

BILL NUMBER: AB 615      CHAPTERED 09/08/93  
BILL TEXT

CHAPTER    335  
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PASSED THE ASSEMBLY    MAY 24, 1993  
AMENDED IN ASSEMBLY    APRIL 15, 1993

INTRODUCED BY    Assembly Member Gotch  
    (Principal coauthor: Assembly Member Bates)  
    (Coauthors:    Assembly Members Andal, Bornstein, Caldera,  
Farr, Terry Friedman, Karnette, Margolin, Martinez, Napolitano,  
Solis, and Speier)  
    (Coauthors:    Senators Hughes and Watson)

FEBRUARY 22, 1993

An act to amend Section 1596.795 of the Health and Safety  
Code, relating to child day care.

LEGISLATIVE COUNSEL'S DIGEST

AB 615, Gotch. Child day care: smoking prohibition.

Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of child day care facilities, which include day care centers and family day care homes, as defined. Under the act any person who willfully or repeatedly violates provisions of law pertaining to child day care facilities is guilty of a misdemeanor.

Existing law regulates the smoking of tobacco in various public places. Existing law authorizes a city or county to enforce its ordinance regulating the smoking of tobacco in a private residence that is licensed as a child day care facility during its hours of operation and in those areas of the facility where children are present.

This bill would prohibit smoking of tobacco in a private residence that is licensed as a family day care home during its hours of operation and in those areas of the facility where children are present. It would also prohibit the smoking of tobacco on the premises of a child day care center. Since this bill would change the definition of an existing crime, it 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.

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

SECTION 1. Section 1596.795 of the Health and Safety Code is amended to read:

1596.795. (a) The smoking of tobacco in a private residence that is licensed as a family day care home shall be prohibited during the hours of operation as a family day care home and in those areas of the family day care home where children are present. Nothing in this section shall prohibit a city or county from enacting or enforcing an ordinance relating to smoking in a family day care home if the ordinance is more stringent than this section.

(b) The smoking of tobacco on the premises of a licensed day care center shall be prohibited.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.