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AB-772 Child day care facilities. (2023-2024)

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Assembly Bill No. 772

CHAPTER 933

An act to amend Section 1596.799 of, and to add Section 1596.7916 to, the Health and Safety Code, relating to care facilities.

[Approved by Governor September 29, 2024. Filed with Secretary of State September 29, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 772, Jackson. Child day care facilities.

Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of daycare centers by the State Department of Social Services. Existing regulation generally requires child daycare facilities that are licensed by the State Department of Social Services to require proof of each child's immunizations, including tuberculosis testing, and to maintain files of this proof on the premises. Existing law exempts from these requirements any child daycare center that exclusively offers a program of services for which there is no contract or agreement between the parent and the center for the regular care of the child, and there is no prearranged schedule of care for any child. Existing law requires parents using these exempt child daycare centers to sign a form acknowledging that they understand the center is not required to verify immunizations and tuberculosis testing for any children accepted for care. Existing law makes a willful or repeated violation of the act a crime.

This bill would define the child daycare facilities subject to the above exemption as "drop-in childcare centers" and would make conforming changes. The bill would require, upon admission of a child to a drop-in childcare center, if the medical assessment required by department regulations is not available for the child, a licensee to obtain a written health assessment completed by the child's authorized representative, as specified. 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 Local Program: yes

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

SECTION 1. Section 1596.7916 is added to the Health and Safety Code, immediately following Section 1596.7915, to read:

1596.7916. "Drop-in childcare center" means any daycare center, as defined in Section 1596.76, that exclusively offers a program of services for which there is no contract or agreement between any child's authorized representative and the center for the regular or prearranged schedule of care for any child.

SEC. 2. Section 1596.799 of the Health and Safety Code is amended to read:

1596.799. (a) Notwithstanding Section 1597.05 or any other law, a drop-in childcare center shall not be required to do either of the following:

- (1) Verify children's immunizations or tuberculosis testing.
- (2) Maintain files regarding children's immunizations or tuberculosis testing.

(b) Upon admission of a child into a drop-in childcare center, if the medical assessment required by department regulations is not available for a child, then the licensee shall obtain a written health assessment completed by the child's authorized representative. Except as provided in subdivision (a), a written health assessment shall include the same information and be maintained in the same manner as a medical assessment required by department regulations. A drop-in childcare center shall not require physician approval of the health assessment completed by the child's authorized representative.

(c) Upon admission of a child into a drop-in childcare center, the child's authorized representative shall sign an acknowledgment that they understand that verification of immunizations and tuberculosis testing is not required for any child accepted into a drop-in childcare center.

(d) This section shall not be construed to exempt a drop-in childcare center from any other licensing requirement.

SEC. 3. 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.