

AMENDED IN SENATE JUNE 26, 2013

AMENDED IN SENATE JUNE 13, 2013

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, 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, 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 and who is providing residential care in a foster family home or certified family home from smoking 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 *or certified* 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, foster family agencies, small family
4 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) A person who is licensed or certified pursuant to this chapter
8 to provide residential care in a foster family home or certified
9 family home shall not smoke or permit any other person to smoke
10 inside the facility, and, when the child is present, on the outdoor
11 grounds of the facility.

12 (c) A person who is licensed *or certified* pursuant to this chapter
13 to provide residential foster care shall not smoke in any motor
14 vehicle that is regularly used to transport the child.

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

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

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