

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 605

(Senator King, *et al.*)

Judicial Proceedings

Health and Government Operations

Angel's Law - Foster Care and Child Care - Window Coverings

This bill requires that all new and replacement window coverings installed in a foster home, family day care home, or child care center in the State on or after October 1, 2010, be cordless. The bill requires window coverings in place before the bill's effective date to meet minimum safety standards established in regulations jointly adopted by the Department of Human Resources (DHR) and the Maryland State Department of Education (MSDE). A person who fails to comply with the established minimum standards may be required to replace existing window coverings with cordless ones. DHR and MSDE must also adopt regulations that ensure compliance with the bill's provisions.

Fiscal Summary

State Effect: None. DHR and MSDE can adopt regulations using existing resources.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: No current statutory provision or regulation specifically governs window coverings in foster homes, family day care homes, and child care centers. DHR is required to adopt regulations to establish criteria for investigating and approving foster homes. MSDE must adopt regulations relating to the registration of family day care homes. The regulations must, at a minimum, establish minimum standards of environmental health and safety, including provisions for adequate and safe physical surroundings. MSDE must also adopt regulations for the licensing and operation of child

care centers. In addition to other statutory requirements, the regulations must ensure safe and sanitary conditions and ensure the proper care, protection, and supervision of children in child care centers.

Background: As indicated by the bill's preamble, there are numerous safety concerns related to window coverings with cords. In November 2009, two-year-old Angel Duenas died after accidentally strangling himself with window blind cords in his foster home. A second Maryland child also died in November after becoming entangled in a drapery cord.

According to the U.S. Consumer Product Safety Commission (CPSC), almost once a month a child between 7 months and 10-years-old dies from window cord strangulation and another child suffers a near strangulation. In December 2009, CPSC recalled millions of window coverings, including Roman shades and roll up blinds, due to the serious risk of strangulation to young children. CPSC has indentified window coverings with cords as one of the top five hidden hazards in the home, and recommends the use of cordless window coverings in all homes where children live or visit.

Small Business Effect: Foster homes, family day care homes, and child care centers will have to ensure that existing window coverings meet the minimum standards as established in regulation. The Department of Legislative Services notes that due to the recent recalls, free repair kits are available which may eliminate any replacement costs, depending on the specific standards that are adopted in regulation. The same facilities will have to ensure that any new or replacement window coverings installed after the bill's effective date are cordless.

Additional Information

Prior Introductions: None.

Cross File: HB 646 (Delegate Reznik, *et al.*) - Health and Government Operations.

Information Source(s): Maryland State Department of Education, U.S. Consumer Product Safety Commission, Window Covering Safety Council, *The Baltimore Sun*, Department of Legislative Services

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