

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1107 Session of
2011

INTRODUCED BY WATSON, MUSTIO, MAJOR, MARSHALL, CALTAGIRONE,
BISHOP, BOBACK, CARROLL, COHEN, D. COSTA, DEASY, DONATUCCI,
J. EVANS, FARRY, GEIST, GIBBONS, GINGRICH, GOODMAN, HARKINS,
HORNAMAN, KAVULICH, KOTIK, KULA, MAHONEY, MCGEEHAN, MICOZZIE,
MILLARD, MILLER, MURT, MYERS, M. O'BRIEN, PETRI, PYLE,
REICHLEY, SWANGER, J. TAYLOR AND WAGNER, MARCH 17, 2011

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES, MARCH
17, 2011

AN ACT

1 Requiring carbon monoxide alarms in facilities serving care-
2 dependent persons; imposing powers and duties on the
3 Departments of Aging, Health and Public Welfare; and imposing
4 penalties.

5 The General Assembly finds and declares that:

6 (1) David and Regina Householder perished due to the
7 absence of carbon monoxide detectors in the assisted living
8 facility where they resided.

9 (2) Facilities that serve care-dependent persons should
10 be required to install carbon monoxide detectors to safeguard
11 such persons from exposure to dangerous levels of carbon
12 monoxide.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Short title.

16 This act shall be known and may be cited as the Care Facility

1 Carbon Monoxide Alarm Act.

2 Section 2. Definitions.

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

6 "Appropriate agency." Any of the following:

7 (1) For a domiciliary care home and an older adult daily
8 living center, the Department of Aging of the Commonwealth.

9 (2) For a long-term care nursing facility, the
10 Department of Health of the Commonwealth.

11 (3) For a personal care home and an assisted living
12 residence, the Department of Public Welfare of the
13 Commonwealth.

14 "Carbon monoxide alarm." A device to detect and sound an
15 alarm in the presence of carbon monoxide which:

16 (1) Bears the label of a nationally recognized standard
17 testing laboratory indicating that it is appropriate for its
18 intended use.

19 (2) Follows the 2009 Edition of the National Fire
20 Protection Association Standard for the Installation of
21 Carbon Monoxide (CO) Detection and Warning Equipment.

22 (3) Is installed and maintained in accordance with the
23 provisions of this act.

24 (4) Is tested in accordance with the manufacturer's
25 instructions, at least monthly.

26 "Care facility." Any of the following:

27 (1) A domiciliary care home as defined in section 2202-A
28 of the act of April 9, 1929 (P.L.177, No.175), known as The
29 Administrative Code of 1929.

30 (2) A long-term care nursing facility as defined in

1 section 802.1 of the act of July 19, 1979 (P.L.130, No.48),
2 known as the Health Care Facilities Act.

3 (3) An older adult daily living center as defined in
4 section 2 of the act of July 11, 1990 (P.L.499, No.118),
5 known as the Older Adult Daily Living Centers Licensing Act.

6 (4) A personal care home as defined in section 1001 of
7 the act of June 13, 1967 (P.L.31, No.21), known as the Public
8 Welfare Code.

9 (5) An assisted living residence as defined in section
10 1001 of the Public Welfare Code.

11 "Fossil fuel." Coal, kerosene, oil, fuel gases or other
12 petroleum or hydrocarbon product that emits carbon monoxide as a
13 by-product of combustion.

14 Section 4. Facility powers and duties.

15 (a) General rule.--Except as set forth in subsection (b), a
16 care facility shall be equipped with carbon monoxide alarms in
17 accordance with rules and regulations prescribed by the
18 appropriate agency. Combination smoke and carbon monoxide alarms
19 shall be permitted. Every facility building in which care is
20 provided and which has a fossil fuel-burning heater or
21 appliance, fireplace or an attached garage shall have an
22 approved operational carbon monoxide alarm installed within a
23 proximity determined by the appropriate agency to each room used
24 for sleeping purposes.

25 (b) Alarm system options.--A care facility may install any
26 one of the following three carbon monoxide alarm systems:

27 (1) A hardwired, single-station alarm in each room
28 containing a fuel-burning appliance and one at a constantly
29 attended location, including, but not limited to, a nurses'
30 station or security office. Upon activation of a device,

1 building personnel, including, but not limited to, a security
2 person or building engineer, who has the responsibility to
3 investigate the cause of the activation.

4 (2) A battery-powered, plug-in or hardwired carbon
5 monoxide alarm in each sleeping room. Occupants shall be
6 instructed that upon the activation of such device, they
7 shall remove everyone from the room and notify building
8 staff.

9 (3) A carbon monoxide detection system throughout a
10 building that is installed in the same manner as a fire alarm
11 system. If the facility has a fire alarm system, the carbon
12 monoxide detection system may be added to it. Activation of a
13 carbon monoxide detector on the system should not cause the
14 fire alarm to activate, but must send a signal to a
15 constantly attended location and a person shall then be
16 dispatched to investigate the cause of the activation.

17 (c) Exemption.--Subsection (a) does not apply if the
18 appropriate agency determines that no potential carbon monoxide
19 hazard exists for the facility.

20 (d) Regulations.--No later than six months after the
21 effective date of this section, the appropriate agencies shall
22 promulgate regulations to incorporate the requirements specified
23 in this act. Such regulations shall, at a minimum, provide for a
24 method to determine the appropriate number and placement of
25 carbon monoxide alarms and a procedure for application for
26 exemption under subsection (b). The Departments of Aging, Health
27 and Public Welfare shall work in consultation with the State
28 Fire Commissioner and State and local building code authorities
29 to ensure that the proposed regulations are consistent with
30 State and local building standards and codes. The agencies shall

1 cooperate to ensure that there is a baseline standardization of
2 regulations and shall recognize the need for specifications in
3 accordance with the nature and design of the facility buildings.

4 Section 5. Administrative penalties.

5 (a) General rule.--An appropriate agency shall impose an
6 administrative penalty of \$300 for each day a facility is in
7 operation and in violation of section 4(a).

8 (b) Administrative procedure.--This section is subject to 2
9 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of
10 Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial
11 review of Commonwealth agency action).

12 Section 6. Effective date.

13 This act shall take effect in one year.