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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2290 Session of  
2020

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INTRODUCED BY FITZGERALD, HILL-EVANS, SCHLOSSBERG, HOWARD,  
KINSEY, A. DAVIS, COMITTA, HARRIS, NEILSON, FREEMAN, OTTEN,  
CIRESI, DAVIDSON, DeLUCA, SOLOMON, MULLINS, McCLINTON,  
HOHENSTEIN, DRISCOLL, GILLEN AND YOUNGBLOOD,  
FEBRUARY 18, 2020

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REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 18, 2020

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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. Legislative findings.

10 The General Assembly finds and declares as follows:

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

15 (2) Child day-care centers are often operated  
16 independently, while public schools are frequently part of a  
17 school district with centralized facilities management.

18 (3) The Commonwealth has a responsibility to ensure that

1 child day-care centers, specifically those which are housed  
2 in facilities constructed prior to 1979 or facilities that  
3 have been previously utilized for an industrial or other  
4 high-hazard purpose, are safe for our children.

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

10 Section 2. Definitions.

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

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

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

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

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

25 (1) Regulated as a hazardous air pollutant under section  
26 6.6 of the act of January 8, 1960 (1959 P.L.2119, No.787),  
27 known as the Air Pollution Control Act.

28 (2) Defined as hazardous waste under section 103 of the  
29 act of July 7, 1980 (P.L.380, No.97), known as the Solid  
30 Waste Management Act.

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

4 "High-hazard business." A business utilizing hazardous  
5 substances, including:

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

10 Section 3. Child day-care center requirements.

11 The following apply:

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

17 (i) Obtain written certification from the  
18 municipality in which the proposed child day-care center  
19 will be located indicating whether or not the building,  
20 structure or property was previously utilized or occupied  
21 by a high-hazard business.

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

27 (iii) Obtain an environmental quality certification  
28 from the Department of Environmental Protection  
29 indicating that the property has been remediated  
30 consistent with the act of May 19, 1995 (P.L.4, No.2),

1 known as the Land Recycling and Environmental Remediation  
2 Standards Act, if the certification under subparagraph  
3 (i) indicates that the property was previously utilized  
4 or occupied by a high-hazard business.

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

9 Section 4. Licensure denial and suspension.

10 If a child day-care center fails to obtain the certifications  
11 required under section 3, the Department of Human Services shall  
12 deny the application of the person seeking licensure to operate  
13 a child day-care center until all certifications required under  
14 this act have been completed and submitted to the Department of  
15 Human Services.

16 Section 5. Penalties.

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

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

27 Section 6. Child Day-Care Center Grant Program.

28 (a) Establishment.--The Child Day-Care Center Grant Program  
29 is established in the Department of Environmental Protection.

30 (b) Purposes.--The Child Day-Care Center Grant Program shall

1 use money appropriated through the Hazardous Sites Cleanup Fund  
2 established under the act of October 18, 1988 (P.L.756, No.108),  
3 known as the Hazardous Sites Cleanup Act, to assist the  
4 department, the Department of Environmental Protection and the  
5 Department of Human Services to offset the cost of inspection,  
6 testing and certification required under this act.

7 Section 7. Regulations.

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

12 Section 8. Effective date.

13 This act shall take effect in 60 days.