

AMENDED IN ASSEMBLY JANUARY 23, 1996

AMENDED IN ASSEMBLY JANUARY 4, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1723

Introduced by Assembly Member Martinez

February 24, 1995

An act to add Section 1596.867 to the Health and Safety Code, relating to child day care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1723, as amended, Martinez. Day care centers: earthquake safety.

Existing law, the California Child Day Care Facilities Act, requires that day care centers be licensed by the State Department of Social Services. Existing regulations adopted under that act require that these facilities maintain a current, written disaster and mass casualty plan of action that is subject to review by the department and is required to include certain disaster procedures.

This bill would require, ~~in addition to the disaster and mass casualty plan of action~~, each *child* day care center to, ~~at the time of initial licensure or license renewal and as a condition to initial licensure or renewal, submit to the department, a comprehensive~~ *include an Earthquake Preparedness Checklist in its disaster plan, containing which would be permitted to include* various procedures, ~~for safeguarding the well-being and care of children and staff in the event of a~~



~~significant earthquake as determined by the department. The checklist would be made accessible to the public at the child day care center.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of
2 the following:

3 (a) Because of the scientifically acknowledged fact
4 that California will experience moderate to severe
5 earthquakes in the foreseeable future, increased efforts to
6 reduce earthquake hazards should be strengthened and
7 supported.

8 (b) In order to minimize loss of life, injury, and
9 negative social and emotional consequences to the nearly
10 one million infants and young children being cared for
11 outside of their own homes, it is necessary for child care
12 professionals to develop specific earthquake emergency
13 plans and procedures so that the children and staff will
14 react appropriately with clear, calm, and effective
15 actions.

16 (c) It is therefore the intent of the Legislature to
17 require the establishment of earthquake emergency
18 procedure systems for all licensed child day care centers
19 and family day care homes in California. It shall be the
20 responsibility of the licensee to submit their complete
21 emergency earthquake response plan at the time of
22 licensing or license renewal to the State Department of
23 Social Services.

24 SEC. 2. Section 1596.867 is added to the Health and
25 Safety Code, to read:

26 ~~1596.867. (a) In addition to the disaster plan~~
27 ~~requirements provided in Section 101174 of Title 22 of the~~
28 ~~California Code of Regulations, each child day care~~
29 ~~center shall, at the time of initial licensure or licensure~~
30 ~~renewal, and as a condition of initial licensure or licensure~~
31 ~~renewal, submit to the State Department of Social~~
32 ~~Services a completed and signed Earthquake~~



1 ~~Preparedness Checklist. Child day care centers located at~~
2 ~~recreational sites, K-12 schoolsites, and other sites shall~~
3 ~~work with their respective sites to meet the requirements~~
4 ~~of the Earthquake Preparedness Checklist.~~

5 ~~(b) The State Department of Social Services shall not~~
6 ~~be held liable for the failure of a child day care center to~~
7 ~~submit an Earthquake Preparedness Checklist. In the~~
8 ~~event of damage arising from an earthquake, there shall~~
9 ~~be a presumption of negligence in the case of a child day~~
10 ~~care center that fails to submit an Earthquake~~
11 ~~Preparedness Checklist.~~

12 ~~(e)~~
13 *1596.857 (a) An Earthquake Preparedness Checklist*
14 *shall be included by each child day care center in the*
15 *disaster plan prescribed by Title 22 of the California Code*
16 *of Regulations. The Earthquake Preparedness Checklist*
17 *shall be made accessible to the public at the child day care*
18 *center.*

19 (b) The Earthquake Preparedness Checklist shall not
20 exceed two typewritten pages and the State Department
21 of Social Services may add to or delete from the list, as it
22 deems appropriate. The checklist ~~shall~~ *may* include, but
23 not be limited to, all of the procedures that are listed in
24 the following proposed Earthquake Preparedness
25 Checklist.

26
27 Earthquake Preparedness Checklist (EPC)*
28
29

30 Eliminate potential hazards in classrooms and throughout the
31 site:

- 32 Bolt bookcases in high traffic areas securely to wall studs
- 33 Move heavy books and items from high to low shelves
- 34 Secure and latch filing cabinets
- 35 Secure cabinets in high traffic areas with child safety latches
- 36 Secure aquariums, computers, typewriters, TV-VCR
- 37 equipment to surfaces, such as by using Velcro tabs
- 38 Make provisions for securing rolling portable items such as
- 39 TV-VCRs, pianos, refrigerators



- 1 _____ Move children’s activities and play areas away from
- 2 windows, or protect windows with blinds or adhesive
- 3 plastic sheeting
- 4 _____ Secure water heater to wall using plumber’s tape
- 5 _____ Assess and determine possible escape routes
- 6
- 7 Establish a coordinated response plan
- 8 Involving children:
- 9 _____ Teach children about earthquakes and what to do (see
- 10 resource list below)
- 11 _____ Practice “duck, cover, and hold” earthquake drills under
- 12 tables or desks no less than 4 times a year
- 13 Involving parents:
- 14 _____ Post, or make available to parents, copies of the school
- 15 earthquake safety plan (including procedures for
- 16 reuniting parents or alternate guardians with children,
- 17 location of planned evacuation site, method for leaving
- 18 messages and communicating)
- 19 _____ Enlist parent and community resource assistance in securing
- 20 emergency supplies or safeguarding the child care site:
- 21 _____ store a 3–day supply of nonperishable food (including
- 22 juice, canned food items, snacks, infant formula)
- 23 _____ store a 3–day supply of water and juice
- 24 _____ store food and water in an accessible location, such as
- 25 portable plastic storage containers
- 26 _____ store other emergency supplies such as flashlights, a
- 27 radio with extra batteries, heavy gloves, trash bags,
- 28 and tools
- 29 _____ maintain a complete, up–to–date listing of children,
- 30 emergency numbers, and contact people for each
- 31 classroom stored with emergency supplies
- 32 Involving child care personnel and local emergency agencies:
- 33 _____ Identify and assign individual responsibilities for staff
- 34 following an earthquake (including accounting for and
- 35 evacuating children, injury control, damage assessment)
- 36 _____ Involve and train all staff members about the earthquake
- 37 safety plan, including location and procedure for turning
- 38 off utilities and gas



1 ——— Contact nearby agencies (including police, fire, Red Cross,
2 and local government) for information and materials in
3 developing the child care center earthquake plan
4

5 *For more free resources contact:

- 6 (1) FEMA
- 7 (2) Office of Emergency Services (OES)
- 8 (3) Red Cross
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