



**AB-2084 Child day care facilities: nutrition.** (2009-2010)

## **Assembly Bill No. 2084**

### **CHAPTER 593**

An act to add Section 1596.808 to the Health and Safety Code, relating to child day care facilities.

[ Approved by Governor September 30, 2010. Filed with Secretary of State  
September 30, 2010. ]

### **LEGISLATIVE COUNSEL'S DIGEST**

AB 2084, Brownley. Child day care facilities: nutrition.

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 day care facilities, as defined. Willful or repeated violation of these provisions is a misdemeanor.

This bill would require, commencing January 1, 2012, except as provided, a licensed child day care facility to follow specified requirements relating to the provision of beverages. The bill would allow the department to adapt the provisions by bulletin, as specified. By expanding the definition of a crime, the 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.** The Legislature finds and declares all of the following:

(a) Almost 20 percent of children between two and five years of age in California are overweight or obese and research shows that this condition is difficult to reverse in adolescence or adulthood.

(b) One in three children in California between two and five years of age consume at least one soda per day. Children who frequently or excessively consume beverages high in sugar are at increased risk for dental decay.

(c) Data from national surveys suggest that tooth decay in primary teeth among youth, between two and five years of age, is increasing.

(d) Healthy beverages for young children include, but are not limited to, water, lowfat or nonfat milk, and breast milk, all of which are associated with reduced risk for being overweight or obese.

(e) Millions of California children enter school with unhealthy taste preferences and dietary habits developed in

the early childhood environment, including child day care facilities.

- (f) Research demonstrates that taste preferences and lifelong healthy habits are formed in early childhood years.
- (g) Recent changes to school meals to improve nutrition need to be complemented by changes to the nutritional environment in child care.
- (h) Recent research demonstrates that the nutritional environment in child day care facilities could be improved by limiting sugar-sweetened beverages and promoting water consumption.
- (i) The State of California has a deep policy and financial involvement in the licensed child day care system and in the health and safety of children when they are in the system.

**SEC. 2.** Section 1596.808 is added to the Health and Safety Code, to read:

**1596.808.** (a) Commencing January 1, 2012, except as provided in subdivisions (b) and (c), a licensed child day care facility shall comply with all of the following requirements for beverages served by the day care provider to children in the provider's care:

- (1) Whenever milk is served, serve only lowfat (1 percent) milk or nonfat milk to children two years of age or older.
  - (2) Limit juice to not more than one serving per day of 100-percent juice.
  - (3) Serve no beverages with added sweeteners, either natural or artificial. "Beverages with added sweeteners" does not include infant formula or complete balanced nutritional products designed for children.
  - (4) Make clean and safe drinking water readily available and accessible for consumption throughout the day.
- (b) If a child has a medical necessity documented by a physician that includes the need for "medical food" as defined by Section 109971 of the Health and Safety Code, a licensed child day care facility shall be exempt from complying with the requirements of subdivision (a), to the extent necessary to meet the medical needs of that child.
- (c) This section shall not apply to beverages at a licensed child day care facility that are provided by a parent or legal guardian for his or her child.
- (d) As the Dietary Guidelines for Americans, published jointly by the federal Department of Health and Human Services and the federal Department of Agriculture, are updated every five years, the department may adapt the provisions of this section by bulletin, as necessary, so that the standards continue to reflect the most recent relevant nutrition science and continue to improve the health of children in child care.
- (e) The department shall only determine compliance with this section during a regularly scheduled, authorized inspection, and shall not be required to conduct separate and independent visits.

**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.