

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 145*
Committee Substitute Favorable 3/11/97

Short Title: Day Care/Playground Equipment.

(Public)

Sponsors:

Referred to:

February 13, 1997

A BILL TO BE ENTITLED
AN ACT PERTAINING TO RULES ADOPTED BY THE CHILD DAY CARE
COMMISSION PERTAINING TO PLAYGROUND EQUIPMENT, AS
RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE
PROCEDURE OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-91(6) reads as rewritten:

"(6) Space and Equipment Requirements. – There shall be no less than 25 square feet of indoor space for each child for which a child day care facility is licensed, exclusive of closets, passageways, kitchens, and bathrooms, and this floor space shall provide during rest periods 200 cubic feet of airspace per child for which the facility is licensed. There shall be adequate outdoor play area for each child under rules adopted by the Commission which shall be related to the size and type of facility, availability and location of outside land area, except in no event shall the minimum required exceed 75 square feet per child, which area shall be protected to assure the safety of the children receiving day care by an adequate fence or other protection; provided, however, that a facility operated in a public school shall be deemed to have adequate fencing protection; provided, also, that a facility operating exclusively during the evening and early morning hours, between 6:00 P.M. and 6:00 A.M., need not meet the outdoor play area requirements mandated by this subdivision.

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1 Each child day care facility shall provide indoor area equipment
2 and furnishings that are child size, sturdy, safe, and in good repair.
3 Each child day care facility shall provide outdoor area equipment and
4 furnishings that are child size, sturdy, free of hazards that pose
5 imminent danger and threat of serious injury to children while engaged
6 in normal play activities, and in good repair. The Commission shall
7 adopt standards to establish minimum requirements for equipment
8 appropriate for the size facility being operated pursuant to G.S. 110-
9 86(3). Space shall be available for proper storage of beds, cribs, mats,
10 cots, sleeping garments, and linens as well as designated space for
11 each child's personal belongings."

12 Section 2. Article 7 of Chapter 110 of the General Statutes is amended by
13 adding the following new section to read:

14 "**§ 110-105.3. Assistance to day care center operators regarding outdoor**
15 **playground equipment and surfacing.**

16 The Commission shall develop guidelines pertaining to outdoor play area equipment
17 and surfacing at day care facilities. The guidelines are not considered rules under
18 Chapter 150B of the General Statutes and are not binding upon day care operators. The
19 guidelines shall be designed to assist operators in determining whether the equipment
20 and surfacing they currently or intend to provide is child size, sturdy, safe, and in good
21 repair. Inspection of outdoor equipment and surfacing shall be included in facility
22 inspections conducted pursuant to this Article for the purpose of informing operators of
23 conditions that may pose safety hazards. The Commission shall make the guidelines
24 available to operators and shall also make available information and technical assistance
25 that will better enable operators to provide and maintain a safe outdoor play
26 environment. Day care center operators shall make available to consumers of the
27 center's services the most recent inspection report findings with respect to outdoor play
28 area equipment and surfacing at the day care center."

29 Section 3. This act limits the authority of the Child Day Care Commission to
30 adopt rules to ensure that outdoor play area equipment and surfacing at day care
31 facilities are free of hazards that pose imminent danger and threat of serious injury to
32 children while engaged in normal play activities. Accordingly, pursuant to G.S. 150B-
33 21.7, rules adopted by the Child Day Care Commission pertaining to outdoor play area
34 equipment and surfacing at day care facilities adopted prior to this act becoming
35 effective are repealed.

36 Section 4. This act is effective when it becomes law.