



1 *Senate* BILL NO. *168*  
 2 INTRODUCED BY *Dwight Beale* *Dokral*  
 3 *Ream*

4 A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING AMENDMENT OF  
 5 RULES 11.14.502 AND 16.24.410, ADMINISTRATIVE RULES OF  
 6 MONTANA, TO ELIMINATE CURRENT RESTRICTIONS ON THE USE OF  
 7 NONDISPOSABLE DIAPERS IN DAY-CARE FACILITIES; AND PROVIDING  
 8 AN IMMEDIATE EFFECTIVE DATE."  
 9

10 WHEREAS, Rule 16.24.410, Administrative Rules of  
 11 Montana, requires day-care centers to use only disposable  
 12 diapers for children unless the parents present medical  
 13 documentation that nondisposable diapers should be used; and

14 WHEREAS, Rule 11.14.502, Administrative Rules of  
 15 Montana, permits the use of nondisposable diapers but  
 16 requires a child's parent to document the need for  
 17 nondisposable diapers; and

18 WHEREAS, the disposal of solid waste is a major problem  
 19 as landfills reach capacity while the volume of solid waste  
 20 continues to grow in our present "throw-away" society; and

21 WHEREAS, 18 billion disposable diapers are thrown away  
 22 each year in America, accounting by weight for approximately  
 23 2% of all municipal solid waste and between 3.5% and 4.5% of  
 24 all household solid waste; and

25 WHEREAS, disposable diapers are the third,

1 single-largest manufactured product to be found in landfills  
 2 and other solid waste disposal sites; and

3 WHEREAS, disposable diapers in landfills present a  
 4 threat to the public health and environment because of  
 5 untreated urine and fecal matter released into the soil and  
 6 ground water; and

7 WHEREAS, nondisposable diapers, such as cloth diapers,  
 8 can be reused many times and their use would reduce the  
 9 threat to the public health and environment posed by  
 10 single-use disposable diapers; and

11 WHEREAS, the use of nondisposable diapers would help  
 12 alleviate current solid waste problems by reducing the  
 13 amount of disposable diapers thrown away each year; and

14 WHEREAS, there is no medical evidence that nondisposable  
 15 diapers are less sanitary or present a greater threat to the  
 16 spread of germs than disposable diapers.

17 THEREFORE, the Legislature finds it appropriate to amend  
 18 Rules 11.14.502 and 16.24.410, Administrative Rules of  
 19 Montana, to eliminate current restrictions on the use of  
 20 nondisposable diapers in day-care facilities in order to  
 21 allow their use as an alternative to disposable diapers.

22  
 23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

24 **Section 1.** The Department of Family Services shall  
 25 amend Rule 11.14.502, Administrative Rules of Montana, to

1 read:

2 "11.14.502 DAY CARE FACILITIES CARING FOR INFANTS,  
 3 DIAPERING AND TOILET TRAINING (1) A sufficient supply of  
 4 clean, dry diapers shall be available and diapers shall be  
 5 changed as frequently as needed. Disposable diapers, a  
 6 commercial diaper service, or reusable diapers supplied by  
 7 the infant's family may be used ~~although-disposable-diapers~~  
 8 ~~are-recommended~~. If ~~the-parent-documents-that~~ non-disposable  
 9 diapers ~~should-be~~ are used, the facility may launder the  
 10 diapers using a germicidal process approved ~~and-available~~  
 11 ~~from~~ by the state or local health department.

12 (2) Soiled reusable diapers shall be placed into  
 13 separate cleanable covered containers provided with  
 14 waterproof liners prior to transport to laundry, parent, or  
 15 acceptable disposal. These containers shall be emptied,  
 16 cleaned and disinfected daily. Soiled disposable diapers  
 17 shall be disposed of immediately into an outside trash  
 18 disposal or put in a securely tied plastic bag and discarded  
 19 indoors until outside disposal is possible. Reusable diapers  
 20 shall be removed from the facility daily.

21 (3) Diaper-changing surfaces shall be cleaned after  
 22 each use by washing or by changing a pad or disposable  
 23 sheeting and sanitized or covered for reuse.

24 (4) Soft, absorbent, disposable towels or clean  
 25 reusable towels which have been laundered between each use

1 shall be used for cleaning the infant.

2 (5) Safety pins shall be kept out of reach of infants  
 3 and toddlers. Infants shall not be left unattended on a  
 4 surface from which they might fall.

5 (6) All toilet articles shall be identified and  
 6 separated as to each infant and kept in a sanitary  
 7 condition.

8 (7) Diapering and toileting areas shall contain a wash  
 9 basin that is separate from that used for food preparation.

10 (8) Toilet training shall be initiated when readiness  
 11 is indicated for the child and in consultation with the  
 12 child's parent(s) or placement agency. There shall be no  
 13 routine attempt to toilet train infants under the age of 18  
 14 months."

15 **Section 2.** The Department of Health and Environmental  
 16 Sciences shall amend Rule 16.24.410, Administrative Rules of  
 17 Montana, to read:

18 "16.24.410 SPECIAL REQUIREMENTS WHEN CARING FOR CHILD  
 19 UNDER TWO If a day care center cares for children under two  
 20 years of age, it must:

21 (1) ensure that cribs, playpens, and toys are made of  
 22 washable, nontoxic materials and are kept clean.

23 (2) either provide separate cribs for each such child,  
 24 or launder bedding in accordance with ARM 16.24.408(4)  
 25 above.

- 1 (3) handle diapers in the following manner:
- 2 (a) provide an adequate and cleanable area for diaper  
3 changing separate from food preparation and play areas.
- 4 (b) store soiled diapers in easily cleanable or lined  
5 receptacles with tight-fitting lids, and empty and clean  
6 them at least daily.
- 7 (4) request parents to provide a supply of clean  
8 clothes adequate to allow at least one change per day and  
9 adequate diapers for a day's use.
- 10 (5) ~~use--only-disposable-diapers-unless-parents-present~~  
11 ~~medical-documentation-that~~ allow the use of non-disposable  
12 ~~diapers. should--be--used,--in-which-case~~ if non-disposable  
13 diapers are used, they must be subjected, after each use, to  
14 a germicidal process approved by the department or local  
15 health authority, or returned to the parent for laundering  
16 at the end of each day.
- 17 (6) have facilities to bathe such children when  
18 necessary."
- 19 NEW SECTION. Section 3. Effective date. [This act] is  
20 effective on passage and approval.

-End-

APPROVED BY COMMITTEE  
ON PUBLIC HEALTH, WELFARE  
& SAFETY

*Senate* BILL NO. *168*

INTRODUCED BY

*Dwight Beale* *Dokzul*  
*Ream*

A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING AMENDMENT OF RULES 11.14.502 AND 16.24.410, ADMINISTRATIVE RULES OF MONTANA, TO ELIMINATE CURRENT RESTRICTIONS ON THE USE OF NONDISPOSABLE DIAPERS IN DAY-CARE FACILITIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, Rule 16.24.410, Administrative Rules of Montana, requires day-care centers to use only disposable diapers for children unless the parents present medical documentation that nondisposable diapers should be used; and

WHEREAS, Rule 11.14.502, Administrative Rules of Montana, permits the use of nondisposable diapers but requires a child's parent to document the need for nondisposable diapers; and

WHEREAS, the disposal of solid waste is a major problem as landfills reach capacity while the volume of solid waste continues to grow in our present "throw-away" society; and

WHEREAS, 18 billion disposable diapers are thrown away each year in America, accounting by weight for approximately 2% of all municipal solid waste and between 3.5% and 4.5% of all household solid waste; and

WHEREAS, disposable diapers are the third,

single-largest manufactured product to be found in landfills and other solid waste disposal sites; and

WHEREAS, disposable diapers in landfills present a threat to the public health and environment because of untreated urine and fecal matter released into the soil and ground water; and

WHEREAS, nondisposable diapers, such as cloth diapers, can be reused many times and their use would reduce the threat to the public health and environment posed by single-use disposable diapers; and

WHEREAS, the use of nondisposable diapers would help alleviate current solid waste problems by reducing the amount of disposable diapers thrown away each year; and

WHEREAS, there is no medical evidence that nondisposable diapers are less sanitary or present a greater threat to the spread of germs than disposable diapers.

THEREFORE, the Legislature finds it appropriate to amend Rules 11.14.502 and 16.24.410, Administrative Rules of Montana, to eliminate current restrictions on the use of nondisposable diapers in day-care facilities in order to allow their use as an alternative to disposable diapers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** The Department of Family Services shall amend Rule 11.14.502, Administrative Rules of Montana, to

1 read:

2 "11.14.502 DAY CARE FACILITIES CARING FOR INFANTS,  
3 DIAPERING AND TOILET TRAINING (1) A sufficient supply of  
4 clean, dry diapers shall be available and diapers shall be  
5 changed as frequently as needed. Disposable diapers, a  
6 commercial diaper service, or reusable diapers supplied by  
7 the infant's family may be used ~~although-disposable-diapers~~  
8 ~~are-recommended~~. If the-parent-documents-that non-disposable  
9 diapers ~~should-be~~ are used, the facility may launder the  
10 diapers using a germicidal process approved ~~and-available~~  
11 ~~from~~ by the state or local health department.

12 (2) Soiled reusable diapers shall be placed into  
13 separate cleanable covered containers provided with  
14 waterproof liners prior to transport to laundry, parent, or  
15 acceptable disposal. These containers shall be emptied,  
16 cleaned and disinfected daily. Soiled disposable diapers  
17 shall be disposed of immediately into an outside trash  
18 disposal or put in a securely tied plastic bag and discarded  
19 indoors until outside disposal is possible. Reusable diapers  
20 shall be removed from the facility daily.

21 (3) Diaper-changing surfaces shall be cleaned after  
22 each use by washing or by changing a pad or disposable  
23 sheeting and sanitized or covered for reuse.

24 (4) Soft, absorbent, disposable towels or clean  
25 reusable towels which have been laundered between each use

1 shall be used for cleaning the infant.

2 (5) Safety pins shall be kept out of reach of infants  
3 and toddlers. Infants shall not be left unattended on a  
4 surface from which they might fall.

5 (6) All toilet articles shall be identified and  
6 separated as to each infant and kept in a sanitary  
7 condition.

8 (7) Diapering and toileting areas shall contain a wash  
9 basin that is separate from that used for food preparation.

10 (8) Toilet training shall be initiated when readiness  
11 is indicated for the child and in consultation with the  
12 child's parent(s) or placement agency. There shall be no  
13 routine attempt to toilet train infants under the age of 18  
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15 **Section 2.** The Department of Health and Environmental  
16 Sciences shall amend Rule 16.24.410, Administrative Rules of  
17 Montana, to read:

18 "16.24.410 SPECIAL REQUIREMENTS WHEN CARING FOR CHILD  
19 UNDER TWO If a day care center cares for children under two  
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21 (1) ensure that cribs, playpens, and toys are made of  
22 washable, nontoxic materials and are kept clean.

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24 or launder bedding in accordance with ARM 16.24.408(4)  
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- 1 (3) handle diapers in the following manner:
- 2 (a) provide an adequate and cleanable area for diaper  
3 changing separate from food preparation and play areas.
- 4 (b) store soiled diapers in easily cleanable or lined  
5 receptacles with tight-fitting lids, and empty and clean  
6 them at least daily.
- 7 (4) request parents to provide a supply of clean  
8 clothes adequate to allow at least one change per day and  
9 adequate diapers for a day's use.
- 10 (5) ~~use only disposable diapers unless parents present~~  
11 ~~medical documentation that~~ allow the use of non-disposable  
12 ~~diapers. should be used, in which case~~ If non-disposable  
13 diapers are used, they must be subjected, after each use, to  
14 a germicidal process approved by the department or local  
15 health authority, or returned to the parent for laundering  
16 at the end of each day.
- 17 (6) have facilities to bathe such children when  
18 necessary."

19 NEW SECTION. Section 3. Effective date. [This act] is  
20 effective on passage and approval.

-End-

1 *Senate* BILL NO. *168*  
 2 INTRODUCED BY *Dorothy Burke Wakzala*  
 3 *Ream*

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19 NEW SECTION. Section 3. Effective date. [This act] is  
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-End-

SENATE BILL NO. 168

INTRODUCED BY DOHERTY, BROOKE, DOLEZAL, REAM

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- 19 **NEW SECTION. Section 3. Effective date.** [This act] is  
20 effective on passage and approval.

-End-