

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 07/05/2012
POSITION: Oppose
SPONSOR: California Food Policy Advocates

BILL NUMBER: AB 1872
AUTHOR: Alejo, Luis

BILL SUMMARY: Child day care facilities: nutrition.

This bill would require the Department of Social Services (DSS) to provide nutritional information to family child day care providers related to the United States Department of Agriculture Child and Adult Care Food Program (CACFP). This bill also would require family child day care providers to provide meals in accordance with the CACFP, unless exempt from doing so as specified, and would require providers to make weekly food menus available to parents and guardians. This bill also would specify civil penalties could not be imposed on a provider for noncompliance with these requirements.

FISCAL SUMMARY

This bill would result in additional costs to DSS as a result of increased time necessary to inspect family child day care facilities for compliance with CACFP requirements and to update licensing regulations. There are approximately 39,000 family child day care homes in the state and these facilities receive a licensing visit approximately once every three years which equates to 13,000 family child care provider inspections annually. Assuming it would take an average of 5 additional minutes to complete a facility inspection and provide guidance to noncompliant providers as a result of this new requirement, DSS would require 1.0 Licensing Program Analyst to perform the additional workload, at an annual cost of \$60,000 General Fund (GF). Furthermore, there would be a GF pressure for the cost of providing additional training to licensing staff in identifying foods and meals that do not meet CACFP guidelines.

COMMENTS

The Department of Finance is opposed to this bill given that its provisions would be contrary to a new DSS licensing facility inspection protocol. This protocol is based on a key indicator tool that focuses on specific licensing requirements during the licensing visit to measure compliance as opposed to a comprehensive facility inspection.

Historically, DSS licensing division has experienced difficulty performing regular facility inspections. In order to increase the frequency of licensing visits without increasing the need for additional resources, DSS licensing has been piloting a new facility inspection protocol that targets inspections on the most serious health and safety indicators to determine if a more thorough inspection is necessary. Facilities that are compliant with the key indicators have a greater chance of being in compliance with other licensing regulations. Facilities that do not pass the key indicator inspection would be subject to a comprehensive inspection. Prior to the pilot, licensing visits required a comprehensive inspection of all licensing regulations and these inspections took approximately twice as long as a key indicator inspection. This bill would require licensing staff to review an additional specific requirement when the current focus is to increase the frequency of visits and reduce the time necessary to perform an inspection by using the key indicator tool.

Also, although this bill would impose additional requirements on family child day care providers and would require licensing staff to ensure compliance with these requirements, the provisions of this bill would not

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Department Deputy Director Date
Governor's Office: By: Date: Position Approved Position Disapproved
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COMMENTS (continued)

allow DSS to levy any penalties against a provider for noncompliance, making the provisions of this bill unenforceable. DSS licensing staff likely would need additional training in nutrition standards to properly ascertain whether certain foods are in compliance with CACFP guidelines. Furthermore, this bill would result in additional state GF costs during a time of limited resources.

According to the author's office, given that 37 percent of California's children are enrolled in a child care facility, this environment provides an opportunity to promote healthy eating habits and combat the youth obesity epidemic. However, this bill would not allow civil penalties to be imposed for noncompliance; therefore, DSS licensing staff would have no enforcement mechanism for noncompliance, but would still be required to perform an inspection for compliance.

Current law only requires child day care centers to comply with CACFP guidelines as a condition of licensure, but family child care homes are not currently subject to ongoing CACFP compliance. This bill would require family child care homes to continually comply with CACFP guidelines, but these facilities would not be penalized or have their license revoked for noncompliance.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)						Fund Code
	LA	(Dollars in Thousands)						
	CO	PROP						
	RV	98	FC	2012-2013	FC	2013-2014	FC	2014-2015
5180/Social Svcs	SO	No	C	30	C	60	A	60 0001