

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 934 Session of 2019

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, MARTIN, A. WILLIAMS AND MUTH, NOVEMBER 12, 2019

SENATOR BROOKS, HEALTH AND HUMAN SERVICES, AS AMENDED, FEBRUARY 5, 2020

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

1 inspect any facility licensed or requiring a license under this  
2 act and shall have full and free access to the records of the  
3 facility and to the individuals therein and full opportunity to  
4 interview, inspect or examine such individuals.

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

9 ~~(c) A family child care home shall:~~ <--

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

11 ~~The smoke detectors on each floor and in the basement of the~~

12 ~~family child care home shall be interconnected via hardwire,~~

13 ~~Bluetooth connectivity or any other means that allows for~~

14 ~~communications between the devices. The smoke detectors may be~~

15 ~~powered by a nonreplaceable lithium battery listed by~~

16 ~~Underwriters Laboratories that is warranted for ten years and~~

17 ~~should sound an alarm when activated that is audible to persons~~

18 ~~in the facility's indoor child care space with all intervening~~

19 ~~doors closed. Where this type of detector is utilized, the~~

20 ~~facility owner of this detector shall keep the proof and date of~~

21 ~~purchase of the detector in the facility's fire drill logs.~~

22 ~~(2) Have a portable fire extinguisher rated for Class B~~

23 ~~Fires in the kitchen and other cooking areas.~~

24 ~~(3) Meet the exiting requirements for an R-3 occupancy and~~

25 ~~licensure under 55 Pa. Code Ch. 3290 (relating to family child~~

26 ~~day care homes).~~

27 ~~(d) At the time of inspection, an operator of a child care~~

28 ~~center or family child care home shall submit to the department~~

29 ~~written affirmation on a form provided by the department stating~~

30 ~~that the child care center or family child care home maintains a~~

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

18 (C) ALL CHILD CARE CENTERS AND FAMILY CHILD CARE HOMES SHALL <--  
19 HAVE A FIRE DETECTION DEVICE OR SYSTEM THAT IS OPERABLE AND  
20 PROPERLY MAINTAINED AT ALL TIMES IN COMPLIANCE WITH THE ACT OF  
21 APRIL 27, 1927 (P.L.465, NO.299), REFERRED TO AS THE "FIRE AND  
22 PANIC ACT," THE ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN  
23 AS THE "PENNSYLVANIA CONSTRUCTION CODE ACT," AND APPLICABLE  
24 REGULATIONS. THE FOLLOWING SHALL APPLY:

25 (1) TO VERIFY OPERABILITY, A CHILD CARE CENTER OR A FAMILY  
26 CHILD CARE HOME SHALL MANUALLY TEST ALL FIRE DETECTION DEVICES  
27 OR SYSTEMS AT LEAST ONCE EVERY THIRTY DAYS AND SHALL MAINTAIN A  
28 WRITTEN RECORD OF THE TESTING WITH THE FACILITY'S FIRE DRILL  
29 LOGS. OPERABILITY SHALL ALSO BE DEMONSTRATED DURING THE  
30 DEPARTMENT'S ANNUAL INSPECTION.

1 (2) IF A FIRE DETECTION DEVICE OR SYSTEM CANNOT BE TESTED  
2 EVERY THIRTY DAYS, THE CHILD CARE CENTER OR FAMILY CHILD CARE  
3 HOME SHALL HAVE THE DEVICE OR SYSTEM TESTED AT LEAST ANNUALLY BY  
4 A FIRE SAFETY PROFESSIONAL AND SHALL MAINTAIN WRITTEN  
5 DOCUMENTATION OF THE TEST RESULTS WITH THE FACILITY'S FIRE DRILL  
6 LOGS. THE DOCUMENTATION SHALL BE ON THE FIRE SAFETY  
7 PROFESSIONAL'S LETTERHEAD.

8 (3) A CHILD CARE CENTER OR FAMILY CHILD CARE HOME SHALL KEEP  
9 THE PROOF AND DATE OF PURCHASE OF AN INTERCONNECTED FIRE  
10 DETECTION DEVICE OR SYSTEM WITH THE FACILITY'S FIRE DRILL LOGS.

11 (4) THE DEPARTMENT'S CERTIFICATION STAFF SHALL CONDUCT A  
12 VISUAL INSPECTION OF THE CHILD CARE CENTER OR FAMILY CHILD CARE  
13 HOME TO IDENTIFY WHETHER THE CHILD CARE CENTER OR FAMILY CHILD  
14 CARE HOME MAY NOT BE IN COMPLIANCE WITH FIRE SAFETY REQUIREMENTS  
15 WITH RESPECT TO SMOKE DETECTORS UNDER THE "FIRE AND PANIC ACT"  
16 AND THE "PENNSYLVANIA CONSTRUCTION CODE ACT." UPON INSPECTION  
17 UNDER THIS SECTION, NOTICE OF ANY SUSPECTED FAILURE TO SATISFY  
18 THE SAFETY REQUIREMENTS OF THIS SUBSECTION IN A CHILD CARE  
19 CENTER OR FAMILY CHILD CARE HOME SHALL BE PROVIDED TO THE  
20 BUILDING CODE OFFICIAL CHARGED BY LAW OR ORDINANCE WITH THE  
21 ENFORCEMENT OF SAFETY REQUIREMENTS. UPON REQUEST BY THE  
22 DEPARTMENT, THE BUILDING CODE OFFICIAL SHALL FURNISH TO THE  
23 DEPARTMENT THE INSPECTION REPORTS AND ANY OTHER PERTINENT  
24 INFORMATION WITH RESPECT TO THE REQUIREMENTS OF THIS SUBSECTION  
25 FOR A CHILD CARE CENTER OR FAMILY CHILD CARE HOME TO ENSURE  
26 COMPLIANCE WITH THIS SECTION.

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

29 Section 3. This act shall take effect in ~~120~~ 60 days.

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