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AB-2827 Child daycare facilities. (2021-2022)

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Assembly Bill No. 2827

CHAPTER 916

An act to add Section 1596.804 to the Health and Safety Code, relating to daycare facilities.

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2827, Quirk-Silva. Child daycare facilities.

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 daycare facilities, as defined. Existing regulations impose various requirements on outdoor activity space for child daycare facilities, including, among others, that there be at least 75 square feet per child of outdoor activity space based on the total licensed capacity. A willful or repeated violation of these provisions is a misdemeanor.

This bill would require the department to revise its regulations to permit children with exceptional needs, as defined, to use outdoor play spaces simultaneously with nondisabled children without first seeking a specified regulatory waiver and to specify any health and safety requirements that are required to be met when that simultaneous play occurs. The bill would authorize the department to implement those provisions by means of an all-county letter or similar instruction on or before January 1, 2024.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 1596.804 is added to the Health and Safety Code, to read:

1596.804. (a) Notwithstanding any other law, on or before January 1, 2024, the department shall revise its regulations to meet both of the following requirements:

(1) Permit children with exceptional needs, as defined in Section 8205 of the Education Code, who are enrolled in separate programs or classrooms from nondisabled children to use outdoor play spaces simultaneously with nondisabled children without first seeking a waiver of Section 101238.2 of Title 22 of the California Code of Regulations.

(2) Specify any health and safety requirements that shall be met when simultaneous use of outdoor play spaces as described in paragraph (1) occurs.

(b) 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 this section by means of an all-county letter or similar instruction. The all-county letter or similar instruction shall be issued on or before January 1, 2024.