

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 BROWNE, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, MAY 17, 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~~ FIRST RESPONDERS <--
7 ARRIVE AND ASSESS THE NEED FOR EVACUATION.

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