S T A T E O F N E W Y O R K

812--B

Cal. No. 47

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ROSENTHAL, DINOWITZ, GUNTHER, MILLMAN, ROBINSON, WEPRIN, BUCHWALD, JAFFEE, ROBERTS -- Multi-Sponsored by -- M. of A. ARROYO, CLARK, COOK, ENGLEBRIGHT, MAGEE, PERRY, SCHIMEL -- read once and referred to the Committee on Children and Families -- reported and referred to the Committee on Codes -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT in relation to establishing Brendan's law; and to amend the social services law, in relation to requiring cordless window coverings in child day care centers, public institutions for children and certain other facilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act shall be known and may be cited as "Brendan's Law".

S 2. The social services law is amended by adding a new section 390-i to read as follows:

S 390-I. CORDLESS WINDOW COVERINGS REQUIRED. 1. FOR PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE MEANINGS SET FORTH BELOW:

(A) "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.

(B) "CORD LOOP" MEANS A CURVING OR DOUBLING OF A BEADED CHAIN OR CORD TO FORM A CLOSED LOOP.

(C) "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;

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

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(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.

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

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

(F) "WAND" MEANS A ROD USED TO:

(I) ROTATE A VERTICAL BLIND; OR

(II) TILT A HORIZONTAL BLIND.

2. ANY AGENCY BOARDING HOME, GROUP HOME, CHILD DAY CARE CENTER, PUBLIC INSTITUTION FOR CHILDREN, OR ANY AUTHORIZED AGENCY NOT INCLUDING A FOSTER HOME, FAMILY DAY CARE CENTER OR GROUP FAMILY DAY CARE CENTER INSTALLING NEW OR REPLACEMENT WINDOW COVERINGS ON OR AFTER OCTOBER FIRST, TWO THOUSAND SIXTEEN, SHALL INSTALL CORDLESS WINDOW COVERINGS OR WINDOW COVERINGS WITH INACCESSIBLE OPERATIONAL AND INNER CORDS.

3. ANY AGENCY BOARDING HOME, GROUP HOME, CHILD DAY CARE CENTER, OR PUBLIC INSTITUTION FOR CHILDREN OR ANY AUTHORIZED AGENCY NOT INCLUDING A FOSTER HOME, FAMILY DAY CARE CENTER OR GROUP FAMILY DAY CARE CENTER THAT HAS WINDOW COVERINGS IN PLACE BEFORE OCTOBER FIRST, TWO THOUSAND SIXTEEN, SHALL MEET MINIMUM SAFETY STANDARDS ESTABLISHED IN REGULATIONS JOINTLY ADOPTED BY THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES AND THE DEPARTMENT OF EDUCATION THAT INCLUDE STANDARDS FOR:

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

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

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

4. IF A PERSON FAILS TO COMPLY WITH THE REQUIREMENTS OF SUBDIVISION THREE OF THIS SECTION, THE AUTHORIZED AGENCY MAY REQUIRE REPLACEMENT OF EXISTING WINDOW COVERINGS WITH CORDLESS WINDOW COVERINGS OR WINDOW COVERINGS WITH INACCESSIBLE OPERATIONAL AND INNER CORDS.

S 3. This act shall take effect October 1, 2016. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.