

AMENDED IN SENATE APRIL 30, 2015

AMENDED IN SENATE APRIL 7, 2015

SENATE BILL

No. 792

Introduced by Senator Mendoza

February 27, 2015

An act to amend Sections 1597.055 and 1597.54 of, and to add Sections 1596.7995 and 1597.622 to, the Health and Safety Code, relating to day care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 792, as amended, Mendoza. Day care facilities: immunizations: exemptions.

Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of day care centers, as defined, and family day care homes, as defined, by the State Department of Social Services. A violation of the act is a crime. Existing law requires a child to be immunized prior to admission to a day care center or family day care home. Existing law authorizes an exemption from those provisions for medical reasons or because of personal beliefs, if specified forms are submitted to the day care center or family day care home.

This bill, commencing September 1, 2016, would prohibit a day care center or a family day care home from employing any person who has not been immunized in accordance with the schedule for routine adult immunizations, prescribed by the federal Centers for Disease Control and Prevention. The bill would specify circumstances under which a person would be exempt from the immunization requirement, based on ~~medical safety and safety~~ *current immunity, or declining the influenza vaccination*, as specified. The bill would make conforming changes to provisions that set forth qualifications for day care center teachers and

applicants for licensure as a family day care center. Because the bill would extend the application of a crime under the act, 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 1596.7995 is added to the Health and
2 Safety Code, to read:

3 1596.7995. (a) Commencing September 1, 2016, a person
4 shall not be employed at a day care center if he or she has not been
5 immunized according to the schedule for routine adult
6 immunizations, as recommended by the federal Centers for Disease
7 Control’s Advisory Committee on Immunization Practices, with
8 the exception of immunization against human papillomavirus
9 (HPV).

10 (b) A person is exempt from the requirements of this section
11 only under ~~either~~ *any* of the following circumstances:

12 (1) The person submits a written statement from a licensed
13 physician declaring that because of the person’s physical condition
14 or medical circumstances, immunization is not safe. The statement
15 shall indicate the probable duration of the medical condition or
16 circumstances that contraindicate immunization.

17 (2) The person submits a written statement from a licensed
18 physician providing that the person has evidence of current
19 immunity to the diseases included on the immunization schedule
20 described in subdivision (a).

21 (3) *The person submits a written declaration that he or she has*
22 *declined the influenza vaccination. This exemption applies only*
23 *to the influenza vaccine.*

24 SEC. 2. Section 1597.055 of the Health and Safety Code is
25 amended to read:

1 1597.055. (a) Notwithstanding any other educational
2 requirements, a person may be hired as a teacher in a day care
3 center if he or she satisfies all of the following conditions:

4 (1) Is 18 years of age or older.

5 (2) Possesses a regional occupation program certificate of
6 training in child care occupations issued by a regional occupational
7 program which is accredited by the Western Association of Schools
8 and Colleges.

9 (3) Has completed at least 95 hours of classroom instruction
10 in child care and development and child care occupations and at
11 least 150 hours in supervised field experience in a licensed day
12 care center or comparable group child care program.

13 (4) Commencing September 1, 2016, has provided evidence of
14 current immunity, as described in paragraph (1) of subdivision (b)
15 of Section 1596.7995.

16 (b) Subsequent to being hired pursuant to subdivision (a), a
17 teacher shall make satisfactory progress towards meeting the
18 educational requirement for a fully qualified teacher, as specified
19 in departmental regulations. For purposes of this section,
20 “satisfactory progress” shall mean completion, with passing grades,
21 of a minimum of two units each semester or the equivalent number
22 of units each quarter until the educational requirement is satisfied.
23 Six of the required semester or equivalent number of quarter units
24 of early childhood education from an accredited university or
25 college shall be completed during the next two consecutive regular
26 semesters or equivalent quarters.

27 (c) A teacher hired pursuant to this section shall not be exempt
28 from satisfying any other noneducation requirements imposed by
29 law on teachers in day care centers and shall have onsite
30 supervision by a fully qualified teacher until six of the units
31 specified in subdivision (b) are completed.

32 SEC. 3. Section 1597.54 of the Health and Safety Code is
33 amended to read:

34 1597.54. All family day care homes for children, shall apply
35 for a license under this chapter, except that any home which on
36 June 28, 1981, had a valid and unexpired license to operate as a
37 family day care home for children under other provisions of law
38 shall be deemed to have a license under this chapter for the
39 unexpired term of the license at which time a new license may be
40 issued upon fulfilling the requirements of this chapter.

1 An applicant for licensure as a family day care home for children
2 shall file with the department, pursuant to its regulations, an
3 application on forms furnished by the department, which shall
4 include, but not be limited to, all of the following:

5 (a) A brief statement confirming that the applicant is financially
6 secure to operate a family day care home for children. The
7 department shall not require any other specific or detailed financial
8 disclosure.

9 (b) (1) Evidence that the small family day care home contains
10 a fire extinguisher or smoke detector device, or both, which meets
11 standards established by the State Fire Marshal under subdivision
12 (d) of Section 1597.45, or evidence that the large family day care
13 home meets the standards established by the State Fire Marshal
14 under subdivision (d) of Section 1597.46.

15 (2) Evidence satisfactory to the department that there is a fire
16 escape and disaster plan for the facility and that fire drills and
17 disaster drills will be conducted at least once every six months.
18 The documentation of these drills shall be maintained at the facility
19 on a form prepared by the department and shall include the date
20 and time of the drills.

21 (c) The fingerprints of any applicant of a family day care home
22 license, and any other adult, as required under subdivision (b) of
23 Section 1596.871.

24 (d) Evidence of a current tuberculosis clearance, as defined in
25 regulations that the department shall adopt, for any adult in the
26 home during the time that children are under care.

27 (e) Commencing September 1, 2016, evidence of current
28 immunity, as described in Section 1597.622, for the applicant and
29 any other person who provides care and supervision to the children.

30 (f) Evidence satisfactory to the department of the ability of the
31 applicant to comply with this chapter and Chapter 3.4 (commencing
32 with Section 1596.70) and the regulations adopted pursuant to
33 those chapters.

34 (g) Evidence satisfactory to the department that the applicant
35 and all other persons residing in the home are of reputable and
36 responsible character. The evidence shall include, but not be limited
37 to, a criminal record clearance pursuant to Section 1596.871,
38 employment history, and character references.

39 (h) Failure of the applicant to cooperate with the licensing
40 agency in the completion of the application shall result in the denial

1 of the application. Failure to cooperate means that the information
2 described in this section and in regulations of the department has
3 not been provided, or not provided in the form requested by the
4 licensing agency, or both.

5 (i) Other information as may be required by the department for
6 the proper administration and enforcement of the act.

7 SEC. 4. Section 1597.622 is added to the Health and Safety
8 Code, to read:

9 1597.622. (a) Commencing September 1, 2016, a person shall
10 not be employed at a family day care home if he or she has not
11 been immunized according to the schedule for routine adult
12 immunizations, as recommended by the federal Centers for Disease
13 Control and Prevention’s Advisory Committee on Immunization
14 Practices, with the exception of vaccination for human
15 papillomavirus (HPV).

16 (b) A person is exempt from the requirements of this section
17 only under ~~either~~ *any* of the following circumstances:

18 (1) The person submits a written statement from a licensed
19 physician declaring that because of the person’s physical condition
20 or medical circumstances, immunization is not safe. The statement
21 shall indicate the probable duration of the medical condition or
22 circumstances that contraindicate immunization.

23 (2) ~~If the~~ *The* person submits a written statement by a licensed
24 physician providing that the person has evidence of current
25 immunity to one or more of the diseases included on the
26 immunization schedule described in subdivision (a).

27 (3) *The person submits a written declaration that he or she has*
28 *declined the influenza vaccination. This exemption applies only*
29 *to the influenza vaccine.*

30 SEC. 5. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.

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