Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—General Regulations for Categories of Child Care.

28-4-122. Requirements and definitions for general regulations.

(a) Requirements. The requirements of K.A.R. 28-4-123 through 28-4-133 shall apply to the following:

(1) Family child care home, day care home, or group day care home as defined in K.A.R. 28-4-113;

(2) preschool and child care center as defined in K.A.R. 28-4-420; and

(3) residential center and group boarding home as defined in K.A.R. 28-4-268.

(b) Definitions. For the purposes of K.A.R. 28-4-123 through K.A.R. 28-4-133, the following definitions shall apply:

(1) “Animal” means any living creature, other than a human being, that has the ability to move voluntarily, including any mammal, rodent, fish, reptile, spider, insect, and bird.

(2) “Applicant” means a person who has applied for a license but has not yet been granted a license to operate a facility, residential center, or group boarding home.

(3) “Applicant with a temporary permit” means a person who has applied for a license and who has been granted a temporary permit to operate a facility, residential center, or group boarding home.

(4) “Department” means Kansas department of health and environment.

(5) “Disinfect” means full surface application of a disinfectant solution of environmental protection agency (EPA)-registered chlorine bleach mixed according to the directions on the label or an alternate EPA-registered disinfectant used according to the directions on the label to any inanimate object.

(6) “Facility” means a family child care home, day care home, group day care home, a preschool, or a child care center, but shall not include a residential center or group boarding home.

(7) “Licensee” means a person who has been granted a license to operate a facility, residential center, or group boarding home.

(8) “Pool” means any fixture or structure designed or utilized to hold water for swimming, wading, recreation, exercise, therapeutics, bathing, or any other purpose. The definition of pool shall not include indoor bath tubs or fully enclosed containers used to store water.

(9) “Primary care provider” means an applicant with a temporary permit, a licensee, or the designee of an applicant with a temporary permit or a licensee. Each applicant with a temporary permit, each licensee, and each designee shall be at least 18 years of age and shall meet the requirements specified in K.A.R. 28-4-114a.

(10) “Provider” means an individual who cares for and supervises children in a family child care home and has responsibility for the health, safety, and well-being of children, including the following:

(A) A primary care provider;

(B) an individual who is at least 16 years of age and who is working in the family child care home; and

(C) a substitute.

(11) “Regularly volunteering” means working in a facility without compensation on a recurring basis. This term shall not apply to guest speakers or to individuals who make one or more presentations on a specific subject.

(12) “Sanitize” means full surface application of an EPA regulated food-safe sanitizing solution or heat treatment of any inanimate object used for food preparation or service.

(13) “Secretary” means secretary of the Kansas department of health and environment or the secretary’s designee.

(14) “Shelter-in-place area” means a designated location in the facility to which children and others may relocate in an emergency.

(15) “Staff member” means an employee, a substitute, or a volunteer in a facility, a residential center, or a group boarding home.

(16) “Substitute” means an individual who supervises children in the temporary or extended absence of an employee or volunteer.

(17) “Tobacco product” means any product that is made or derived from tobacco, or that contains nicotine, that is intended for human absorption, inhalation, or ingestion, including by consuming or using a cigarette, cigar, pipe, chewing tobacco, snuff, snus, or vape device.

(18) “Volunteer” means an individual 14 years of age or older who is working in the facility without compensation.

(Authorized by and implementing K.S.A. 2025 Supp. 65-508; effective, T-86-46, Dec. 18, 1985; effective May 1, 1986; amended March 28, 2008; amended Aug. 2, 2024; amended Sept. 4, 2026.)

***** Authenticated Kansas Administrative Regulation *****