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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1443 Session of  
2023

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

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REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, JUNE 20, 2023

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, providing for playground safety; and  
3 imposing duties on the Department of Community and Economic  
4 Development.

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:

9 CHAPTER 59

10 PLAYGROUND SAFETY

11 Sec.

12 5901. Definitions.

13 5902. Rulemaking.

14 5903. Playground safety audit and hazard analysis.

15 5904. Repair, replacement or removal of major hazards.

16 5905. Less serious hazards.

17 5906. Playground safety plan.

18 5907. New or renovated playgrounds.

19 5908. Council.

1 5909. Powers and duties.

2 5910. Enforcement.

3 § 5901. Definitions.

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

7 "Council." The Statewide Advisory Council for Playground  
8 Safety established in section 5908 (relating to council).

9 "CPSC." The United States Consumer Product Safety  
10 Commission.

11 "Department." The Department of Community and Economic  
12 Development of the Commonwealth.

13 "Less serious hazard." A condition or practice likely to  
14 cause serious or minor, nondisabling injury or illness resulting  
15 in temporary disability.

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

18 "Playground." An improved outdoor area designed, equipped  
19 and set aside for children's play which is not intended for use  
20 as an athletic playing field or athletic court. The term shall  
21 include any play equipment, surfacing, fencing, signs, internal  
22 pathways, internal land forms, vegetation and related  
23 structures. The term shall exclude home playgrounds, home  
24 playground equipment, amusement park equipment, sports  
25 equipment, fitness equipment and limited access contained play  
26 systems.

27 "Playground safety audit and hazard analysis." A safety  
28 inspection and examination of playground equipment and  
29 conditions as established by the council.

30 "Responsible entity." The Commonwealth and its agencies,

1 political subdivisions, public, private or nonpublic elementary  
2 or secondary schools, including charter schools, or approved  
3 child-care facilities which are subject to and in compliance  
4 with regulations issued by the Department of Human Services or  
5 any other entity operating or owning a playground open to the  
6 public.

7 "Secretary." The Secretary of Community and Economic  
8 Development of the Commonwealth.

9 § 5902. Rulemaking.

10 Within one year of the effective date of this section, the  
11 department shall promulgate regulations establishing safety  
12 standards for the design, installation and maintenance of all  
13 playgrounds operated by a responsible entity. The regulations  
14 shall establish safety standards which shall be at least as  
15 protective as the guidelines in the Handbook for Public  
16 Playground Safety produced by the CPSC. These regulations shall  
17 be promulgated in the manner provided by law, but shall not be  
18 subject to the act of June 25, 1982 (P.L.633, No.181), known as  
19 the Regulatory Review Act.

20 § 5903. Playground safety audit and hazard analysis.

21 (a) Conduct.--A responsible entity operating a playground  
22 area shall conduct a comprehensive safety audit and hazard  
23 analysis of every play area and piece of play equipment  
24 designed, constructed, owned, operated or maintained by the  
25 responsible entity.

26 (b) Procedure.--The council shall develop a standard  
27 procedure for conducting a playground safety audit and hazard  
28 analysis.

29 (c) Initial audit and analysis.--Within six months of the  
30 final adoption of the safety audit and hazard analysis procedure

1 by the council, the responsible entity shall complete a safety  
2 audit and hazard analysis.

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

5 § 5904. Repair, replacement or removal of major hazards.

6 (a) General rule.--If the safety audit and hazard analysis  
7 conducted by the responsible entity reveals unsafe equipment or  
8 conditions which pose a major hazard to children, the play  
9 equipment or conditions shall be immediately removed or upgraded  
10 by replacement or improvement necessary to comply with the  
11 regulations for safety standards adopted by the department.

12 (b) Major hazards described.--Situations involving play  
13 equipment or conditions that present major hazards to children  
14 include:

15 (1) Entanglement hazards.

16 (2) Entrapment hazards.

17 (3) Hard-hitting swings.

18 (4) Unsafe surfacing.

19 (5) Unstable equipment.

20 § 5905. Less serious hazards.

21 All equipment presenting hazards classified as less serious  
22 must be removed, repaired or replaced in order to comply with  
23 the regulations adopted by the department. In order to conform  
24 with this section, a responsible entity shall establish a  
25 playground safety plan.

26 § 5906. Playground safety plan.

27 (a) Content.--Each responsible entity shall devise a  
28 playground safety plan which shall include a timetable to ensure  
29 that playground hazards which are classified as less serious are  
30 systemically addressed. This plan shall include provisions for

1 cyclical or periodically scheduled inspections of all play  
2 equipment and areas designed, constructed, owned, operated or  
3 maintained by the responsible entity. The plan shall also  
4 include provisions for preventive and responsive maintenance of  
5 equipment and conditions.

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

9 § 5907. New or renovated playgrounds.

10 On or after the effective date of the regulations promulgated  
11 by the department under section 5902 (relating to rulemaking),  
12 any new or newly constructed, installed or renovated playground,  
13 play area, single unit or play structure shall comply with the  
14 safety standards adopted by the department.

15 § 5908. Council.

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

22 (b) Membership.--The membership of the council shall be  
23 representative of parents of school-age children, school  
24 districts, school boards, local municipalities and government,  
25 public and private providers of child care, nonpublic schools,  
26 charter schools, safety and design experts of playgrounds and  
27 play equipment, injury prevention specialists, the secretary or  
28 a designee, the Secretary of Education or a designee, the  
29 Secretary of Health or a designee, the Secretary of Labor and  
30 Industry or a designee, the Secretary of Human Services or a

1 designee and the Secretary of Environmental Protection or a  
2 designee.

3 (c) Designees.--The designees of cabinet officers under  
4 subsection (b) must be deputy secretaries, commissioners or  
5 bureau directors.

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

9 (e) Committees.--The chair of the council may appoint  
10 special committees, which may include nonmembers of the council,  
11 to make recommendations to the council concerning key issues  
12 related to this chapter.

13 (f) Compensation of members.--The members shall serve  
14 without compensation but shall be reimbursed for reasonable and  
15 necessary expenses incurred in accordance with the rules of the  
16 Executive Board.

17 (g) Staff.--Staff services for the council shall be provided  
18 by the department.

19 § 5909. Powers and duties.

20 The council has the following powers and duties:

21 (1) To review and comment to the department, the  
22 Department of Education, the Department of Health, the  
23 Department of Human Services, the Department of Labor and  
24 Industry and the Department of Environmental Protection on  
25 draft regulations and standards as they pertain to playground  
26 safety.

27 (2) To review and comment to the appropriate legislative  
28 committees and the Independent Regulatory Review Commission  
29 on regulations and standards proposed under this chapter.

30 (3) To assist and advise Commonwealth agencies in their

1 effort to carry out the provisions of this chapter. This  
2 shall include the following:

3 (i) Recommendations for the implementation and  
4 enforcement of regulations and standards, including the  
5 definition of a safety audit and hazard analysis.

6 (ii) Suggestions regarding sources of fiscal and  
7 other support from Federal, State, local and private  
8 sources for the upgrade of playgrounds to comply with  
9 regulations and standards for safety.

10 (iii) Recommendations regarding personnel training  
11 in playground safety and inspection.

12 (iv) Recommendations for the implementation of  
13 Statewide systemic inspection of playgrounds.

14 (v) Recommendations for the development of a  
15 reporting mechanism for parents and others in the  
16 community who feel a playground may be unsafe.

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

19 (vii) Creation of safety plan models to be utilized  
20 by communities and schools in assisting with their own  
21 development of safety plans.

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

23 § 5910. Enforcement.

24 The department shall cause an inspection of a playground to  
25 ensure that the playground complies with the safety standards  
26 adopted under this chapter. If the department finds that the  
27 playground does not comply with the safety standards, the  
28 department shall order the playground closed until the  
29 playground is upgraded to comply with the standards.

30 Section 2. This act shall take effect immediately.