

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1443 Session of 2023

INTRODUCED BY GREEN, MADDEN, PROBST, KAZEEM, ABNEY, KINSEY, BURGOS, SANCHEZ, CEPEDA-FREYTIZ, PARKER, OTTEN, KENYATTA, KHAN AND WEBSTER, JUNE 20, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 26, 2024

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, establishing the Statewide Advisory
3 Council on Playground Safety; and providing for duties of the
4 Statewide Advisory Council on Playground Safety.

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

7 Section 1. Title 35 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

CHAPTER 56A

STATEWIDE ADVISORY COUNCIL ON PLAYGROUND SAFETY

11 Sec.

12 56A01. Definitions.

13 56A02. Council.

14 56A03. Powers and duties.

15 § 56A01. Definitions.

16 The following words and phrases when used in this chapter
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

1 "Council." The Statewide Advisory Council on Playground
2 Safety established in section 56A02 (relating to council).

3 "Department." The Department of Community and Economic
4 Development of the Commonwealth.

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

14 "Secretary." The Secretary of Community and Economic
15 Development of the Commonwealth.

16 § 56A02. Council.

17 (a) Establishment.--The Statewide Advisory Council on
18 Playground Safety is established. The council shall consist of
19 25 members appointed by the Governor. The term of office of the
20 members shall be three years, except for the cabinet officers or
21 their designees who shall serve for as long as they are in
22 office.

23 (b) Membership.--The membership of the council shall be
24 representative of parents of school-age children, school
25 districts, school boards, local municipalities and government,
26 public and private providers of child care, nonpublic schools,
27 charter schools, safety and design experts of playgrounds and
28 play equipment, manufacturers and retailers of playground
29 equipment, homeowner associations, churches, resorts, injury
30 prevention specialists and relevant Commonwealth agencies. No

1 less than three members of the council shall be certified
2 playground safety inspectors. The members of the council shall
3 include the following members:

4 (1) The secretary or a designee.

5 (2) The Secretary of Conservation and Natural Resources
6 or a designee.

7 (3) The Secretary of Education or a designee.

8 (4) The Secretary of Environmental Protection or a
9 designee.

10 (5) The Secretary of Health or a designee.

11 (6) The Secretary of Human Services or a designee.

12 (7) The Secretary of Labor and Industry or a designee.

13 (8) A representative from a city of any class.

14 (9) A representative from a borough.

15 (10) A representative from a first class township.

16 (11) A representative from a second class township.

17 (12) A representative selected by the Pennsylvania
18 Recreation and Park Society.

19 (13) A MEMBER APPOINTED BY EACH OF THE FOLLOWING:

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20 (I) THE MAJORITY LEADER OF THE SENATE.

21 (II) THE MINORITY LEADER OF THE SENATE.

22 (III) THE MAJORITY LEADER OF THE HOUSE OF
23 REPRESENTATIVES.

24 (IV) THE MINORITY LEADER OF THE HOUSE OF
25 REPRESENTATIVES.

26 (c) Designees.--The designees of cabinet officers under
27 subsection (b) must be deputy secretaries, commissioners or
28 bureau directors.

29 (d) Officers.--The chair of the council shall be appointed
30 by the Governor and must be selected from those members who are

1 neither employees of the Commonwealth nor elected officials.

2 (e) Committees.--The chair of the council may appoint
3 special committees, which may include nonmembers of the council,
4 to make recommendations to the council concerning key issues
5 related to this chapter.

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

10 (g) Staff.--Staff services for the council shall be provided
11 by the department.

12 § 56A03. Powers and duties.

13 The council has the following powers and duties:

14 (1) To review and comment to the department, the
15 Department of Education, the Department of Health, the
16 Department of Human Services, the Department of Labor and
17 Industry, the Department of Conservation and Natural
18 Resources and the Department of Environmental Protection on
19 draft regulations and standards as they pertain to playground
20 safety.

21 (2) To review and comment to the appropriate legislative
22 committees and the Independent Regulatory Review Commission
23 on any proposed playground safety regulations and standards.

24 (3) To assist and advise Commonwealth agencies in their
25 efforts to improve playground safety. This shall include the
26 following:

27 (i) Recommendations for the implementation and
28 enforcement of regulations and standards.

29 (ii) Suggestions regarding sources of fiscal and
30 other support from Federal, State, local and private

1 sources for the upgrade of playgrounds to comply with
2 regulations and standards for safety.

3 (iii) Recommendations regarding personnel training
4 in playground safety and inspection.

5 (iv) Recommendations for the improvement of
6 playground safety and inspection procedures.

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

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

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

14 Section 2. This act shall take effect immediately.