STATE OF NEW YORK

2150

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. L. ROSENTHAL, DINOWITZ, GUNTHER, WEPRIN, FAHY -- Multi-Sponsored by -- M. of A. COOK, ENGLEBRIGHT, PERRY -- read once and referred to the Committee on Children and Families

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 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".

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

§ 390-m. 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 cord with a series of small spheres, typically made of metal or plastic.

(b) "Cord loop" means a loop formed by an inner cord that does not diminish in size when the force used to create the loop is removed.

(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 4 inches in diameter resulting in a 12-inch maximum circumference;

(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.

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

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(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 rigid material used for manual operation.

2. Any child day care center as defined in paragraph (c) of subdivision one of section three hundred ninety of this title or any authorized agency as defined in paragraph (a) of subdivision ten of section three hundred seventy-one of this title including any agency boarding home or group home installing new or replacement window coverings shall install cordless window coverings or window coverings with inaccessible operational and inner cords.

3. Any child day care center as defined in paragraph (c) of subdivision one of section three hundred ninety of this title or any authorized agency as defined in paragraph (a) of subdivision ten of section three hundred seventy-one of this title including any agency boarding home or group home that has window coverings in place prior to the effective date of this section, shall meet the requirements of ANSI/WCMA A 100.1-2018 or any successor standard thereto, including 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 exposed 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.

5. If the installation of a cordless window covering or window covering with inaccessible operational and inner cords is either impossible because such window coverings are unavailable or impracticable due to the window size, height or shape, then non-cordless window covering products that meet the requirements of ANSI A100.1-2018 or any successor standard adopted in accordance with ANSI procedures shall be deemed to meet the requirements of subdivision three of this section, provided that the impossibility or impracticability is documented by at least two people or entities located in this state that engage in the business of selling window treatments.

§ 3. This act shall take effect twenty-four months after it shall have become a law. 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 to be made and completed on or before such effective date.