
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 120

Session of
2001

INTRODUCED BY ORIE, GEORGE, DeWEESE, LAUGHLIN, HENNESSEY,
GRUCELA, THOMAS, READSHAW, DALEY, STABACK, YUDICHAK, PRESTON,
BEBKO-JONES, BELARDI, FRANKEL, DeLUCA, E. Z. TAYLOR, HERMAN,
SOLOBAY, CIVERA, WASHINGTON, C. WILLIAMS, PISTELLA, PETRARCA
AND WOJNAROSKI, JANUARY 23, 2001

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, JANUARY 23, 2001

AN ACT

1 Providing for playground safety, for safety audits and hazard
2 analysis and for safety plans; establishing the Statewide
3 Advisory Council for Playground Safety and providing for its
4 powers and duties; and providing for enforcement.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Playground
9 Safety Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Council." The Statewide Advisory Council for Playground
15 Safety.

16 "CPSC." The United States Consumer Product Safety
17 Commission.

1 "Department." The Department of Community and Economic
2 Development of the Commonwealth.

3 "Less serious hazard." A condition or practice likely to
4 cause serious or minor (nondisabling) injury or illness
5 resulting in temporary disability.

6 "Major hazard." A condition or practice likely to cause
7 permanent disability, loss of life or body part.

8 "Playground." An improved outdoor area designed, equipped
9 and set aside for children's play which is not intended for use
10 as an athletic playing field or athletic court. The term shall
11 include any play equipment, surfacing, fencing, signs, internal
12 pathways, internal land forms, vegetation and related
13 structures. The term shall exclude home playgrounds, home
14 playground equipment, amusement park equipment, sports
15 equipment, fitness equipment and limited access contained play
16 systems.

17 "Playground safety audit and hazard analysis." A safety
18 inspection and examination of playground equipment and
19 conditions as established by the Statewide Advisory Council for
20 Playground Safety.

21 "Responsible entity." The Commonwealth and its agencies,
22 political subdivisions, public, private or nonpublic elementary
23 or secondary schools or approved child-care facilities which are
24 subject to and in compliance with regulations issued by the
25 Department of Public Welfare or any other entity operating or
26 owning a playground open to the public.

27 Section 3. Rulemaking.

28 Within one year of the effective date of this act, the
29 department shall adopt regulations establishing safety standards
30 for the design, installation and maintenance of all playgrounds

1 operated by the Commonwealth and its agencies, political
2 subdivisions, public, private and nonpublic elementary or
3 secondary schools or approved child-care facilities. The
4 regulations shall establish safety standards which shall be at
5 least as protective as the guidelines in the Handbook for Public
6 Playground Safety produced by the CPSC. These regulations shall
7 be promulgated in the manner provided by law, but shall not be
8 subject to the act of June 25, 1982 (P.L.633, No.181), known as
9 the Regulatory Review Act.

10 Section 4. Playground safety audit and hazard analysis.

11 (a) Conduct.--The Commonwealth and any of its agencies,
12 political subdivisions, public, private or nonpublic elementary
13 or secondary schools or approved child-care facilities operating
14 a playground area shall conduct a comprehensive safety audit and
15 hazard analysis of every play area and piece of play equipment
16 designed, constructed, owned, operated or maintained by the
17 responsible entity.

18 (b) Procedure.--The council shall develop a standard
19 procedure for conducting a playground safety audit and hazard
20 analysis.

21 (c) Initial audit and analysis.--Within six months of the
22 final adoption of the safety audit and hazard analysis procedure
23 by the council, the responsible entity shall complete its safety
24 audit and hazard analysis.

25 (d) Submission to department.--The responsible entity shall
26 submit a copy of its findings to the department.

27 Section 5. Repair, replacement or removal of major hazards.

28 (a) General rule.--If the safety audit and hazard analysis
29 conducted by the responsible entity reveals unsafe equipment or
30 conditions which pose a major hazard to children, the play

1 equipment or conditions shall be immediately removed or upgraded
2 by replacement or improvement necessary to comply with the
3 regulations for safety standards adopted by the department.

4 (b) Major hazards described.--Situations involving play
5 equipment or conditions that present major hazards to children
6 include, but are not limited to: entanglement hazards;
7 entrapment hazards; hard-hitting swings; unsafe surfacing and
8 unstable equipment.

9 Section 6. Less serious hazards.

10 All equipment presenting hazards classified as less serious
11 must be removed, repaired or replaced in order to comply with
12 the regulations adopted by the department. In order to conform
13 with this section, the Commonwealth and its agencies, political
14 subdivisions, public, private and nonpublic elementary or
15 secondary schools or approved child-care facilities shall
16 establish a playground safety plan.

17 Section 7. Playground safety plan.

18 (a) Content.--Each responsible entity shall devise a
19 playground safety plan which shall include a timetable to ensure
20 that playground hazards which are classified as less serious are
21 systemically addressed. This plan shall include, but not be
22 limited to, provisions for cyclical or periodically scheduled
23 inspections of all play equipment and areas designed,
24 constructed, owned, operated or maintained by the responsible
25 entity. The plan shall also include provisions for preventive
26 and responsive maintenance of equipment and conditions.

27 (b) Compliance.--The responsible entity shall have six
28 months after the final adoption of the department regulations to
29 comply with this section.

30 Section 8. New or renovated playgrounds.

1 On or after the effective date of the regulations of the
2 department, any new or newly constructed, installed or renovated
3 playground, play area, single unit or play structure shall
4 comply with the safety standards adopted by the department.

5 Section 9. Council.

6 (a) Establishment.--The Statewide Advisory Council on
7 Playground Safety is hereby established. The council shall
8 consist of 20 members appointed by the Governor. The term of
9 office of the members shall be three years, except for the
10 cabinet officers or their designees who shall serve as long as
11 they are in office.

12 (b) Membership.--The membership of the council shall be
13 representative of parents of school-age children, school
14 districts, school boards, local municipalities and government,
15 public and private providers of child care, nonpublic schools,
16 safety and design experts of playgrounds and play equipment,
17 injury prevention specialists, the Secretary of Community and
18 Economic Development or his designee, the Secretary of Education
19 or his designee, the Secretary of Health or his designee, the
20 Secretary of Labor and Industry or his designee, the Secretary
21 of Public Welfare or his designee and the Secretary of
22 Conservation and Natural Resources or his designee.

23 (c) Designees.--The designees of cabinet officers under
24 subsection (b) must be deputy secretaries, commissioners or
25 bureau directors.

26 (d) Officers.--The chair of the council shall be appointed
27 by the Governor and must be selected from those members who are
28 neither employees of the Commonwealth nor elected officials.

29 (e) Committees.--The chair of the council may appoint
30 special committees, which may include nonmembers of the council,

1 to make recommendations to the council concerning key issues
2 related to this act.

3 (f) Compensation of members.--The members shall serve
4 without compensation but shall be reimbursed for reasonable and
5 necessary expenses incurred in accordance with the rules of the
6 Executive Board.

7 (g) Staff.--Staff services for the council shall be provided
8 by the department.

9 Section 10. Powers and duties.

10 The council has the following powers and duties:

11 (1) To review and comment to the Department of Community
12 and Economic Development, the Department of Education, the
13 Department of Health, the Department of Public Welfare, the
14 Department of Labor and Industry and the Department of
15 Conservation and Natural Resources on draft regulations and
16 standards as they pertain to playground safety.

17 (2) To review and comment to the appropriate legislative
18 committees and the Independent Regulatory Review Commission
19 on regulations and standards proposed under this act.

20 (3) To assist and advise Commonwealth agencies in their
21 effort to carry out the provisions of this act. This shall
22 include, but not be limited to the following:

23 (i) Recommendations for the implementation and
24 enforcement of regulations and standards, including, but
25 not limited to, the definition of a safety audit and
26 hazard analysis.

27 (ii) Suggestions regarding sources of fiscal and
28 other support from Federal, State, local and private
29 sources for the upgrade of playgrounds to comply with
30 regulations and standards for safety.

1 (iii) Recommendations regarding personnel training
2 in playground safety and inspection.

3 (iv) Recommendations for the implementation of
4 Statewide systemic inspection of playgrounds.

5 (v) Recommendations for the development of a
6 reporting mechanism for parents and others in the
7 community who feel a playground may be unsafe.

8 (vi) Development of a plan for publicizing and
9 disseminating the standards adopted by the department.

10 (vii) Creation of safety plan models to be utilized
11 by communities and schools in assisting with their own
12 development of safety plans.

13 (4) To meet at least four times a year.

14 Section 11. Enforcement.

15 The department shall cause an inspection of a playground to
16 ensure that the playground complies with the safety standards
17 adopted under this act. If the department finds that the
18 playground does not comply with the safety standards, the
19 department shall order the playground closed until the
20 playground is upgraded to comply with the standards.

21 Section 12. Effective date.

22 This act shall take effect immediately.