
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 807 Session of
2021

INTRODUCED BY FITZGERALD, STURLA, KINSEY, SANCHEZ, GALLOWAY,
HOHENSTEIN, HILL-EVANS, ISAACSON, HOWARD, LEE, CIRESI,
MADDEN, A. DAVIS, BOBACK AND SHUSTERMAN, MARCH 8, 2021

REFERRED TO COMMITTEE ON HEALTH, MARCH 8, 2021

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
19 child day-care centers, specifically those which are housed

1 in facilities constructed prior to 1979 or facilities that
2 have been previously utilized for an industrial or other
3 high-hazard purpose, are safe for our children.

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

9 Section 2. Definitions.

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

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

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

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

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

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

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

30 (3) Regulated under the act of December 7, 1990

1 (P.L.639, No.165), known as the Hazardous Material Emergency
2 Planning and Response Act.

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

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

9 Section 3. Child day-care center requirements.

10 The following apply:

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

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

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

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

1 Standards Act, if the certification under subparagraph
2 (i) indicates that the property was previously utilized
3 or occupied by a high-hazard business.

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

8 Section 4. Licensure denial and suspension.

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

15 Section 5. Penalties.

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

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

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

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

29 (b) Purposes.--The Child Day-Care Center Grant Program shall
30 use money appropriated through the Hazardous Sites Cleanup Fund

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

6 Section 7. Regulations.

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

11 Section 8. Effective date.

12 This act shall take effect in 60 days.