

ASSEMBLY BILL

No. 1819

Introduced by Assembly Member Hall

February 18, 2014

An act to amend Section 1596.795 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1819, as introduced, Hall. Family day care home: smoking prohibition.

Existing law, the California Child Day Care Facilities Act, governs the licensing and operation of family day care homes and requires the State Department of Social Services to administer these provisions. Among other things, the act prohibits the smoking of tobacco in a private residence that is licensed as a family day care home during the hours of operation as a family day care home. A person who willfully or repeatedly violates a provision of the act is guilty of a misdemeanor.

This bill would prohibit the smoking of tobacco in a private residence that is licensed as a family day care home without regard to whether the act occurs during the hours of operation of the home. By expanding the scope of 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 1596.795 of the Health and Safety Code
2 is amended to read:

3 1596.795. (a) The smoking of tobacco in a private residence
4 that is licensed as a family day care home shall be prohibited ~~during~~
5 ~~the hours of operation as a family day care home~~ *in the home* and
6 in those areas of the family day care home where children are
7 present. Nothing in this section shall prohibit a city or county from
8 enacting or enforcing an ordinance relating to smoking in a family
9 day care home if the ordinance is more stringent than this section.

10 (b) The smoking of tobacco on the premises of a licensed day
11 care center shall be prohibited.

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

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