



# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH

### TESTIMONY PRESENTED BEFORE THE PUBLIC HEALTH COMMITTEE

March 1, 2010

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### **Senate Bill 264 - An Act Prohibiting Smoking in Licensed Child Care Facilities House Bill 5304 - An Act Concerning the Establishment of Drop-In Child-Care Operations at Health Clubs**

The Department of Public Health provides the following information with regard to Senate Bill 264 and House Bill 5304.

#### Senate Bill 264

The deleterious effects of smoking and secondhand smoke on all individuals, and children in particular, are well documented. While the department is actively engaged in efforts to combat the prevalence of smoking, we would like to highlight some information about licensed child care facilities for your information as you consider the implications of this proposal.

In the case of family day care settings, childcare is provided by these licensed entities in the confines of individuals' private residences. As such, agency regulations have been tailored to balance the health and safety of children with the personal rights of people in their own homes. Family day care home operators are required to make the smoking habits of themselves, household members and staff known to parents prior to enrollment and to refrain from smoking while engaged in care giving activities. An outright ban on smoking in these settings is likely to result in operators being less forthright with parents regarding smoking in the home.

Additionally, child day care centers and group day care homes are required to limit smoking to outdoor areas and designated areas that are separate, properly ventilated and enclosed away from any children. A ban on smoking on the entire grounds of these settings would be unfeasible as many centers share buildings or grounds with other businesses.

#### House Bill 5304

The Department already considers drop-in childcare operations in Health clubs exempt from licensing pursuant to section 19a-77(b)(5) of the Connecticut General Statutes, for those entities where drop-in supplementary child care operations for educational or recreational purposes and the child receives such care infrequently where the parents are on the premises. Due to the exemption, the Department has limited ability to take enforcement action against these facilities.

HB 5304 is different from the current exemption by requiring the drop in childcare facilities located in health centers to notify DPH and complete background checks of the child abuse registry. This proposal will require health clubs that establish drop-in supplementary childcare operations, give notice to DPH of establishment and to comply with specified provisions. It would provide the Department with the ability to monitor and investigate a complaint against the center.

As currently written, the Department would require additional staff to track drop-in programs established by health clubs, conduct DCF Registry background checks, and monitor, inspect and investigate complaints as necessary. As this funding is not provided for in the Governor's budget, we cannot support this bill at this time.

Thank you for your consideration of the Department's views on these bills.

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