
By: **Delegate Shriver**

Introduced and read first time: February 9, 2001

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Playground Safety Act of 2001**

3 FOR the purpose of requiring the Department of Labor, Licensing, and Regulation, in
4 consultation with certain other entities, to adopt certain regulations
5 establishing certain standards for playgrounds operated by certain entities;
6 requiring the regulations adopted by the Department to include standards for
7 the construction and operation of new playgrounds, and the upgrade or
8 replacement of existing playgrounds by certain dates; requiring the regulations
9 adopted by the Department to conform to certain criteria and to include certain
10 provisions; prohibiting the appropriation of State funds under certain
11 circumstances; requiring the Governor to include certain funds in the State
12 budget; and generally relating to safety standards for playgrounds in the State.

13 BY adding to

14 Article - Business Regulation

15 Section 19-103

16 Annotated Code of Maryland

17 (1998 Replacement Volume and 2000 Supplement)

18 **Preamble**

19 WHEREAS, Each year hundreds of thousands of children in this country are
20 hurt on playgrounds, according to the American Academy of Orthopedic Surgeons;
21 and

22 WHEREAS, Approximately 150,000 of those injuries are serious injuries, and an
23 average of 15 children die each year in playground accidents; and

24 WHEREAS, According to the "America's Playgrounds Safety Report Card"
25 produced by the National Program for Playground Safety, which includes ratings on
26 supervision, age-appropriate design, fall surfacing, and equipment maintenance,
27 Maryland receives an overall grade of B-; and

28 WHEREAS, It is a matter of statewide interest and concern that playgrounds
29 are used to the maximum extent possible and that, where feasible, playground

1 equipment should be usable by and safe for both able-bodied children and disabled
2 children; and

3 WHEREAS, Some states, including California, Michigan, New Jersey, and
4 Texas, have taken the lead and passed comprehensive playground safety laws; now,
5 therefore,

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article - Business Regulation**

9 19-103.

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (2) (I) "PLAYGROUND" MEANS AN IMPROVED AREA DESIGNED,
13 EQUIPPED, AND SET ASIDE AS A PLAY AREA FOR CHILDREN.

14 (II) "PLAYGROUND" INCLUDES ALL PLAY EQUIPMENT, SURFACING,
15 FENCING, SIGNS, INTERNAL PATHWAYS, INTERNAL LANDFORMS, VEGETATION, AND
16 RELATED STRUCTURES.

17 (III) "PLAYGROUND" DOES NOT INCLUDE AN ATHLETIC PLAYING
18 FIELD.

19 (3) "SUPERVISION" INCLUDES:

20 (I) ALL GENERAL AND SPECIFIC SUPERVISION NECESSARY TO
21 PROTECT A CHILD FROM AN UNREASONABLE RISK OF HARM FROM SITE HAZARDS,
22 THE ACTS OF OTHER CHILDREN, OR THE IMPROPER USE OF THE PLAYGROUND; AND

23 (II) THE ADEQUATE POSTING OF SIGNS BY A PLAYGROUND
24 OPERATOR.

25 (B) THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD OF
26 EDUCATION AND ANY OTHER APPROPRIATE PUBLIC OR PRIVATE ENTITY, SHALL
27 ADOPT REGULATIONS ESTABLISHING STANDARDS FOR PLAYGROUNDS THAT ARE
28 OPERATED BY A PUBLIC OR PRIVATE ENTITY AND THAT ARE OPEN TO THE PUBLIC,
29 INCLUDING STANDARDS FOR:

30 (1) THE CONSTRUCTION AND OPERATION OF A NEW PLAYGROUND
31 BUILT MORE THAN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE REGULATIONS,
32 INCLUDING:

33 (I) THE DESIGN, INSTALLATION, MAINTENANCE, AND INSPECTION
34 OF A PLAYGROUND OR PLAYGROUND EQUIPMENT;

1 (II) THE TRAINING OF PERSONNEL INVOLVED IN THE DESIGN,
2 INSTALLATION, MAINTENANCE, AND INSPECTION OF A PLAYGROUND OR
3 PLAYGROUND EQUIPMENT; AND

4 (III) PLAYGROUND SUPERVISION REQUIREMENTS;

5 (2) THE UPGRADE OR REPLACEMENT OF AN EXISTING PUBLICLY
6 OPERATED PLAYGROUND TO THE STANDARDS REQUIRED OF NEW PLAYGROUNDS:

7 (I) AS SOON AS FEASIBLE TO THE EXTENT THAT STATE FUNDS ARE
8 MADE AVAILABLE FOR THIS PURPOSE; OR

9 (II) 1. BY JULY 1, 2006, FOR SURFACING ELEMENTS; AND

10 2. BY JULY 1, 2009, FOR ALL OTHER ELEMENTS; AND

11 (3) THE UPGRADE OR REPLACEMENT OF AN EXISTING PRIVATELY
12 OPERATED PLAYGROUND TO THE STANDARDS REQUIRED OF NEW PLAYGROUNDS:

13 (I) BY JULY 1, 2006, FOR SURFACING ELEMENTS; AND

14 (II) BY JULY 1, 2009, FOR ALL OTHER ELEMENTS.

15 (C) REGULATIONS ADOPTED UNDER THIS SECTION SHALL:

16 (1) CONFORM TO STANDARDS THAT ARE AT LEAST AS PROTECTIVE AS
17 THE STANDARDS UNDER THE MOST RECENT EDITION OF THE HANDBOOK FOR
18 PUBLIC PLAYGROUND SAFETY PUBLISHED BY THE FEDERAL CONSUMER PRODUCT
19 SAFETY COMMISSION;

20 (2) ESTABLISH MORE PROTECTIVE STANDARDS IF THE DEPARTMENT IN
21 ITS DISCRETION CONSIDERS A STRICTER STANDARD TO BE NECESSARY;

22 (3) INCLUDE SPECIAL PROVISIONS FOR PLAYGROUNDS APPROPRIATE
23 FOR CHILDREN OF DIFFERENT AGES;

24 (4) INCLUDE SPECIAL PROVISIONS FOR PLAYGROUNDS APPROPRIATE
25 FOR DEVELOPMENTALLY DISABLED CHILDREN IN THE STATE; AND

26 (5) PROVIDE FOR A CIVIL FINE NOT EXCEEDING \$10,000 FOR A
27 VIOLATION OF THIS SECTION OR REGULATIONS ADOPTED UNDER THIS SECTION.

28 (D) AFTER THE EFFECTIVE DATE OF THE REGULATIONS ADOPTED UNDER
29 THIS SECTION, STATE FUNDS MAY NOT BE APPROPRIATED TO DESIGN, INSTALL,
30 MAINTAIN, CONSTRUCT, UPGRADE, OR REPLACE A PLAYGROUND OR PLAYGROUND
31 EQUIPMENT IN THE STATE UNLESS THE PLAYGROUND OR PLAYGROUND EQUIPMENT
32 WILL CONFORM TO THE REGULATIONS.

33 (E) THE GOVERNOR SHALL INCLUDE MONEYS IN THE STATE BUDGET
34 NECESSARY TO FUND THE UPGRADE OR REPLACEMENT OF PUBLICLY OPERATED
35 PLAYGROUNDS, INCLUDING PLAYGROUNDS OPERATED BY LOCAL GOVERNMENTS.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2001.