

# 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 Assem-  
bly, do enact as follows:

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

3 § 2. Section 399-dd of the general business law, as added by chapter  
4 519 of the laws of 2006, and subdivision 2 as amended by section 38 of  
5 part A of chapter 62 of the laws of 2011, is amended to read as follows:

6 § 399-dd. Construction or installation of playground or playground  
7 equipment. 1. Definitions relative to playground safety. For the  
8 purposes of this section, the term "playground" means an improved area  
9 designed, equipped, and set aside for play of six or more children which  
10 is not intended for use as an athletic playing field or athletic court,  
11 and shall include any play equipment, surfacing, fencing, signs, inter-  
12 nal pathways, internal land forms, vegetation, and related structures.

13 2. The department of state, in consultation with the office of parks,  
14 recreation and historic preservation, shall promulgate rules and regu-  
15 lations for the design, installation, inspection and maintenance of  
16 playgrounds and playground equipment. Those regulations shall substan-  
17 tially comply with the guidelines and criteria which are contained in  
18 the handbook for public playground safety produced by the United States  
19 consumer products safety commission or any successor and the provisions  
20 provided in subdivision four of this section. The rules and regulations  
21 shall include special provisions for playgrounds appropriate for chil-  
22 dren within the range of ages in day care settings.

23 3. (a) No person, firm, corporation, or other legal entity which  
24 constructs, assembles or installs a playground or playground equipment  
25 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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1 playground equipment unless such playground or playground equipment  
2 shall conform to the requirements of those rules and regulations promul-  
3 gated pursuant to this section.

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

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

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

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

17 (i) accessible surfacing materials, which must be able to accommodate  
18 mobility devices on level paths, where possible, to and from the play-  
19 ground and equipment, parking areas, and park buildings, such as rest-  
20 rooms or offices;

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

23 (iii) at least one wheelchair-accessible swing, if swing set is pres-  
24 ent; and

25 (iv) sensory play areas.

26 (d) Once playground construction is completed, there shall be an  
27 inspection pursuant to the rules and regulations promulgated in subdivi-  
28 sion two of this section to ensure such playground is compliant with  
29 this subdivision and any applicable state or federal accessibility stan-  
30 dards prior to opening to the public.

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

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

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