

Date of Hearing: April 2, 2024

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 2828 (Bains) – As Introduced February 15, 2024

**SUBJECT:** Child health and safety: “Have a Heart, Be a Star, Help Our Kids” license plate program

**SUMMARY:** Increases the fees associated with “Have a Heart, Be a Star, Help Our Kids” license plates (Kids’ Plates), and specifies the proportion of moneys derived from the license plate program to be available for child abuse prevention programs and childcare licensing, recruitment, and training, among others. Specifically, **this bill:**

- 1) Increases the following Kids’ Plates fees as follows:
  - a) From \$50 to \$90 for initial issuance of personalized plates, and from \$40 to \$80 for renewal; and,
  - b) From \$20 to \$40 for the initial issuance of specialized license plates, and from \$15 to \$30 for renewal, in addition to the renewal fee itself.
- 2) Adds programs related to unintentional injuries associated with mental health, Home fire and burn safety and family disaster planning, and cardiac arrest to the programs that address health and safety concerns and receive funds derived from the Kids’ Plates program.
- 3) Changes the allocation of the funds collected from the Kids’ Plates program, to be distributed after January 1, 2026, upon an appropriation, for the purpose of childcare licensing, recruitment, and training, and requires 50% to be available as follows:
  - a) 50% of the allocation, but not less than the allocation appropriated during the 2022–23 fiscal year to the California Department of Social Services (CDSS) for the purpose of administering provisions related to the California Child Day Care Act, and upon appropriation, an additional \$501,000, in excess of the 50% derived from the license plate program, also to be made available. Requires CDSS to allocate these special funds according to the following priorities:
    - i) Site visits of day care centers; the monitoring responsibility of the childcare advocate program; training for investigative and licensing field staff, and other aspects of the childcare advocate program; and, the salary of the chief of the childcare licensing branch. Permits CDSS to fund appropriate administrative support costs as necessary.
    - b) Requires the remainder of funds allocated to be allocated to local childcare resource and referral programs, and the state agency having oversight of new and continuing childcare provider health and safety education and training program curriculum, as follows:
      - i) 90% of the funds to be allocated to the local childcare resource and referral program, in each county on a per-capita basis, as follows: one-half percent of the 90% to counties with populations less than 2,000; 1% of the 90% to counties with populations between 2,000 up to 100,000; one and one-third percent of the 90% to

counties with populations between 100,000 up to 249,999; one and two-thirds percent of the 90% to counties with populations between 250,000 up to 499,999; 2% of the 90 % to counties with populations between 500,000 and 1,000,000; and, 4% of the 90 % to counties with populations over 1,000,000.

- ii) Requires funds allocated pursuant to i) above to be used for one or both of the following purposes: recruiting new childcare providers; supporting education and training for new childcare providers or continuing education for existing childcare providers, including licensed and exempt providers.
  - iii) Requires 10% of the funds to be allocated to the state agency having oversight of new and continuing childcare provider health and safety education and training program curriculum to be used for the following purposes: review and approval of childcare provider health and safety education and training; onsite reviews of approved education and training programs to ensure the approved curriculum is adhered to and to observe the quality of the education and training program delivery; coordination with relevant bodies involved in improving access, quality, and affordability of childcare, including, but not limited to, childcare provider recruitment and planning agencies, academic institutions, and childcare and child development agencies or councils.
- 4) Specifies that 50% of the remaining funds after the appropriations specified in 3) above, but not more than 25% of the funds derived from the Kids' Plate program, after January 1, 2026, be available upon appropriation, for child abuse prevention programs that are either to be carried out within a two-year period or whose implementation is dependent upon one-time initial funding, as follows:
- a) 90% of funds to be deposited in the county children's trust fund, for the support of child abuse prevention services in the community; and,
  - b) 10% of funds allocated to be deposited in the State Children's Trust Fund, for public education, training, and technical assistance.
- 5) Specifies that 50% of the remaining funds after the appropriations specified in 3) above, but not more than 25% of the funds derived from the Kids' Plate program, after January 1, 2026, be available upon appropriation, for programs that address childhood injury prevention that is either to be carried out within a two-year period or whose implementation is dependent upon one-time initial funding, as follows:
- a) 85% of the funds to be allocated to the First 5 county commissions that elect in an annual survey conducted each fiscal year by the nonprofit organization housing the California Unintentional Injury Prevention Strategic Plan Project and reported to the state agency charged with allocation of funds to the First 5 county commissions.
  - b) Specifies that each county commission electing to receive these funds receive an amount as provided: county commissions in counties with populations over 100,000 shall receive equal shares of 80% of the available funds for distribution to county commissions opting into receiving these funds based on the survey completed as noted in a) above; and, county commissions in counties with populations under 100,000 shall receive equal shares of 20% of the available funds for distribution to

- county commissions opting into receiving these funds based on the survey completed as noted in a) above.
- c) Authorizes the commissions to use funds to participate at the annual California Children and Families Commission conference or biennial Safer California Unintentional Injury Prevention conference, and requires the county commissions receiving these funds to use them for any of the following purposes that address any of the categories of childhood injury for children of all ages or a specified age range appropriate for the unintentional injury issue being addressed as follows:
- i) To support local programs that further unintentional injury prevention in one or any of the unintentional injury categories;
  - ii) To supplement and not supplant existing funding supporting programs furthering child health and safety and aligned with childhood unintentional injury prevention;
  - iii) On promoting and practicing those evidence-based best prevention practices addressing childhood unintentional injury provided or recommended by the California Unintentional Injury Prevention Strategic Plan;
  - iv) To participate with the California Unintentional Injury Prevention Strategic Plan Project, at the county commission's discretion; and,
  - v) To collaborate with regional or local childhood unintentional injury prevention coalitions or programs, including childhood unintentional injury prevention coalitions or programs in tribal lands, where appropriate.
- d) Requires 10% of the funds to be distributed to the California Department of Public Health (CDPH) to provide all of the following:
- i) Technical assistance and distribution of evidence-based prevention practices information to childhood injury prevention programs engaged in childhood injury prevention issue categories;
  - ii) Oversight and accountability of programs conducted under this section as reported annually to CDPH by the organization providing administration and staffing for the California Unintentional Injury Prevention Strategic Plan Project; and,
  - iii) Planning, financial, and attendance support to the biennial Safer California Unintentional Injury Prevention Conference.
- e) Requires 5% of the funds to be allocated to the nonprofit organization providing administration and staffing to the California Unintentional Injury Prevention Strategic Plan Project, known as the Safer California Project, with responsibility to:
- i) Support statewide networking of local childhood unintentional injury prevention coalitions and programs;

- ii) Support evidence-based, best-practice technical assistance and training programs for childhood unintentional injury prevention, including sharing successful local models of unintentional injury prevention, for local prevention coalitions, programs, and county commissions;
  - iii) Support the updating of childhood unintentional injury prevention strategic planning identification of the top 10 action priorities necessary to support the state ending unintentional injury as the leading cause of death and hospitalizations of California's children and youth through 19 years of age;
  - iv) Planning activities for the biennial Safer California Unintentional Injury Prevention conference;
  - v) Support public policy to prevent childhood unintentional injury;
  - vi) Conduct an annual survey of the county commissions to determine which of the county commissions elect to receive this funding, and to transmit that survey result to the state for distribution of the funding to the county commissions; and,
  - vii) Provide CDPH with an annual report on actions carried out pursuant to these provisions.
- f) Requires the funds to be used to address childhood injury prevention in any of the following categories:
- i) Vehicular safety, including restraint, warnings, and education programs;
  - ii) Drowning prevention;
  - iii) Playground safety standards;
  - iv) Pedestrian safety;
  - v) Bicycle safety;
  - vi) Gun safety;
  - vii) Home fire and burn safety and family disaster planning;
  - viii) Poison control safety;
  - ix) In-home safety;
  - x) Childhood poisoning, including from prescription medications, lead, and other toxic substances;
  - xi) Sleep suffocation and sudden infant death syndrome;
  - xii) Children left in parked cars and children run over by cars moving forward or backward;

- xiii) Sports-related concussions, heat stroke, cardiac arrest, and spinal injury safety; and,
- xiv) Unintentional injuries associated with mental health.

**EXISTING LAW:**

- 1) Establishes the “Have a Heart, Be a Star, Help Our Kids” license plate program and sets fees for the initial, renewal, transfer, and replacement of the plates. (Vehicle Code § 5072)
- 2) Creates within the State Treasury the Child Health and Safety Fund and requires that moneys for the fund be derived from the Kids’ Plates program and that civil penalties on child day care facility providers be deposited into this fund. Requires revenue to be allocated as follows: 50 %, plus \$501,000, to CDSS for childcare licensing and administration, 25 % to CDSS for child abuse prevention, 90 % of which is deposited into the county’s children’s trust fund; 25 % to CDPH to support prevention education, training, and technical assistance on a specified list of ten childhood unintentional injury areas. (Welfare and Institutions Code [WIC] § 18285)
- 3) Requires the Community Care Licensing Division (CCLD) of CDSS to regulate child care licensees through an organizational unit separate from that used to regulate all other licensing programs. Requires CDSS to notify the appropriate legislative committees whenever actual staffing levels of licensing program analysts within the child care licensing branch drops more than 10% below authorized positions, and for the budget for the child care licensing branch to be included as a separate entry within CDSS department budget. (Health and Safety Code [HSC] § 1596.816)
- 4) Establishes requirements related to the licensing and administrative provisions of the California Child Day Care Act (HSC §§ 1596.70 - 1597.21 *et seq.*)
- 5) Establishes requirements related to the licensing and administrative provisions of family day care homes (HSC §§ 1597.30 - 1597.622 *et seq.*)
- 6) Authorizes, in the event a county elects to participate in the California Children and Families Program, and satisfies the specified requirements set forth in existing law, the county to establish a county commission that is either a legal public entity separate from the county or an agency of the county with independent authority over the strategic plan. (HSC § 130140.)
- 7) States Legislative intent that specified priorities and programs be funded and implemented in the order they are listed, and that each priority and program may be funded and implemented independently of the other priorities and programs. Requires the Directors of the Department of Motor Vehicles and CDSS to annually make a determination whether the total annual receipts for the Kids’ Plate program is sufficient to cover these priorities and programs and, if so, for CDSS to implement that priority or program. (WIC § 18285.5)
- 8) Requires that a county board of supervisors that designates a commission with duties primarily related to services for children to also establish a county children’s trust fund. Further requires that money in the county children’s trust fund to be used to fund child abuse and neglect prevention and intervention programs operated by private nonprofit organizations

or public institutions of higher education with recognized expertise in fields related to child welfare. (WIC §§ 18965 *et seq.*)

- 9) Creates in the State Treasury, the State Children's Trust Fund, and requires money from the Fund to be allocated to CDSS for the purpose of funding child abuse and neglect prevention and intervention programs, as specified. (WIC § 18969)

**FISCAL EFFECT:** Unknown, this bill has not been analyzed by a fiscal committee.

**COMMENTS:** This analysis only discusses policy issues germane to the jurisdiction of the Assembly Committee on Human Services.

**Background:** *Child Health and Safety Fund.* Currently, within the State Treasury, there is the Child Health and Safety Fund and moneys are derived from the Kids' Plate program and from civil penalties on child day care facility providers. Under current law, funding from the Kids' Plate program goes to three different programs: CDSS for childcare licensing and administration; CDSS for child abuse prevention; and CDPH for prevention, education, training, and technical assistance on a specified list of ten childhood unintentional injury areas. The moneys in the Fund are currently expended as follows:

- 50%, plus \$501,000, to CDSS for childcare licensing and administration;
- 25% to CDSS for child abuse prevention, 90% of which is deposited into the county's children's trust fund; and,
- 25% to CDPH to support prevention education, training, and technical assistance on a specified list of ten childhood unintentional injury areas.

There are two major provisions to this bill: 1) an increase in the fees associated with the Kids' Plate program; and 2) a change to the allocation of the funds collected from the program to now also go toward childcare recruitment, and training and for child abuse prevention programs.

*New Distribution Structure.* The provisions of this bill do not decrease the amount of funding CDSS' childcare licensing is provided through the Kids' Plates program but does change how funds are allocated. Under this new structure, 50% of funds would be dedicated to childcare safety and CDSS childcare licensing would receive the same allocation amount CCLD received in the 2022-23 FY budget. Of the 50% of the amount remaining, the remainder would be allocated as follows:

- 90% to 58 counties' child care resource and referral networks to help with local new childcare provider recruitment and childcare provider training.
- 10% to the state agency with responsibility to oversee the curriculum of the education and training programs any potential new childcare provider must successfully complete before applying to CDSS' CCLD for a license. Currently, that agency is the Emergency Medical Services Authority.

This bill allows all 58 county resource and referral networks to receive an amount of Kids' Plate funds based on an allocation formula that considers the population size of the counties and

retains the existing distribution structure that is dedicated to child abuse funding and specifies the following:

- 90% to be sent to the 58 county child abuse trust funds which use the funds for local strategic planning and training of key local leadership and staff.
- 10% retained at CDSS Office of Child Abuse Prevention to help with oversight regarding supporting local child abuse trust funds

*Community Care Licensing Division (CCLD).* CCLD is responsible for the licensure or certification of approximately 72,000 licensed community care facilities that include child care, children's residential, adult and senior care facilities. CCLD's Child Care Licensing Program is charged with ensuring licensed childcare facilities meet health and safety standards through monitoring facilities, providing technical assistance, and establishing partnerships with providers, parents, and the childcare community. CCLD conducts pre- and post-licensure inspections for new facilities and unannounced visits to licensed facilities under statutorily required timeframes.

*Licensed Child Care.* The California Child Day Care Facilities Act governs the licensure, maintenance, and operation of child day care centers and family day care homes in the state. This law and the associated regulations found in Title 22 of the CCR establish, among other things, general health and safety requirements, staff-to-child ratios, and provider training requirements. Day care centers include infant centers, preschools, extended daycare facilities, and school-age childcare centers. CCLD has the responsibility of licensing and monitoring the state's 10,481 daycare centers, which, as of January 2021, provided 705,734 childcare slots (47,497 of which were for infants). There are an additional 1,040 licensed school-age daycare facilities, which provided 76,941 slots as of that same date.

*Child Care Advocate Program.* Within CCLD's Child Care Program, is the Child Care Advocate Program, created to provide a link between child care licensing and the community. By statute, CDSS may establish a childcare in each of its 14 licensing district regional offices. Currently, four regional offices have an advocate program and those local offices tailor their activities to fit the needs of the local community. Child Care Advocates provide information to parents, child care providers, employers, educators, and community groups. They participate in community activities and special projects in order to:

- Disseminate information on the state's licensing role
- Provide information to the public and parents on child care licensing
- Act as a liaison to child care resource and referral agencies
- Serve as liaison to businesses, education groups, child care provider organizations, Resource and Referral Agencies, and other child care programs
- Assist county government and community agencies in capacity building and quality improvement efforts to ensure the availability of quality child care
- Assist in the coordination of complaints and concerns on behalf of children in child care

This bill would change the allocation of the funds collected from the Kids' Plates program, for the purpose of childcare licensing, recruitment, and training, and would require CDSS to allocate these special funds according to the following priorities:

- Site visits of daycare centers
- Monitoring responsibility of the childcare advocate program
- Training for investigative and licensing field staff, and other aspects of the childcare advocate program;
- The salary of the chief of the childcare licensing branch.

The bill would also permit CDSS to fund appropriate administrative support costs as necessary.

*Child Abuse and Neglect Prevention.* Revenue from the Kids' Plate program is also used for child abuse and neglect prevention efforts at the state and county levels, with the majority of funds dedicated to child abuse prevention being given to the counties. Counties are required to use these monies to fund child abuse and neglect prevention and intervention programs operated by private nonprofit organizations or public institutions of higher education with recognized expertise in fields related to child welfare. Funds are also used to support counties' Child Abuse Prevention Coordinating Councils.

The Kids' Plate program was enacted in 1992. Neither the amount of fees nor the distribution of those funds has been changed since.

**Author's Statement:** According to the Author, "My bill, AB 2828, brings long-overdue updates and reforms to the Kids Plates specialty vehicle license plate fundraising program. The program has remained unchanged since its creation in 1992 (AB 3087/1992 by Assemblymember Speier).

The current framework governing the distribution of Kids Plate funds lacks equity and does not currently benefit all 58 counties and the child abuse prevention, childcare safety, and childhood injury prevention issues the fund was created to support. Vehicle owners fund these child safety programs by purchasing and retaining Kids Plates. My bill ensures that contributions are distributed fairly to all 58 counties and used strategically to support children's safety.

The pricing of these specialty vehicle license plates is far out of date, having been put in place in 1992. AB 2828 will bring the Kids Plates pricing closer to the other similar specialty license plates sold by the DMV. This pricing update doubles the funding for these essential children's safety programs.

My bill is supported by not only Congresswoman Jackie Speier, the original author of the Kids' Plates 1992 legislation but also the two leading co-sponsors of her 1992 legislation: Children's Advocacy Institute University of San Diego School of Law and the California Coalition for Children's Safety and Health, as well as the many children's safety organizational partners that make up these two 30-plus-year-old coalitions in California."

**Equity Implications:** The provisions of this bill seek to address the Kids' Plates specialty vehicle license plate funding program and ensure it continues to support child abuse prevention, childcare safety, and childhood injury prevention. It also seeks to equitably distribute these funds to all 58 counties. By restructuring the funding allocations, the bill is ensuring that all 58

counties receive their fair share of Kids' Plates funding to support the recruitment and training for new childcare providers. The new funding structure also leaves enough of the Kids' Plates funds to cover childcare licensing administration costs.

**Double referral:** Should this bill pass out of this committee, it will be referred to the Assembly Transportation Committee.

#### **RELATED AND PRIOR LEGISLATION:**

*SB 608 (Becker) of 2023*, would have increased the fees for the issuance and renewal of Kids' Plates and revised the allocation of funds derived from that program. SB 608 would have reduced the percentage provided to CDSS CCLD and would have increased the allocation of funds to childcare safety and health and First 5 county commissions. *SB 608 was held on the Senate Appropriations Committee suspense file.*

*AB 2602 (Salas) of 2022*, would have reallocated funds from the Kids' Plate program as follows: 50% to local childcare and development planning councils, 25% to county commissions that elect to receive funding, and would limit the spending of those funds for certain purposes, including administering the California Unintentional Injury Prevention Strategic Plan Project (CUIPSP), 10% to the nonprofit organization that provides administrative and staff support to the CUIPSP. *AB 2602 was referred to the Assembly Human Services Committee but was not set for a hearing.*

*AB 1336 (Smith), Chapter 47, Statutes of 2019*, added to the list of child health and safety concerns for which funds deposited into the Child Health and Safety Fund may be expended to include: pedestrian safety, childhood poisoning, including from prescription medications, lead, and other toxic substances, sleep suffocation and sudden infant death syndrome, children left in parked cars and children run over by cars moving forward or backward; and sports-related concussions, heat stroke, and spinal injury safety.

*SB 1158 (McGuire) of 2018* would have increased the fees for initial license plates under the Kids' Plate program and would have revised the allocation of funds derived from that program to reduce the percentage provided to CDSS' CCLD, increased the percentage allocated to CDPH, and provided a new allocation to the Emergency Medical Service Authority, and would have modified the list of specified child health and safety concerns administered by CDPH. *SB 1158 was held on the Senate Appropriations Committee suspense file.*

*AB 3087 (Speier), Chapter 136, Statutes of 1992*, created the California Kids' Plate program, as well as the Children's Health and Safety Special Fund to capture and expend the revenues from the Kids' Plate license sales and renewals.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

California Coalition for Children's Safety and Health (Co-Sponsor)  
Children's Advocacy Institute (Co-Sponsor)

**Opposition**

None on File.

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