 199.896, unless the context otherwise requires:

5 (1) "Cabinet" means the Cabinet for Health and Family Services;

6 (2) "Secretary" means secretary for health and family services;

7 (3) "Child-care center" means any child-care center that provides full- or part-time  
8 care, day or night, to four (4) or more children in a nonresidential setting who are  
9 not the children, grandchildren, nieces, nephews, or children in legal custody of the  
10 operator. "Child-care center" shall not include any child-care facility operated by a  
11 religious organization while religious services are being conducted, or a youth  
12 development agency. For the purposes of this section, "youth development agency"  
13 means a program with tax-exempt status under 26 U.S.C. sec. 501(c)(3), which  
14 operates continuously throughout the year as an outside-school-hours center for  
15 youth who are six (6) years of age or older, and for which there are no fee or  
16 scheduled-care arrangements with the parent or guardian of the youth served;

17 (4) "Department" means the Department for Community Based Services;~~and~~

18 (5) "Family child-care home" means a private home that is the primary residence of an  
19 individual who provides full or part-time care day or night for six (6) or fewer  
20 children who are not the children, siblings, stepchildren, grandchildren, nieces,  
21 nephews, or children in legal custody of the provider; and

22 **(6) "Outdoor nature-based child-care center" means a child-care center that:**

23 **(a) Enrolls preschool or school-age children;**

24 **(b) Provides early learning services to the enrolled children in an outdoor**  
25 **natural space approved by the department for not less than four (4) hours**  
26 **per day or fifty percent (50%) of the daily program hours, whichever is less;**

27 **and**

1        (c) Teaches a nature-based curriculum to enrolled children.

2        ➔Section 2. KRS 194A.381 is amended to read as follows:

3        KRS 194A.380 to 194A.383 shall not apply to:

- 4        (1) Public school districts or programs sponsored by the school district;
- 5        (2) Private schools;
- 6        (3) Child-care centers, outdoor nature-based child-care centers, child-caring and
- 7        child-placing agencies; family child-care homes; and foster care, relative caregiver
- 8        services or adoptive homes otherwise governed by KRS Chapter 199; or
- 9        (4) Babysitting or child-care arrangements made by a child's parent or guardian and
- 10       occurring within a private home.

11       ➔Section 3. KRS 199.8941 is amended to read as follows:

- 12       (1) To the extent that funds are available, the Cabinet for Health and Family Services,
- 13       in consultation with the Early Childhood Advisory Council, shall, by administrative
- 14       regulation promulgated in accordance with KRS Chapter 13A, establish a program
- 15       of monetary incentives including but not limited to an increased child-care subsidy
- 16       and a one-time merit achievement award for child-care centers, outdoor nature-
- 17       based child-care centers, and certified family child-care homes that are tied to a
- 18       quality rating system for child care as established under KRS 199.8943.
- 19       (2) The monetary incentive program shall be reviewed annually by the cabinet, in
- 20       consultation with the council, for the purpose of determining future opportunities to
- 21       provide incentives.
- 22       (3) Participation in the program of monetary incentives and in the quality rating system
- 23       by public-funded child-care centers, outdoor nature-based child-care centers, and
- 24       certified family child-care homes is mandatory.
- 25       (4) The Cabinet for Health and Family Services shall encourage the professional
- 26       development of persons who are employed or provide training in a child-care or
- 27       early childhood setting by facilitating their participation in the scholarship program

1 for obtaining a child development associate credential, postsecondary certificate,  
2 diploma, degree, or specialty credential as established under KRS 164.518.

3 ➔Section 4. KRS 199.8943 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Federally funded time-limited employee" has the same meaning as in KRS  
6 18A.005;

7 (b) "Primary school program" has the same meaning as in KRS 158.031(1); and

8 (c) "Public-funded" means a program which receives local, state, or federal  
9 funding.

10 (2) The Early Childhood Advisory Council shall, in consultation with early care and  
11 education providers, the Cabinet for Health and Family Services, and others,  
12 including but not limited to child-care resource and referral agencies and family  
13 resource centers, Head Start agencies, and the Kentucky Department of Education,  
14 develop a quality-based graduated early care and education program rating system  
15 for public-funded licensed child-care centers, outdoor nature-based child-care  
16 centers, and certified family child-care homes, public-funded preschool, and Head  
17 Start, based on but not limited to:

18 (a) Classroom and instructional quality;

19 (b) Administrative and leadership practices;

20 (c) Staff qualifications and professional development; and

21 (d) Family and community engagement.

22 (3) (a) The Cabinet for Health and Family Services shall, in consultation with the  
23 Early Childhood Advisory Council, promulgate administrative regulations in  
24 accordance with KRS Chapter 13A to implement the quality-based graduated  
25 early childhood rating system for public-funded child-care centers, outdoor  
26 nature-based child-care centers, and certified family child-care homes  
27 developed under subsection (2) of this section.

- 1 (b) The Kentucky Department of Education shall, in consultation with the Early  
2 Childhood Advisory Council, promulgate administrative regulations in  
3 accordance with KRS Chapter 13A to implement the quality-based graduated  
4 early childhood rating system, developed under subsection (2) of this section,  
5 for public-funded preschool.
- 6 (c) The administrative regulations promulgated in accordance with paragraphs (a)  
7 and (b) of this subsection shall include:
- 8 1. Agency time frames of reviews for rating;
  - 9 2. An appellate process under KRS Chapter 13B; and
  - 10 3. The ability of providers to request reevaluation for rating.
- 11 (4) The quality-based early childhood rating system shall not be used for enforcement  
12 of compliance or in any punitive manner.
- 13 (5) The Early Childhood Advisory Council, in consultation with the Kentucky Center  
14 for Education and Workforce Statistics, the Kentucky Department of Education,  
15 and the Cabinet for Health and Family Services, shall report by October 1 of each  
16 year to the Interim Joint Committee on Education on the implementation of the  
17 quality-based graduated early childhood rating system. The report shall include the  
18 following quantitative performance measures as data becomes available:
- 19 (a) Program participation in the rating system;
  - 20 (b) Ratings of programs by program type;
  - 21 (c) Changes in student school-readiness measures;
  - 22 (d) Longitudinal student cohort performance data tracked through student  
23 completion of the primary school program; and
  - 24 (e) Long-term viability recommendations for sustainability at the end of the Race  
25 to the Top-Early Learning Challenge grant.
- 26 (6) By November 1, 2017, the Early Childhood Advisory Council and the Cabinet for  
27 Health and Family Services shall report on recommendations and plans for

1 sustaining program quality after the depletion of federal Race to the Top-Early  
2 Learning Challenge grant funds.

3 (7) Any federally funded time-limited employee personnel positions created as a result  
4 of the federal Race to the Top-Early Learning Challenge grant shall be eliminated  
5 upon depletion of the grant funds.

6 ➔Section 5. KRS 199.895 is amended to read as follows:

7 (1) A child-care center and an outdoor nature-based child-care center licensed under  
8 KRS 199.896 and a family child-care home certified under KRS 199.8982 shall  
9 have a written plan for evacuation in the event of fire, natural disaster, or other  
10 threatening situation that may pose a health or safety hazard to the children in the  
11 center or home. The plan shall include but not be limited to:

- 12 (a) A designated relocation site and evacuation route;
- 13 (b) Procedures for notifying parents of the relocation and ensuring family  
14 reunification;
- 15 (c) Procedures to address the needs of individual children including children with  
16 special needs;
- 17 (d) Instructions relating to the training of staff or the reassignment of staff duties,  
18 as appropriate;
- 19 (e) Coordination with local emergency management officials; and
- 20 (f) A program to ensure that appropriate staff are familiar with the plan's  
21 components.

22 (2) A child-care center, outdoor nature-based child-care center, and a family child-  
23 care home shall update the evacuation plan by December 31 each year.

24 (3) A child-care center, outdoor nature-based child-care center, and a family child-  
25 care home shall retain an updated copy of the plan for evacuation, provide an  
26 updated copy to appropriate local emergency management officials, and provide a  
27 copy to each parent, custodian, or guardian of the child at the time of the child's

1 enrollment in the program and whenever the plan is updated.

2 ➔Section 6. KRS 199.8951 is amended to read as follows:

3 (1) A child-care center and an outdoor nature-based child-care center licensed under  
4 KRS 199.896 and a family child-care home certified under KRS 199.8982 may  
5 comply with KRS 311.646 and obtain a prescription for epinephrine auto-injectors.  
6 These epinephrine auto-injectors shall be stored in a secure, accessible, readily  
7 available location not accessible to children, for quick administration.

8 (2) The cabinet shall promulgate administrative regulations governing epinephrine  
9 auto-injectors in licensed child-care centers, outdoor nature-based child-care  
10 centers, and certified family child-care homes, including:

11 (a) Any center- or home-specific requirements that the cabinet deems necessary  
12 for the safe and proper storage, administration, and disposal of epinephrine  
13 auto-injectors;

14 (b) A written plan of action in case of an emergency necessitating the  
15 administration of an epinephrine auto-injector in a center or home; and

16 (c) A written notice that is provided to a child's parents, custodians, or guardians  
17 stating that the center or home has epinephrine auto-injectors at the center or  
18 home and that the center or home will notify a child's parents, custodians, or  
19 guardians when a epinephrine auto-injector is used on their child.

20 ➔Section 7. KRS 199.896 is amended to read as follows:

21 (1) No person, association, or organization shall conduct, operate, maintain, or  
22 advertise any child-care center or any outdoor nature-based child-care center  
23 without obtaining a license as provided in KRS 199.892 to 199.896.

24 (2) The cabinet may promulgate administrative regulations pursuant to KRS Chapter  
25 13A relating to license fees and may, in the administrative regulations, establish  
26 standards of care and service for a child-care center or an outdoor nature-based  
27 child-care center, criteria for the denial of a license if criminal records indicate

1 convictions that may impact the safety and security of children in care, and  
2 procedures for enforcement of penalties which are not in contravention of this  
3 section.

4 (3) Each initial application for a license shall be made to the cabinet and shall be  
5 accompanied by a fee that shall not exceed administrative costs of the program to  
6 the cabinet and shall be renewable annually upon expiration and reapplication when  
7 accompanied by a renewal fee that shall not exceed administrative costs of the  
8 program to the cabinet. Regular licenses and renewals thereof shall expire one (1)  
9 year from their effective date.

10 (4) ~~A[No]~~ child-care center **or an outdoor nature-based child-care center** shall **not** be  
11 refused a license or have its license revoked for failure to meet standards set by the  
12 secretary until after the expiration of a period not to exceed six (6) months from the  
13 date of the first official notice that the standards have not been met. If, however, the  
14 cabinet has probable cause to believe that an immediate threat to the public health,  
15 safety, or welfare exists, the cabinet may take emergency action pursuant to KRS  
16 13B.125. All administrative hearings conducted under authority of KRS 199.892 to  
17 199.896 shall be conducted in accordance with KRS Chapter 13B.

18 (5) If, upon inspection or investigation, the inspector general finds that a child-care  
19 center **or an outdoor nature-based child-care center** licensed under this section has  
20 violated the administrative regulations, standards, or requirements of the cabinet,  
21 the inspector general shall issue a statement of deficiency to the center containing:

- 22 (a) A statement of fact;
- 23 (b) A statement of how an administrative regulation, standard, or requirement of  
24 the cabinet was violated; and
- 25 (c) The timeframe, negotiated with the child-care center **or an outdoor nature-**  
26 **based child-care center**, within which a violation is to be corrected, except  
27 that a violation that poses an immediate threat to the health, safety, or welfare

1 of children in the center shall be corrected in no event later than five (5)  
2 working days from the date of the statement of deficiency.

3 (6) The Cabinet for Health and Family Services, in consultation with the Office of the  
4 Inspector General, shall establish by administrative regulations promulgated in  
5 accordance with KRS Chapter 13A an informal dispute resolution process through  
6 which a child-care provider may dispute licensure deficiencies that have an adverse  
7 effect on the child-care provider's license.

8 (7) A child-care center or an outdoor nature-based child-care center shall have the  
9 right to appeal to the Cabinet for Health and Family Services under KRS Chapter  
10 13B any action adverse to its license or the assessment of a civil penalty issued by  
11 the inspector general as the result of a violation contained in a statement of  
12 deficiency within twenty (20) days of the issuance of the action or assessment of the  
13 civil penalty. An appeal shall not act to stay the correction of a violation.

14 (8) In assessing the civil penalty to be levied against a child-care center or an outdoor  
15 nature-based child-care center for a violation contained in a statement of  
16 deficiency issued under this section, the inspector general or the inspector general's  
17 designee shall take into consideration the following factors:

18 (a) The gravity of the threat to the health, safety, or welfare of children posed by  
19 the violation;

20 (b) The number and type of previous violations of the child-care center or the  
21 outdoor nature-based child-care center;

22 (c) The reasonable diligence exercised by the child-care center or the outdoor  
23 nature-based child-care center and efforts to correct the violation; and

24 (d) The amount of assessment necessary to assure immediate and continued  
25 compliance.

26 (9) Upon a child-care center's or an outdoor nature-based child-care center's failure  
27 to take action to correct a violation of the administrative regulations, standards, or

1 requirements of the cabinet contained in a statement of deficiency, or at any time  
2 when the operation of a child-care center or an outdoor nature-based child-care  
3 center poses an immediate threat to the health, safety, or welfare of children in the  
4 center, and the child-care center or the outdoor nature-based child-care center  
5 continues to operate after the cabinet has taken emergency action to deny, suspend,  
6 or revoke its license, the cabinet or the cabinet's designee shall take at least one (1)  
7 of the following actions against the center:

- 8 (a) Institute proceedings to obtain an order compelling compliance with the  
9 administrative regulations, standards, and requirements of the cabinet;
- 10 (b) Institute injunctive proceedings in Circuit Court to terminate the operation of  
11 the center;
- 12 (c) Institute action to discontinue payment of child-care subsidies; or
- 13 (d) Suspend or revoke the license or impose other penalties provided by law.

14 (10) Upon request of any person, the cabinet shall provide information regarding the  
15 denial, revocation, suspension, or violation of any type of child-care center or  
16 outdoor nature-based child-care center license of the operator. Identifying  
17 information regarding children and their families shall remain confidential.

18 (11) The cabinet shall provide, upon request, public information regarding the  
19 inspections of and the plans of correction for the child-care center or the outdoor  
20 nature-based child-care center within the past year. All information distributed by  
21 the cabinet under this subsection shall include a statement indicating that the reports  
22 as provided under this subsection from the past five (5) years are available from the  
23 child-care center or the outdoor nature-based child-care center upon the parent's,  
24 custodian's, guardian's, or other interested person's request.

25 (12) All fees collected under the provisions of KRS 199.892 to 199.896 for license and  
26 certification applications shall be paid into the State Treasury and credited to a  
27 special fund for the purpose of administering KRS 199.892 to 199.896 including the

1 payment of expenses of and to the participants in child-care workshops. The funds  
2 collected are hereby appropriated for the use of the cabinet. The balance of the  
3 special fund shall lapse to the general fund at the end of each biennium.

4 (13) Any advertisement for child-care services shall include the address of where the  
5 service is being provided.

6 (14) All inspections of licensed and unlicensed child-care centers and outdoor nature-  
7 based child-care centers by the Cabinet for Health and Family Services shall be  
8 unannounced.

9 (15) All employees and owners of a child-care center or an outdoor nature-based child-  
10 care center who provide care to children shall demonstrate within the first three (3)  
11 months of employment completion of at least a total of six (6) hours of orientation  
12 in the following areas:

- 13 (a) Basic health, safety, and sanitation;
- 14 (b) Recognizing and reporting child abuse; and
- 15 (c) Developmentally appropriate child-care practice.

16 (16) All employees and owners of a child-care center or an outdoor nature-based child-  
17 care center who provide care to children shall annually demonstrate to the  
18 department completion of at least six (6) hours of training in child development.  
19 These hours shall include but are not limited to one and one-half (1.5) hours one (1)  
20 time every five (5) years of continuing education in the recognition and prevention  
21 of pediatric abusive head trauma, as defined in KRS 620.020. Training in  
22 recognizing pediatric abusive head trauma may be designed in collaboration with  
23 organizations and agencies that specialize in the prevention and recognition of  
24 pediatric head trauma approved by the secretary of the Cabinet for Health and  
25 Family Services The one and one-half (1.5) hours required under this section shall  
26 be included in the current number of required continuing education hours.

27 (17) The Cabinet for Health and Family Services shall make available either through the

1 development or approval of a model training curriculum and training materials,  
2 including video instructional materials, to cover the areas specified in subsection  
3 (15) of this section. The cabinet shall develop or approve the model training  
4 curriculum and training materials to cover the areas specified in subsection (15) of  
5 this section.

6 (18) Child-care centers and outdoor nature-based child-care centers licensed pursuant  
7 to this section and family child-care homes certified pursuant to KRS 199.8982  
8 shall not use corporal physical discipline, including the use of spanking, shaking, or  
9 paddling, as a means of punishment, discipline, behavior modification, or for any  
10 other reason. For the purposes of this section, "corporal physical discipline" means  
11 the deliberate infliction of physical pain and does not include spontaneous physical  
12 contact that is intended to protect a child from immediate danger.

13 (19) Child-care centers and outdoor nature-based child-care centers that provide  
14 instructional and educational programs for preschool-aged children that operate for  
15 a maximum of twenty (20) hours per week and that a child attends for no more than  
16 fifteen (15) hours per week shall:

- 17 (a) Notify the cabinet in writing that the center is operating;
- 18 (b) Meet all child-care center and outdoor nature-based child-care center  
19 licensure requirements and administrative regulations related to employee  
20 background checks;
- 21 (c) Meet all child-care center and outdoor nature-based child-care center  
22 licensure requirements and administrative regulations related to tuberculosis  
23 screenings; and
- 24 (d) Be exempt from all other child-care center and outdoor nature-based child-  
25 care center licensure requirements and administrative regulations.

26 (20) Child-care centers and outdoor nature-based child-care centers that provide  
27 instructional and educational programs for preschool-aged children that operate for

1 a maximum of twenty (20) hours per week and that a child attends for no more than  
2 ten (10) hours per week shall be exempt from all child-care licensure requirements  
3 and administrative regulations.

4 (21) Instructional programs for school-age children shall be exempt from all child-care  
5 licensure administrative regulations if the following criteria are met:

6 (a) The program provides direct instruction in a single skill, talent, ability,  
7 expertise, or proficiency;

8 (b) The program does not provide services or offerings that are not directly  
9 related to the single talent, ability, expertise, or proficiency;

10 (c) The program operates outside the time period when school is in session,  
11 including before or after school hours, holidays, school breaks, teaching  
12 planning days, or summer vacation;

13 (d) The program does not advertise or otherwise represent that the program is a  
14 licensed child-care center or an outdoor nature-based child-care center or  
15 that the program offers child-care services;

16 (e) The program informs the parent or guardian:

17 1. That the program is not licensed by the cabinet; and

18 2. About the physical risks a child may face while participating in the  
19 program; and

20 (f) The program conducts the following background checks for all program  
21 employees and volunteers who work with children:

22 1. Check of the child abuse and neglect records maintained by the cabinet;  
23 and

24 2. In-state criminal background information check from the Justice and  
25 Public Safety Cabinet or Administrative Office of the Courts.

26 (22) Directors and employees of child-care centers and outdoor nature-based child-care  
27 centers in a position that involves supervisory or disciplinary power over a minor,

1 or direct contact with a minor, shall submit to a criminal record check in accordance  
2 with KRS 199.8965.

3 (23) A director or employee of a child-care center or an outdoor nature-based child-  
4 care center may be employed on a probationary status pending receipt of the  
5 criminal background check. Application for the criminal record of a probationary  
6 employee shall be made no later than the date probationary employment begins.

7 (24) The cabinet shall promulgate administrative regulations to identify emergency care  
8 providers who provide essential child-care services during an identified state of  
9 emergency.

10 (25) Notwithstanding any state law, administrative regulation, executive order, or  
11 executive directive to the contrary, during the 2020 or 2021 state of emergency  
12 declared by the Governor in response to COVID-19, including but not limited to  
13 any mutated strain of the COVID-19 virus, the cabinet shall not establish any  
14 restrictions on capacity for class or group size or the ability to combine classes and  
15 groups for capacity limits in the morning or afternoon that is below the number that  
16 was in effect on February 1, 2020.

17 ➔Section 8. KRS 199.8962 is amended to read as follows:

18 (1) Child-care centers and outdoor nature-based child-care centers licensed pursuant  
19 to KRS 199.896 shall have the following standards:

20 (a) Nutrition standards, if the child-care center or outdoor nature-based child-  
21 care center provides food, that are consistent with the meal and snack patterns  
22 of the most recent version of the United States Department of Agriculture's  
23 Food and Nutrition Service standards for the Child and Adult Care Food  
24 Program. These nutrition standards do not apply to food that is brought from a  
25 child's home;

26 (b) Physical activity standards;

27 (c) Screen time standards; and

1 (d) Sugary drink standards.

2 (2) The cabinet shall, within ninety (90) days of July 15, 2020, promulgate  
3 administrative regulations, in consultation with the Kentucky Early Childhood  
4 Advisory Council established pursuant to KRS 200.700, the Kentucky Child Care  
5 Advisory Council established pursuant to KRS 199.8983, and state and national  
6 organizations that have expertise in nutrition, physical activity, screen time, and  
7 sugary drink standards, to establish the requirements and procedures for the  
8 implementation of the standards established in this section.

9 (3) The cabinet shall, within ninety (90) days of the effective date of this Act,  
10 promulgate administrative regulations in accordance with KRS Chapter 13A, in  
11 consultation with the Kentucky Early Childhood Advisory Council established  
12 pursuant to KRS 200.700, the Kentucky Child Care Advisory Council established  
13 pursuant to KRS 199.8983, and state and national organizations that have  
14 expertise in outdoor nature-based child-care, to establish the requirements and  
15 procedures for the implementation of the standards established in this section  
16 related to the operations of outdoor nature-based child-care centers.

17 ➔Section 9. KRS 199.897 is amended to read as follows:

18 (1) The Cabinet for Health and Family Services shall notify licensed child-care centers  
19 and outdoor nature-based child-care centers and certified family child-care homes  
20 on an ongoing basis, including during the license or certification application process  
21 and any monitoring visits, of the Kentucky Consumer Product Safety Program and  
22 the program's Web site. Licensed child-care centers and outdoor nature-based  
23 child-care centers shall post in a prominent location a notice of the existence of the  
24 Consumer Product Safety Program and the program's Web site.

25 (2) The Cabinet for Health and Family Services may promulgate administrative  
26 regulations to carry out this section.

27 (3) This section may be cited as The Child Safety Act of 2009.

1        ➔Section 10. KRS 199.898 is amended to read as follows:

- 2        (1) All children receiving child-care services in a day-care center or an outdoor  
3        nature-based child-care center licensed pursuant to KRS 199.896, a family child-  
4        care home certified pursuant to KRS 199.8982, or from a provider or program  
5        receiving public funds shall have the following rights:
- 6            (a) The right to be free from physical or mental abuse;
- 7            (b) The right not to be subjected to abusive language or abusive punishment; and
- 8            (c) The right to be in the care of adults who shall meet their health, safety, and  
9            developmental needs.
- 10        (2) Parents, custodians, or guardians of children specified in subsection (1) of this  
11        section shall have the following rights:
- 12            (a) The right to have access to their children at all times the child is in care and  
13            access to the provider caring for their children during normal hours of  
14            provider operation and whenever the children are in the care of the provider;
- 15            (b) The right to be provided with information about child-care regulatory  
16            standards, if applicable; where to direct questions about regulatory standards;  
17            and how to file a complaint;
- 18            (c) The right to file a complaint against a child-care provider without any  
19            retribution against the parent, custodian, guardian, or child;
- 20            (d) The right to obtain information from the cabinet regarding any type of  
21            licensure denial, suspension, or revocation of an operator, and cabinet reports  
22            that have found abuse or neglect by any child-care provider or any employee  
23            of a child care provider. Identifying information regarding children and their  
24            families shall remain confidential;
- 25            (e) The right to obtain information from the cabinet regarding the inspections and  
26            plans of correction of the day-care center, the outdoor nature-based child-  
27            care center, the family child-care home, or the provider or program receiving

1 public funds within the past year; and

2 (f) The right to review and discuss with the provider any state reports and  
3 deficiencies revealed by such reports.

4 (3) The child-care provider who is licensed pursuant to KRS 199.896 or certified  
5 pursuant to KRS 199.8982 shall post these rights in a prominent place and shall  
6 provide a copy of these rights to the parent, custodian, or guardian of the child at  
7 the time of the child's enrollment in the program.

8 ➔Section 11. KRS 199.990 is amended to read as follows:

9 (1) Any person who violates any of the provisions of KRS 199.430, 199.470, 199.473,  
10 199.570, 199.572, and 199.590 except subsection (2), or 199.640 to 199.670, or any  
11 rule or regulation under such sections the violation of which is made unlawful shall  
12 be fined not less than five hundred dollars (\$500) nor more than two thousand  
13 dollars (\$2,000) or imprisoned for not more than six (6) months, or both. Each day  
14 such violation continues shall constitute a separate offense.

15 (2) Any person who willfully violates any other of the provisions of KRS 199.420 to  
16 199.670 or any rule or regulation thereunder, the violation of which is made  
17 unlawful under the terms of those sections, and for which no other penalty is  
18 prescribed in those sections, or in any other applicable statute, shall be fined not  
19 less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or  
20 imprisoned for not more than thirty (30) days, or both.

21 (3) Any violation of the regulations, standards, or requirements of the cabinet under the  
22 provisions of KRS 199.896 that poses an immediate threat to the health, safety, or  
23 welfare of any child served by the child-care center or the outdoor nature-based  
24 child-care center shall be subject to a civil penalty of no more than one thousand  
25 dollars (\$1,000) for each occurrence. Treble penalties shall be assessed for two (2)  
26 or more violations within twelve (12) months. All money collected as a result of  
27 civil penalties assessed under the provisions of KRS 199.896 shall be paid into the

1 State Treasury and credited to a special fund for the purpose of the Early Childhood  
2 Scholarship Program created in accordance with KRS 164.518. The balance of the  
3 fund shall not lapse to the general fund at the end of each biennium.

4 (4) A person who commits a violation of the regulations, standards, or requirements of  
5 the cabinet under the provisions of KRS 199.896 shall be fined not less than one  
6 thousand dollars (\$1,000) or imprisoned for not more than twelve (12) months, or  
7 be fined and imprisoned, at the discretion of the court.

8 (5) Any person who violates any of the provisions of KRS 199.590(2) shall be guilty of  
9 a Class D felony.

10 (6) Any person who knowingly or intentionally registers false information under KRS  
11 199.503(4) shall be fined not more than one thousand dollars (\$1,000) or  
12 imprisoned for not more than twelve (12) months, or be fined and imprisoned, at the  
13 discretion of the court.

14 (7) Any person who knowingly or intentionally releases or requests confidential  
15 information in violation of KRS 199.503(8) or (9) or in violation of KRS 199.505  
16 shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not  
17 more than twelve (12) months, or be fined and imprisoned, at the discretion of the  
18 court. It is a defense under this subsection if the cabinet releases confidential  
19 information while acting in good faith and with reasonable diligence.

20 (8) Any person who intentionally registers false information under KRS 199.881 to  
21 199.888 with the cabinet in pursuit of the benefits of this program shall be subject  
22 to a civil penalty of no more than five hundred dollars (\$500) per violation. All  
23 money collected as a result of penalties assessed under KRS 199.881 to 199.888  
24 shall be paid into the State Treasury and credited to the Employee Child Care  
25 Assistance Partnership fund.

26 ➔Section 12. KRS 311.645 is amended to read as follows:

27 As used in KRS 311.645 to 311.647:

- 1 (1) "Anaphylaxis" means an allergic reaction resulting from sensitization following  
2 prior contact with an antigen which can be a life-threatening emergency, including  
3 reactions triggered by, among other agents, foods, drugs, injections, insect stings,  
4 and physical activity;
- 5 (2) "Administer" means to directly apply an injectable epinephrine device to the body  
6 of an individual;
- 7 (3) "Asthma" means a respiratory condition marked by coughing, wheezing, or  
8 shortness of breath often triggered by allergies, exercise, or irritants;
- 9 (4) "Authorized entity" means an entity that may at any time have allergens present that  
10 are capable of causing a severe allergic reaction and has an individual who holds a  
11 certificate issued under KRS 311.646 on the premises or officially associated with  
12 the entity. The term includes but is not limited to licensed child-care centers,  
13 *outdoor nature-based child-care centers*, and certified family child-care homes,  
14 restaurants, recreation camps, youth sports leagues, theme parks and resorts, and  
15 sports arenas;
- 16 (5) "Bronchodilator rescue inhaler" means medication used to relieve asthma  
17 symptoms or respiratory distress along with devices and device components needed  
18 to appropriately administer the medication, including but not limited to disposable  
19 spacers;
- 20 (6) "Certified individual" means an individual who successfully completes an approved  
21 educational training program and obtains a certificate, as described in KRS  
22 311.646;
- 23 (7) "Injectable epinephrine device" means a single-use device used to administer a  
24 premeasured dose of epinephrine;
- 25 (8) "Health-care practitioner" means a physician or other health-care provider who has  
26 prescriptive authority; and
- 27 (9) "Self-administration" means an individual's administration of an injectable

- 1 epinephrine device or bronchodilator rescue inhaler on herself or himself.