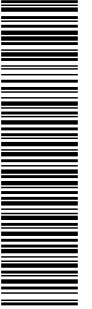


An act to amend Sections 1596.81 and 1596.866 of, and to add Section 1597.63 to, the Health and Safety Code, relating to daycare facilities.

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1596.81 of the Health and Safety Code is amended to read:

1596.81. (a) The department shall adopt, amend, or repeal in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code any rules and regulations ~~which~~ that may be necessary to carry out this act.

~~(b) Licensing requirements adopted pursuant to Section 1530 shall only continue to be applicable to day care centers, and requirements adopted pursuant to Section 1597.51 shall continue to be applicable to family day care homes, until the department adopts regulations pursuant to this chapter.~~

(b) (1) The department may waive any rule or regulation described in subdivision (a) if the waiver is reasonable and necessary to carry out this act and is not detrimental to the health and safety of any child in care.

(2) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer this subdivision through letters or similar written instructions that shall have the same force and effect as regulations until regulations are adopted.

SEC. 2. Section 1596.866 of the Health and Safety Code is amended to read:

1596.866. (a) (1) ~~In addition to other required training, at least one director or teacher at each day care center, and each family day care home licensee who provides care, daycare center, each family daycare licensee, and each substitute adult who provides care in a family daycare home pursuant to Section 1597.63, shall have at least 15 hours of health and safety training, and if applicable, at least one additional hour of training pursuant to clause (ii) of subparagraph (C) of paragraph (2).~~

(2) The health and safety training shall include the following components:

(A) Pediatric first aid.

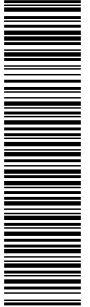
(B) Pediatric cardiopulmonary resuscitation (CPR).

(C) (i) A preventive health practices course or courses that include instruction in the recognition, management, and prevention of infectious diseases, including immunizations, prevention of childhood injuries, and, for licenses issued on and after July 1, 2020, instruction in the prevention of lead exposure that is consistent with the most recent State Department of Public Health's training curriculum on childcare lead poisoning prevention.

(ii) ~~For licenses issued on or after January 1, 2016, at least one director or teacher at each day care center, and each family day care home licensee who provides care, individuals described in paragraph (1) shall have at least one hour of childhood nutrition training as part of the preventive health practices course or courses.~~

(3) The training may include instruction in sanitary food handling, emergency preparedness and evacuation, and caring for children with special needs.

(4) (A) (i) On and after January 1, 2026, persons described in paragraph (1) of subdivision (a) shall obtain training in a pediatric first aid or pediatric CPR course that includes instruction in the prevention and treatment of anaphylaxis, including the emergency use of epinephrine auto-injectors, subject to the requirements of Section 1797.197a.



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(ii) Persons who, on or before December 31, 2025, have completed a course or courses in pediatric first aid and pediatric CPR that did not include instruction in the prevention and treatment of anaphylaxis, including the emergency use of epinephrine auto-injectors, shall comply with clause (i) for the next renewal period.

(iii) (I) It is the intent of the Legislature that the training required by this section will be adopted into the existing training requirements for a ~~child-day care~~ daycare facility and will not require additional hours.

(II) Notwithstanding the provisions in subclause (I) of this clause and clauses (i) and (ii) of this subparagraph, in the event any additional training hours are required by these provisions, reimbursement of a ~~family-child care~~ childcare provider, as defined in Section 10421 of the Welfare and Institutions Code, for any additional training hours shall be determined pursuant to the procedures set forth in Chapter 25 (commencing with Section 10420) of Part 1.8 of Division 9 of the Welfare and Institutions Code.

(B) On and after January 1, 2028, a pediatric first aid and pediatric CPR training course shall include instruction in the prevention and treatment of anaphylaxis, including the emergency use of epinephrine auto-injectors, subject to the requirements of Section 1797.197a.

(b) ~~Day care~~ Daycare center directors and licensees of ~~family-day care~~ daycare homes shall ensure that at least one ~~staff member~~ member, or at least one ~~substitute adult~~, as described in Section 1597.63, who has a current course completion card in pediatric first aid and pediatric CPR issued by the American Red Cross, the American Heart Association, or by a training program that has been approved by the Emergency Medical Services Authority pursuant to this section and Section 1797.191 shall be onsite at all times when children are present at the facility, and shall be present with the children when children are offsite from the facility for facility activities. ~~Nothing in this~~ This subdivision shall not be construed to require, in the event of an emergency, additional staff members, who are onsite when children are present at the facility, to have a current course completion card in pediatric first aid and pediatric CPR.

(c) (1) The completion of health and safety training by ~~all personnel and licensees~~ individuals described in subdivision (a) shall be a condition of licensure.

(2) Training in pediatric first aid and pediatric CPR by persons described in subdivisions (a) and (b) shall be current at all times. Training in preventive health practices, as described in subparagraph (C) of paragraph (2) of subdivision (a), is a one-time only requirement for persons described in subdivision (a).

(3) The department shall issue a provisional license for otherwise qualified applicants who are not in compliance with this section. This provisional license shall expire 90 days after the date of issuance and shall not be extended.

(4) A notice of deficiency shall be issued by the department at the time of a site visit to a licensee who is not in compliance with this section. The licensee shall, at the time the notice is issued, develop a plan of correction to correct the deficiency within 90 days of receiving the notice. The facility's license may be revoked if it fails to correct the deficiency within the 90-day period. Section 1596.890 shall not apply to this paragraph.

(d) Completion of the training required pursuant to subdivisions (a) and (b) shall be demonstrated, upon request of the licensing agency, by the following:



(1) Current pediatric first aid and pediatric CPR course completion cards issued by the American Red Cross, the American Heart Association, or by a training program approved by the Emergency Medical Services Authority pursuant to Section 1797.191.

(2) (A) A course completion card for a preventive health practices course or courses, as described in subparagraph (C) of paragraph (2) of subdivision (a), issued by a training program approved by the Emergency Medical Services Authority pursuant to Section 1797.191.

(B) Persons who, before September 21, 1998, have completed a course or courses in preventive health practices, as described in clause (i) of subparagraph (C) of paragraph (2) of subdivision (a), and have a certificate of completion of a course or courses in preventive health practices, or certified copies of transcripts that identify the number of hours and the specific course or courses taken for training in preventive health practices, shall be deemed to have met the training in preventive health practices.

(3) In addition to training programs specified in paragraphs (1) and (2), training programs or courses in pediatric first aid, pediatric CPR, and preventive health practices offered or approved by an accredited college or university are considered approved sources of training that may be used to satisfy the training requirements of paragraph (2) of subdivision (a). Completion of this training shall be demonstrated to the licensing agency by a certificate of course completion, course completion cards, or certified copies of transcripts that identify the number of hours and the specified course or courses taken for the training, as defined in paragraph (2) of subdivision (a).

(e) The training required under subdivision (a) shall not be provided by a home study course. This training may be provided through in-service training, workshops, or classes. This subdivision shall not be interpreted to prohibit approved online courses in pediatric first aid or preventive health practices.

(f) ~~All personnel and licensees~~ individuals described in subdivisions (a) and (b) shall maintain current course completion cards for pediatric first aid and pediatric CPR issued by the American Red Cross, the American Heart Association, or by a training program approved by the Emergency Medical Services Authority pursuant to Section 1797.191, or shall have current certification in pediatric first aid and pediatric CPR from an accredited college or university in accordance with paragraph (3) of subdivision (d).

(g) The department shall have the authority to grant exceptions to the requirements imposed by this section in order to meet the requirements of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).

(h) The department shall adopt regulations to implement this section. Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer the changes made by this section through letters or similar written instructions that shall have the same force and effect as regulations until regulations are adopted.

SEC. 3. Section 1597.63 is added to the Health and Safety Code, to read:

1597.63. (a) A family daycare home licensee shall be present in the home and shall ensure that children in care are provided care and supervision during all hours of operation.

(b) (1) Notwithstanding subdivision (a), when circumstances require a licensee to occasionally be temporarily absent from a family daycare home during its hours of



operation, the licensee shall arrange for a substitute adult to provide care and supervision of the children in care if the family daycare home operates during the temporary absence.

(2) A temporary absence of the licensee shall not exceed 20 percent of the hours that the family daycare home is providing care in any given calendar month.

(3) The department may waive the requirements of this subdivision on an individual basis if the waiver is reasonable and necessary to carry out this act and not detrimental to the health and safety of any child in care.

(c) Prior to a substitute adult's initial presence in a family daycare home, a licensee shall ensure the substitute adult does all of the following, and complies with any additional requirements established by the department:

(1) Obtains a criminal record clearance or exemption pursuant to Section 1596.871.

(2) Completes the health and safety training described in Section 1596.866, as demonstrated by a current course completion card in pediatric first aid, pediatric cardiopulmonary resuscitation (CPR), and preventive health practices.

(3) Is immunized against influenza, pertussis, and measles pursuant to Section 1597.622.

(d) A family daycare home shall provide prior written notice to the parent or legal guardian of each child in care regarding any temporary absence of the licensee. If prior notice is impractical based on emergency circumstances, then written notice shall be provided no later than the next business day following the temporary absence.

(e) A family daycare home shall report a temporary absence of the licensee to the department no later than the next business day following the temporary absence. In addition, a written report shall be submitted to the department within seven calendar days of any temporary absence of the licensee. The written report shall include, a minimum, all of the following:

(1) The name of the substitute adult.

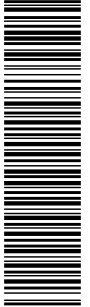
(2) The date and time of the temporary absence.

(3) An attestation signed by the licensee indicating whether the requirements of subdivisions (c) and (d) were met.

(f) A family daycare home shall maintain documentation of compliance with this section and with Sections 1596.866, 1596.871, and 1597.622 regarding a substitute adult.

(g) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer this section through letters or similar written instructions that shall have the same force and effect as regulations until regulations are adopted.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



## LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, \_\_\_\_\_.

General Subject: Daycare facilities: regulations: temporary absences.

The California Child Day Care Facilities Act provides for the licensure and regulation of family daycare homes by the State Department of Social Services. Existing law requires the department to adopt, amend, or repeal any rules or regulations that are necessary to carry out the act. A violation of the act is a crime.

This bill would authorize the department to waive any of those rules or regulations if the waiver is reasonable and necessary to carry out the act and is not detrimental to the health and safety of any child in care. The bill would authorize the department to implement and administer this provision by means of letters or similar written instructions until regulations are adopted.

Existing regulations generally require a family daycare home licensee to be present in the home and prohibits a required temporary absence of the licensee from exceeding 20% of the hours that the facility is providing care per day. Existing regulations require, if the licensee is required to be temporarily absent from the home, the licensee to arrange for a substitute adult to care for and supervise the children during the absence.

This bill would instead prohibit temporary absences that exceed 20% of the hours that the home is providing care per month, subject to waiver by the department. The bill would require a licensee, prior to a substitute adult's initial presence in the home, to ensure the substitute adult has obtained a criminal record clearance or exemption, completed specified health and safety training, is immunized against certain illnesses, and meets any other requirements imposed by the department. The bill would require a licensee to provide prior written notice of a temporary absence to the parent or legal guardian of each child in care, except in emergency circumstances, in which case written notice is required to be provided by the next business day. The bill would also require the licensee to submit a written report with certain information for each temporary absence to the department by the next business day. The bill would authorize the department to implement and administer these provision by means of letters or similar written instructions until regulations are adopted. By expanding the scope of a crime, this 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.

