

Date of Hearing: April 9, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 1336 (Smith) – As Introduced February 22, 2019

SUBJECT: Child health and safety fund

SUMMARY: Expands the list of child health and safety concerns that a certain portion of the Child and Health and Safety Fund may be used to address. Specifically, **this bill:**

- 1) Adds the following to the list of child health and safety concerns that certain programs are able to receive a specified portion of Child Health and Safety Fund moneys to address:
 - a) Pedestrian safety;
 - b) Childhood poisoning, including from prescription medications and other toxic substances;
 - c) Sleep suffocation;
 - d) Children left in parked cars and children run over by cars, as specified; and,
 - e) Sports-related concussions, heat stroke, and spinal injury safety.
- 2) Makes technical changes.

EXISTING LAW:

- 1) Establishes the “Have a Heart, Be a Star, Help Our Kids” license plates (Kids Plates) and sets forth a fee schedule for these specialized license plates to be charged in addition to the regular fees charged for an original registration, or renewal or transfer of registration, as specified. (Vehicle Code Section 5072)
- 2) Creates the “Child Health and Safety Fund” in the State Treasury, and requires moneys for this fund to be derived from the Kids Plates program and from civil penalties on child day care facility providers. (Welfare and Institutions Code [WIC] Section 18285 (a), (b))
- 3) Requires moneys in the Child Health and Safety Fund to be expended, upon appropriation by the Legislature, for these three purposes, as specified:
 - a) 50% of moneys derived from the Kids Plates program shall be available, along with an additional \$501,000, each amount upon appropriation, to the California Department of Social Services (CDSS) for purposes of licensing and regulating child day care facilities, including child care centers and family day care homes, and CDSS shall allocate these special funds according to the following priorities:
 - i) Annual unannounced site visits of 20% of all child care centers and certain site visits of family child care homes;

- ii) The monitoring responsibility of the child care advocate program;
 - iii) Training for investigative and licensing field staff;
 - iv) Other aspects of the child care advocate program; and,
 - v) The salary of the child of the child care licensing branch;
- b) The balance of the moneys derived from the Kids Plates program after subtraction of the 50% and \$501,000 to support CDSS licensing activities, when applicable, shall be made available, upon appropriation, for programs addressing a variety of specified child health and safety concerns; and,
- c) Moneys derived from civil penalties imposed on day care facility providers shall be made available, upon appropriation, to CDSS exclusively for the technical assistance, orientation, training, and education of child day care facility providers. (WIC 18285(c) through (f))
- 4) Establishes the “California Child Day Care Facilities Act” to provide a comprehensive, quality system for licensing child day care facilities – including child day care centers, employer-sponsored child care centers, and family day care homes – to ensure that working families have access to healthy and safe child care providers and that child care programs contribute positively to a child's emotional, cognitive, and educational development, and are able to respond to, and provide for, the unique characteristics and needs of children. (HSC 1596.70 *et seq.*)

FISCAL EFFECT: This bill has been keyed nonfiscal by the Legislative Counsel.

COMMENTS:

Child care licensing: CDSS’s Community Care Licensing Division (CCLD) licenses a number of types of non-medical facilities, both residential and non-residential, that serve vulnerable populations across California. CCLD-licensed facilities include: child care centers, family child care homes, adult day care facilities, foster family care homes, other children’s residential facilities, and adult and senior residential facilities. There are almost 72,000 licensed community care facilities in the state, with the capacity to serve close to 1.4 million Californians. This number includes over 28,000 family day care homes with a capacity to serve nearly 300,000 children, over 10,000 day care centers with a capacity to serve over 600,000 children, and over 2,000 infant centers capable of serving just under 50,000 infants.

CCLD’s Child Care Licensing Program has 14 Regional Offices located across California, through which it provides oversight and enforcement for child care centers and family day care homes. According to CDSS:

“The core mission of the Child Care Licensing Program is to ensure the health and safety of children in care. The Child Care Licensing Program strives to provide preventive, protective, and quality services to children in care by ensuring that licensed facilities meet established health and safety standards through monitoring facilities, providing technical assistance, and establishing partnerships with providers, parents, and the child care

community. ... All children and families, regardless of age, ethnicity, cultural background, socioeconomic status, or ability, are afforded the same protections under the law and regulations for child care facilities.”

Child day care facilities generally receive site visits from CCLD once every three years to monitor compliance with regulations. Additionally, CCLD conducts annual unannounced spot checks of approximately 20% of licensed child day care centers. CCLD also investigates complaints. Licensees can receive two types of citations: “Type A” and “Type B.” Type A citations are given for the most serious types of violations, including violations that pose an immediate risk to the health, safety, or personal rights of the children in care. Type A citations can include lack of care and supervision, access to dangerous chemicals, lack of a fire clearance, and the like. Type B citations are for violations that, if not corrected, could possibly pose an immediate risk to the health, safety, or personal rights of the children in care. Type B citations include inadequate training of staff and faulty record keeping, among others. Penalties can be levied, in varying amounts, for violations.

Child Health and Safety Fund: AB 3087 (Speier), Chapter 1316, Statutes of 1992, created the Child Health and Safety Fund (Fund) and authorized the Department of Motor Vehicles (DMV) to issue special “Have a Heart, Be a Star, Help Our Kids” license plates (Kids Plates), the revenues from which are placed into the Fund, alongside civil penalties imposed on day care facility providers.

Moneys deposited into the Fund are, upon appropriation from the Legislature, allocated for three purposes, as follows:

- 50% of moneys derived from the Kids Plates program are made available, along with an additional \$501,000 if appropriated, to CDSS for purposes of licensing and regulating child day care facilities, including child care centers and family day care homes, and allocated according to certain priorities;
- The balance of the moneys derived from the Kids Plates program after subtraction of the 50% and \$501,000 to support CDSS licensing activities, when applicable, are made available, upon appropriation, for programs addressing a variety of specified child health and safety concerns; and,
- Moneys derived from civil penalties imposed on day care facility providers are made available, upon appropriation, to CDSS exclusively for the technical assistance, orientation, training, and education of child day care facility providers.

For the second use described above, current law (WIC 18285) designates the following child health and safety concerns as reasons for which a program may receive funds:

- Child abuse prevention (limited to 25% of moneys in the fund, with certain designated uses of portions of this amount);
- Vehicular safety;
- Drowning prevention;
- Playground safety standards;
- Bicycle safety;
- Gun safety;

- Fire safety;
- Poison control and safety;
- In-home safety;
- Childhood lead poisoning; and,
- Sudden infant death syndrome.

Need for this bill: This bill seeks to expand the uses for Child Health and Safety Fund moneys to include a number of leading causes of childhood unintentional injuries not already included in statute governing the Fund. This bill adds the following permissible areas a program receiving moneys from the Fund can focus on addressing: pedestrian safety; childhood poisoning, including from prescription medications and other toxic substances; sleep suffocation; children left in parked cars and children run over by cars, as specified; and sports-related concussions, heat stroke, and spinal injury safety.

According to the author, “The Kids Plates program is a critical funding source for local and statewide efforts to keep our children safe. [This bill] will update our state codes to reflect today’s threats to our children’s safety, and will empower organizations doing the important work of educating our communities on accident prevention.”

PRIOR LEGISLATION:

SB 1158 (McGuire) of 2018 would have increased the initial fee of the Kids Plate, and revise the allocation of the funds collected under this program by reducing the allocation to the CDSS for child day care licensing activities from 50% to 20%, increasing the Department of Public Health’s allocation from 25% to 35% for unintentional injury prevention, and allocating 20% to the Emergency Medical Services Authority for oversight of specified day care provider training programs. SB 1158 was held on the Senate Appropriations Committee’s suspense file.

SB 1011 (Senate Committee on Budget and Fiscal Review), Chapter 47, Statutes of 2012, the Human Services trailer bill, among many other changes, amended existing requirements related to distribution of funds in the Child Health and Safety Fund that are derived from Kids Plates by redirecting \$501,000 from child abuse and injury prevention programs to support specific CDSS responsibilities related to child day care licensing.

AB 3087 (Speier), Chapter 1316, Statutes of 1992, among other things, authorized the DMV to issue special “Have a Heart, Be a Star, Help Our Kids” license plates and created the Child Health and Safety Fund.

REGISTERED SUPPORT / OPPOSITION:

Support

California Coalition for Children's Safety and Health (Sponsor)
 Child Abuse Prevention Center (Sponsor)
 California Family Resource Association
 Safe Kids Greater Sacramento

Opposition

None on file

Analysis Prepared by: Daphne Hunt / HUM. S. / (916) 319-2089