STATE OF NEW YORK

6962

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to requiring all new and renovated playgrounds be accessible to all children

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "no child left out inclusive playgrounds act".

§ 2. Section 399-dd of the general business law, as added by chapter 519 of the laws of 2006, and subdivision 2 as amended by section 38 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

§ 399-dd. Construction or installation of playground or playground equipment. 1. Definitions relative to playground safety. For the purposes of this section, the term "playground" means an improved area designed, equipped, and set aside for play of six or more children which is not intended for use as an athletic playing field or athletic court, and shall include any play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures.

2. The department of state, in consultation with the office of parks, recreation and historic preservation, shall promulgate rules and regulations for the design, installation, inspection and maintenance of playgrounds and playground equipment. Those regulations shall substantially comply with the guidelines and criteria which are contained in the handbook for public playground safety produced by the United States consumer products safety commission or any successor **and the provisions provided in subdivision four of this section**. The rules and regulations shall include special provisions for playgrounds appropriate for children within the range of ages in day care settings.

3. (a) No person, firm, corporation, or other legal entity which constructs, assembles or installs a playground or playground equipment shall construct, assemble, or install in this state such playground or

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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playground equipment unless such playground or playground equipment shall conform to the requirements of those rules and regulations promulgated pursuant to this section.

(b) Playgrounds or playground equipment constructed upon one, two and three-family residential real property are exempt from the requirements of this section.

4. **(a) All newly built or renovated public playgrounds in New York state shall be accessible and inclusive for children with disabilities.**

(b) Any municipality or private entity not exempt under paragraph (b) of subdivision three of this section intending to build a new or renovate an existing playground shall consult with local disability advocacy groups during the design phase to ensure that community needs are met to the fullest extent practicable.

(c) All newly built or renovated public playgrounds shall, at minimum, have the following accommodations, which shall meet any applicable federal or state accessibility standards:

(i) accessible surfacing materials, which must be able to accommodate mobility devices on level paths, where possible, to and from the playground and equipment, parking areas, and park buildings, such as restrooms or offices;

(ii) transfer stations or ramps to enable children to engage with the available equipment;

(iii) at least one wheelchair-accessible swing, if swing set is present; and

(iv) sensory play areas.

(d) Once playground construction is completed, there shall be an inspection pursuant to the rules and regulations promulgated in subdivision two of this section to ensure such playground is compliant with this subdivision and any applicable state or federal accessibility standards prior to opening to the public.

(e) No provision of this subdivision shall be construed to impose the standards of this subdivision to existing playgrounds which are not undergoing renovations.

5. Whenever the attorney general shall believe from [~~evidence~~] satisfactory [~~to him~~] **evidence** that any person, firm, corporation or association or agent or employee thereof has violated any provision of this section, [~~he~~] **the attorney general** may bring an action in the supreme court of the state of New York for a judgment enjoining the continuance of such violation and for a civil penalty of not more than one thousand dollars for each violation, except that the court may impose a civil penalty of not more than ten thousand dollars if the violation is knowing and willful. If it shall appear to the satisfaction of the court or justice that the defendant has violated any provision of this section, no proof shall be required that any person has been injured thereby nor that the defendant knowingly or intentionally violated such provision. In such action preliminary relief may be granted under article sixty-three of the civil practice law and rules. Before any violation of this section is sought to be enjoined, the attorney general shall be required to give the person against whom such proceeding is contemplated notice by certified mail and an opportunity to show in writing within five business days after receipt of notice why proceedings should not be instituted against [~~him~~] **such person**, unless the attorney general shall find, in any case in which [~~he seeks~~] preliminary relief **is sought**, that to give such notice and opportunity is not in the public interest.

§ 4. This act shall take effect January 1, 2026.