



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5623

Introduced 2/15/2012, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

New Act

Creates the Kids Play Safe Act. Declares certain conditions involving indoor play structures to be public nuisances dangerous to the public health. Provides that when a nuisance, unsanitary condition, or cause of sickness exists on private property, the county or municipal board of health or the local health department shall order the owner or occupant to remove it at his or her own expense within 24 hours. Provides that any person who violates the provisions concerning the removal of a nuisance, unsanitary condition, or cause of sickness from private property is guilty of a Class C misdemeanor and shall pay a fine of not more than \$500. Provides that (i) an owner or operator of a food establishment with an indoor play area who has knowledge of an unsanitary condition or a maintenance problem and who fails to take corrective measures within 24 hours after he or she has knowledge of the unsanitary condition or maintenance problem and (ii) a member of a board of health or an officer of a local health department who with criminal negligence fails or refuses to perform a duty established pursuant to the Act are guilty of a Class C misdemeanor.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Kids
5 Play Safe Act.

6 Section 5. Definitions. In this Act:

7 "Child" means an unemancipated person under 18 years of
8 age.

9 "Disinfect" means to use heat, chemical agents, or
10 germicidal solutions to disinfect and reduce pathogen counts,
11 including bacteria, viruses, mold, and fungi.

12 "Food establishment" means an operation that stores,
13 prepares, packages, serves, vends, or otherwise provides food
14 for human consumption.

15 "Local" means under the jurisdiction of a municipality or a
16 county in this State.

17 "Person" means an association or corporation, individual,
18 partnership, or other legal entity, government, or government
19 subdivision or agency.

20 "Play area" means a specific indoor space or room
21 designated for use by children.

22 "Prepare" means to process commercially for human
23 consumption by manufacturing, packaging, labeling, cooking,

1 assembling, and serving.

2 "Sanitary" means clean, healthy, and not deleterious to
3 health, including, but not limited to, the absence of refuse,
4 dust, dirt, filth, waste products subject to decomposition, and
5 all other foreign or infectious contamination.

6 "Safe" means secure from liability to harm, injury, danger,
7 or risk.

8 "Structure" means any article that is used for play, such
9 as tunnels, slides, tunnels, ladders, stairs, steps, nets, ropes,
10 inflatables, trampolines, and accessories.

11 Section 10. Public nuisances dangerous to public health.
12 The following conditions are specifically declared public
13 nuisances dangerous to the public health:

14 (1) Any indoor play structure in which children play,
15 climb, or slide that is not constantly maintained in a
16 sanitary condition.

17 (2) Buildings or any parts of buildings in which
18 children play, climb, or slide that are in a filthy
19 condition and that may endanger public health.

20 (3) Any establishment or business with an indoor play
21 structure or children's play area in which children play,
22 climb, slide, jump, or ride that is not properly
23 disinfected.

24 (4) Any establishment or business with an indoor play
25 structure or children's play area in which children play,

1 climb, slide, or ride that is not maintained in a safe way.

2 Section 15. Abatement of nuisances, unsanitary conditions,
3 and causes of sickness; civil penalty; property assessment;
4 procedure. When a nuisance, unsanitary condition, or cause of
5 sickness exists on private property, the county or municipal
6 board of health or the local health department shall order the
7 owner or occupant to remove it at his or her own expense within
8 24 hours after the order has been given. The order may be given
9 to the owner or occupant personally or left at his or her usual
10 place of abode. If the owner or occupant does not comply with
11 the order within 24 hours after the order has been given, then
12 the county or municipal board of health or the local health
13 department shall cause the nuisance, unsanitary condition, or
14 cause of sickness to be removed, and the expenses of the
15 removal shall be paid by the owner, occupant, or other person
16 who caused the nuisance, unsanitary condition, or cause of
17 sickness. Any person who violates a provision of this Section
18 or a rule, order, instruction, or measure adopted pursuant to
19 this Act is guilty of a Class C misdemeanor and shall pay a
20 fine of not more than \$500.

21 Section 20. Maintaining unsanitary premises; violation;
22 classification.

23 (a) An owner or operator of a food establishment with an
24 indoor play area who has knowledge of an unsanitary condition

1 or maintenance problem and who fails to take corrective
2 measures within 24 hours after he or she has knowledge of the
3 an unsanitary condition or maintenance problem is guilty of a
4 Class C misdemeanor.

5 (b) A member of a board of health or an officer of a local
6 health department who with criminal negligence fails or refuses
7 to perform a duty established pursuant to this Act is guilty of
8 a Class C misdemeanor.