

AMENDED IN SENATE JUNE 15, 2010

AMENDED IN ASSEMBLY MAY 6, 2010

AMENDED IN ASSEMBLY APRIL 26, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2084**

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**Introduced by Assembly Member Brownley**  
(Coauthor: Senator Padilla)

February 18, 2010

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An act to add Section 1596.808 to the Health and Safety Code, relating to child day care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2084, as amended, Brownley. Child day care facilities: nutrition. Existing law, 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, as defined. Willful or repeated violation of these provisions is a misdemeanor.

This bill would require, except as provided, a licensed child day care facility to follow specified requirements relating to the provision of beverages. By expanding the definition of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

*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) Almost 20 percent of children between two and five years  
 4 of age in California are overweight or obese and research shows  
 5 that this condition is difficult to reverse in adolescence or  
 6 adulthood.
- 7 (b) One in three children in California between two and five  
 8 years of age consume at least one soda per day. Children who  
 9 frequently or excessively consume beverages high in sugar are at  
 10 increased risk for dental decay.
- 11 (c) Data from national surveys suggest that tooth decay in  
 12 primary teeth among youth, between two and five years of age, is  
 13 increasing.
- 14 (d) *Healthy beverages for young children include, but are not*  
 15 *limited to, water, lowfat or nonfat milk, and breast milk, all of*  
 16 *which are associated with reduced risk for being overweight or*  
 17 *obese.*
- 18 ~~(d)~~
- 19 (e) Millions of California children enter school with unhealthy  
 20 taste preferences and dietary habits developed in the early  
 21 childhood environment, including child day care facilities.
- 22 ~~(e)~~
- 23 (f) Research demonstrates that taste preferences and lifelong  
 24 healthy habits are formed in early childhood years.
- 25 ~~(f)~~
- 26 (g) Recent changes to school meals to improve nutrition need  
 27 to be complemented by changes to the nutritional environment in  
 28 child care.
- 29 ~~(g)~~
- 30 (h) Recent research demonstrates that the nutritional  
 31 environment in child day care facilities could be improved by  
 32 limiting sugar-sweetened beverages and promoting water  
 33 consumption.
- 34 ~~(h)~~
- 35 (i) The State of California has a deep policy and financial  
 36 involvement in the licensed child day care system and in the health  
 37 and safety of children when they are in the system.

1 SEC. 2. Section 1596.808 is added to the Health and Safety  
2 Code, to read:

3 1596.808. (a) Except as provided in subdivisions (b) and (c),  
4 a licensed child day care facility shall comply with all of the  
5 following requirements for beverages served by the day care  
6 provider to children in the provider's care:

7 (1) Whenever milk is served, serve only ~~1 percent~~ *lowfat (1*  
8 *percent)* milk or nonfat milk to children two years of age or older.

9 (2) Limit juice to not more than one serving per day of 100  
10 percent juice.

11 (3) Serve no beverages with added sweeteners, either natural  
12 or artificial. "Beverages with added sweeteners" does not include  
13 infant formula or complete balanced nutritional products designed  
14 for children.

15 (4) Make clean and safe drinking water readily available and  
16 accessible for consumption throughout the day, ~~particularly with~~  
17 ~~meals and snacks.~~

18 (b) If a child has a medical necessity documented by a physician  
19 that includes the need for "medical food" as defined by Section  
20 109971 of the Health and Safety Code, a licensed child day care  
21 facility shall be exempt from complying with the requirements of  
22 subdivision (a), to the extent necessary to meet the medical needs  
23 of that child.

24 (c) This section shall not apply to beverages at a licensed child  
25 day care facility that are provided by a parent or legal guardian  
26 for his or her child.

27 SEC. 3. No reimbursement is required by this act pursuant to  
28 Section 6 of Article XIII B of the California Constitution because  
29 the only costs that may be incurred by a local agency or school  
30 district will be incurred because this act creates a new crime or  
31 infraction, eliminates a crime or infraction, or changes the penalty  
32 for a crime or infraction, within the meaning of Section 17556 of  
33 the Government Code, or changes the definition of a crime within  
34 the meaning of Section 6 of Article XIII B of the California  
35 Constitution.