

FINAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 83074(c)

Specific Purpose:

This section is being adopted to prohibit a foster care provider and his/her staff from smoking, or permitting any person from smoking a pipe, cigar, or cigarette containing tobacco or any other plant in a motor vehicle when minor children are present. This prohibition applies when the motor vehicle is moving or at rest.

Factual Basis:

This section is necessary to ensure that foster children are protected from the risks and toxic exposure of secondhand smoke. This section is necessary to comply with the provisions of Senate Bill (SB) 7 (Oropeza) Statutes of 2007, which implemented the change in Health and Safety Code Section 118948.

Section 83087(d)

Specific Purpose:

This section is being adopted to prohibit smoking in foster care children's residential facilities.

Factual Basis:

According to the Environmental Protection Agency, exposure to secondhand smoke presents health hazards to children, including increased risk of asthma, Sudden Infant Death Syndrome, lower respiratory infections such as pneumonia and bronchitis, and middle ear infections. The Surgeon General's report "*The Health Consequences of Involuntary Exposure to Tobacco Smoke*" found that there is "no risk-free level of exposure to secondhand smoke" so that it is necessary to eliminate all indoor and outdoor smoking. The report finds "that even the most sophisticated ventilation systems cannot prevent exposure and harm." The report additionally found that it is especially important to eliminate secondhand smoke exposure to children in foster care homes "because the bodies of infants and children are still developing, [and] they are especially vulnerable to the poisons in secondhand smoke."

Section 84074

Specific Purpose/Factual Basis:

The specific purpose is to adopt a new section titled "Transportation." The new section has been adopted to meet the "clarity" standard of the Administrative Procedures Act, Section 11349 of the Government Code, subsection (c). Adopting this new section is based on the Department of Social Services' broad authority through Health and Safety Code Sections 1501 and 1530 and to implement the change in Health and Safety Code Section 118948 in order to comply with the provisions of SB 7 (Chapter 425, Statutes of 2007.)

Section 84074(a)

Specific Purpose/Factual Basis:

This section is adopted to make reference to the General Licensing regulations that group homes are mandated to comply. It is necessary to inform the provider that they shall comply with this section of the regulations in addition to Section 80074.

Section 84074(b)

Specific Purpose:

This section is being adopted to prohibit a foster care provider and his/her staff from smoking, or permitting any person from smoking a pipe, cigar, or cigarette containing tobacco or any other plant in a motor vehicle when minor children are present. This prohibition applies when the motor vehicle is moving or at rest.

Factual Basis:

This section is necessary to ensure that foster children are protected from the risks and toxic exposure of secondhand smoke. This section is necessary to comply with the provisions of Senate Bill (SB) 7 (Oropeza) Statutes of 2007, which implemented the change in Health and Safety Code Section 118948.

Section 84087(c)

Specific Purpose:

This section is adopted to prohibit smoking in foster care children's residential facilities.

Factual Basis:

According to the Environmental Protection Agency, exposure to secondhand smoke presents health hazards to children, including increased risk of asthma, Sudden Infant Death Syndrome, lower respiratory infections such as pneumonia and bronchitis, and middle ear infections. The Surgeon General's report "*The Health Consequences of Involuntary Exposure to Tobacco Smoke*" found that there is "no risk-free level of exposure to secondhand smoke" so that it is necessary to eliminate all indoor and outdoor smoking. The report finds "that even the most sophisticated ventilation systems cannot prevent exposure and harm." The report additionally found that it is especially important to eliminate secondhand smoke exposure to children in foster care homes "because the bodies of infants and children are still developing, [and] they are especially vulnerable to the poisons in secondhand smoke."

Adopting this regulation will ensure children in foster care have the right to be accorded safe, healthful and comfortable home accommodations and be free of the risks and toxic exposure of secondhand smoke.

Section 84274(f)

Specific Purpose:

This section is being adopted to prohibit a foster care provider and his/her staff from smoking, or permitting any person from smoking a pipe, cigar, or cigarette containing tobacco or any other plant in a motor vehicle when minor children are present. This prohibition applies when the motor vehicle is moving or at rest.

Factual Basis:

This section is necessary to ensure that foster children are protected from the risks and toxic exposure of secondhand smoke. This section is necessary to comply with the provisions of Senate Bill (SB) 7 (Oropeza) Statutes of 2007, which implemented the change in Health and Safety Code Section 118948.

Section 86074(a)(2)

Specific Purpose:

This section is being adopted to prohibit a foster care provider and his/her staff from smoking, or permitting any person from smoking a pipe, cigar, or cigarette containing tobacco or any other plant in a motor vehicle when minor children are present. This prohibition applies when the motor vehicle is moving or at rest.

Factual Basis:

This section is necessary to ensure that foster children are protected from the risks and toxic exposure of secondhand smoke. This section is necessary to comply with the provisions of Senate Bill (SB) 7 (Oropeza) Statutes of 2007, which implemented the change in Health and Safety Code Section 118948.

Section 86087(f)

Specific Purpose:

This section is adopted to prohibit smoking in foster care children's residential facilities.

Factual Basis:

According to the Environmental Protection Agency, exposure to secondhand smoke presents health hazards to children, including increased risk of asthma, Sudden Infant Death Syndrome, lower respiratory infections such as pneumonia and bronchitis, and middle ear infections. The Surgeon General's report "*The Health Consequences of Involuntary Exposure to Tobacco Smoke*" found that there is "no risk-free level of exposure to secondhand smoke" so that it is necessary to eliminate all indoor and outdoor smoking. The report finds "that even the most sophisticated ventilation systems cannot prevent exposure and harm." The report additionally found that it is especially important to eliminate secondhand smoke exposure to children in foster care homes "because the bodies of infants and children are still developing, [and] they are especially vulnerable to the poisons in secondhand smoke."

Section 86574(d)

Specific Purpose:

This section is being adopted to prohibit a foster care provider and his/her staff for children under the age of six years in a Crisis Nursery from smoking, or permitting any person from smoking a pipe, cigar, or cigarette containing tobacco or any other plant in a motor vehicle when minor children are present. This prohibition applies when the motor vehicle is moving or at rest.

Factual Basis:

This section is necessary to ensure that foster children are protected from the risks and toxic exposure of secondhand smoke. This section is necessary to comply with the provisions of Senate Bill (SB) 7 (Oropeza) Statutes of 2007, which implemented the change in Health and Safety Code Section 118948.

Section 89374(a)(1)

Specific Purpose:

This section is being adopted to prohibit a foster care provider and his/her staff from smoking, or permitting any person from smoking a pipe, cigar, or cigarette containing tobacco or any other plant in a motor vehicle when minor children are present. This prohibition applies when the motor vehicle is moving or at rest.

Factual Basis:

This section is necessary to ensure that foster children are protected from the risks and toxic exposure of secondhand smoke. This section is necessary to comply with the provisions of Senate Bill (SB) 7 (Oropeza) Statutes of 2007, which implemented the change in Health and Safety Code Section 118948.

b) Identification of Documents Upon Which Department Is Relying

- Senate Bill 7, Chapter 425, Statutes of 2007
- Health and Safety Code Section 118948
- *"The Health Consequences of Involuntary Exposure to Tobacco Smoke": A Report of the Surgeon General (2006).*

c) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in this order that require reimbursement under the laws of California.

d) Statement of Alternatives Considered

CDSS has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made a determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

f) Testimony and Response

There was neither written testimony received nor oral testimony presented as a result of this regulation at the August 12, 2009 public hearing.

g) 15-Day Renotice Statement

A 15-day renotice was not required because there were no changes following the public hearing.