

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2021 SPECIAL SESSION
Unofficial Document

Amend printed copy of **SB 1**

On page 1, after line 23, insert the following:

"➔Section 2. Notwithstanding any state law, administrative regulation, executive order, or executive directive to the contrary, during the current state of emergency declared by the Governor in response to COVID-19 or any future state of emergency related to any virus or disease, including but not limited to any mutated strain of the current COVID-19 virus, until January 31, 2022:

(1) For the purposes of this section, the following definitions shall apply:

- (a) "Child" is defined by KRS 199.011(4);
- (b) "Child care" means care of a child in a child-care center or family child-care home that regularly provides full or part-time care, day or night, and includes developmentally appropriate play and learning activities;
- (c) "Child-care center" is defined by KRS 199.894(3);
- (d) "Child-care provider" is defined by 45 C.F.R. 98.43(a)(2)(i);
- (e) "Director" means an individual:
 1. Who meets the education and training requirements as specified in 922 KAR 2:090, Section 10;
 2. Whose primary full-time job responsibilities are to ensure compliance with 922 KAR 2:090, 922 KAR 2:120, 922 KAR 2:280, and this setion; and

Amendment No. SFA 6

Rep. Sen. Danny Carroll

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

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3. Who is responsible for directing the program and managing the staff at a child-care center;
 - (f) "Family child-care home" is defined by KRS 199.894(5); and
 - (g) "School-age" means a child who meets the age requirements of KRS 158.030 or who attends kindergarten, elementary, or secondary education.
- (2) Individuals approved to be inside the child-care center or family child-care home while children are in the facility shall include:
 - (a) Facility staff;
 - (b) A person with legal authority to enter the facility, including cabinet staff and first responders;
 - (c) A necessary utility worker;
 - (d) A professional providing medical or therapeutic services for children with special needs;
 - (e) A child enrolled in the facility;
 - (f) A parent, legal guardian, or other person previously approved to pick up a child enrolled in the program; and
 - (g) A family member who lives in the home of a family child-care home.
- (3) A child-care provider shall:
 - (a) Reduce the number of staff each classroom of children interacts with each day;
 - (b) Create a schedule in which the same staff work with the same children each day as able;
 - (c) Stagger playground time between classroom groups so as to separate one group of children from another;
 - (d) Require parents and guardians to exercise social distancing during drop-off and pick-up;

- (e) Modify traffic flow to minimize contact between children and staff to the greatest extent possible; and
 - (f) If providing transportation, reference the Kentucky Department of Education's pupil transportation guidance for the 2021-2022 school year and provide transportation consistent with that guidance.
- (4) A child-care provider may:
- (a) Use virtual classroom observations for practicum students;
 - (b) Use virtual tours for prospective families, with permission of the families whose children may appear in the video;
 - (c) Offer tours to potential clients if:
 - 1. The child-care provider ensures all affected areas are cleaned after the conclusion of the tour;
 - 2. Social distancing standards are maintained throughout the tour; and
 - 3. Potential clients are not allowed to enter a classroom; and
 - (d) Participate in at "test and stay" model plan as established under Section 5 of this Act to minimize the impact of quarantining non-symptomatic students and staff. The model plan shall include, as an alternative to quarantining, an on-site and off-site testing option that allows non-symptomatic students with school-related COVID-19 exposures to remain at school by testing negative for COVID-19 for a certain number of days following exposure. The model plan shall provide guidance for contact tracing and quarantining based on whether or not exposed individuals were masked, non-masked, or fully vaccinated. The local health department shall provide assistance in implementing a test-to-stay plan.
- (5) A child-care provider shall not:
- (a) Provide access to visitors or students conducting classroom observations;

- (b) Hold indoor center-wide family events;
 - (c) Permit field trips;
 - (d) Allow high-contact sports on the playground;
 - (e) Utilize family-style dining at this time. Staff members shall prepare plates and pass them out to individual children; or
 - (f) Permit staff to congregate in common areas and shall require they observe social distancing policies whenever possible.
- (6) A child-care provider shall:
- (a) Utilize the cleaning and sanitizing procedures outlined in the cabinet-approved orientation training that is required by 922 KAR 2:090 and 922 KAR 2:100;
 - (b) Create and post a cleaning and sanitizing plan specific to the individual child-care center or family child-care home and outline the additional cleaning and sanitizing requirements from the Centers for Disease Control and Prevention for child-care during a pandemic;
 - (c) Eliminate "lost and found" bins; and
 - (d) Prohibit the use of communal water fountains.
- (7) Toys children have placed in their mouths or that have been contaminated by other bodily fluids shall be set aside in a separate container for soiled toys until the toys are cleaned and sanitized by a person wearing gloves.
- (8) Machine washable toys shall not be used.
- (9) Groups of infants and toddlers shall not use shared toys unless the toys are cleaned and sanitized before being shared between children.
- (10) Bedding (blankets, sheets, pillows, sleeping bags) shall be:
- (a) Able to be washed;
 - (b) Separated and stored in individual labeled bins without touching another child's

- bedding; and
- (c) Washed, at least at the end of each week.
- (11) Children and staff shall:
- (a) Meet the handwashing requirements established in 922 KAR 2:100, Section 13(4) and (5), in a certified family child-care home and 922 KAR 2:120, Section 3(4) and (5), in a licensed child-care center, respectively; and
- (b) Wash their hands with liquid soap and warm running water or utilize hand sanitizer or hand-sanitizing wipes prior to child-care center or family child-care home departure.
- (12) The child-care center or family child-care home shall provide liquid soap, hand-sanitizer (as appropriate), handwashing programs, tissues, and wastebaskets in convenient locations.
- (13) Children and adults shall not be allowed to enter a child-care center or family child-care home if displaying a contagious fever or symptom of COVID-19 upon arrival, and shall be monitored throughout the day for any developing symptoms.
- (14) A contagious fever shall be considered a fever of 100.4 degrees Fahrenheit or higher in accordance with recommendations from the Centers for Disease Control and Prevention.
- (15) Staff who demonstrate symptoms of COVID-19 shall be tested for the illness.
- (16) A child or adult who tests positive for COVID-19 shall follow the recommendations of the local health department on when to return to child-care.
- (17) A child-care provider shall follow the recommendations of the local health department on whether the program shall temporarily close due to an outbreak of COVID-19.
- (18) If a child demonstrates a fever or other contagious symptom, the child shall be removed from the classroom setting immediately and placed in a safe, low-traffic area until the parent or guardian arrives to pick up the child. The child-care provider shall require the parent or guardian to pick up the child within one hour of being contacted.
- (19) A child-care provider shall notify enrolled families and staff when a diagnosed case of

COVID-19 is identified in the child-care center or family child-care home, while still protecting the privacy of the individual who was diagnosed.

- (20) Nothing in this section shall prohibit a child-care center or family child-care home from establishing policies and procedures requiring employees, other adults, or non-enrolled children to wear a mask while inside the facility.
- (21) A child-care provider shall make masks available to children, parents, guardians, and other adults permitted into the facility.
- (22) (a) A child-care provider shall not require a child enrolled in the center to wear a face mask.
- (b) A child who is two years of age or younger shall not be permitted to wear a face mask.
- (c) A child who is three years of age or older may wear a face mask if the parent or guardian completes the child-care face mask permission form required by subsection (27) of this section. A copy of the form is to be kept on site at the facility.
- (d) A face mask lanyard shall be prohibited for all children due to increased risk of suffocation and strangulation.
- (23) If an adult refuses to wear a mask, or face shield as permitted by subsection (24)(c) of this section, the facility may refuse the individual the right to enter the facility if the individual refuses to comply with policies and procedures of the facility established under subsection (20) of this section.
- (24) The following shall not be required to wear a face mask:
- (a) An individual who possesses documentation from a health professional that states that wearing a face mask would represent a serious risk to the health or safety of the individual;
- (b) An individual who is required to temporarily remove the face mask to confirm the

- person's identity or for security purposes;
- (c) An individual who is deaf or hard of hearing who chooses to wear a face shield;
 - (d) A child with a documented disability or physical or mental impairment that prevents the child from safely wearing a face covering;
 - (e) A child who is developmentally unable to safely wear a mask;
 - (f) Children who are actively engaged in vigorous play or exercise;
 - (g) Children who are outdoors and have six or more feet of separation between each other; and
 - (h) Children who are eating, drinking, or napping, but otherwise wear a face mask.
- (25) Staff shall wear gloves when preparing meals and serving bottles. Gloves shall be changed between bottle feedings.
- (26) A child-care provider shall ensure that gloves are available to staff engaging in high-touch activities to the greatest extent practicable, if wearing gloves does not create additional health hazards for that activity.
- (27) The Cabinet for Health and Family Services shall make available on its website a standardized form by which parents or guardians may grant permission for any child three years of age or older to wear a face mask.
- (28) All new staff hired shall take the mandatory training on cleaning, sanitizing, health procedures, and mandatory reporting within 90 days of their hire date.
- (29) All child-care centers and family child-care homes shall establish protocols to minimize contact between pre-kindergarten and younger children and any school age children in attendance.
- (30) A child-care provider shall make the provisions of this section available upon request to any parent or guardian.";

Renumber subsequent sections.