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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 934 Session of  
2019

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INTRODUCED BY LAUGHLIN, FONTANA, SCHWANK, L. WILLIAMS, KEARNEY,  
TARTAGLIONE, YUDICHAK, ARGALL, YAW, MENSCH, MASTRIANO,  
PITTMAN, SABATINA, KILLION, COLLETT, BLAKE, K. WARD, LEACH,  
VOGEL, SCARNATI, PHILLIPS-HILL, BROOKS, REGAN, COSTA,  
BARTOLOTTA, AUMENT, DiSANTO, BREWSTER, STEFANO, BOSCOLA,  
HAYWOOD, BAKER, HUGHES, SCAVELLO, J. WARD, GORDNER AND  
MARTIN, NOVEMBER 12, 2019

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REFERRED TO HEALTH AND HUMAN SERVICES, NOVEMBER 12, 2019

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AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An  
2 act to consolidate, editorially revise, and codify the public  
3 welfare laws of the Commonwealth," in departmental powers and  
4 duties as to licensing, further providing for right to enter  
5 and inspect.

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

8 Section 1. Section 1016 of the act of June 13, 1967 (P.L.31,  
9 No.21), known as the Human Services Code, is amended to read:

10 Section 1016. Right to Enter and Inspect.--(a) For the  
11 purpose of determining the suitability of the applicants and of  
12 the premises or whether or not any premises in fact qualifies as  
13 a facility as defined in section 1001 of this act or the  
14 continuing conformity of the licensees to this act and to the  
15 applicable regulations of the department, any authorized agent  
16 of the department shall have the right to enter, visit and  
17 inspect any facility licensed or requiring a license under this

1 act and shall have full and free access to the records of the  
2 facility and to the individuals therein and full opportunity to  
3 interview, inspect or examine such individuals.

4 (b) An authorized agent of the department shall also confer  
5 with the operators of facilities regarding the minimum standards  
6 of the department, encourage the adoption of higher standards  
7 and recommend methods of improving care and services.

8 (c) A family child care home shall:

9 (1) Have a smoke detector on each floor and in the basement.

10 The smoke detectors on each floor and in the basement of the  
11 family child care home shall be interconnected via hardwire,  
12 Bluetooth connectivity or any other means that allows for  
13 communications between the devices. The smoke detectors may be  
14 powered by a nonreplaceable lithium battery listed by  
15 Underwriters Laboratories that is warranted for ten years and  
16 should sound an alarm when activated that is audible to persons  
17 in the facility's indoor child care space with all intervening  
18 doors closed. Where this type of detector is utilized, the  
19 facility owner of this detector shall keep the proof and date of  
20 purchase of the detector in the facility's fire drill logs.

21 (2) Have a portable fire extinguisher rated for Class B  
22 Fires in the kitchen and other cooking areas.

23 (3) Meet the exiting requirements for an R-3 occupancy and  
24 licensure under 55 Pa. Code Ch. 3290 (relating to family child  
25 day care homes).

26 (d) At the time of inspection, an operator of a child care  
27 center or family child care home shall submit to the department  
28 written affirmation on a form provided by the department stating  
29 that the child care center or family child care home maintains a  
30 written emergency plan, fire drill log and posted evacuation

1 routes. A regional certification staff shall conduct a visual  
2 inspection of the facility to ensure the facility is in  
3 compliance with fire safety requirements with respect to smoke  
4 detectors under the act of April 27, 1927 (P.L.465, No.299),  
5 referred to as the "Fire and Panic Act," and the act of November  
6 10, 1999 (P.L.491, No.45), known as the "Pennsylvania  
7 Construction Code Act." Upon inspection under this section,  
8 notice of any failure to satisfy the safety requirements of this  
9 subsection in a child care center or family child care home  
10 shall be provided to the building code official charged by law  
11 or ordinance with the enforcement of safety requirements. Upon  
12 request by the department, the building code official shall  
13 furnish to the department the proper reports and information  
14 with respect to the requirements of this subsection for a child  
15 care center or family child care home to ensure compliance with  
16 this section.

17 Section 2. All regulations and parts of regulations are  
18 abrogated insofar as they are inconsistent with this act.

19 Section 3. This act shall take effect in 120 days.