

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 439 Session of 2017

INTRODUCED BY FONTANA, BREWSTER, COSTA, HAYWOOD, HUGHES AND BROWNE, FEBRUARY 27, 2017

SENATOR SCHWANK, HEALTH AND HUMAN SERVICES, AS AMENDED, OCTOBER 17, 2017

AN ACT

1 Providing standards for carbon monoxide alarms in child care
2 facilities; and imposing penalties.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Carbon
7 Monoxide Alarm Standards in Child Care Facilities Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Approved carbon monoxide alarm." The term includes:

- 13 (1) A single or multiple station carbon monoxide alarm
14 listed as complying with the Standard for Single and Multiple
15 Station Carbon Monoxide Alarms (ANSI/UL2034) or a carbon
16 monoxide detector listed as complying with the Standard for
17 Gas and Vapor Detectors and Sensors (ANSI/UL2075) installed

1 in accordance with this act.

2 (2) A device that may be combined with a smoke alarm or
3 smoke detector if the combined smoke alarm or detector meets
4 all of the following:

5 (i) Complies with either of the following:

6 (A) The Standard for Single and Multiple Station
7 Carbon Monoxide Alarms (ANSI/UL2034) for carbon
8 monoxide alarms and the Standard for Single and
9 Multiple Station Smoke Alarms (ANSI/UL217) for smoke
10 alarms.

11 (B) The Standard for Gas and Vapor Detectors and
12 Sensors (ANSI/UL2075) for carbon monoxide detectors
13 and the Standard for Safety for Smoke Detectors for
14 Fire Alarm Systems (ANSI/UL268) for smoke detectors.

15 (ii) Emits an alarm in a manner that clearly
16 differentiates between detecting the presence of carbon
17 monoxide and the presence of smoke.

18 (3) A carbon monoxide detection system that includes
19 carbon monoxide detectors and audible notification appliances
20 that are installed and maintained in accordance with the
21 National Fire Alarm and Signaling Code (NFPA 72) and the
22 Standard for the Installation of Carbon Monoxide (CO)
23 Detection and Warning Equipment (NFPA 720) and are in
24 compliance with the Standard for Gas and Vapor Detectors and
25 Sensors (ANSI/UL2075).

26 ~~"Child care facility." Any of the following:~~

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27 ~~(1) A boarding home for children as defined under~~
28 ~~section 1001 of the act of June 13, 1967 (P.L.31, No.21),~~
29 ~~known as the Human Services Code.~~

30 ~~(2) A child day care center as defined under section~~

1 ~~1001 of the Human Services Code.~~

2 "CHILD CARE." CARE IN LIEU OF PARENTAL CARE GIVEN FOR PART <--
3 OF THE DAY TO A CHILD UNDER 16 YEARS OF AGE AWAY FROM THEIR OWN
4 HOME. THE TERM DOES NOT INCLUDE CHILD CARE FURNISHED IN PLACES
5 OF WORSHIP DURING RELIGIOUS SERVICES.

6 "CHILD CARE FACILITY." ANY OF THE FOLLOWING:

7 (1) A PREMISES IN WHICH CARE IS PROVIDED FOR A PERIOD
8 EXCEEDING TWENTY-FOUR HOURS FOR A CHILD UNDER 16 YEARS OF AGE
9 WHO IS NOT A RELATIVE OF THE OPERATOR AND WHO IS NOT
10 ACCOMPANIED BY A PARENT, INDIVIDUAL STANDING IN LOCO PARENTIS
11 OR LEGAL GUARDIAN. FOR PURPOSES OF THIS PARAGRAPH, THE TERM
12 DOES NOT INCLUDE A PREMISES SELECTED FOR CARE OF A CHILD BY A
13 PARENT, INDIVIDUAL STANDING IN LOCO PARENTIS OR LEGAL
14 GUARDIAN FOR A PERIOD OF 30 DAYS OR LESS OR A FACILITY
15 OPERATED UNDER SOCIAL SERVICE AUSPICES.

16 (2) A PREMISES IN WHICH CHILD CARE IS PROVIDED
17 SIMULTANEOUSLY FOR SEVEN OR MORE CHILDREN WHO ARE NOT
18 RELATIVES OF THE OPERATOR, EXCEPT A FACILITY OPERATED UNDER
19 SOCIAL SERVICE AUSPICES.

20 (3) A HOME WHERE CHILD CARE IS PROVIDED AT ANY TIME TO
21 NO LESS THAN FOUR CHILDREN AND NO MORE THAN SIX CHILDREN WHO
22 ARE NOT RELATIVES OF THE CAREGIVER.

23 ~~(3)~~ (4) A nursery school that is licensed and regulated <--
24 by the Commonwealth.

25 "Fossil fuel." Coal, kerosene, oil, wood, fuel gases and
26 other petroleum or hydrocarbon products which emit carbon
27 monoxide as a by-product of combustion.

28 "HUMAN SERVICES CODE." THE ACT OF JUNE 13, 1967 (P.L.31, <--
29 NO.21), KNOWN AS THE HUMAN SERVICES CODE.

30 "Installed." A carbon monoxide alarm that is hardwired into

1 the electrical wiring, directly plugged into an electrical
2 outlet without a switch, other than a circuit breaker, or, if
3 the alarm is battery-powered, attached to the wall or ceiling of
4 a unit of a child care facility, in accordance with the Standard
5 for the Installation of Carbon Monoxide (CO) Detection and
6 Warning Equipment (NFPA 720).

7 "Operational." Working and in service.

8 "Unit." A room or suite of two or more rooms that is
9 occupied as a residence, intended or designed to be occupied as
10 a residence, or is occupied by a client of a child care
11 facility.

12 Section 3. Administration.

13 Nothing in this act is intended to modify the authority and
14 responsibilities of the Department of Labor and Industry under
15 the act of November 10, 1999 (P.L.491, No.45), known as the
16 Pennsylvania Construction Code Act.

17 Section 4. Carbon monoxide alarm requirements.

18 ~~(a) Child care facilities. Each child care facility EACH~~ <--
19 BUILDING IN WHICH A CHILD CARE FACILITY IS IN OPERATION, which
20 uses a fossil fuel-burning heater or appliance, fireplace or an
21 attached garage, must have an operational, centrally located and
22 approved carbon monoxide alarm installed in the vicinity of the
23 fossil-fuel-burning heater or fireplace and in every unit that
24 is located on the same story as the fossil-fuel-burning heater
25 or appliance within 18 months of the effective date of this
26 section.

27 ~~(b) Maintenance, repair or replacement. The owner of a~~ <--
28 ~~child care facility is responsible for providing for the~~
29 ~~maintenance, repair or replacement of an approved carbon~~
30 ~~monoxide alarm or the care and replacement of batteries.~~

1 ~~Section 5. Enforcement.~~

2 ~~Willful failure to install or maintain in operating condition~~
3 ~~any approved carbon monoxide alarm required by this act is a~~
4 ~~summary offense punishable by a fine of up to \$50.~~

5 SECTION 5. LICENSURE. <--

6 (A) GENERAL RULE.--EXCEPT AS PROVIDED UNDER SUBSECTION (B),
7 THE DEPARTMENT OF HUMAN SERVICES MAY NOT ISSUE OR RENEW A
8 LICENSE FOR A CHILD CARE FACILITY SUPERVISED OR LICENSED UNDER
9 ARTICLE IX OR X OF THE HUMAN SERVICES CODE IF THE CHILD CARE
10 FACILITY FAILS TO MEET THE REQUIREMENTS UNDER SECTION 4.

11 (B) PROVISIONAL LICENSURE.--IF A CHILD CARE FACILITY
12 LICENSED UNDER ARTICLE X OF THE HUMAN SERVICES CODE IS NOT IN
13 COMPLIANCE WITH THE REQUIREMENTS OF SECTION 4, THE DEPARTMENT OF
14 HUMAN SERVICES MAY ISSUE A PROVISIONAL LICENSE IN ACCORDANCE
15 WITH SECTION 1008 OF THE HUMAN SERVICES CODE.

16 Section 6. Effective date.

17 This act shall take effect ~~immediately~~ IN 90 DAYS. <--