#### SENATE BILL NO. 168

## INTRODUCED BY DOHERTY, BROOKE, DOLEZAL, REAM

### IN THE SENATE

IN	THE SENATE
JANUARY 22, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY.
	FIRST READING.
FEBRUARY 8, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 9, 1991	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 11, 1991	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 47; NOES, 1.
	TRANSMITTED TO HOUSE.
IN	THE HOUSE
FEBRUARY 11, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
FEBRUARY 12, 1991	FIRST READING.
MARCH 7, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 9, 1991	SECOND READING, CONCURRED IN.
MARCH 11, 1991	THIRD READING, CONCURRED IN. AYES, 97; NOES, 2.
	RETURNED TO SENATE.

#### IN THE SENATE

MARCH 12, 1991 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Aontana Legislative Council

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1	BILL NO. 100
2	INTRODUCED BY Dinesty Grante 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,

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 21 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

single-largest manufactured product to be found in landfills

and other solid waste disposal sites; and

INTRODUCED BILL

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read:

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- "11.14.502 DAY CARE FACILITIES CARING FOR INFANTS, 2 DIAPERING AND TOILET TRAINING (1) A sufficient supply of 3 clean, dry diapers shall be available and diapers shall be changed as frequently as needed. Disposable diapers, a commercial diaper service, or reusable diapers supplied by 6 7 the infant's family may be used although-disposable-diapers are-recommended. If the-parent-documents-that non-disposable 8 9 diapers should-be are used, the facility may launder the diapers using a germicidal process approved and-avaitable 10 11 from by the state or local health department.
  - (2) Soiled reusable diapers shall be placed into separate cleanable covered containers provided with waterproof liners prior to transport to laundry, parent, or acceptable disposal. These containers shall be emptied, cleaned and disinfected daily. Soiled disposable diapers shall be disposed of immediately into an outside trash disposal or put in a securely tied plastic bag and discarded indoors until outside disposal is possible. Reusable diapers shall be removed from the facility daily.
  - (3) Diaper-changing surfaces shall be cleaned after each use by washing or by changing a pad or disposable sheeting and sanitized or covered for reuse.
- (4) Soft, absorbent, disposable towels or 24 reusable towels which have been laundered between each use 25

- shall be used for cleaning the infant.
- (5) Safety pins shall be kept out of reach of infants 2 3 and toddlers. Infants shall not be left unattended on a surface from which they might fall.
- (6) All toilet articles shall be identifi**e**d separated as to each infant and kept in a sanitary condition.
- (7) Diapering and toileting areas shall contain a wash 9 basin that is separate from that used for food preparation.
- (8) Toilet training shall be initiated when readiness is indicated for the child and in consultation with the child's parent(s) or placement agency. There shall be no routine attempt to toilet train infants under the age of 18 13 months."
- Section 2. The Department of Health and Environmental 15 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.

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- (a) provide an adequate and cleanable area for diaper
   changing separate from food preparation and play areas.
  - (b) store soiled diapers in easily cleanable or lined receptacles with tight-fitting lids, and empty and clean 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 necessary."
- NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

LC 0694/01

# APPROVED BY COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFFTY

Sente BILL NO. 168

2 INTRODUCED BY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING AMENDMENT OF

s 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."

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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

WHEREAS, the disposal of solid waste is a major problem as landfills reach capacity while the volume of solid waste

requires a child's parent to document the need for

20 continues to grow in our present "throw-away" society; and

21 WHEREAS, 18 billion disposable diapers are thrown away

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

nondisposable diapers; and

25 WHEREAS, disposable diapers are the third,

Montana Legislative Council

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

alleviate current solid waste problems by reducing the

amount of disposable diapers thrown away each year; and

14 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.

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.

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23 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

read:

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"11.14.502 DAY CARE FACILITIES CARING FOR INFANTS,

DIAPERING AND TOILET TRAINING (1) A sufficient supply of clean, dry diapers shall be available and diapers shall be changed as frequently as needed. Disposable diapers, a commercial diaper service, or reusable diapers supplied by the infant's family may be used although-disposable-diapers are-recommended. If the-parent-documents-that non-disposable diapers should-be are used, the facility may launder the diapers using a germicidal process approved and-available from by the state or local health department.

- (2) Soiled reusable diapers shall be placed into separate cleanable covered containers provided with waterproof liners prior to transport to laundry, parent, or acceptable disposal. These containers shall be emptied, cleaned and disinfected daily. Soiled disposable diapers shall be disposed of immediately into an outside trash disposal or put in a securely tied plastic bag and discarded indoors until outside disposal is possible. Reusable diapers shall be removed from the facility daily.
- (3) Diaper-changing surfaces shall be cleaned after each use by washing or by changing a pad or disposable 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

shall be used for cleaning the infant.

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- 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.
  - (6) All toilet articles shall be identified and separated as to each infant and kept in a sanitary condition.
    - (7) Diapering and toileting areas shall contain a wash 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."
- Section 2. The Department of Health and Environmental

  Sciences shall amend Rule 16.24.410, Administrative Rules of

  Montana, to read:
- "16.24.410 SPECIAL REQUIREMENTS WHEN CARING FOR CHILD

  UNDER TWO If a day care center cares for children under two

  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.

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- 2 (a) provide an adequate and cleanable area for diaper3 changing separate from food preparation and play areas.
  - (b) store soiled diapers in easily cleanable or lined receptacles with tight-fitting lids, and empty and clean them at least daily.
  - (4) request parents to provide a supply of clean clothes adequate to allow at least one change per day and adequate diapers for a day's use.
- 10 (5) use--only-disposable-dispers-unless-parents-present
  11 medical-documentation-that allow the use of non-disposable
  12 dispers. should--be--usedy--in-which-case If non-disposable
  13 dispers 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."
- NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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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	
.0	WHEREAS, Rule 16.24.410, Administrative Rules of
.1	Montana, requires day-care centers to use only disposable
. 2	diapers for children unless the parents present medical
.3	documentation that nondisposable diapers should be used; and
L <b>4</b>	WHEREAS, Rule 11.14.502, Administrative Rules of
L5	Montana, permits the use of nondisposable diapers but
16	requires a child's parent to document the need for
L7	nondisposable diapers; and
18	WHEREAS, the disposal of solid waste is a major problem
L9	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% o
24	all household solid waste; and
25	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
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THEREFORE, the Legislature finds it appropriate to amend
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amend Rule 11.14.502, Administrative Rules of Montana, to

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- 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.
- (4) Soft, absorbent, disposable towels or cleanreusable towels which have been laundered between each use

- 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.
- (6) All toilet articles shall be identified and separated as to each infant and kept in a sanitary condition.
- 8 (7) Diapering and toileting areas shall contain a wash9 basin that is separate from that used for food preparation.
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  14 months."
- Section 2. The Department of Health and Environmental

  Sciences shall amend Rule 16.24.410, Administrative Rules of

  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.

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- (a) provide an adequate and cleanable area for diaper
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  - (b) store soiled diapers in easily cleanable or lined receptacles with tight-fitting lids, and empty and clean them at least daily.
  - (4) request parents to provide a supply of clean clothes adequate to allow at least one change per day and adequate diapers for a day's use.
    - (5) user-only-disposable-dispers-unless-parents-present medical-documentation-that allow the use of non-disposable dispers. should-be-used; --in-which-case If non-disposable dispers are used, they must be subjected, after each use, to a germicidal process approved by the department or local health authority, or returned to the parent for laundering at the end of each day.
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SENATE BILL NO. 168

-	single-largest manufactured pro
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17	THEREFORE, the Legislature
18	Rules 11.14.502 and 16.24.4
19	Montana, to eliminate current
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23	BE IT ENACTED BY THE LEGISLATU
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SB 168

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SB 168

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  - (b) store soiled diapers in easily cleanable or lined receptacles with tight-fitting lids, and empty and clean them at least daily.
  - (4) request parents to provide a supply of clean clothes adequate to allow at least one change per day and adequate diapers for a day's use.
  - (5) use--only-disposable-diapers-unless-parents-present medical-documentation-that allow the use of non-disposable diapers. should--be--used,--in-which-case If non-disposable diapers are used, they must be subjected, after each use, to a germicidal process approved by the department or local health authority, or returned to the parent for laundering at the end of each day.
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- NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.