

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 145*

Short Title: Day Care/Playground Equipment.

(Public)

Sponsors: Representatives Nichols, Allred (Cosponsors), Creech, Mercer, Mitchell, Redwine; Culp, Mosley, Shubert, Smith, Wainwright, and Yongue.

Referred to: Human Resources.

February 13, 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

1 fencing protection; provided, also, that a facility operating exclusively
2 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
32 facilities are repealed.

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