

PENNSYLVANIA CHILD SAFETY LEGISLATIVE REPORT

November 1, 2008

2007-2008 LEGISLATION SESSION

Legislation Enacted Into Law

Act 42 (House Bill 1612) Safe Cigarette Act providing for testing standards for cigarette fire safety, for certification of compliance by manufacturers, for package markings and for enforcement and penalties; establishing special funds and providing for sale of existing inventory; for manufacturers' sale to other states or foreign countries and for regulations and preemptions.

Passed by the House 7/2/08.

Passed by the Senate 7/3/08

Signed by the Governor 7/4/08

Act 87 (Senate Bill 684) Puts into law the current child death review process, defining its powers, responsibilities and duties, both at the state and local levels.

Passed by the House 10/8/08

Passed by the Senate 10/8/08

Signed by the Governor 10/8/08

Legislation Which Has Had Some Activity:

House Bill 2674 Amends Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining "interactive wireless communications device"; further providing for junior driver's license, for learners' permits and for suspension of operating privilege; prohibiting interactive wireless communications devices; and further providing for accident report forms, for department to compile, tabulate and analyze accident reports, for television equipment and for restraint systems.

Referred to Transportation 6/26/08

First consideration 9/16/08

Re-committed to Appropriations 9/17/08

House Bill 1144 This would allow eligible applicants up to \$1,000 tax credit from PA Department of Revenue to install a sprinkler system in residential occupancies up to and including four stories in height.

Re-referred to Finance 1/14/08

House Bill 1752 Provides education for parents relating to sudden infant death syndrome and sudden unexpected death of infants; establishing the Sudden Infant Death Syndrome Education and Prevention Program, and providing for duties of the Department of Health.

Passed the House 2/11/08

Referred to the Senate Aging & Youth Committee 2/14/08

Other Pending Legislation:

Child Abuse

House Bill 164 An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, increases penalty for sexual offenses against children, establish child protective zones whereby sexual predators may not frequent and other items.

Referred to the Judiciary Committee 2/1/07

House Bill 262 An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing, in child protective services, for definitions, for release of information in confidential reports, for investigating performance of county agency, for reports to the Governor and General Assembly, for services for prevention, investigation and treatment of child abuse and for reports to Department of Public Welfare and coroner.

Referred to Judiciary Committee 2/6/07

Senate Bill 219 An Act amending the act of March 10, 1949 (P.L. 30, No.14), known as the Public School Code of 1949, further providing for background checks of prospective employees and for disqualifications relating to teacher's certificate.

Passed the Senate 3/13/07

Referred to House Education Committee 3/19/07

Fire/Burns

House Bill 1740 An act requiring that cigarettes sold in this Commonwealth comply with the New York Fire Safety Standards for Cigarettes. Referred to Finance 7/13/07

Firearms

House Bill 608 An act providing for child firearm safety lock mechanisms. Promotes safe storage and use of hand guns by consumers. Seeks to prevent unauthorized persons from gaining access to or use of a hand gun, to avoid hindering industry from supplying law abiding citizens' firearms for all lawful purposes and providing the training courses to covered employees and any other school entity employees.

Referred to Judiciary 3/6/07

House Bill 20 An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of access to firearms by minors; and imposing penalties. Would secure lock boxes and / or trigger locks for homes where children frequent.

Referred to Judiciary 1/30/07

House Bill 24 An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for firearm tracing. Recovered firearms from unauthorized people under 21 years old would be traced by local law enforcement agencies for origin.

Referred to Judiciary Committee 1/30/07

Motor Vehicle

House Bill 246 An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring that children 4 – 17 years old be required to be in appropriate child passenger restraint system.

Referred to Judiciary 2/6/07

House Bill 163 An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for junior driver's license, for learners' permits, for suspension of operating privilege and for restraint systems. Limits junior drivers to 1 passenger under 10 years old except siblings or relations who live in the same dwelling.

First Consideration 9/17/07

Re-committed to Appropriations 10/15/07

House Bill 133 An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting drivers with learner's permits or junior drivers licenses to use a mobile phone while driving.

Referred to Transportation 1/31/07

House Bill 945 An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for protective equipment for motorcycle riders.

Referred to Transportation 3/29/07

Senate Bill 41 An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting children under 10 years old from riding in the front seat of passenger vehicles. Allows a child under 10 years old to ride in the front seat, if the back seat has 3 younger children than he/she.

Referred to Transportation 2/7/07

Senate Bill 1098 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting drivers under 18 years old from using mobile phones.

Referred to Transportation 9/28/07

Senate Bill 360 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for general requirements for safety belts on school buses.

Referred to Transportation 3/12/07

Poisonings

House Bill 137 An Act providing for lead-level testing of playgrounds, schools and parks; and making an appropriation. The Department of Health will be conducting the testing.

Referred to Health and Human Services 1/31/07

Senate Bill 40 An Act providing for lead-level testing of child day-care and preschool facilities; establishing a grant program; and making an appropriation. The Department of Health will be conducting the testing.

Referred to Health and Human Services 2/7/07

Violence

House Bill 127 An Act amending the act of March 10, 1949 (P.L. 30, No.14), known as the Public School Code of 1949, further providing for Office for Safe Schools. Adds silent alert buttons as a requirement.

Referred to Education 1/31/07

House Bill 138 Would amend the public school code to require mandatory instruction in prevention of violence in society in general and schools in particular in every grade K-12.

Referred to Education 1/31/07

Senate Bill 71 An Act amending the act of March 10, 1949 (P.L. 30, No.14), known as the Public School Code of 1949, further providing for Office for Safe Schools; and requiring the establishment of policies relating to bullying.

Passed the Senate 3/12/07

Re-referred to Appropriations 4/23/07

To view these bills

Check the Pennsylvania General Assembly website www.legis.state.pa.us

Under "Find..." "Legislation" click on "Session Information".

Enter bill #, e.g. H3570, in the empty space.

Click on "Bill Number".

Federal Legislation

The Virginia Graeme Baker Pool and APA Safety Act of 2007 was signed into law on December 19, 2007 by President George W. Bush. The Act will be administered by the U.S. Consumer Product Safety Commission. The Act includes:

- Mandatory Federal Requirements for Entrapment Avoidance.** By December 20, 2008 the Act requires:
 - **Safety Drain Covers.** Each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the American National Standard ASME A112.19.8 – 2007 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs published by the American Society of Mechanical Engineers (ASME). Compliance with this Standard will be enforced by the CPSC as a consumer product safety rule.
 - **Public Pool Drain Covers.** Each public pool and spa (as defined), both new and existing, shall be equipped with drain covers conforming to the ASME/ANSI A112.198.8 – 2007 Standard described above.

- **Public Pool Drain Systems.** Each public pool and spa (pump) with a single main drain, other than an unblockable drain, shall be equipped with one or more additional devices or systems designed to prevent suction entrapment that met the requirements of any applicable ASME/ANSI Standard or applicable consumer product safety rule. In addition to a compliant drain cover, such additional devices or systems include a safety vacuum release system (SVRS), or suction limiting vent system, or gravity drainage system, or automatic pump shutoff system, or drain disablement, or other system determined by the CPSC to be equally effective in preventing suction entrapment.

ANSI/APSP-7 Standard Exceeds Federal Requirements. All pools and spas configured to comply with ANSI/APSP-7 *American National Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Catch Basins* will comply with each of these mandatory requirements.

2. **Voluntary Grant Program for States.** The CPSC will also establish and administer a grant program for eligible states. A sum of \$2 million is authorized to be appropriated to the CPSC for each of the fiscal years 2009 and 2010. In order to be eligible for a grant, a state must impose certain requirements by statute, including:

- **Barriers.** The enclosure of all outdoor residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access:
- **Suction Entrapment Avoidance.**
 - New.** Each pool and spa built more than one year after enactment of the state statute shall employ one of the following:
 - The installation of more than one safety drain per suction system, or
 - The installation of one or more unblockable drains, or
 - No drains
 - Existing.** In addition to a compliant drain cover, each pool or spa with a single drain, other than an unblockable drain, shall be equipped with one or more of the following safety options – a safety vacuum release system (SVRS), or suction limiting vent system, or gravity drainage system, or automatic pump shut-off system, or drain disablement, or other system determined by the CPSC to be equally effective in preventing suction entrapment.
- **Funding.** The grant program directs state recipients to use grant funding to:
 - Hire and train enforcement personnel and
 - Educate pool companies, pool owners and operators, and other members of the public about the standards contained in the Act and about the prevention of drowning or entrapment of children.

ANSI/APSP-7 Standard Exceeds Federal Requirements. All pools and spas configured to comply with the ANSI/APSP-7 Standard will conform to these provisions and any state

that adopts the Standard will meet the Act's minimum state requirements. This ANSI/APSP-7 Standard is the only comprehensive approach to engineering swimming pools and spas to avoid all five suction entrapment hazards; hair entrapment, limb entrapment, body suction entrapment, evisceration/disembowelment, and mechanical entrapment. The design requirements and construction practices in this Standard are based upon sound engineering principles, research, and field experience that, when applied properly, provide for a safe installation that exceeds the requirements of the Act.

3. Public Safety Education. The Act requires the CPSC to establish and carry out a public education program on methods to prevent drowning and entrapment in pools and spas. \$5 million is authorized to be appropriated for each of the fiscal years 2008-2012 to carry out the education program.