

ASSEMBLY BILL

No. 352

**Introduced by Assembly Member Hall
(Coauthor: Assembly Member Bloom)**

February 13, 2013

An act to add Section 1530.7 to the Health and Safety Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 352, as introduced, Hall. Foster care: smoke-free environment.

Existing law, the California Community Care Facilities Act, regulates various community care facilities, including foster family homes and small family homes, as defined, which provide care for foster children. The act requires the State Department of Social Services to adopt regulations for these facilities, and requires that regulations for a license prescribe standards of safety and sanitation for the physical plant and standards for basic personal care, supervision, and services based upon the category of licensure. Any person who violates the act, or who willfully or repeatedly violates any rule or regulation promulgated under the act, is guilty of a misdemeanor.

This bill would require that persons licensed pursuant to the provisions described above to provide residential foster care to a child maintain a smoke-free environment in the home in which the child resides, including the garage and bathrooms, and in all motor vehicles used to transport the child. Because a violation of the act, or the willful or repeated violation of any rule or regulation promulgated under the act, would be 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. Section 1530.7 is added to the Health and Safety
2 Code, to read:

3 1530.7. Persons licensed pursuant to this chapter to provide
4 residential foster care to a child shall maintain a smoke-free
5 environment in the home in which the child resides, including the
6 garage and bathrooms, and in all motor vehicles used to transport
7 the child.

8 SEC. 2. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.

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