

AMENDED IN ASSEMBLY MAY 4, 2005

AMENDED IN ASSEMBLY APRIL 19, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1697

Introduced by Assembly Member Pavley
(Principal coauthor: Senator Escutia)

February 22, 2005

An act to add Section 1596.957 to the Health and Safety Code, relating to day care centers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1697, as amended, Pavley. Day care centers licensure: location.

The California Child Day Care Facilities Act, administered by the State Department of Social Services provides for the licensure and regulation of child day care facilities, including, among others, day care centers, as defined.

This bill would prohibit the department, or any licensing agency with which it contracts for licensing, from granting a license to operate a day care center in a facility that is located within ~~1,000~~ 650 feet of a high traffic roadway or industrial site, as defined under the bill. This bill would ~~exempt previously granted licenses~~ *provide exceptions from this prohibition for day care centers that on the effective date of this bill (1) have a current and valid license to operate within 650 feet of a high traffic roadway, (2) are under construction within 650 feet of a high traffic roadway and subsequently obtain an otherwise valid license, or (3) have a current and valid license to operate within 650 feet of a high traffic roadway and transfer ownership of the center to a different person or entity.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Children are among the most vulnerable to the health
4 impacts of air pollution. They are at particularly high risk
5 because their lungs are still developing and their airways are
6 narrower than those of adults. Children also often play outdoors
7 during the day increasing their exposure to air pollution,
8 compared to adults.

9 (b) Numerous studies show that links exist between a child's
10 proximity to major pollution sources and the child's reduced lung
11 capacity, prematurely aged lungs, and increased risk of bronchitis
12 and asthma. The links are particularly strong between these
13 health impacts and the proximity of a child's home or school to
14 busy truck routes.

15 (c) Nearly 1.2 million children in California have asthma,
16 which costs the state \$480 million in hospital costs alone.
17 Asthma affects up to one in five children in some parts of the
18 state. It is the leading cause of absences from school from
19 chronic illnesses.

20 (d) The South Coast Air Quality Management District and the
21 State Air Resources Board have both recently issued draft
22 guidance verging on advising land use planners not to place
23 sensitive sites, such as child care facilities, too close to large air
24 pollution sources in order to protect public health.

25 (e) The Legislature, through prior legislation, has protected
26 children's health by requiring special monitoring of children's
27 exposure to air toxins and improvement of regulations reducing
28 pollutants that impact children's health the most. The Legislature
29 also acted to prevent new schools from siting too close to freeways
30 and other pollution sources.

31 (f) The state has an interest in protecting the health of infants,
32 toddlers, and children at licensed child day care facilities.

33 SEC. 2. Section 1596.957 is added to the Health and Safety
34 Code, to read:

1 1596.957. (a) For purposes of this section, the following
2 definitions shall apply:

3 (1) “Hazardous air emissions” means emissions into the
4 ambient air of air contaminants that have been identified as a
5 toxic air contaminant by the State Air Resources Board or by the
6 air pollution control officer for the jurisdiction in which the
7 project is located. As determined by the air pollution control
8 office, “hazardous air emissions” also means emissions into the
9 ambient air from any substance identified in subdivisions (a) to
10 (f), inclusive, of Section 44321.

11 (2) “High traffic roadway” means a roadway that, on an
12 average day, has traffic in excess of 50,000 vehicles in a rural
13 area, as defined in Section 50101, and 100,000 vehicles in an
14 urban area, as defined in Section 50104.7.

15 (3) “Industrial site” means any pollution source with a
16 potential to use, generate, emit, or discharge hazardous
17 emissions, including, but not limited to, pollutants that meet the
18 definition of a hazardous substance under Section 25281 or
19 25316, and whose process or operation is identified as an
20 emission source pursuant to the most recent list of source
21 categories published by the State Air Resources Board.

22 (b) The department, or any licensing agency with which it
23 contracts for licensing, shall not grant a license to operate a day
24 care center, as defined in Section 1596.76, in a facility that is
25 located within ~~1,000~~ 650 feet of a high traffic roadway or
26 industrial site, regardless of whether the applicant possesses a
27 current valid license to operate a day care center at another
28 facility.

29 (c) *Subdivision (b) shall not apply in the following*
30 *circumstances:*

31 (1) *A day care center has a current and valid license to*
32 *operate within 650 feet of a high traffic roadway or industrial*
33 *site on the effective date of the act adding this section.*

34 (2) *A day care center is under construction within 650 feet of*
35 *a high traffic roadway or industrial site on the effective date of*
36 *the act adding this section and subsequently obtains an otherwise*
37 *valid license.*

38 (3) *Ownership of a day care center with a current and valid*
39 *license to operate within 650 feet of a high traffic roadway or*

1 *industrial site on the effective date of the act adding this section*
2 *is transferred to a different person or entity.*
3 ~~(e) A license previously granted to operate a day care center in~~
4 ~~a facility that is located within 1,000 feet of a high traffic~~
5 ~~roadway or industrial site, that is otherwise current and valid,~~
6 ~~shall remain in effect.~~

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