## GENERAL ASSEMBLY OF NORTH CAROLINA

## SESSION 1997

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SENATE BILL 212\*

Short Title: Day Care/Playground Equipment.

Sponsors: Senators Webster, Foxx, Kerr, McDaniel, Warren; Allran, Ballantine, Blust, Carrington, Cochrane, East, Forrester, Hartsell, Lucas, Rucho, and Shaw of Cumberland.

Referred to: Children & Human Resources.

February 20, 1997

1	A BILL TO BE ENTITLED
2	AN ACT PERTAINING TO RULES ADOPTED BY THE CHILD DAY CARE
3	COMMISSION PERTAINING TO PLAYGROUND EQUIPMENT, AS
4	RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE
5	PROCEDURE OVERSIGHT COMMITTEE.
6	The General Assembly of North Carolina enacts:
7	Section 1. G.S. 110-91(6) reads as rewritten:
8	"(6) Space and Equipment Requirements. – There shall be no less than 25
9	square feet of indoor space for each child for which a child day care
10	facility is licensed, exclusive of closets, passageways, kitchens, and
11	bathrooms, and this floor space shall provide during rest periods 200
12	cubic feet of airspace per child for which the facility is licensed. There
13	shall be adequate outdoor play area for each child under rules adopted
14	by the Commission which shall be related to the size and type of
15	facility, availability and location of outside land area, except in no event
16	shall the minimum required exceed 75 square feet per child, which area
17	shall be protected to assure the safety of the children receiving day care
18	by an adequate fence or other protection; provided, however, that a
19	facility operated in a public school shall be deemed to have adequate

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1 2	fencing protection; provided, also, that a facility operating exclusively during the evening and early morning hours, between 6:00 P.M. and
3	6:00 A.M., need not meet the outdoor play area requirements mandated
4	by this subdivision.
5	Each child day care facility shall provide indoor area equipment and furnishings that
6	are child size, sturdy, safe, and in good repair. The Commission shall adopt standards to
7	establish minimum requirements for indoor area equipment appropriate for the size
8	facility being operated pursuant to G.S. 110-86(3). Space shall be available for proper
9	storage of beds, cribs, mats, cots, sleeping garments, and linens as well as designated
10	space for each child's personal belongings."
11	Section 2. Article 7 of Chapter 110 of the General Statutes is amended by
12	adding the following new section to read:
13	"§ 110-105.3. Assistance to day care center operators regarding outdoor playground
14	equipment and surfacing.
15	The Commission shall develop guidelines pertaining to outdoor play area equipment
16	and surfacing at day care facilities. The guidelines are not considered rules under
17	Chapter 150B of the General Statutes and are not binding upon day care operators. The
18	guidelines shall be designed to assist operators in determining whether the equipment and
19	surfacing they currently or intend to provide is child-size, sturdy, safe, and in good repair.
20	Inspection of outdoor equipment and surfacing shall be included in facility inspections
21	conducted pursuant to this Article for the purpose of informing operators of conditions
22	that may pose safety hazards. The Commission shall make the guidelines available to
23	operators and shall also make available information and technical assistance that will
24	better enable operators to provide and maintain a safe outdoor play environment. Day
25	care center operators shall make available to consumers of the center's services the most
26	recent inspection report findings with respect to outdoor play area equipment and
27	surfacing at the day care center."
28	Section 3. This act repeals the authority of the Child Day Care Commission to
29	adopt rules pertaining to outdoor play area equipment and surfacing at day care facilities.
30	Accordingly, pursuant to G.S. 150B-21.7, rules adopted by the Child Day Care
31	Commission pertaining to outdoor play area equipment and surfacing at day care

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facilities are repealed. Section 4. This act is effective when it becomes law.