

AMENDED IN SENATE JUNE 13, 2013

AMENDED IN ASSEMBLY APRIL 23, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 352**

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

February 13, 2013

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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~~, *foster family agencies*, small family homes, *transitional housing placement providers*, and *crisis nurseries*, 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 group homes ~~and~~, *foster family agencies*, small family homes, *transitional housing placement providers*, and *crisis nurseries* licensed pursuant to the provisions described above that provide residential foster care to a child maintain a smoke-free environment *in the facility*. The bill would prohibit a person *who is*

licensed *or certified* pursuant to these provisions ~~to provide and who is providing~~ 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 or permitting any other person to smoke inside the facility, and, when the child is present, on the outdoor grounds of the facility.~~ The bill would also prohibit a person *who is* licensed pursuant to these provisions from smoking in any motor vehicle *that is regularly* 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. (a) Group homes ~~and, foster family agencies,~~ small
- 4 family homes, *transitional housing placement providers, and crisis*
- 5 *nurseries* licensed pursuant to this chapter shall maintain a
- 6 smoke-free environment *in the facility.*
- 7 (b) ~~No~~ A person *who is* licensed *or certified* pursuant to this
- 8 chapter to provide residential care in a foster family home or
- 9 certified family home ~~may smoke in the home or in the physical~~
- 10 ~~presence of the foster youth. This subdivision shall not apply to~~
- 11 ~~homes of relative and nonrelative extended family member~~
- 12 ~~caregivers shall not smoke or permit any other person to smoke~~
- 13 ~~inside the facility, and, when the child is present, on the outdoor~~
- 14 ~~grounds of the facility.~~
- 15 (c) ~~No~~ A person *who is* licensed pursuant to this chapter to
- 16 provide residential foster care shall *not* smoke in any motor vehicle
- 17 *that is regularly* used to transport the child.
- 18 SEC. 2. No reimbursement is required by this act pursuant to
- 19 Section 6 of Article XIII B of the California Constitution because
- 20 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

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