

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 264 Session of 2015

INTRODUCED BY MUSTIO, WATSON, READSHAW, HENNESSEY, D. COSTA, MAJOR, KILLION, MARSHALL, CARROLL, BISHOP, PICKETT, O'BRIEN, PASHINSKI, COHEN, RAVENSTAHL, MILLARD, SCHLOSSBERG, JAMES, DIAMOND, ZIMMERMAN, V. BROWN, R. BROWN, BOBACK, DEASY, KORTZ, FARRY, SIMMONS, MURT, STAATS, MATZIE AND FARINA, FEBRUARY 2, 2015

AS REPORTED FROM COMMITTEE ON AGING AND OLDER ADULT SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 25, 2015

AN ACT

1 Providing standards for carbon monoxide alarms in care
2 facilities; imposing powers and duties on the Department of
3 Aging, the Department of Health and the Department of Human
4 Services; and prescribing penalties.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Care Facility
9 Carbon Monoxide Alarms Standards Act.

10 Section 2. Definitions.

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

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

15 (1) A single or multiple station carbon monoxide alarm
16 listed as complying with the Approved American National

1 Standard for Single and Multiple Station Carbon Monoxide  
2 Alarms (ANSI/UL2034) or a carbon monoxide detector listed as  
3 complying with the Approved American National Standard for  
4 Gas and Vapor Detectors and Sensors (ANSI/UL2075) installed  
5 in accordance with this act.

6 (2) A device that may be combined with a smoke alarm or  
7 smoke detector if the combined smoke alarm or smoke detector  
8 meets the following:

9 (i) Complies with either of the following:

10 (A) the Approved American National Standard for  
11 Single and Multiple Station Carbon Monoxide Alarms  
12 (ANSI/UL2034) for carbon monoxide alarms and the  
13 Approved American National Standard for Single and  
14 Multiple Station Smoke Alarms (ANSI/UL217) for smoke  
15 alarms; or

16 (B) the Approved American National Standard for  
17 Gas and Vapor Detectors and Sensors (ANSI/UL2075) for  
18 carbon monoxide detectors and the Approved American  
19 National Standard for Safety for Smoke Detectors for  
20 Fire Alarm Systems (ANSI/UL268) for smoke detectors.

21 (ii) Emits an alarm in a manner that clearly  
22 differentiates between detecting the presence of carbon  
23 monoxide and the presence of smoke.

24 (3) A carbon monoxide detection system that includes  
25 carbon monoxide detectors and audible notification appliances  
26 that are installed and maintained in accordance with the  
27 National Fire Alarm and Signaling Code (NFPA 72) and the  
28 Standard for the Installation of Carbon Monoxide (CO)  
29 Detection and Warning Equipment (NFPA 720) and are in  
30 compliance with the Approved American National Standard for

1 Gas and Vapor Detectors and Sensors (ANSI/UL2075).

2 "Care facility." Any of the following:

3 (1) A long-term care nursing facility as defined in  
4 section 802.1 of the act of July 19, 1979 (P.L.130, No.48),  
5 known as the Health Care Facilities Act, that is licensed and  
6 regulated under the authority of the Department of Health.

7 (2) A personal care home as defined in section 1001 of  
8 the act of June 13, 1967 (P.L.31, No.21), known as the Public  
9 Welfare Code, that is licensed and regulated under the  
10 authority of the Department of Human Services.

11 (3) An assisted living residence as defined in section  
12 1001 of the Public Welfare Code, that is licensed and  
13 regulated under the authority of the Department of Human  
14 Services.

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

18 "Installed." A carbon monoxide alarm that is hardwired into  
19 electrical wiring, directly plugged into an electrical outlet  
20 without a switch, other than a circuit breaker or, if the alarm  
21 is battery powered, attached to the wall or ceiling of a

22 ~~residential building, an apartment or a multifamily dwelling~~ <--

23 CARE FACILITY in accordance with the Standard for the <--

24 Installation of Carbon Monoxide (CO) Detection and Warning  
25 Equipment (NFPA 720).

26 ~~"Licensing agencies." All of the following:~~ <--

27 ~~(1) The Department of Aging.~~

28 ~~(2) The Department of Health.~~

29 ~~(3) The Department of Human Services.~~

30 "LICENSING AGENCIES." THE DEPARTMENT OF HEALTH AND THE <--

1 DEPARTMENT OF HUMAN SERVICES OF THE COMMONWEALTH.

2 Section 3. Facility powers and duties.

3 (a) Installation.--

4 (1) An approved carbon monoxide alarm at a care facility  
5 shall be installed in close proximity of, but not less than  
6 15 feet from, any fossil fuel-burning device or appliance.

7 ~~(2) The system shall be installed in a manner that any~~ <--  
8 ~~alarm signal can be heard by the care facility staff~~  
9 ~~responsible for the area where the device or appliance is in~~  
10 ~~use.~~

11 ~~(3)~~ (2) If the approved carbon monoxide alarm cannot be <--  
12 heard ~~at the staff station~~ BY THE STAFF ON DUTY on a specific <--  
13 floor or wing of the facility, a single approved carbon  
14 monoxide alarm shall be installed ~~in close proximity to that~~ <--  
15 ~~staff station~~ WHERE IT CAN BE HEARD BY THE STAFF ON DUTY in <--  
16 addition to the alarm installed ~~in close proximity of the~~ <--  
17 ~~fossil fuel burning device or appliance.~~ AS DIRECTED UNDER <--  
18 PARAGRAPH (1).

19 (3) IF THERE ARE RESIDENT LIVING UNITS OR BEDROOMS  
20 LOCATED BETWEEN A FOSSIL FUEL BURNING APPLIANCE AND ANY  
21 ADDITIONAL APPROVED CARBON MONOXIDE ALARM REQUIRED UNDER  
22 PARAGRAPH (2), A SINGLE ADDITIONAL APPROVED CARBON MONOXIDE  
23 ALARM SHALL BE INSTALLED IN A CENTRAL LOCATION ON THE SAME  
24 LEVEL AS THE RESIDENT LIVING UNITS OR BEDROOMS.

25 (b) Testing and replacement.--

26 (1) Carbon monoxide detectors and alarm systems  
27 installed at a care facility shall be tested and cleaned as  
28 indicated in the manufacturer's guidelines.

29 (2) If the unit operates by a battery, the battery may  
30 not be removed for any length of time beyond that necessary

1 to change the battery.

2 (3) The battery shall be labeled with the date of  
3 installation and replaced at least once annually or at such  
4 time as the unit signals a drained or failing battery,  
5 whichever is sooner.

6 (c) Compliance.--Compliance with this act shall be assessed  
7 by the licensing agency with licensure responsibility for the  
8 care facility utilizing the standards set forth in this section  
9 during the initial issuance of a license or during the annual  
10 licensure renewal. All care facilities shall demonstrate  
11 compliance with this act and shall be verified at the care  
12 facility's renewal inspections following the effective date of  
13 this section.

14 (d) Liability exemption.--No care facility shall be liable  
15 for damages resulting from any of the following:

16 (1) A false alarm from an approved carbon monoxide  
17 alarm, if the approved carbon monoxide alarm was maintained  
18 by the care facility in accordance with subsection (b).

19 (2) Failure of an approved carbon monoxide alarm to  
20 operate properly, if that failure was the result of tampering  
21 with, or removal or destruction of, an approved carbon  
22 monoxide alarm by a person other than an employee of the care  
23 facility.

24 (3) Failure of an approved carbon monoxide alarm to  
25 operate properly if the failure is a result of a faulty alarm  
26 that was maintained by the care facility in accordance with  
27 subsection (b).

28 Section 4. Programs and education.

29 The Office of the State Fire Commissioner may work with care  
30 facilities to develop carbon monoxide educational awareness

1 programs for care facilities and their residents.

2 Section 5. Effective date.

3 This act shall take effect in ~~180~~ 90 days.

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