# APPROVED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION JANUARY 18, 2022

# ADDENDUM-A TO FINAL EXPRESS TERMS FOR PROPOSED BUILDING STANDARDS OF THE **STATE FIRE MARSHAL** REGARDING THE **2022 CALIFORNIA BUILDING CODE**,

# CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART **2**

# (SFM 04-21)

The State agency shall draft the regulations in plain, straightforward language, avoiding technical terms as much as possible and using a coherent and easily readable style. The agency shall draft the regulation in plain English. A notation shall follow the express terms of each regulation listing the specific statutes authorizing the adoption and listing specific statutes being implemented, interpreted, or made specific (Government Code Section 11346.2(a)(1)).

If using assistive technology, please adjust your settings to recognize underline, strikeout, italic and ellipsis.

## LEGEND for EXPRESS TERMS (Based on model codes - Parts 2, 2.5, 3, 4, 5, 9, 10)

* Model Code language appears upright
* Existing California amendments appear in *italic*
* Amended model code or new California amendments appear *underlined & italic*
* Repealed model code language appears ~~upright and in strikeout~~
* Repealed California amendments appear in *~~italic and strikeout~~*
* Ellipsis ( ...) indicate existing text remains unchanged

## ADDENDUM-A to FINAL EXPRESS TERMS

## Part 2 Building Code

**Rulemaking File #04-21**

### Item 2-3 Chapter 2, Section 202 General Definitions, Child Care

[The SFM is proposing a definition for Child Care.]

***CHILD CARE*** *For the purposes of these regulations, means the care of children during any period of a 24-hour day where permanent sleeping accommodations are not provided. The time-period shall not be more than 24-hours. Note: “Child care” shall not be construed to preclude the use of cots or mats for napping purposes, provided all employees, attendants and staff personnel are awake and on duty in the area where napping occurs.*

**Rationale:** During the 45-Day public comment period (September 2, 2021 through October 18, 2021) the SFM proposed a new definition for Child Care. The compliance for posting of document to the state websites for readability in advertently removed the italic and underline of the proposal. This Addendum-A is being posted to make clear that this text is new, and the original rationale is being restated.

**Rationale:** Current regulation as it is printed in California Code of Regulations (CCR) Title 22. The Department of Social Services (DSS) has for approximately 10 years been transitioning from the term “Day Care” to “Child Care”. The profession of child care has evolved into a more inclusive type of care that can include early learning and child development. The caring aspect of the facilities are more emphasized. The State Fire Marshal work group is including the definition to be more consistent between regulations.

CCR 22 Section 101152 c (7) “Child Care Center” or “Day Care Center” (or “center”) means any childcare facility of any capacity, other than a family childcare home as defined in Section 102352f. (1), in which less than 24-hour per day non-medical care and supervision are provided to children in a group setting. The term “Child Care Center” supersedes the term “Day Care Center” as used in previous regulations.

Here is the link: [Title 22 regulations](https://govt.westlaw.com/calregs/Document/I96014AD0D4C011DE8879F88E8B0DAAAE?viewType=FullText&listSource=Search&originationContext=Search+Result&transitionType=SearchItem&contextData=(sc.Search)&navigationPath=Search%2fv1%2fresults%2fnavigation%2fi0ad7140b00000175fcccf25cb0006a64%3fNav%3dREGULATION_PUBLICVIEW%26fragmentIdentifier%3dI96014AD0D4C011DE8879F88E8B0DAAAE%26startIndex%3d1%26transitionType%3dSearchItem%26contextData%3d%2528sc.Default%2529%26originationContext%3dSearch%2520Result&list=REGULATION_PUBLICVIEW&rank=1&t_T1=22&t_T2=101152&t_S1=CA+ADC+s) https://govt.westlaw.com/calregs/Document/I96014AD0D4C011DE8879F88E8B0DAAAE?viewType=FullText&listSource=Search&originationContext=Search+Result&transitionType=SearchItem&contextData=(sc.Search)&navigationPath=Search%2fv1%2fresults%2fnavigation%2fi0ad7140b00000175fcccf25cb0006a64%3fNav%3dREGULATION\_PUBLICVIEW%26fragmentIdentifier%3dI96014AD0D4C011DE8879F88E8B0DAAAE%26startIndex%3d1%26transitionType%3dSearchItem%26contextData%3d%2528sc.Default%2529%26originationContext%3dSearch%2520Result&list=REGULATION\_PUBLICVIEW&rank=1&t\_T1=22&t\_T2=101152&t\_S1=CA+ADC+s

#### CAC Recommendation:

As Submitted

#### Agency Response:

Accept

#### Nine-Point Criteria

**18930(a)(4)**

The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

**18930(a)(6)**

The proposed building standards are not unnecessarily ambiguous or vague, in whole or in part.

**Notation:**

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18928, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204