

BILL ANALYSIS

C.S.H.B. 4127
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The statute governing compliance with safety standards for publicly funded playgrounds, enacted in 1995, references a standard published in the Handbook for Public Playground Safety published in 1994 by the United States Consumer Product Safety Commission (Publication No. 325).

Today, the standard that is recognized and followed by the industry is set by the American Society of Testing and Materials (ASTM). All reputable manufacturers design and manufacture to this standard. It is also recognized worldwide by foreign manufacturers. Current law relating to playground design requires adherence to an outdated 15-year-old standard that is no longer recognized by the industry.

C.S.H.B 4127 requires all publicly funded playgrounds to be built to comply with the ASTM playground safety standards as currently promulgated.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4127 amends the Health and Safety Code to extend from on or after September 1, 1997, to on or after September 1, 2009, the date by which playground equipment is required to meet certain safety standards to qualify for public funds. The bill requires playground equipment to comply with ASTM Standard F1487-07ae1, "Consumer Safety Performance Specification for Playground Equipment for Public Use," published by ASTM International in order for public funds to be used for its purchase. The bill requires surfacing for the area under and around playground equipment to comply with ASTM F2223-04e1, "Standard Guide for ASTM Standards on Playground Surfacing," published by ASTM International in order for public funds to be used for its purchase.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 4127 differs from the original, in the provision prohibiting using public funds to purchase surface area under and around playground equipment, by prohibiting using the funds for the purchase if the surfacing will not comply, rather than will not substantially comply, with certain requirements. The substitute differs from the original by making technical and other nonsubstantive changes.