
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1129 Session of
2023

INTRODUCED BY GREEN, MADDEN, HILL-EVANS, SANCHEZ, BURGOS,
KINSEY, KENYATTA, KHAN, PARKER, GALLOWAY, N. NELSON, NEILSON,
OTTEN, HOWARD AND FLEMING, MAY 5, 2023

REFERRED TO COMMITTEE ON HEALTH, MAY 5, 2023

AN ACT

1 Requiring indoor contamination assessment certifications and
2 environmental quality certifications of child day-care
3 centers; providing for powers and duties of the Department of
4 Health, the Department of Environmental Protection and the
5 Department of Human Services; establishing the Child Day-Care
6 Center Grant Program; and imposing penalties.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Child Day-
11 Care Center Protection Act.

12 Section 2. Legislative findings.

13 The General Assembly finds and declares as follows:

14 (1) The indoor and outdoor environmental quality of
15 child day-care centers can adversely affect children's
16 academic performance and increase risk of both short-term and
17 long-term health problems.

18 (2) Child day-care centers are often operated
19 independently, while public schools are frequently part of a

1 school district with centralized facilities management.

2 (3) The Commonwealth has a responsibility to ensure that
3 child day-care centers, specifically those which are housed
4 in facilities constructed prior to 1979 or facilities that
5 have been previously utilized for an industrial or other
6 high-hazard purpose, are safe for our children.

7 (4) The Commonwealth must take steps to protect the
8 health and safety of our most vulnerable residents by
9 requiring indoor contamination assessment certifications and
10 environmental quality certifications of child day-care
11 centers.

12 Section 3. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Child day care." Child care in lieu of parental care given
17 for part of the 24-hour day to a child under 16 years of age,
18 away from the child's home. The term does not include child day
19 care furnished in places of worship during religious services.

20 "Child day-care center." A premises operated for profit in
21 which child day care is provided simultaneously for seven or
22 more children who are not relatives of the operator, except
23 centers operated under social service auspices.

24 "Department." The Department of Health of the Commonwealth.

25 "Hazardous substance." An element, compound or material
26 which is any of the following:

27 (1) Regulated as a hazardous air pollutant under section
28 6.6 of the act of January 8, 1960 (1959 P.L.2119, No.787),
29 known as the Air Pollution Control Act.

30 (2) Defined as hazardous waste under section 103 of the

1 act of July 7, 1980 (P.L.380, No.97), known as the Solid
2 Waste Management Act.

3 (3) Regulated under the act of December 7, 1990
4 (P.L.639, No.165), known as the Hazardous Material Emergency
5 Planning and Response Act.

6 "High-hazard business." A business utilizing hazardous
7 substances, including:

- 8 (1) Nail salons.
- 9 (2) Dry cleaning facilities.
- 10 (3) Gasoline stations.
- 11 (4) Funeral homes.

12 Section 4. Child day-care center requirements.

13 The following apply:

14 (1) A person seeking licensure to operate a child day-
15 care center in this Commonwealth shall do the following prior
16 to being licensed as a child day-care center under Article X
17 of the act of June 13, 1967 (P.L.31, No.21), known as the
18 Human Services Code:

19 (i) Obtain written certification from the
20 municipality in which the proposed child day-care center
21 will be located indicating whether the building,
22 structure or property was previously utilized or occupied
23 by a high-hazard business.

24 (ii) Obtain an indoor contamination assessment
25 certification from the department if the certification
26 under subparagraph (i) indicates that the property was
27 previously utilized or occupied by a high-hazard
28 business.

29 (iii) Obtain an environmental quality certification
30 from the Department of Environmental Protection

1 indicating that the property has been remediated
2 consistent with the act of May 19, 1995 (P.L.4, No.2),
3 known as the Land Recycling and Environmental Remediation
4 Standards Act, if the certification under subparagraph
5 (i) indicates that the property was previously utilized
6 or occupied by a high-hazard business.

7 (2) A child day-care center which is currently
8 operational and licensed under Article X of the Human
9 Services Code shall not be required to obtain the
10 certifications required under paragraph (1).

11 Section 5. Licensure denial and suspension.

12 If a child day-care center fails to obtain the certifications
13 required under section 4, the Department of Human Services shall
14 deny the application of the person seeking licensure to operate
15 a child day-care center until all certifications required under
16 this act have been completed and submitted to the Department of
17 Human Services.

18 Section 6. Penalties.

19 (a) Penalty.--A person seeking licensure that violates this
20 act or any regulation promulgated in accordance with this act or
21 knowingly makes a false statement, misrepresentation or
22 certification in any application, record or other document filed
23 or required to be maintained under this act may be assessed a
24 fine of not more than \$25,000 for a first offense and not more
25 than \$50,000 for a second or subsequent offense.

26 (b) Continuing violations.--Each day that a violation
27 continues constitutes an additional, separate and distinct
28 offense.

29 Section 7. Child Day-Care Center Grant Program.

30 (a) Establishment.--The Child Day-Care Center Grant Program

1 is established in the Department of Environmental Protection.

2 (b) Purposes.--The Child Day-Care Center Grant Program shall
3 use money appropriated through the Hazardous Sites Cleanup Fund
4 to assist the department, the Department of Environmental
5 Protection and the Department of Human Services to offset the
6 cost of inspection, testing and certification required under
7 this act.

8 Section 8. Regulations.

9 The department, in consultation with the Department of
10 Environmental Protection and the Department of Human Services,
11 shall promulgate regulations necessary for the administration
12 and enforcement of this act.

13 Section 9. Effective date.

14 This act shall take effect in 60 days.