

---

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, FARINA, JOZWIAK, DAVIS,  
GIBBONS, DUSH AND BAKER, FEBRUARY 2, 2015

---

SENATOR VANCE, PUBLIC HEALTH AND WELFARE, IN SENATE, AS AMENDED,  
MARCH 16, 2016

---

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~~ HUMAN SERVICES Code, that is licensed and regulated <--  
10 under the authority of the Department of Human Services.

11 (3) An assisted living residence as defined in section  
12 1001 of the ~~Public-Welfare~~ HUMAN SERVICES Code, that is <--  
13 licensed and regulated under the authority of the Department  
14 of Human 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 care  
22 facility in accordance with the Standard for the Installation of  
23 Carbon Monoxide (CO) Detection and Warning Equipment (NFPA 720).

24 "Licensing agencies." The Department of Health and the  
25 Department of Human Services of the Commonwealth.

26 Section 3. Facility powers and duties.

27 (a) Installation.--

28 (1) An approved carbon monoxide alarm at a care facility  
29 shall be installed in close proximity of, but not less than  
30 15 feet from, any fossil fuel-burning device or appliance.

1 (2) If the approved carbon monoxide alarm cannot be  
2 heard by the staff on duty on a specific floor or wing of the  
3 facility, a single approved carbon monoxide alarm shall be  
4 installed where it can be heard by the staff on duty in  
5 addition to the alarm installed as directed under paragraph  
6 (1).

7 (3) If there are resident living units or bedrooms  
8 located between a fossil fuel burning appliance and any  
9 additional approved carbon monoxide alarm required under  
10 paragraph (2), a single additional approved carbon monoxide  
11 alarm shall be installed in a central location on the same  
12 level as the resident living units or bedrooms.

13 (b) Testing and replacement.--

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

17 (2) If the unit operates by a battery, the battery may  
18 not be removed for any length of time beyond that necessary  
19 to change the battery.

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

24 (C) EVACUATION AND ALARM PROTOCOLS.--

<--

25 (1) IN THE EVENT THAT AN ALARM INSTALLED IN ACCORDANCE  
26 WITH THIS SECTION SOUNDS, THE CARE FACILITY STAFF SHALL:

27 (I) TAKE IMMEDIATE ACTION TO INTRODUCE FRESH OUTSIDE  
28 AIR INTO THE CARE FACILITY BY OPENING AVAILABLE WINDOWS  
29 AND DOORS, UNLESS OPENING A SPECIFIC DOOR PRESENTS  
30 ADDITIONAL RISK TO RESIDENT SAFETY.

1 (II) CONTACT EMERGENCY SERVICES IN ACCORDANCE WITH  
2 THE CARE FACILITY'S WRITTEN POLICIES AND PROCEDURES  
3 RELATING TO CARBON MONOXIDE ALARMS AND EVACUATIONS.

4 (III) MOVE RESIDENTS TO THE NEAREST SOURCE OF FRESH  
5 OUTSIDE AIR, ACCOUNT FOR ALL RESIDENTS AND REMAIN WITH  
6 THE RESIDENTS UNTIL EMERGENCY PERSONNEL ARRIVE AND ASSESS  
7 THE NEED FOR EVACUATION.

8 (IV) EVACUATE RESIDENTS WHEN EMERGENCY PERSONNEL  
9 CONSIDER AN EVACUATION NECESSARY, IN ACCORDANCE WITH THE  
10 CARE FACILITY'S FIRE SAFETY REGULATORY STANDARDS  
11 CONTAINED IN 28 PA. CODE CH. 209 (RELATING TO FIRE  
12 PROTECTION AND SAFETY PROGRAMS FOR LONG-TERM CARE NURSING  
13 FACILITIES) AND 55 PA. CODE CHS. 2600 (RELATING TO  
14 PERSONAL CARE HOMES) AND 2800 (RELATING TO ASSISTED  
15 LIVING RESIDENCES).

16 (2) NOTHING IN THIS ACT SHALL BE CONSTRUED TO REQUIRE  
17 CARE FACILITIES TO CONDUCT DRILLS SPECIFIC TO CARBON  
18 MONOXIDE.

19 ~~(c)~~ (D) Compliance.--Compliance with this act shall be <--  
20 assessed by the licensing agency with licensure responsibility  
21 for the care facility utilizing the standards set forth in this  
22 section during the initial issuance of a license or during the  
23 annual licensure renewal. All care facilities shall demonstrate  
24 compliance with this act and shall be verified at the care  
25 facility's renewal inspections following the effective date of  
26 this section.

27 ~~(d)~~ (E) Liability exemption.--No care facility shall be <--  
28 liable for damages resulting from any of the following:

29 (1) A false alarm from an approved carbon monoxide  
30 alarm, if the approved carbon monoxide alarm was maintained

1 by the care facility in accordance with subsection (b).

2 (2) Failure of an approved carbon monoxide alarm to  
3 operate properly, if that failure was the result of tampering  
4 with, or removal or destruction of, an approved carbon  
5 monoxide alarm by a person other than an employee of the care  
6 facility.

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

11 Section 4. Programs and education.

12 The Office of the State Fire Commissioner may work with care  
13 facilities to develop carbon monoxide educational awareness  
14 programs for care facilities and their residents.

15 Section 5. Effective date.

16 This act shall take effect in 90 days.