

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 818 (Delegate Shriver)
Economic Matters

Maryland Playground Safety Act of 2001

This bill requires the Department of Labor, Licensing, and Regulation (DLLR), in consultation with the State Board of Education and any other appropriate public or private entity, to adopt regulations governing publicly used playgrounds.

The bill is effective July 1, 2001.

Fiscal Summary

State Effect: General fund expenditures would increase by \$45,085 in FY 2002 for regulation development. Expenditures could increase significantly in the out-years depending on the specific requirements of the regulations that would be developed. *Under one set of assumptions*, expenditures to upgrade existing playgrounds could total \$32.5 million over time. Revenues would not be affected.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	45,085	-	-	-	-
Net Effect	(\$45,085)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Expenditures could increase significantly in future years depending on the specific requirements of the regulations that would be developed.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: “Playground” is defined as an improved area designed, equipped, and set aside as a play area for children. DLLR’s regulations must establish design, installation, maintenance, construction, safety, and inspection standards for the construction and operation of playgrounds built more than six months after the bill’s effective date. DLLR must also establish regulations governing the training of playground construction and maintenance workers and establish playground “supervision” requirements. Supervision includes all general and specific supervision necessary to protect a child from unreasonable risk of harm from site hazards, the acts of other children, or the improper use of the playground and the adequate posting of signs by a playground operator.

DLLR shall establish standards for upgrades or replacements to existing publicly operated playgrounds to the extent that State funds are available by July 1, 2006 for all surfacing elements and by July 1, 2009 for all other elements. The Governor is required to include money in the State budget to fund the upgrades and/or equipment replacement for publicly operated playgrounds, including those operated by local jurisdictions.

The same deadlines for upgrade and replacement would apply to privately operated playgrounds.

DLLR’s regulations shall:

- be at least as strict as those of the Consumer Product Safety Commission (CPSC);
- require age-appropriate equipment;
- include provisions for developmentally disabled children; and
- subject violators to a civil fine of no more than \$10,000.

Current Law: There are no statutes specifying design, installation, maintenance, construction, safety, and inspection standards for playgrounds.

Background: Nationwide, over 200,000 pre-school and elementary school aged children visit emergency rooms as a result of playground accidents. Less than 3% of these injuries result in hospitalization. There are 9 to 17 deaths a year nationwide resulting from playground injuries with the major cause of death (47% of all playground-related deaths) being strangulation. Strangulation usually occurs when a child catches a loose string such as a hood tie-string on a piece of equipment. There is no information available on the number of playground injuries or deaths in Maryland.

The National Project for Playground Safety (NPPS) grades all states and the nation on 23 safety issues and groups these issues into four categories: (1) playground supervision; (2)

age-appropriateness of equipment; (3) the fall surface; and (4) equipment maintenance. In 1999 the NPPS gave the nation's playgrounds a "C," while Maryland received a "B-." Maryland received its best category grade, a "B," for its equipment maintenance and received its lowest category grade, a "C," for age-appropriate design. Maryland received an "A" or a "B" in 12, and an "F" in 4, of the 23 individual issues. No state received an A.

California, Michigan, New Jersey, Texas, and North Carolina have all recently enacted some form of playground safety legislation, primarily requiring playgrounds to conform to the CPSC regulations. There is no data available regarding the success of these programs. Connecticut and Virginia are also considering similar legislation.

State Fiscal Effect: General fund expenditures could increase by an estimated \$45,085 in fiscal 2002, which accounts for the bill's October 1, 2001 effective date. This estimate reflects the cost of DLLR contracting with an expert advisor for nine months to assist in developing appropriate regulations and the State Board of Education (BOE) contracting with an expert to handle BOE's advisory role in the regulation development.

DLLR Consultant	\$37,085
BOE Consultant	<u>8,000</u>
FY 2002 Administrative Expenditures	\$45,085

Most of the expenditures related to the bill will come from the playground upgrade costs, but information regarding the total number of playgrounds in Maryland is not available. However, Montgomery County, which comprises 17% of the State's population, reports that it has 242 publicly owned playgrounds and approximately 200 public school playgrounds.

Based on Montgomery County's statistics, the Department of Legislative Services estimates that there are approximately 2,600 publicly operated and public school playgrounds in Maryland. Based on the information provided by various local jurisdictions, the Department of Legislative Services estimates that it could cost up to \$50,000 to bring an existing playground into CSPC compliance. Assuming that half (1,300) of Maryland's playgrounds need to be upgraded and that the average cost to upgrade a playground would be \$25,000, the total cost for playground upgrades would be \$32.5 million.

The Governor's proposed fiscal 2002 budget contains \$15 million for the Department of Natural Resources for community rehabilitation, which can, among many other purposes, include playground improvements.

Local Fiscal Effect: If State funds are available to cover the needed upgrades and replacements, then the fiscal effect on local governments would be minimal; however, all playgrounds would eventually have to comply with the regulations regardless of the availability of State funds. If the local jurisdictions must cover the costs of the upgrades and replacements, then, to the extent that a local jurisdiction owns and operates playgrounds, the bill's effect could be significant.

It should be noted that the local jurisdictions would be affected differently. Some (Prince George's County and Leonardtown) do not operate any playgrounds, some (Carroll and Queen Anne's counties and the City of Westminster) have been building playgrounds per the CSPC regulations, and some (Montgomery and Harford counties, the Town of Bel Air) report being out of compliance with the CSPC regulations.

Small Business Effect: Many private playgrounds are operated by non-profit organizations, such as churches and private schools, and for-profit organizations, such as hotel complexes. To the extent that these organizations are small businesses the bill could require a meaningful expenditure increase for upgrades and new equipment.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): American Academy of Orthopedic Surgeons; the Towns of Leonardtown and Bel Air; City of Westminster; Carroll, Harford, Montgomery, Prince George's, and Queen Anne's counties; National Project for Playground Safety; Department of Health and Mental Hygiene (Community and Public Health Administration); Department of Legislative Services

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