

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 886 (Senator Folden)
Education, Energy, and the Environment

State and Local Parks - Playgrounds - Safety Standards (Our Kids Play Safe
Playground Safety Act of 2024)

This bill requires each unit of State or local government responsible for the construction and maintenance of a playground to (1) ensure that the playground is constructed and maintained in accordance with specified standards and (2) at least once every two years, inspect the playground to evaluate compliance with those standards. After an inspection, a unit of State or local government must keep an inspection record, including a written plan to address any safety hazards discovered during the inspection.

Fiscal Summary

State Effect: Potential significant increase in pay-as-you-go (PAYGO) special fund expenditures for the Department of Natural Resources (DNR) beginning in FY 2025, as discussed below. Revenues are not directly affected.

Local Effect: Local government expenditures may increase beginning in FY 2025, as discussed below. Local revenues are not directly affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Bill Summary: Each unit of State or local government responsible for the construction and maintenance of a playground must ensure that the playground is constructed and maintained in accordance with the most recent publication of:

- the *Public Playground Safety Handbook*, published by the U.S. Consumer Product Safety Commission (CPSC);
- the *Standard Consumer Safety Performance Specification for Playground Equipment and Public Use*, published by the American National Standards Institute (ANSI); and
- the *Standard Specification for Impact Attenuation of Surfacing Materials Within the Use Zone of Playground Equipment*, published by ANSI.

Current Law: State law does not explicitly address safety requirements for playground construction and maintenance.

CPSC is a federal agency that works to reduce the risk of injuries and deaths associated with consumer products by, among other things, issuing and enforcing mandatory standards or banning consumer products if no feasible standard would protect the public, researching potential product hazards, and developing voluntary standards for organization, manufacturers, and businesses. The agency publishes the [*Public Playground Safety Handbook*](#) to provide safety information for public playground equipment in the form of guidelines. The handbook includes thorough information about various aspects of playground construction and maintenance, including technical specifications on the use of materials and safety features.

[ANSI](#) is a private nonprofit organization that administers and coordinates the U.S. voluntary standards and conformity assessment system. ANSI is not itself a standards developing organization. Rather, the institute provides a framework for fair standards development and quality conformity assessment systems and continually works to safeguard their integrity.

State Expenditures: DNR advises that it has approximately 68 playgrounds within the State park system and that there are currently [33 accessible playgrounds](#) in those State parks. DNR advises that under its current procedures, playground safety inspections are conducted using the publications and standards required by the bill. General DNR staff conduct basic monthly inspections of each playground, and DNR staff who are qualified as certified playground safety inspectors conduct annual inspections of each playground. Accordingly, DNR already exceeds the bill's inspection requirements.

DNR advises that playgrounds that fail to pass inspection are repaired to the extent possible. However, DNR reports that staff vacancies and a lack of funding in recent years has hindered its ability to maintain and repair playgrounds and keep them open for use. As a result, several playgrounds have had to be closed or removed and placed on a replacement list. According to DNR, replacement costs can range from \$200,000 for a small playground to \$500,000 for a large playground. DNR advises that the cost to replace the playgrounds

that are currently on the replacement list is estimated to total approximately \$9.6 million; this does not include costs to maintain existing playgrounds.

Under the bill, each unit of State government responsible for the construction and maintenance of a playground must ensure that the playground is constructed *and maintained* in accordance with the standards described above. To the extent DNR is able to continue with its current practice of *closing* playgrounds when they fail to pass inspection, then the bill likely has minimal impact on DNR expenditures. However, to the extent the bill requires DNR to *repair and/or replace* playgrounds when they fail to pass inspection – when they would otherwise close them in the absence of the bill – then the bill results in a significant increase in expenditures for DNR. Funding to repair and/or replace affected playgrounds would likely be PAYGO special fund expenditures from either the Natural Resources Development Fund or the Park System Capital Improvements and Acquisition Fund and would likely result in the delay or cancellation of other projects.

The Department of Legislative Services is not aware of any other State agencies that own playgrounds. Because it is assumed that the number of affected playgrounds owned by other State agencies is likely minimal, any increase in expenditures for any other affected State agencies is likely not significant.

Local Expenditures: While several local government units advise that they are already in compliance with the bill (including Anne Arundel County Public Schools and St. Mary’s County Public Schools) or that they can meet the bill’s requirements using existing resources, some local jurisdictions may incur additional costs. For example, Anne Arundel County anticipates additional costs of \$15,000 annually to ensure inspections are conducted at least every two years and to develop and implement remedial action plans when necessary at more than 60 playgrounds under its jurisdiction. The Maryland Municipal League anticipates additional costs for municipalities to conduct inspections. Similar to the effect discussed above for DNR, some local governments may also incur costs to repair and/or replace playgrounds as necessary to comply with the bill.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Department of Natural Resources; Maryland State Department of Education; Department of Juvenile Services; Maryland Association of Counties; Maryland Municipal League; Anne Arundel, Charles, Garrett, and Howard counties;

City of Laurel; Anne Arundel County Public Schools; St. Mary's County Public Schools;
U.S. Consumer Product Safety Commission; American National Standards Institute;
Department of Legislative Services

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