

AMENDED IN ASSEMBLY MARCH 20, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1872

Introduced by Assembly Member Alejo

February 22, 2012

An act to add Section 1597.50 to the Health and Safety Code, relating to family day care homes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1872, as amended, Alejo. Family day care homes: nutrition.

Existing law, the California Child Day Care Facilities Act, administered by the State Department of Social Services, provides for the licensure and regulation of child day care facilities, defined to include, among others, family day care homes. *Under existing law, the department may assess a civil penalty of no more than \$50 per day, with exceptions, for violations of the act relating to family day care homes.* Willful or repeated violation of these provisions is a misdemeanor.

This bill would require, except as provided, a family day care home to adhere to certain nutrition standards in the provision of meals and snacks. The bill would require the department to take specified actions with respect to noncompliance with these provisions, and would require the department to disseminate certain information to prospective and current providers. ~~By expanding the definition of a crime, this bill would impose a state-mandated local program.~~ *A violation of these requirements would subject a family day care home to the above civil penalty. This bill would specify that a violation of these requirements would not be subject to a criminal penalty.*

~~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~~-no.

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

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

3 (a) Nearly 25 percent of children between two and five years
4 of age in California are overweight or obese and at risk of
5 developing chronic diseases that contribute to escalating health
6 costs.

7 (b) Research demonstrates that taste preferences and lifelong
8 nutrition habits are formed in early childhood years.

9 (c) The recent changes to improve school nutrition should be
10 complemented with changes to the nutritional environment in child
11 care facilities.

12 (d) Research demonstrates that the nutritional environment in
13 child care facilities could be improved by encouraging appropriate
14 portion size and a healthy balance of dairy, fruits and vegetables,
15 whole grains, and proteins.

16 (e) More than 50 percent of the nearly 50,000 licensed child
17 care centers and licensed family day care homes in California,
18 which serve more than 500,000 children, do not participate in the
19 federal Child and Adult Care Food Program, often because child
20 care providers lack adequate information about this nutrition
21 program.

22 (f) The State of California has a strong policy and financial
23 interest in the licensed child care system and in the health and
24 safety of children while they are engaged in that system.

25 SEC. 2. Section 1597.50 is added to the Health and Safety
26 Code, to read:

27 1597.50. (a) Except as provided in subdivisions (b) and (c), a
28 family day care home shall ensure that any meals and snacks
29 provided by the family day care home include, at a minimum, the
30 amount of food and the components that are specified by the United

1 States Department of Agriculture Child and Adult Care Food
2 Program ~~(CACFP)~~; (CACFP) (7 C.F.R. 226.20).

3 (b) If a child has a medical necessity, documented in writing
4 by a medical provider, that includes the need for “medical food”
5 as defined by Section 109971, a licensed family day care facility
6 shall be exempt from complying with the requirements of
7 subdivision (a), to the extent necessary to meet the medical needs
8 of that child.

9 (c) This section shall not apply to meals or snacks provided by
10 a parent or legal guardian for his or her child at a family day care
11 home.

12 (d) Family day care homes shall, on an annual basis, self-certify
13 to the department compliance with the provisions of this section.

14 (e) The department shall determine compliance with this section
15 only during regularly scheduled, authorized monitoring inspections,
16 and shall not be required to conduct separate and independent
17 visits. In addition to any action taken by the department with
18 respect to a family day care home’s noncompliance with this
19 section, the department shall recommend to the family day care
20 home relevant nutrition information and trainings.

21 (f) For the purposes of improving nutrition in family day care
22 homes and increasing providers’ capacity to serve healthy foods,
23 the department shall inform prospective and current providers
24 about the CACFP by posting information relating to eligibility,
25 enrollment, and reimbursement on the department’s Internet Web
26 site, and by disseminating information by other means deemed
27 appropriate by the department.

28 (g) *Section 1596.890 shall not apply to this section.*

29 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
30 ~~Section 6 of Article XIII B of the California Constitution because~~
31 ~~the only costs that may be incurred by a local agency or school~~
32 ~~district will be incurred because this act creates a new crime or~~
33 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
34 ~~for a crime or infraction, within the meaning of Section 17556 of~~
35 ~~the Government Code, or changes the definition of a crime within~~
36 ~~the meaning of Section 6 of Article XIII B of the California~~
37 ~~Constitution.~~