

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**No. **934** Session of  
2019

INTRODUCED BY LAUGHLIN, FONTANA, SCHWANK, L. WILLIAMS, KEARNEY,  
TARTAGLIONE, YUDICHAK, ARGALL, YAW, MENSCH, MASTRIANO,  
PITTMAN, SABATINA, KILLION, COLLETT, BLAKE, K. WARD, LEACH,  
VOGEL, SCARNATI, PHILLIPS-HILL, BROOKS, REGAN, COSTA,  
BARTOLOTTA, AUMENT, DiSANTO, BREWSTER, STEFANO, BOSCOLA,  
HAYWOOD, BAKER, HUGHES, SCAVELLO, J. WARD, GORDNER, MARTIN,  
A. WILLIAMS AND MUTH, NOVEMBER 12, 2019

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES,  
AS AMENDED, MAY 27, 2020

## AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An  
2 act to consolidate, editorially revise, and codify the public  
3 welfare laws of the Commonwealth," in departmental powers and  
4 duties as to licensing, further providing for right to enter  
5 and inspect.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 1016 of the act of June 13, 1967 (P.L.31,  
9 No.21), known as the Human Services Code, is amended to read:

10 Section 1016. Right to Enter and Inspect.--(a) For the  
11 purpose of determining the suitability of the applicants and of  
12 the premises or whether or not any premises in fact qualifies as  
13 a facility as defined in section 1001 of this act or the  
14 continuing conformity of the licensees to this act and to the  
15 applicable regulations of the department, any authorized agent  
16 of the department shall have the right to enter, visit and

1 inspect any facility licensed or requiring a license under this  
2 act and shall have full and free access to the records of the  
3 facility and to the individuals therein and full opportunity to  
4 interview, inspect or examine such individuals.

5 (b) An authorized agent of the department shall also confer  
6 with the operators of facilities regarding the minimum standards  
7 of the department, encourage the adoption of higher standards  
8 and recommend methods of improving care and services.

9 (c) All child care centers and family child care homes shall  
10 have a fire detection device or system that is operable and  
11 properly maintained at all times in compliance with the act of  
12 April 27, 1927 (P.L.465, No.299), referred to as the "Fire and  
13 Panic Act," the act of November 10, 1999 (P.L.491, No.45), known  
14 as the "Pennsylvania Construction Code Act," and applicable  
15 regulations. The following shall apply:

16 (1) To verify operability, a child care center or a family  
17 child care home shall manually test all fire detection devices  
18 or systems at least once every thirty days and shall maintain a  
19 written record of the testing with the facility's fire drill  
20 logs. Operability shall also be demonstrated during the  
21 department's annual inspection.

22 (2) If a fire detection device or system cannot be tested  
23 every thirty days, the child care center or family child care  
24 home shall have the device or system tested at least annually by  
25 a fire safety professional and shall maintain written  
26 documentation of the test results with the facility's fire drill  
27 logs. The documentation shall be on the fire safety  
28 professional's letterhead.

29 (3) A child care center or family child care home shall keep  
30 the proof and date of purchase of an interconnected fire

1 detection device or system with the facility's fire drill logs.

2 (4) The department's certification staff shall conduct a  
3 visual inspection of the child care center or family child care  
4 home to identify whether the child care center or family child  
5 care home may not be in compliance with fire safety requirements  
6 with respect to smoke detectors under the "Fire and Panic Act"  
7 and the "Pennsylvania Construction Code Act." Upon inspection  
8 under this section, notice of any suspected failure to satisfy  
9 the safety requirements of this subsection in a child care  
10 center or family child care home shall be provided to the  
11 building code official charged by law or ordinance with the  
12 enforcement of safety requirements. Upon request by the  
13 department, the building code official shall furnish to the  
14 department the inspection reports and any other pertinent  
15 information with respect to the requirements of this subsection  
16 for a child care center or family child care home to ensure  
17 compliance with this section.

18 (5) FOR THE PURPOSES OF THIS SUBSECTION, THE TERM "CHILD <--  
19 CARE CENTER" SHALL INCLUDE FOR-PROFIT AND NONPROFIT CHILD CARE  
20 CENTERS IN THIS COMMONWEALTH.

21 Section 2. All regulations and parts of regulations are  
22 abrogated insofar as they are inconsistent with this act.

23 Section 3. This act shall take effect in ~~60~~ 120 days. <--