

AMENDED IN SENATE APRIL 13, 2000

SENATE BILL

No. 1619

Introduced by Senator Alpert

February 22, 2000

An act to ~~amend Section 115735 of~~ *add Section 115736* to the Health and Safety Code, relating to playground safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1619, as amended, Alpert. Playground safety.

Existing law requires all entities, except public agencies, operating playgrounds open to the public, including a day care setting, to upgrade their playgrounds by replacement or improvement as necessary to satisfy state playground safety requirements by January 1, 2003. Excluded from this requirement are foster family homes, certified family homes, small family homes, group homes, and family day care homes, which are licensed and regulated to meet child safety requirements enforced by the State Department of Social Services.

~~This bill would further exclude day care centers from these playground safety requirements.~~

This bill would require the State Department of Social Services to convene a working group to develop standards for playground safety guidelines, and would require the working group to submit playground safety recommendations to the department by June 1, 2001. The bill would also require the department to adopt regulations governing playgrounds operated by child care centers by January 1, 2002.

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

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

1 ~~SECTION 1. Section 115735 of the Health and Safety~~
2 ~~Code is amended to read:~~
3 ~~115735. For purposes of this article, all of the following~~
4 ~~shall apply:~~
5 ~~(a) An “entity operating a playground open to the~~
6 ~~public” shall include, but not be limited to, a church,~~
7 ~~subdivision, hotel, motel, resort, camp, office, hospital,~~
8 ~~shopping center, day care setting, and restaurant. An~~
9 ~~“entity operating a playground open to the public” shall~~
10 ~~not include a foster family home, certified family home,~~
11 ~~small family home, group home, family day care home, or~~
12 ~~day care center, as defined in Section 1596.76 of the~~
13 ~~Health and Safety Code, which is licensed and regulated~~
14 ~~to meet child safety requirements enforced by the State~~
15 ~~Department of Social Services.~~
16 ~~(b) “Playground” shall refer to an improved outdoor~~
17 ~~area designed, equipped, and set aside for children’s play~~
18 ~~that is not intended for use as an athletic playing field or~~
19 ~~athletic court, and shall include any play equipment,~~
20 ~~surfacing, fencing, signs, internal pathways, internal~~
21 ~~landforms, vegetation, and related structures.~~
22 ~~(c) “Supervision” shall include all general and specific~~
23 ~~supervision necessary to protect children from~~
24 ~~unreasonable risk of harm from site hazards, the acts of~~
25 ~~other children, or the use of the playground in a way that~~
26 ~~was not intended by the designer or manager of the~~
27 ~~playground. The regulations required pursuant to this~~
28 ~~article shall not expand on the periods or circumstances~~
29 ~~when supervision shall be provided beyond the periods or~~
30 ~~circumstances already determined to be within the~~
31 ~~existing standard of care to which a playground operator~~
32 ~~is held.~~
33 ~~SECTION 1. (a) The Legislature finds and declares~~
34 ~~that in 1997, the United States Consumer Product Safety~~
35 ~~Commission issued its playground safety guidelines as a~~



1 detailed working blueprint to help local communities,
2 schools, day care centers, corporations, and other groups
3 to build safe playgrounds. The commission has stated that
4 guidelines, rather than mandatory rules, are appropriate.
5 However, in 1990, the Legislature adopted the guidelines
6 as minimum safety requirements. As a result, some
7 playgrounds that are otherwise safe may have to be
8 pulled out of the ground due to technical requirements.
9 The 1990 legislation specified there should be special
10 provisions for child care settings, recognizing that these
11 facilities need provisions that are applicable to them.

12 (b) It is the intent of the Legislature to enact
13 legislation to require the State Department of Social
14 Services to adopt regulations for playground safety that
15 include special provisions for playgrounds in child care
16 centers.

17 SEC. 2. Section 115736 is added to the Health and
18 Safety Code, to read:

19 115736. (a) The State Department of Social Services
20 shall convene a working group to develop alternative
21 standards to the United States Consumer Product Safety
22 Commission playground safety guidelines.

23 (b) The working group shall include, but not be
24 limited to, child care center operators, including
25 representatives of the Professional Association for
26 Childhood Education, the Child Care Law Center, and
27 the Children's Advocacy Institute, the State Department
28 of Health Services, and certified playground inspectors.

29 (c) The working group shall use the national standards
30 adopted by the United States Consumer Product Safety
31 Commission as a reference in developing its
32 recommendations. However, the Department of Social
33 Services may determine which part of the guidelines to
34 use.

35 (d) The working group shall submit its playground
36 safety recommendations to the State Department of
37 Social Services by June 1, 2001, as alternatives to current
38 standards for the department to consider in developing
39 and adopting regulations.



1 *(e) The State Department of Social Services shall*
2 *adopt regulations governing playgrounds operated by*
3 *child care centers by January 1, 2002.*

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