

AMENDED IN ASSEMBLY JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 22, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 282

Introduced by Assembly Member Eggman

February 11, 2015

An act to add Chapter 35 (commencing with Section 22948.8) to Division 8 of the Business and Professions Code, and to add Sections 1503.3 and 1596.848 to the Health and Safety Code, relating to window coverings.

LEGISLATIVE COUNSEL'S DIGEST

AB 282, as amended, Eggman. Corded window coverings.

Existing law generally regulates various business activities and practices, including the sale of cordless telephones within the state.

This bill would, beginning January 1, 2018, make it unlawful to sell to a purchaser located in the state a corded window covering. The bill would define "corded window covering" as a window covering, including, but not limited to, blinds, curtains, draperies, and shades, that has an accessible cord, and would define "accessible cord" as any cord with a length of over 7 ³/₄ inches, including a cord that can be extended or pulled to exceed 7 ³/₄ inches. ~~The bill would authorize a corded window covering for which an accessible cord cannot be eliminated, as specified, to be sold to a purchaser located in the state only if the accessible cord is made inaccessible through the use of an effective passive guarding device, such as a cord cover. *determined to be accessible pursuant to the 2012 American National Standard for*~~

Safety of Corded Window Covering Products adopted by the United States Consumer Product Safety Commission and any successor standards.

Existing law provides for the licensing and regulation of community care facilities, including, among others, residential facilities, foster family homes, certified family homes, and group homes by the State Department of Social Services. Existing law also provides for the licensing and regulation of child day care facilities by the department. A person who violates a law relating to community care facilities, or who willfully or repeatedly violates a law relating to child day care facilities, is guilty of a misdemeanor.

This bill would ~~require~~ *prohibit* a community care facility or child day care facility that serves children under 6 years of age *from installing a corded window covering in the facility. The bill would also require those facilities to remove all corded window coverings or* ~~make the accessible cord inaccessible through the use of an effective passive guarding device retrofit the corded window coverings as soon as is reasonably possible with repair kits, as specified, by January 1, 2019. The bill would also authorize the department to require those facilities to replace existing corded window coverings, as specified, if a person or facility fails to comply with the above provisions. By expanding the scope of a crime, this bill would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Chapter 35 (commencing with Section 22948.8)
2 is added to Division 8 of the Business and Professions Code, to
3 read:

4
5 CHAPTER 35. CORDED WINDOW COVERINGS

6
7 22948.8. For purposes of this chapter, the following terms shall
8 have the following meanings:

1 (a) “Accessible cord” means any cord with a length of over
2 seven and three-quarter inches, including a cord that can be
3 extended or pulled to exceed seven and three-quarter inches.
4 *determined to be accessible pursuant to the 2012 American*
5 *National Standard for Safety of Corded Window Covering Products*
6 *adopted by the United States Consumer Product Safety Commission*
7 *consistent with the procedures under the federal Consumer Product*
8 *Safety Act (Public Law 92-573) and any successor standards.*

9 (b) “Corded window covering” means a window covering,
10 including, but not limited to, blinds, curtains, draperies, and shades,
11 that has an accessible cord.

12 22948.9. ~~(a) Except as provided in subdivision (b), it~~ *It is*
13 *unlawful to sell to a purchaser located in this state a corded window*
14 *covering: window covering that does not meet the requirements*
15 *of the 2012 American National Standard for Safety of Corded*
16 *Window Covering Products adopted by the United States Consumer*
17 *Product Safety Commission consistent with the procedures under*
18 *the federal Consumer Product Safety Act (Public Law 92-573) and*
19 *any successor standards.*

20 ~~(b) If an accessible cord cannot be eliminated from a corded~~
21 ~~window covering due to the large size of the window covering or~~
22 ~~for another reason, the corded window covering may be sold to a~~
23 ~~purchaser located in this state only if the accessible cord is made~~
24 ~~inaccessible through the use of an effective passive guarding~~
25 ~~device, such as a cord cover.~~

26 22949. This chapter shall become operative on January 1, 2018.

27 SEC. 2. Section 1503.3 is added to the Health and Safety Code,
28 to read:

29 1503.3. (a) For the purposes of this section, the terms
30 “accessible cord” and “corded window covering” have the same
31 meaning as in Section 22948.8 of the Business and Professions
32 Code.

33 *(b) A facility licensed or certified pursuant to this chapter that*
34 *serves children under six years of age shall not install any corded*
35 *window covering in the facility.*

36 ~~(b)~~

37 *(c) By January 1, 2019, every facility licensed or certified*
38 *pursuant to this chapter that serves children under six years of age*
39 *shall remove all corded window coverings or make the accessible*
40 *cord inaccessible through the use of an effective passive guarding*

1 ~~device, such as a cord cover.~~ retrofit the corded window coverings
 2 as soon as is reasonably possible with repair kits that are approved
 3 by either the United States Consumer Product Safety Commission
 4 or the Window Covering Safety Council.

5 (d) If a person or facility fails to comply with this section, the
 6 department may require replacement of existing corded window
 7 coverings with cordless window coverings that meet the
 8 requirements of the 2012 American National Standard for Safety
 9 of Corded Window Covering Products adopted by the United States
 10 Consumer Product Safety Commission consistent with the
 11 procedures under the federal Consumer Product Safety Act (Public
 12 Law 92-573) and any successor standards.

13 SEC. 3. Section 1596.848 is added to the Health and Safety
 14 Code, to read:

15 1596.848. (a) For the purposes of this section, the terms
 16 “accessible cord” and “corded window covering” have the same
 17 meaning as in Section 22948.8 of the Business and Professions
 18 Code.

19 (b) A child day care facility that serves children under six years
 20 of age shall not install any corded window covering in the facility.

21 ~~(b)~~

22 (c) By January 1, 2019, a child day care facility that serves
 23 children under six years of age shall remove all corded window
 24 coverings or ~~make the accessible cord inaccessible through the~~
 25 ~~use of an effective passive guarding device, such as a cord cover.~~
 26 retrofit the corded window coverings as soon as is reasonably
 27 possible with repair kits that are approved by either the United
 28 States Consumer Product Safety Commission or the Window
 29 Covering Safety Council.

30 (d) If a person or facility fails to comply with this section, the
 31 department may require replacement of existing corded window
 32 coverings with cordless window coverings that meet the
 33 requirements of the 2012 American National Standard for Safety
 34 of Corded Window Covering Products adopted by the United States
 35 Consumer Product Safety Commission consistent with the
 36 procedures under the federal Consumer Product Safety Act (Public
 37 Law 92-573) and any successor standards.

38 SEC. 4. No reimbursement is required by this act pursuant to
 39 Section 6 of Article XIII B of the California Constitution because
 40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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