HOUSE BILL REPORT
SHB 1256

As Passed House:
February 21, 2007

Title: An act relating to preventing serious injury and strangulation from window blind cords or other significant safety hazards in child care settings.

Brief Description: Preventing serious injury and strangulation from window blind cords or other significant safety hazards in child care settings.

Sponsors: By House Committee on Early Learning & Children's Services (originally sponsored by Representatives Dickerson, Kagi, Hunter, O'Brien and Ericks).

Brief History:
Committee Activity:
Early Learning & Children's Services: 2/2/07, 2/9/07 [DPS].
Floor Activity:
Passed House: 2/21/07, 95-1.

Brief Summary of Substitute Bill

- Prohibits the use of window blinds or other window coverings with certain types of pull cords that may pose a risk of strangulation to young children in child care settings.

- Requires periodic review of minimum requirements related to safety of child care settings.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Kagi, Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton, Hinkle, Pettigrew and Roberts.

Staff: Chris Alejano (786-7115).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The U.S. Consumer Product Safety Commission (CPSC) is charged with protecting the public from unreasonable risks of serious injury or death from more than 15,000 types of consumer products under the agency's jurisdiction. Among the current products on the CPSC's most wanted list are lane cedar chests, old cribs, and window blinds.

Since 1991, the CPSC received reports of 174 strangulations involving cords on window blinds: 152 strangulations involved the outer pull cords, which raise and lower the blind, and 22 involved the inner cords that run through the blind slats. The Window Covering Safety Council (WCSC) in cooperation with the CPSC, recalled millions of window plans with pull cords and inner cords that can form a loop and cause strangulation. In addition, window covering manufacturers have produced redesigned products to reduce cord hazards.

The Department of Early Learning (DEL) is responsible for establishing the minimum child care licensing requirements related to the safety of child care premises. Licensed child care providers must maintain the building, equipment, and premises in a safe manner that protects children from injury hazard. Among those hazards are burns, drowning, choking, and cuts.

In early December 2005, Jaclyn Frank, an 18-month-old baby girl from Washington, got caught in the cords of a blind inside the residential day care home where she was being cared for and died from strangulation. The owner of the day care was unaware that the blinds near the crib where Jaclyn was sleeping could have strangled the baby.

Summary of Substitute Bill:

An additional safety requirement for child care licensing is added to address the safety of window coverings. The prohibition of the use of window blinds or other window coverings with pull cords or inner cords capable of forming a loop and posing a risk of strangulation to young children is added to the minimum safety requirements for child care licensing. Window blinds and other coverings that have been manufactured or properly retrofitted for safety are not prohibited.

The Department of Early Learning will consider the Consumer Product Safety Commission's most wanted list of child safety recommendations when developing and reviewing the minimum requirements related to safety of child care settings. In addition, the DEL may provide information regarding reduced or no-cost options for retrofitting or replacing unsafe window blinds or coverings. When facilities must replace window coverings to meet licensing requirements, the DEL may provide a grant to cover those costs.

The bill will be known and cited as the Jaclyn Frank Act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) The bill is important to prevent other children from dying as a result of window blind cords and assure parents that their children are safe in child care provider settings. The bill serves as accomplishing something positive from a negative situation. The bill will help keep children safe.

(With concerns) The bill needs clarification on what is considered part of the child care premises, particularly for day care homes that have areas or rooms that may not be part of the formal child care facility. There needs to be clarification on what retrofit kits do or make available clear options for providers so that they can properly make their blinds safe. The Department of Early Learning should be tasked to adopt regulations around window cords through the negotiated rule making process. The retrofit kit is a good start, but there are deaths that continue to occur even with the retrofit. The bill should specify no window blind cords only in rooms where children sleep, so it does not burden providers who have other rooms on the premises that have window blinds and where children are not permitted to go.

(Opposed) The language of the bill is not clear and this is better addressed under rules and regulations for child care providers.

Persons Testifying: (In support) Representative Dickerson, prime sponsor; Michele Frank, Eesa Thompson, Suzanne Skerjane, and Molly Huard, Jaclyn Frank Organization; Margo Logan and Stu Jacobson, Washington Parents for Safe Child Care.

(With concerns) Pat Dickason, Washington Association of Education for Young Children.

(Opposed) Sue Winn and Donna Horne, Washington State Family Child Care Association.

Persons Signed In To Testify But Not Testifying: None.