

HOUSE BILL 646

D4

01r1686
CF 01r0916

By: **Delegates Reznik, Barkley, Bronrott, Montgomery, Rice, Rosenberg, and Shewell**

Introduced and read first time: February 3, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Angel's Law – Foster Care and Child Care – Cordless Window Coverings**

3 FOR the purpose of requiring new and replacement window coverings on or after a
4 certain date to be cordless in foster homes, family day care homes, and child
5 care centers; requiring certain existing window coverings to meet certain
6 minimum standards in foster homes, family day care homes, and child care
7 centers; authorizing the appropriate agency to require the replacement of
8 certain window coverings under certain circumstances; requiring the Social
9 Services Administration to adopt certain regulations relating to cordless
10 window coverings for foster homes; requiring the State Department of
11 Education to adopt certain regulations relating to cordless window coverings for
12 family day care homes; requiring the State Superintendent of Schools to adopt
13 certain regulations relating to cordless window coverings for child care centers;
14 defining certain terms; and generally relating to cordless window coverings for
15 foster homes, family day care homes, and child care centers.

16 BY adding to

17 Article – Family Law
18 Section 5–505 and 5–573(b)(11)
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2009 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – Family Law
23 Section 5–525(j), 5–551(c)(1), and 5–573(b)(9) and (10)
24 Annotated Code of Maryland
25 (2006 Replacement Volume and 2009 Supplement)

26 BY repealing and reenacting, without amendments,

27 Article – Family Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 5–551(a) and (b) and 5–573(a)
2 Annotated Code of Maryland
3 (2006 Replacement Volume and 2009 Supplement)

4 Preamble

5 WHEREAS, In November 2009, a Maryland foster child was accidentally
6 strangled after his head became entangled in window blind cords; and

7 WHEREAS, The death of a second Maryland toddler in November 2009
8 prompted federal officials to issue a safety alert about the risks of window covering
9 cords; and

10 WHEREAS, Approximately one child a month in the United States dies from
11 strangling in cords from window blinds or shades; and

12 WHEREAS, Since 1990, there have been approximately 200 infant and child
13 deaths nationwide due to cords from window coverings; and

14 WHEREAS, The United States Consumer Product Safety Commission now
15 recommends using only cordless window treatments in any home where children live
16 or visit; and

17 WHEREAS, Window coverings with cords are considered one of the top five
18 hidden household safety hazards; and

19 WHEREAS, In one of the largest recalls in history, the Consumer Product
20 Safety Commission called for the repair of nearly every Roman shade and blind amid
21 growing concerns over child strangulation; now, therefore,

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

24 **Article – Family Law**

25 **5–505.**

26 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
27 MEANINGS INDICATED.

28 (2) “BEADED CHAIN” MEANS A SERIES OF SMALL SPHERES,
29 EQUALLY SPACED ON A CORD OR CONNECTED BY METAL SHAFTS USED TO RAISE
30 AND LOWER A WINDOW COVERING.

31 (3) “CORD LOOP” MEANS A CURVING OR DOUBLING OF A BEAD
32 CHAIN OR CORD TO FORM A CLOSED LOOP.

1 (4) “CORD STOP” MEANS A DEVICE THAT RESTRICTS THE CORD
2 FROM PASSING THROUGH A CORD LOCK IN THE DIRECTION THAT WOULD
3 OTHERWISE SHORTEN THE LIFT CORD AND ALLOW FOR A LOOP TO FORM WITH
4 THE CORRESPONDING INNER CORD.

5 (5) “CORDLESS WINDOW COVERING” MEANS:

6 (I) A HORIZONTAL BLIND OR CELLULAR SHADE THAT HAS
7 NO DRAW CORD AND THE INTERNAL LIFT CORD RUNS IN THE SLATS OF THE
8 HORIZONTAL BLIND SO THAT THE CORD IS INCAPABLE OF FORMING A LOOP
9 GREATER THAN 7.25 INCHES;

10 (II) A ROMAN SHADE, ROLL-UP BLIND, OR WOVEN SHADE
11 THAT HAS NO DRAW CORD AND THE LIFT CORD IS COMPLETELY ENCLOSED SO
12 THAT IT IS NOT ACCESSIBLE;

13 (III) A VERTICAL BLIND THAT HAS A WAND AS ITS
14 OPERATING MECHANISM AND DOES NOT CONTAIN ANY BEADED CHAINS,
15 CORDED PULLEYS, OR OTHER CORD LOOP OPERATING MECHANISMS; AND

16 (IV) A ROLLER SHADE THAT DOES NOT CONTAIN A CORD OR
17 BEADED CHAIN.

18 (6) “DRAW CORD” MEANS ANY FORM OF ROPE, STRAP, OR STRING
19 USED TO RAISE OR LOWER A WINDOW COVERING.

20 (7) “HEAD RAIL” MEANS AN ELEMENT OF A WINDOW COVERING
21 THAT:

22 (I) IS ATTACHED TO THE INSTALLATION BRACKETS; AND

23 (II) ENCLOSSES THE OPERATIONAL COMPONENTS OF THE
24 WINDOW COVERING.

25 (8) “INTERNAL LIFT CORD” MEANS A CORD THAT IS CONTAINED
26 INSIDE THE BODY AND RAILS OF THE BLIND OR SHADE.

27 (9) “PULL CORD” MEANS AN EXTERNAL CHAIN, ROPE, STRAP, OR
28 STRING USED TO RAISE AND LOWER OR OPEN AND CLOSE WINDOW COVERINGS.

29 (10) “TASSEL” MEANS A DEVICE USED TO COVER THE END OF A
30 FREE HANGING CORD OF A WINDOW COVERING.

1 **(11) “WAND” MEANS A ROD USED TO:**

2 **(I) ROTATE A VERTICAL BLIND; OR**

3 **(II) TILT A HORIZONTAL BLIND.**

4 **(B) THIS SECTION APPLIES ONLY TO FOSTER HOMES, FAMILY DAY CARE**
5 **HOMES, AND CHILD CARE CENTERS IN THE STATE.**

6 **(C) (1) ALL NEW AND REPLACEMENT WINDOW COVERINGS**
7 **INSTALLED ON OR AFTER OCTOBER 1, 2010, SHALL BE CORDLESS WINDOW**
8 **COVERINGS.**

9 **(2) ALL WINDOW COVERINGS IN PLACE BEFORE OCTOBER 1,**
10 **2010, SHALL MEET THE FOLLOWING MINIMUM STANDARDS:**

11 **(I) ROMAN SHADES, ROLL-UP SHADES, WOVEN SHADES,**
12 **AND ALL WINDOW COVERINGS WITH EXPOSED AND UNSECURED CORDS**
13 **CAPABLE OF FORMING A LOOP OF GREATER THAN 7.25 INCHES MAY NOT BE**
14 **USED;**

15 **(II) HORIZONTAL BLINDS, CELLULAR SHADES, AND ALL**
16 **WINDOW COVERINGS THAT HAVE DRAW CORDS FOR THEIR OPERATION SHALL:**

17 **1. HAVE THE DRAW CORD CUT WITHIN 7 TO 10**
18 **INCHES OF THE HEAD RAIL OF THE PRODUCT WHEN THE WINDOW COVERING IS**
19 **IN THE CLOSED AND FULLY EXTENDED POSITION;**

20 **2. HAVE THE PULL CORD MAINTAINED TO BE FREE**
21 **OF KNOTS AND TANGLING, AND HAVE ITS OWN SEPARATED TASSEL OR**
22 **BREAKAWAY DEVICE;**

23 **3. HAVE A CORD CLEAT INSTALLED WITHIN 10**
24 **INCHES OF THE HEAD RAIL OF THE PRODUCT AND UTILIZED AT ALL TIMES**
25 **WHEN THE WINDOW COVERING IS IN THE RAISED POSITION;**

26 **4. HAVE CORD STOPS ON THE DRAW CORD OF ALL**
27 **WINDOW COVERINGS AND POSITIONED WITHIN 2 TO 4 INCHES OF THE HEAD**
28 **RAIL WHEN THE WINDOW COVERING IS IN THE CLOSED AND FULLY EXTENDED**
29 **POSITION; AND**

30 **5. HAVE ALL EXCESS HORIZONTAL BLIND SLATS**
31 **REMOVED SO AS TO FIT WITHIN THE CONFINES OF THE WINDOW OPENING**
32 **WITHOUT THE ACCUMULATION OF EXTRA BLIND SLATS; AND**

1 **(III) FOR VERTICAL BLINDS AND OTHER WINDOW COVERING**
2 **PRODUCTS WITH LOOPS UTILIZED IN THEIR OPERATION, THE LOOPS SHALL BE**
3 **SECURED UTILIZING DEVICES THAT SHALL BE FIRMLY AFFIXED SO THAT THE**
4 **CORD LOOP IS SECURED AND THE CORD IS TIGHT AT ALL TIMES.**

5 **(3) IF A PERSON FAILS TO COMPLY WITH THE REQUIREMENTS OF**
6 **SUBSECTION (C)(2) OF THIS SECTION, THE APPROPRIATE AGENCY MAY REQUIRE**
7 **REPLACEMENT OF EXISTING WINDOW COVERINGS WITH CORDLESS WINDOW**
8 **COVERINGS.**

9 5-525.

10 (j) The Administration shall adopt regulations that:

11 (1) establish goals and specify permanency planning procedures that:

12 (i) maximize the prospect for reducing length of stay in
13 out-of-home placement in the best interests of children; and

14 (ii) implement the intent of this section;

15 (2) prohibit a local department from seeking the custody or
16 guardianship of a child for placement in foster care solely because the child's parent or
17 guardian lacks shelter or has a disability or solely because the child's parents are
18 financially unable to provide treatment or care for a child with a developmental
19 disability or mental illness;

20 (3) specify the compelling reasons for placing a child in a local
21 jurisdiction other than the local jurisdiction where the child's parent or guardian
22 resides, under subsection (f)(3)(ii) of this section;

23 (4) require the local department to make appropriate referrals to
24 emergency shelter and other services for families with children who lack shelter;

25 (5) establish criteria for investigating and approving foster homes,
26 **INCLUDING REQUIREMENTS FOR CORDLESS WINDOW COVERINGS IN**
27 **ACCORDANCE WITH § 5-505 OF THIS SUBTITLE;** and

28 (6) for cases in which the permanency plan recommended by the local
29 department or under consideration by the court includes appointment of a guardian
30 and rescission of the local department's custody or guardianship of a child:

31 (i) establish criteria for investigating and determining the
32 suitability of prospective relative or nonrelative guardians; and

1 (ii) require the filing of a report with the court as provided in §
2 3–819.2 of the Courts Article.

3 5–551.

4 (a) The Department shall adopt regulations that relate to the registration of
5 family day care homes.

6 (b) So far as practicable, the regulations shall be uniform with the rules and
7 regulations adopted by other State agencies as those rules and regulations relate to
8 other types of day care.

9 (c) At a minimum, the regulations of the Department shall provide for:

10 (1) minimum standards of environmental health and safety, including
11 provisions for:

12 (i) adequate and safe physical surroundings, **INCLUDING**
13 **REQUIREMENTS FOR CORDLESS WINDOW COVERINGS IN ACCORDANCE WITH §**
14 **5–505 OF THIS SUBTITLE;**

15 (ii) the physical and mental health of day care providers; and

16 (iii) investigation of any criminal record of a day care provider;

17 5–573.

18 (a) The State Superintendent shall adopt rules and regulations for licensing
19 and operating child care centers.

20 (b) These rules and regulations shall:

21 (9) (i) require that a child care center that receives notice of a
22 contaminated drinking water supply from the child care center’s supplier of water, in
23 accordance with § 9–410 of the Environment Article or otherwise, send notice of the
24 drinking water contamination to the parent or legal guardian of each child attending
25 the child care center; and

26 (ii) require that the notice sent by the child care center shall:

27 1. be sent within 10 business days after receipt of the
28 notice of contamination from the child care center’s water supplier;

29 2. be in writing;

30 3. identify the contaminants and their levels in the
31 center’s water supply; and

1 4. describe the child care center's plan for dealing with
2 the water contamination problem until the child care center's water is determined by
3 the appropriate authority to be safe for consumption; [and]

4 (10) (i) require a child care center to have a written emergency
5 preparedness plan for emergency situations that require evacuation, sheltering in
6 place, or other protection of children, such as in the event of fire, natural disaster, or
7 other threatening situation that may pose a health or safety hazard to the children in
8 the child care center;

9 (ii) require the plan under item (i) of this item to include:

10 1. a designated relocation site and evacuation route;

11 2. procedures for notifying parents or other adults
12 responsible for the child of the relocation;

13 3. procedures to address the needs of individual
14 children, including children with special needs;

15 4. procedures for the reassignment of staff duties during
16 an emergency, as appropriate; and

17 5. procedures for communicating with local emergency
18 management officials or other appropriate State or local authorities; and

19 (iii) require a child care center to train staff and ensure that
20 staff are familiar with the plan; **AND**

21 **(11) REQUIRE A CHILD CARE CENTER TO HAVE CORDLESS WINDOW**
22 **COVERINGS IN ACCORDANCE WITH § 5-505 OF THIS SUBTITLE.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2010.