

Senate Bill No. 702

CHAPTER 199

An act to amend, repeal, and add Section 1596.60 of, and to add Sections 1596.616 and 1596.656 to, the Health and Safety Code, relating to child day care, and making an appropriation therefor.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

SB 702, DeSaulnier. Ancillary day care centers: employees: trustline providers.

Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of child day care facilities by the State Department of Social Services. Under existing law, a violation of any of these provisions is punishable as a crime.

Existing law requires the State Department of Social Services to establish a trustline registry and, upon submission of the trustline application and fingerprints, to enter into the trustline registry the provider's name, identification card number, and an indicator that the provider has submitted an application and fingerprints, who would be known as a "trustline applicant."

This bill would, commencing January 1, 2011, define an ancillary day care center, and provide that a person who provides care or supervision in an ancillary day care center is a provider for purposes of the trustline registry provisions.

The bill would, commencing January 1, 2011, require a person who provides child care or child care supervision in an ancillary day care center to register pursuant to these trustline provisions.

Existing law authorizes the department to charge a fee to trustline applicants, as specified. Under existing law, moneys collected by the department to implement the trustline provisions are continuously appropriated to the department without regard to fiscal year for expenditure to implement the trustline provisions.

This bill, notwithstanding the existing fee requirements, would require the department to charge a fee to each trustline applicant who provides care in an ancillary day care center, that is equal to the total amount required by the department to process applications and maintain the trustline registry for these providers. By increasing the funds appropriated to the department for purposes of the trustline registry, and creating a new purpose for their expenditure, this bill would make an appropriation.

This bill would provide that no General Fund moneys would be used for the bill's implementation.

Appropriation: yes.

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

SECTION 1. Section 1596.60 of the Health and Safety Code is amended to read:

1596.60. (a) For the purposes of this chapter, the following definitions shall apply:

- (1) "Department" means the State Department of Social Services.
- (2) "Director" means the Director of Social Services.
- (3) "Trustline provider," "license exempt child care provider," or "provider," for the purposes of this chapter means a person 18 years of age or older who provides child care, supervision, or any person providing in-home educational or counseling services to a minor, and who is not required to be licensed pursuant to Section 1596.792.

(b) This section shall remain in effect only until January 1, 2011, and as of that date is repealed.

SEC. 2. Section 1596.60 is added to the Health and Safety Code, to read:

1596.60. (a) For the purposes of this chapter, the following definitions shall apply:

- (1) "Department" means the State Department of Social Services.
- (2) "Director" means the Director of Social Services.
- (3) "Trustline provider," "license exempt child care provider," or "provider" means a person 18 years of age or older who provides child care, supervision, or any person providing in-home educational or counseling services to a minor, and who is not required to be licensed pursuant to Section 1596.792. "Provider" also means a person who provides care or childcare supervision in an ancillary day care center other than the parent or guardian of the child receiving the care.

(4) "Ancillary day care center" means a day care center, as defined in Section 1596.76, that is associated with an athletic club, grocery store, or other business or group of businesses that is not required to be licensed pursuant to subdivision (k) of Section 1596.792 that provides a day care center that is ancillary to its principal business activity and that provides day care services, with or without a fee, for the children of the clients or customers of that business or group of businesses while the clients or customers are engaged in shopping for, or purchasing, goods or services from that business or group of businesses.

(b) This section shall become operative on January 1, 2011.

SEC. 3. Section 1596.616 is added to the Health and Safety Code, to read:

1596.616. Notwithstanding Section 1596.61, the department shall charge a fee to each trustline applicant who provides care in an ancillary day care center, that is equal to the total amount required by the department to process applications and maintain the trustline registry for these providers.

SEC. 4. Section 1596.656 is added to the Health and Safety Code, to read:

1596.656. (a) A person who provides child care or child care supervision in an ancillary day care center, as defined in Section 1596.60, shall be registered pursuant to Sections 1596.603 and 1596.605.

(b) This section shall become operative on January 1, 2011.

SEC. 5. No General Fund moneys shall be used to implement this act.