



Senate

General Assembly

File No. 130

February Session, 2010

Senate Bill No. 264

Senate, March 25, 2010

The Committee on Public Health reported through SEN. HARRIS of the 5th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT PROHIBITING SMOKING IN LICENSED CHILD CARE FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2010*) (a) As used in this
2 section:

3 (1) "Smoke" or "smoking" means the lighting or carrying of a lighted
4 cigarette, cigar, pipe or similar device; and

5 (2) "Customary business hours" means the hours that a family day
6 care home is in operation caring for children.

7 (b) Notwithstanding the provisions of section 31-40q of the general
8 statutes, no person shall smoke in any area of, or on the grounds of, a
9 child day care center or group day care home licensed by the
10 Department of Public Health.

11 (c) Notwithstanding the provisions of section 31-40q of the general
12 statutes, no person shall smoke in any area of, or on the grounds of, a

13 family day care home licensed by the Department of Public Health
14 during the family day care home's customary business hours.

15 (d) Any person who violates any provision of this section shall have
16 committed an infraction.

This act shall take effect as follows and shall amend the following sections:		
---	--	--

Section 1	<i>October 1, 2010</i>	New section
-----------	------------------------	-------------

PH *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Judicial Department	GF - Revenue Gain	Less than 1,000	Less than 1,000
Public Safety, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 11 \$	FY 12 \$
Municipal Police Departments	None	None	None

Explanation

Any revenue gain under the bill is anticipated to be less than \$1,000 annually. Enforcement of the new infraction could be accommodated at no cost.

The Out Years

The annualized ongoing fiscal impact identified above would remain constant into the future since fine amounts are set by statute.

OLR Bill Analysis**SB 264*****AN ACT PROHIBITING SMOKING IN LICENSED CHILD CARE FACILITIES.*****SUMMARY:**

This bill prohibits smoking in state-licensed child care facilities. Specifically, it prohibits smoking in any area of, or on the grounds of (1) a child day care center or group day care home licensed by the Department of Public Health (DPH) and (2) a DPH-licensed family day care home during its customary business hours. "Customary business hours" means the hours that a family day care home is in operation caring for children. "Smoke" or "smoking" means the lighting or carrying of a lighted cigarette, cigar, pipe, or similar device.

Violation of the bill's provisions is an infraction. Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. There may be other added charges depending upon the type of infraction.

EFFECTIVE DATE: October 1, 2010

BACKGROUND***Existing DPH Regulations***

DPH regulations prohibit smoking in all child day care centers and group day care homes and outdoor areas, except in designated smoking areas that are separate, properly ventilated, and enclosed away from any children present at the facility. Signs must be posted, visible to the public, on entrances to the facility indicating that smoking is prohibited except in designated areas. Matches and lighters must be inaccessible to children at all times (Conn. Agency Regs. § 19a-

79a(d)(9)).

The regulations for family day care homes require that the provider protect children from hazards associated with tobacco use in the facility. If the provider, household members, or staff members smoke cigarettes, cigars, or pipes, the provider must make this known in advance to parents who are considering placing their children in the provider's care. The provider or staff member may not smoke while engaged in caregiving activities requiring direct physical contact with children, including feeding, diapering, dressing, and rocking. The provider must ensure that all cigarettes, cigars, pipes, ashes, butts, lighters, and matches are kept out of the reach of children (Conn. Agency Regs. § 19a-87b-9(o)).

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 29 Nay 0 (03/15/2010)