

UPDATED INFORMATIVE DIGEST

Currently, only two licensed children's residential facility categories prohibit smoking within the facility and on the facility grounds. They are, Group Homes that care for children under the age of six years and Crisis Nurseries.

A Report of the United States (U.S.) Surgeon General entitled, "*The Health Consequences of Involuntary Exposure to Tobacco Smoke*" (2006), concluded that "there is no risk-free level of exposure to secondhand smoke." Also, the U.S. Environmental Protection Agency found that each year in the U.S., secondhand smoke exposure is responsible for 150,000 to 300,000 new cases of bronchitis and pneumonia in children aged less than 18 months resulting in 7,500 to 15,000 hospitalizations annually.

Senate Bill 7 (Oropeza) Statutes of 2007, added Health and Safety Code section 118948. The statute made it unlawful to smoke a pipe, cigar or cigarette containing tobacco or any other plant material in a motor vehicle, whether in motion or at rest, in which there is a minor. These proposed regulations will implement this statute and make the nonsmoking requirement mandatory for all children's residential facilities' buildings and grounds.

Therefore, it is the intent of the Department of Social Services, based on its broad authority through Health and Safety Code sections 1501 and 1530 to promulgate regulations that 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.

These regulations were considered as Item #2 at the public hearing held on August 12, 2009 in Sacramento, California. There was no oral or written testimony received as a result of the public hearing and there were no changes made.