

AMENDED IN ASSEMBLY APRIL 23, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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 amended, 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~~ *group homes and small family homes* licensed pursuant to the provisions described above ~~to that~~ 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.~~ *The bill would prohibit a person licensed pursuant to these provisions to provide residential care in a foster family home or certified family home from smoking in the home or in the physical presence of the foster youth. The bill would also prohibit a person*

licensed pursuant to these provisions from smoking in all any motor vehicles vehicle 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~~ (a) *Group homes and small family*
5 *homes licensed pursuant to this chapter shall maintain a smoke-free*
6 ~~environment in the home in which the child resides, including the~~
7 ~~garage and bathrooms, and environment.~~

8 (b) *No person licensed pursuant to this chapter to provide*
9 *residential care in a foster family home or certified family home*
10 *may smoke in the home or in the physical presence of the foster*
11 *youth. This subdivision shall not apply to homes of relative and*
12 *nonrelative extended family member caregivers.*

13 (c) *No person licensed pursuant to this chapter to provide*
14 *residential foster care shall smoke in all any motor vehicles vehicle*
15 *used to transport the child.*

16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

O