

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2502 Session of
2022

INTRODUCED BY McNEILL, KINSEY, MADDEN, DELLOSO, HILL-EVANS,
SCHLOSSBERG, HOHENSTEIN, ISAACSON, SANCHEZ, NEILSON, CIRESI,
DEASY, WARREN, MERSKI, KENYATTA, BURGOS, CEPHAS, BOBACK,
DALEY, SHUSTERMAN, HOWARD, KIRKLAND, FREEMAN, SOLOMON,
D. WILLIAMS AND FARRY, APRIL 11, 2022

REFERRED TO COMMITTEE ON HEALTH, APRIL 11, 2022

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

1 Gas and Vapor Detectors and Sensors (ANSI/UL2075) installed
2 in accordance with this act.

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

6 (i) Complies with either of the following:

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

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

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

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

27 "Child care." Care in lieu of parental care given for part
28 of the day to a child under 16 years of age away from their own
29 home. The term does not include child care furnished in places
30 of worship during religious services.

1 "Child care facility." Any of the following:

2 (1) A premises in which child care is provided for a
3 period exceeding 24 hours for a child under 16 years of age
4 who is not a relative of the operator and who is not
5 accompanied by a parent, individual standing in loco parentis
6 or legal guardian. For purposes of this paragraph, the term
7 does not include a premises selected for care of a child by a
8 parent, individual standing in loco parentis or legal
9 guardian for a period of 30 days or less or a facility
10 operated under social service auspices.

11 (2) A premises in which child care is provided
12 simultaneously for seven or more children who are not
13 relatives of the operator, except a facility operated under
14 social service auspices.

15 (3) A home where child care is provided at any time to
16 no less than four children and no more than six children who
17 are not relatives of the caregiver.

18 (4) A nursery school that is licensed and regulated by
19 the Commonwealth.

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

23 "Human Services Code." The act of June 13, 1967 (P.L.31,
24 No.21), known as the Human Services Code.

25 "Installed." A carbon monoxide alarm that is hardwired into
26 the electrical wiring, directly plugged into an electrical
27 outlet without a switch, other than a circuit breaker, or, if
28 the alarm is battery-powered, attached to the wall or ceiling of
29 a unit of a child care facility, in accordance with the Standard
30 for the Installation of Carbon Monoxide (CO) Detection and

1 Warning Equipment (NFPA 720).

2 "Operational." Working and in service.

3 "Unit." A room or suite of two or more rooms that is
4 occupied as a residence, intended or designed to be occupied as
5 a residence, or is occupied by a client of a child care
6 facility.

7 Section 3. Administration.

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

12 Section 4. Carbon monoxide alarm requirements.

13 Each building in which a child care facility is in operation,
14 which uses a fossil-fuel-burning heater or appliance, fireplace
15 or an attached garage, must have an operational, centrally
16 located and approved carbon monoxide alarm installed in the
17 vicinity of the fossil-fuel-burning heater or fireplace and in
18 every unit that is located on the same story as the fossil-fuel-
19 burning heater or appliance within 18 months of the effective
20 date of this section.

21 Section 5. Licensure.

22 (a) General rule.--Except as provided under subsection (b),
23 the Department of Human Services may not issue or renew a
24 license for a child care facility supervised or licensed under
25 Article IX or X of the Human Services Code if the child care
26 facility fails to meet the requirements under section 4.

27 (b) Provisional licensure.--If a child care facility
28 licensed under Article X of the Human Services Code is not in
29 compliance with the requirements of section 4, the Department of
30 Human Services may issue a provisional license in accordance

- 1 with section 1008 of the Human Services Code.
- 2 Section 6. Effective date.
- 3 This act shall take effect in 90 days.