

Chapter 327

(House Bill 646)

AN ACT concerning

Angel's Law – Foster Care and Child Care – ~~Cordless~~ Window Coverings

FOR the purpose of requiring new and replacement window coverings on or after a certain date to be cordless in foster homes, family day care homes, and child care centers; requiring certain existing window coverings to meet certain minimum standards in foster homes, family day care homes, and child care centers; authorizing the appropriate agency to require the replacement of certain window coverings under certain circumstances; requiring the Social Services Administration to adopt certain regulations relating to ~~cordless~~ window coverings for foster homes; requiring the State Department of Education to adopt certain regulations relating to ~~cordless~~ window coverings for family day care homes; requiring the State Superintendent of Schools to adopt certain regulations relating to ~~cordless~~ window coverings for child care centers; defining certain terms; and generally relating to ~~cordless~~ window coverings for foster homes, family day care homes, and child care centers.

BY adding to

Article – Family Law
Section 5–505 and 5–573(b)(11)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law
Section 5–525(j), 5–551(c)(1), and 5–573(b)(9) and (10)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

Article – Family Law
Section 5–551(a) and (b) and 5–573(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

Preamble

WHEREAS, In November 2009, a Maryland foster child was accidentally strangled after his head became entangled in window blind cords; and

WHEREAS, The death of a second Maryland toddler in November 2009 prompted federal officials to issue a safety alert about the risks of window covering cords; and

WHEREAS, Approximately one child a month in the United States dies from strangling in cords from window blinds or shades; and

WHEREAS, Since 1990, there have been approximately 200 infant and child deaths nationwide due to cords from window coverings; and

WHEREAS, The United States Consumer Product Safety Commission now recommends using only cordless window treatments in any home where children live or visit; and

WHEREAS, Window coverings with cords are considered one of the top five hidden household safety hazards; and

WHEREAS, In one of the largest recalls in history, the Consumer Product Safety Commission called for the repair of nearly every Roman shade and blind amid growing concerns over child strangulation; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Family Law

5-505.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “BEADED CHAIN” MEANS A SERIES OF SMALL SPHERES, EQUALLY SPACED ON A CORD OR CONNECTED BY METAL SHAFTS USED TO RAISE AND LOWER A WINDOW COVERING.

(3) “CORD LOOP” MEANS A CURVING OR DOUBLING OF A ~~BEAD~~ BEADED CHAIN OR CORD TO FORM A CLOSED LOOP.

~~(4) “CORD STOP” MEANS A DEVICE THAT RESTRICTS THE CORD FROM PASSING THROUGH A CORD LOCK IN THE DIRECTION THAT WOULD OTHERWISE SHORTEN THE LIFT CORD AND ALLOW FOR A LOOP TO FORM WITH THE CORRESPONDING INNER CORD.~~

~~(5)~~ (4) “CORDLESS WINDOW COVERING” MEANS:

(I) A HORIZONTAL BLIND OR CELLULAR SHADE THAT HAS NO DRAW CORD AND THE INTERNAL LIFT CORD RUNS IN THE SLATS OF THE HORIZONTAL BLIND SO THAT THE CORD IS INCAPABLE OF FORMING A LOOP GREATER THAN 7.25 INCHES;

(II) A ROMAN SHADE, ROLL-UP BLIND, OR WOVEN SHADE THAT HAS NO DRAW CORD AND THE LIFT CORD IS COMPLETELY ENCLOSED SO THAT IT IS NOT ACCESSIBLE;

(III) A VERTICAL BLIND THAT HAS A WAND AS ITS OPERATING MECHANISM AND DOES NOT CONTAIN ANY BEADED CHAINS, CORDED PULLEYS, OR OTHER CORD LOOP OPERATING MECHANISMS; AND

(IV) A ROLLER SHADE THAT DOES NOT CONTAIN A CORD OR BEADED CHAIN.

~~(6)~~ (5) "DRAW CORD" MEANS ANY FORM OF ROPE, STRAP, OR STRING USED TO RAISE OR LOWER A WINDOW COVERING.

~~(7) "HEAD RAIL" MEANS AN ELEMENT OF A WINDOW COVERING THAT:~~

~~(I) IS ATTACHED TO THE INSTALLATION BRACKETS; AND~~

~~(II) ENCLOSURES THE OPERATIONAL COMPONENTS OF THE WINDOW COVERING.~~

~~(8)~~ (6) "INTERNAL LIFT CORD" MEANS A CORD THAT IS CONTAINED INSIDE THE BODY AND RAILS OF THE BLIND OR SHADE.

~~(9) "PULL CORD" MEANS AN EXTERNAL CHAIN, ROPE, STRAP, OR STRING USED TO RAISE AND LOWER OR OPEN AND CLOSE WINDOW COVERINGS.~~

~~(10) "TASSEL" MEANS A DEVICE USED TO COVER THE END OF A FREE HANGING CORD OF A WINDOW COVERING.~~

~~(11)~~ (7) "WAND" MEANS A ROD USED TO:

(I) ROTATE A VERTICAL BLIND; OR

(II) TILT A HORIZONTAL BLIND.

(B) THIS SECTION APPLIES ONLY TO FOSTER HOMES, FAMILY DAY CARE HOMES, AND CHILD CARE CENTERS IN THE STATE.

(C) (1) ALL NEW AND REPLACEMENT WINDOW COVERINGS INSTALLED ON OR AFTER OCTOBER 1, 2010, SHALL BE CORDLESS WINDOW COVERINGS.

(2) ALL WINDOW COVERINGS IN PLACE BEFORE OCTOBER 1, 2010, SHALL MEET ~~THE FOLLOWING MINIMUM STANDARDS:~~

~~(I) ROMAN SHADES, ROLL-UP SHADES, WOVEN SHADES, AND ALL WINDOW COVERINGS WITH EXPOSED AND UNSECURED CORDS CAPABLE OF FORMING A LOOP OF GREATER THAN 7.25 INCHES MAY NOT BE USED;~~

~~(II) HORIZONTAL BLINDS, CELLULAR SHADES, AND ALL WINDOW COVERINGS THAT HAVE DRAW CORDS FOR THEIR OPERATION SHALL:~~

~~1. HAVE THE DRAW CORD CUT WITHIN 7 TO 10 INCHES OF THE HEAD RAIL OF THE PRODUCT WHEN THE WINDOW COVERING IS IN THE CLOSED AND FULLY EXTENDED POSITION;~~

~~2. HAVE THE PULL CORD MAINTAINED TO BE FREE OF KNOTS AND TANGLING, AND HAVE ITS OWN SEPARATED TASSEL OR BREAKAWAY DEVICE;~~

~~3. HAVE A CORD CLEAT INSTALLED WITHIN 10 INCHES OF THE HEAD RAIL OF THE PRODUCT AND UTILIZED AT ALL TIMES WHEN THE WINDOW COVERING IS IN THE RAISED POSITION;~~

~~4. HAVE CORD STOPS ON THE DRAW CORD OF ALL WINDOW COVERINGS AND POSITIONED WITHIN 2 TO 4 INCHES OF THE HEAD RAIL WHEN THE WINDOW COVERING IS IN THE CLOSED AND FULLY EXTENDED POSITION; AND~~

~~5. HAVE ALL EXCESS HORIZONTAL BLIND SLATS REMOVED SO AS TO FIT WITHIN THE CONFINES OF THE WINDOW OPENING WITHOUT THE ACCUMULATION OF EXTRA BLIND SLATS; AND~~

~~(III) FOR VERTICAL BLINDS AND OTHER WINDOW COVERING PRODUCTS WITH LOOPS UTILIZED IN THEIR OPERATION, THE LOOPS SHALL BE SECURED UTILIZING DEVICES THAT SHALL BE FIRMLY AFFIXED SO THAT THE CORD LOOP IS SECURED AND THE CORD IS TIGHT AT ALL TIMES. MINIMUM SAFETY STANDARDS ESTABLISHED IN REGULATIONS JOINTLY ADOPTED BY THE~~

DEPARTMENT AND THE STATE DEPARTMENT OF EDUCATION THAT INCLUDE STANDARDS FOR:

(I) ROMAN SHADES, ROLL-UP SHADES, WOVEN SHADES, AND ALL WINDOW COVERINGS WITH EXPOSED AND UNSECURED CORDS;

(II) HORIZONTAL BLINDS, CELLULAR SHADES, AND ALL WINDOW COVERINGS THAT HAVE DRAW CORDS FOR THEIR OPERATION; AND

(III) VERTICAL BLINDS AND OTHER WINDOW COVERING PRODUCTS WITH LOOPS UTILIZED IN THEIR OPERATION.

(3) IF A PERSON FAILS TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION (C)(2) OF THIS SECTION, THE APPROPRIATE AGENCY MAY REQUIRE REPLACEMENT OF EXISTING WINDOW COVERINGS WITH CORDLESS WINDOW COVERINGS.

5-525.

(j) The Administration shall adopt regulations that:

(1) establish goals and specify permanency planning procedures that:

(i) maximize the prospect for reducing length of stay in out-of-home placement in the best interests of children; and

(ii) implement the intent of this section;

(2) prohibit a local department from seeking the custody or guardianship of a child for placement in foster care solely because the child's parent or guardian lacks shelter or has a disability or solely because the child's parents are financially unable to provide treatment or care for a child with a developmental disability or mental illness;

(3) specify the compelling reasons for placing a child in a local jurisdiction other than the local jurisdiction where the child's parent or guardian resides, under subsection (f)(3)(ii) of this section;

(4) require the local department to make appropriate referrals to emergency shelter and other services for families with children who lack shelter;

(5) establish criteria for investigating and approving foster homes, **INCLUDING REQUIREMENTS FOR ~~CORDLESS~~ WINDOW COVERINGS IN ACCORDANCE WITH § 5-505 OF THIS SUBTITLE;** and

(6) for cases in which the permanency plan recommended by the local department or under consideration by the court includes appointment of a guardian and rescission of the local department's custody or guardianship of a child:

(i) establish criteria for investigating and determining the suitability of prospective relative or nonrelative guardians; and

(ii) require the filing of a report with the court as provided in § 3-819.2 of the Courts Article.

5-551.

(a) The Department shall adopt regulations that relate to the registration of family day care homes.

(b) So far as practicable, the regulations shall be uniform with the rules and regulations adopted by other State agencies as those rules and regulations relate to other types of day care.

(c) At a minimum, the regulations of the Department shall provide for:

(1) minimum standards of environmental health and safety, including provisions for:

(i) adequate and safe physical surroundings, **INCLUDING REQUIREMENTS FOR ~~CORDLESS~~ WINDOW COVERINGS IN ACCORDANCE WITH § 5-505 OF THIS SUBTITLE;**

(ii) the physical and mental health of day care providers; and

(iii) investigation of any criminal record of a day care provider;

5-573.

(a) The State Superintendent shall adopt rules and regulations for licensing and operating child care centers.

(b) These rules and regulations shall:

(9) (i) require that a child care center that receives notice of a contaminated drinking water supply from the child care center's supplier of water, in accordance with § 9-410 of the Environment Article or otherwise, send notice of the drinking water contamination to the parent or legal guardian of each child attending the child care center; and

(ii) require that the notice sent by the child care center shall:

1. be sent within 10 business days after receipt of the notice of contamination from the child care center's water supplier;
2. be in writing;
3. identify the contaminants and their levels in the center's water supply; and
4. describe the child care center's plan for dealing with the water contamination problem until the child care center's water is determined by the appropriate authority to be safe for consumption; [and]

(10) (i) require a child care center to have a written emergency preparedness plan for emergency situations that require evacuation, sheltering in place, or other protection of children, such as in the event of fire, natural disaster, or other threatening situation that may pose a health or safety hazard to the children in the child care center;

(ii) require the plan under item (i) of this item to include:

1. a designated relocation site and evacuation route;
2. procedures for notifying parents or other adults responsible for the child of the relocation;
3. procedures to address the needs of individual children, including children with special needs;
4. procedures for the reassignment of staff duties during an emergency, as appropriate; and
5. procedures for communicating with local emergency management officials or other appropriate State or local authorities; and

(iii) require a child care center to train staff and ensure that staff are familiar with the plan; **AND**

(11) REQUIRE A CHILD CARE CENTER TO HAVE ~~CORDLESS~~ WINDOW COVERINGS IN ACCORDANCE WITH § 5-505 OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.