

Assembly Bill No. 1872

Passed the Assembly August 29, 2012

Chief Clerk of the Assembly

Passed the Senate August 28, 2012

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Sections 1596.812 and 1597.50 to the Health and Safety Code, relating to child day care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1872, Alejo. 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, defined to include, among others, family day care homes. Under existing law, the department may assess a civil penalty of no more than \$50 per day, with exceptions, for violations of the act relating to family day care homes. Willful or repeated violation of these provisions is a misdemeanor.

This bill would require, except as provided, a family day care home, at a minimum, to provide meals and snacks that, in amount and component, meet certain nutrition standards. The bill would require the department to explain these nutritional requirements on its Internet Web site, in appropriate department outreach materials, and during the orientation of prospective family day care home providers, and would authorize the department to send updated nutritional standard information to providers through a provider bulletin or other similar instruction. The bill would require a family day care home to keep daily menus, available for parents and guardians to see, of all meals and snacks served, as specified. The bill would require the department to take specified actions with respect to noncompliance with these provisions, and would exempt a family day care home from all other procedures that would otherwise govern noncompliance with these provisions.

The bill would require the department to inform prospective and current child day care providers about the above-described nutrition requirements by posting certain information on the department's Internet Web site, and by disseminating information by other means deemed appropriate by the department.

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

SECTION 1. Section 1596.812 is added to the Health and Safety Code, to read:

1596.812. For the purposes of improving nutrition in child day care facilities, as defined in Section 1596.750, and increasing providers' capacity to serve healthy foods, the department shall inform prospective and current providers about the United States Department of Agriculture Child and Adult Care Food Program (CACFP) (7 C.F.R. 226.20) by posting information relating to eligibility, enrollment, and reimbursement on the department's Internet Web site, and by disseminating information by other means deemed appropriate by the department. These means may include, but are not limited to, orientation materials, during regular inspections, and through written communications to licensees.

SEC. 2. Section 1597.50 is added to the Health and Safety Code, to read:

1597.50. (a) Except as provided in subdivisions (c) and (d), a family day care home shall, at a minimum, provide the amount of food and the components in any meals and snacks served that are specified by the United States Department of Agriculture Child and Adult Care Food Program (CACFP) (7 C.F.R. 226.20). The department shall explain these nutritional requirements on its Internet Web site, in appropriate department outreach materials, and during the orientation of prospective family day care home providers.

(b) If the CACFP is amended to include new nutritional standards, the department may inform providers of these updated standards by provider bulletin or other similar instruction.

(c) If a child has a medical necessity, documented in writing by a medical provider, that includes the need for "medical food" as defined by Section 109971, a licensed family day care home shall be exempt from complying with the requirements of subdivision (a), to the extent necessary to meet the medical needs of that child.

(d) This section shall not apply to meals or snacks provided by a parent or legal guardian for his or her child at a family day care home.

(e) Family day care homes shall keep daily menus, available for parents and guardians to see, of all meals and snacks served.

(f) The department shall review the status of compliance with this section only during regularly scheduled, authorized monitoring inspections, and shall not be required to conduct separate and independent visits based solely on complaints regarding compliance with the CACFP nutritional standards. If the department determines that a family day care home is noncompliant with this section, based on examining the daily menu or observing any meal or snack served during the monitoring visit, the department shall direct the family day care home to relevant nutrition information and training opportunities.

(g) Article 5 (commencing with Section 1596.89) of Chapter 3.4, and the provisions relating to civil penalties that are imposed by Sections 1597.56, 1597.58, and 1597.62 shall not apply to this section. The compliance procedures described in subdivision (f) shall supersede any other compliance procedures required by this chapter or by any other law for the duties imposed by this section.

(h) The requirements imposed by this section are in addition to, and are not intended to replace, the requirements prescribed by Section 1596.808.

Approved _____, 2012

Governor