

AMENDED IN SENATE JULY 1, 2015
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 of *cribs and bunk beds intended for use by children*.

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 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 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 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 bill would also make related findings and declarations.*

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. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Accessible window covering cords present a significant risk
- 4 of injury, particularly strangulation, to young children.
- 5 (2) The United States Consumer Product Safety Commission
- 6 identified window coverings as one of the top five hidden home
- 7 hazards in the country.
- 8 (3) The United States Consumer Product Safety Commission's
- 9 National Electronic Injury Surveillance System demonstrates that
- 10 nationwide from 1996 through 2012, an estimated 1,590 children

1 were treated for injuries resulting from entanglements on window
2 covering cords.

3 (4) The United States Consumer Product Safety Commission
4 has recorded 184 reported fatal strangulations nationwide from
5 1996 through 2012 involving window covering cords among
6 children eight years and younger.

7 (5) Of the 249 window covering cord incidents the United States
8 Consumer Product Safety Commission investigated from 1996
9 through 2012, they determined that 57 percent of the incidents
10 would not have been effectively prevented by the voluntary
11 standards published by the American National Standards Institute
12 and Window Covering Manufacturers Association.

13 (6) For more than a decade, manufacturers have been producing
14 safe window coverings designed to eliminate accessible, hazardous
15 cords that currently represent 20 to 25 percent of the market.

16 (b) It is the intent of the Legislature to enact legislation to
17 protect children from the preventable strangulation hazard posed
18 by cords on window coverings by adopting standards that provide
19 for safer window coverings in California.

20 **SECTION 1.**

21 **SEC. 2.** Chapter 35 (commencing with Section 22948.8) is
22 added to Division 8 of the Business and Professions Code, to read:

23

24

CHAPTER 35. CORDED WINDOW COVERINGS

25

26 22948.8. For purposes of this chapter, the following terms shall
27 have the following meanings:

28 (a) "Accessible cord" means any cord determined to be
29 accessible pursuant to the 2012 American National Standard for
30 Safety of Corded Window Covering Products adopted by the
31 United States Consumer Product Safety Commission consistent
32 with the procedures under the federal Consumer Product Safety
33 Act (Public Law 92-573) and any successor standards.

34 (b) "Corded window covering" means a window covering,
35 including, but not limited to, blinds, curtains, draperies, and shades,
36 that has an accessible cord.

37 22948.9. It is unlawful to sell to a purchaser located in this
38 state a window covering that does not meet the requirements of
39 the 2012 American National Standard for Safety of Corded
40 Window Covering Products adopted by the United States Consumer

1 Product Safety Commission consistent with the procedures under
2 the federal Consumer Product Safety Act (Public Law 92-573)
3 and any successor standards.

4 22949. This chapter shall become operative on January 1, 2018.

5 ~~SEC. 2.~~

6 *SEC. 3.* Section 1503.3 is added to the Health and Safety Code,
7 to read:

8 1503.3. (a) For the purposes of this section, the terms
9 “accessible cord” and “corded window covering” have the same
10 meaning as in Section 22948.8 of the Business and Professions
11 Code.

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

15 (c) By January 1, 2019, every facility licensed or certified
16 pursuant to this chapter that serves children under six years of age
17 shall remove all corded window coverings or retrofit the corded
18 window coverings as soon as is reasonably possible with repair
19 kits that are approved by either the United States Consumer Product
20 Safety Commission or the Window Covering Safety Council.

21 (d) If a person or facility fails to comply with this section, the
22 department may require replacement of existing corded window
23 coverings with cordless window coverings that meet the
24 requirements of the 2012 American National Standard for Safety
25 of Corded Window Covering Products adopted by the United States
26 Consumer Product Safety Commission consistent with the
27 procedures under the federal Consumer Product Safety Act (Public
28 Law 92-573) and any successor standards.

29 ~~SEC. 3.~~

30 *SEC. 4.* Section 1596.848 is added to the Health and Safety
31 Code, to read:

32 1596.848. (a) For the purposes of this section, the terms
33 “accessible cord” and “corded window covering” have the same
34 meaning as in Section 22948.8 of the Business and Professions
35 Code.

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

38 (c) By January 1, 2019, a child day care facility that serves
39 children under six years of age shall remove all corded window
40 coverings or retrofit the corded window coverings as soon as is

1 reasonably possible with repair kits that are approved by either the
2 United States Consumer Product Safety Commission or the
3 Window Covering Safety Council.

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

12 ~~SEC. 4.~~

13 *SEC. 5.* No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.