

**Assembly Bill No. 1144**

**CHAPTER 470**

An act to add Section 115755 to, and to repeal and add Article 1 (commencing with Section 115725) of Chapter 4 of Part 10 of Division 104 of, the Health and Safety Code, relating to playground safety.

[Approved by Governor September 26, 2006. Filed with Secretary of State September 26, 2006.]

**AB 1144, Harman. Playground Safety Standards.**

Existing law requires the State Department of Health Services, in consultation with specified other agencies and entities, to adopt regulations for the design, installation, maintenance, inspection, supervision where appropriate, and training of personnel involved in the design, installation, and maintenance, of playgrounds either operated by public agencies or operated by any entity where the playground is open to the public.

The bill would repeal the laws governing playground safety standards on January 1, 2008. As of January 1, 2008, this bill would continue to require the State Department of Social Services to convene a working group to make recommendations to the Legislature for minimum safety requirements for playgrounds, as specified. This bill would also require all new playgrounds open to the public and all playgrounds open to the public which were installed between January 1, 1994, and December 31, 1999, to conform with playground-related standards set by the American Society for Testing and Materials and the playground-related guidelines set by the United States Consumer Product Safety Commission, as specified. Equipment or modification of components inside existing playgrounds would also have to conform to the playground-related standards set by the American Society for Testing and Materials and the playground-related guidelines set by the United States Consumer Product Safety Commission, as specified.

*The people of the State of California do enact as follows:*

SECTION 1. Section 115755 is added to the Health and Safety Code, to read:

115755. This article shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

SEC. 2. Article 1 (commencing with Section 115725) is added to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, to read:

Article 1. Playgrounds

115725. (a) All new playgrounds open to the public built by a public agency or any other entity shall conform to the playground-related standards set forth by the American Society for Testing and Materials and the playground-related guidelines set forth by the United States Consumer Product Safety Commission.

(b) Replacement of equipment or modification of components inside existing playgrounds shall conform to the playground-related standards set forth by the American Society for Testing and Materials and the playground-related guidelines set forth by the United States Consumer Product Safety Commission.

(c) All public agencies operating playgrounds and all other entities operating playgrounds open to the public shall have a playground safety inspector, certified by the National Playground Safety Institute, conduct an initial inspection for the purpose of aiding compliance with the requirements set forth in subdivision (a) or (b), as applicable. Any inspection report may serve as a reference when the upgrades are made, but is not intended for any other use.

(d) Playgrounds installed between January 1, 1994, and December 31, 1999, shall conform to the playground-related standards set forth by the American Society for Testing and Materials and the playground-related guidelines set forth by the United States Consumer Product Safety Commission not later than 15 years after the date those playgrounds were installed.

(e) For purposes of this section, all of the following shall apply:

(1) An "entity operating a playground open to the public" includes, but is not limited to, a church, subdivision, hotel, motel, resort, camp, office, hospital, shopping center, day care setting, and restaurant. An "entity operating a playground open to the public" shall not include a foster family home, certified family home, small family home, group home, or family day care home, which is licensed and regulated to meet child safety requirements enforced by the State Department of Social Services.

(2) "Playground" means an improved outdoor area designed, equipped, and set aside for children's play that is not intended for use as an athletic playing field or athletic court, and shall include any playground equipment, fall zones, surface materials, access ramps, and all areas within and including the designated enclosure and barriers.

(f) Operators of playgrounds in child care centers regulated by the California Department of Social Services (CDSS) pursuant to Title 22 of Division 12 of Chapter 1 of the California Code of Regulations and facilities operated for the developmentally disabled, shall comply with the requirements established in this section.

(g) (1) No state funding shall be available for the planning, development, or redevelopment of any playground, unless the playground, after completion of the state-funded project, will conform to the requirements of subdivision (a) or (b), as applicable. However, where state funds have been appropriated to, or allocated for, a playground project prior to the effective date of this section but the section becomes effective prior to the completion of the project, that funding shall be maintained, as long as the playground is altered to conform to the requirements of subdivision (a) or (b), as applicable, to the extent the alterations can be made without adding significantly to the project cost.

(2) After the date by which an entity is required to conform its playground to satisfy requirements of this section, no state funding shall be available for the operation, maintenance, or supervision of the playground unless the playground conforms to the applicable requirements of the section.

115730. (a) The State Department of Social Services shall convene a working group to develop recommendations for minimum safety requirements for playgrounds at child care centers.

(b) The working group shall include, but not be limited to, child care center operators, including representatives of the Professional Association for Childhood Education, the California

Child Care Health Program, the Children's Advocacy Institute, the State Department of Health Services, and certified playground inspectors.

(c) The working group shall use the national guidelines published by the United States Consumer Product Safety Commission and those regulations adopted pursuant to this article as a reference in developing its recommendations. However, the State Department of Social Services shall determine minimum safety requirements that are protective of child health on playgrounds at child care centers.

(d) The working group shall submit its playground safety recommendations to the State Department of Social Services by September 1, 2001.

(e) The working group shall submit its recommendations to the Legislature by November 1, 2001.

(f) This section shall be construed as a continuation of former Section 115736.

115735. This article shall become operative on January 1, 2008.