

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 95 (Senator Folden)
Education, Energy, and the Environment

**State and Local Parks - Playgrounds - Safety Standards (Our Kids Play Safe
Playground Safety Act of 2025)**

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 2026, as discussed below. Revenues are not directly affected.

Local Effect: Local government expenditures increase beginning in FY 2026, as discussed below. Local revenues are not directly affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Potential meaningful.

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 for 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 organizations, 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 \$500,000 for a small playground to \$800,000 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: Some local governments may already be in compliance with the bill, but others expect to incur costs. Baltimore City Public Schools, Baltimore County, and the City of Havre de Grace, for example, all indicate that they meet or exceed the bill's standards. The Maryland Municipal League also indicates that several municipalities are either already in compliance with the bill or can meet the bill's requirements with existing resources.

Other local governments, however, expect to incur costs in one or more of the following categories: (1) conducting inspections (contractual services or travel for existing staff); (2) training for existing staff to conduct inspections; (3) impact attenuation testing equipment for inspections; and/or (4) needed repairs or replacement of playground equipment that the inspections uncover.

Estimates include (1) a cost of \$2,500 per playground for impact attenuation testing, for the Montgomery County Parks Department, which has over 200 playgrounds; (2) a \$1,000 inspection cost and \$800 impact attenuation testing cost (\$1,800 total) per playground, for Montgomery County Public Schools, which has 156 facilities with playgrounds; and (3) a total cost of \$24,000 for inspections every two years, for the Montgomery County Department of Recreation, which has 9 playgrounds. Frederick County and the City of Frederick both estimate a cost of \$10,000 to purchase impact attenuation testing equipment for the jurisdictions' staff to use for inspections. Frederick County also estimated costs of \$5,000 annually for existing staff travel costs associated with inspections and \$1,950 in fiscal 2026 and \$650 annually thereafter for training costs.

Regarding potential repair and replacement costs, Montgomery County Public Schools estimates its maintenance budget increases by \$150,000 each year for equipment replacement and playground resurfacing. The Montgomery County Department of Recreation estimates it incurs replacement costs of \$340,000 per year beginning in fiscal 2027. Prince George's County Public Schools estimates its repair and replacement costs could be as much as \$1.0 million or more per year, for contractual services and materials.

Small Business Effect: Small businesses involved in inspection, repair, and/or replacement/construction of playgrounds may benefit from additional demand for their services.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 886 of 2024.

Designated Cross File: None.

Information Source(s): Baltimore, Cecil, Frederick, and Montgomery counties; Maryland Association of Counties; cities of Frederick and Havre de Grace; Maryland Municipal League; Maryland State Department of Education; Interagency Commission on School Construction; Maryland Center for School Safety; Department of Natural Resources; Baltimore City Public Schools; Baltimore County Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; Maryland-National Capital Park and Planning Commission; U.S. Consumer Product Safety Commission; American National Standards Institute; Department of Legislative Services

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