

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 494 Session of 2023

INTRODUCED BY McNEILL, MADDEN, SANCHEZ, SIEGEL, R. MACKENZIE, DELLOSO, PROBST, ISAACSON, CIRESI, SCHLOSSBERG, HOWARD, D. WILLIAMS, KINSEY, SAMUELSON, HILL-EVANS, FLEMING, HARKINS, NEILSON, DEASY, WARREN, FREEMAN, FRANKEL, GAYDOS, SHUSTERMAN, SCHWEYER, OTTEN, HANBIDGE, KHAN AND WAXMAN, MARCH 17, 2023

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 21, 2023

AN ACT

1 Providing standards for carbon monoxide alarms in ~~child care~~ <--
2 ~~facilities~~ CHILD CARE CENTERS AND FAMILY CHILD CARE HOMES; <--
3 and imposing penalties.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Carbon
8 Monoxide Alarm Standards in ~~Child Care Facilities~~ CHILD CARE <--
9 CENTERS AND FAMILY CHILD CARE HOMES 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 Standard for Single and Multiple

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

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

8 (i) Complies with either of the following:

9 (A) The Standard for Single and Multiple Station
10 Carbon Monoxide Alarms (ANSI/UL2034) for carbon
11 monoxide alarms and the Standard for Single and
12 Multiple Station Smoke Alarms (ANSI/UL217) for smoke
13 alarms.

14 (B) The Standard for Gas and Vapor Detectors and
15 Sensors (ANSI/UL2075) for carbon monoxide detectors
16 and the Standard for Safety for Smoke Detectors for
17 Fire Alarm Systems (ANSI/UL268) for smoke detectors.

18 (ii) Emits an alarm in a manner that clearly
19 differentiates between detecting the presence of carbon
20 monoxide and the presence of smoke.

21 (3) A carbon monoxide detection system that includes
22 carbon monoxide detectors and audible notification appliances
23 that are installed and maintained in accordance with the
24 National Fire Alarm and Signaling Code (NFPA 72) and the
25 Standard for the Installation of Carbon Monoxide (CO)
26 Detection and Warning Equipment (NFPA 720) and are in
27 compliance with the Standard for Gas and Vapor Detectors and
28 Sensors (ANSI/UL2075).

29 ~~"Child care." Care in lieu of parental care given for part~~ <--
30 ~~of the day to a child under 16 years of age away from their own~~

1 ~~home. The term does not include child care furnished in places~~
2 ~~of worship during religious services.~~

3 ~~"Child care facility." Any of the following:~~

4 ~~(1) A premises in which child care is provided for a~~
5 ~~period exceeding 24 hours for a child under 16 years of age~~
6 ~~who is not a relative of the operator and who is not~~
7 ~~accompanied by a parent, individual standing in loco parentis~~
8 ~~or legal guardian. For purposes of this paragraph, the term~~
9 ~~does not include a premises selected for care of a child by a~~
10 ~~parent, individual standing in loco parentis or legal~~
11 ~~guardian for a period of 30 days or less or a facility~~
12 ~~operated under social service auspices.~~

13 ~~(2) A premises in which child care is provided~~
14 ~~simultaneously for seven or more children who are not~~
15 ~~relatives of the operator, except a facility operated under~~
16 ~~social service auspices.~~

17 ~~(3) A home where child care is provided at any time to~~
18 ~~no less than four children and no more than six children who~~
19 ~~are not relatives of the caregiver.~~

20 ~~(4) A nursery school that is licensed and regulated by~~
21 ~~the Commonwealth.~~

22 "CHILD CARE CENTER." AS DEFINED IN SECTION 1001 OF THE ACT <--
23 OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE HUMAN SERVICES
24 CODE.

25 "DEPARTMENT." THE DEPARTMENT OF HUMAN SERVICES OF THE
26 COMMONWEALTH.

27 "FAMILY CHILD CARE HOME." AS DEFINED IN SECTION 1001 OF THE
28 HUMAN SERVICES CODE.

29 "Installed." A carbon monoxide alarm that is hardwired into
30 the electrical wiring, directly plugged into an electrical

1 outlet without a switch, other than a circuit breaker, or, if
2 the alarm is battery-powered, attached to the wall or ceiling of
3 a unit of a ~~child care facility~~ CHILD CARE CENTER OR FAMILY <--
4 CHILD CARE HOME, in accordance with the Standard for the
5 Installation of Carbon Monoxide (CO) Detection and Warning
6 Equipment (NFPA 720).

7 "Operational." Working and in service.

8 "Unit." A room or suite of two or more rooms that is
9 occupied as a residence, intended or designed to be occupied as
10 a residence, or is occupied by a client of a ~~child care facility~~ <--
11 CHILD CARE CENTER OR FAMILY CHILD CARE HOME. <--

12 Section 3. Administration.

13 Nothing in this act is intended to modify the authority and
14 responsibilities of the Department of Labor and Industry under
15 the act of November 10, 1999 (P.L.491, No.45), known as the
16 Pennsylvania Construction Code Act.

17 Section 4. Carbon monoxide alarm requirements.

18 Each building in which a ~~child care facility~~ CHILD CARE <--
19 CENTER OR FAMILY CHILD CARE HOME is in operation, which uses a
20 fossil-fuel-burning heater or appliance, fireplace or an
21 attached garage, must have an operational, centrally located and
22 approved carbon monoxide alarm installed in the vicinity of the
23 fossil-fuel-burning heater or fireplace and in every unit that
24 is located on the same story as the fossil-fuel-burning heater
25 or appliance within 18 months of the effective date of this
26 section.

27 Section 5. Enforcement.

28 ~~The Department of Human Services shall be authorized to take <--~~
29 ~~enforcement action against a child care facility for a violation~~
30 ~~of section 4, including denying, refusing to renew, revoking or~~

1 ~~issuing a provisional license or other certificate.~~

2 THE DEPARTMENT MAY TAKE AN ENFORCEMENT ACTION AGAINST A CHILD <--
3 CARE CENTER OR FAMILY CHILD CARE HOME FOR A VIOLATION OF SECTION
4 4 IN ACCORDANCE WITH ARTICLES IX AND X OF THE ACT OF JUNE 13,
5 1967 (P.L.31, NO.21), KNOWN AS THE HUMAN SERVICES CODE, AND
6 APPLICABLE REGULATIONS.

7 SECTION 6. NOTICE.

8 WITHIN 12 MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, THE
9 DEPARTMENT SHALL PROVIDE WRITTEN NOTICE OF THE REQUIREMENTS
10 UNDER THIS ACT TO EACH CHILD CARE CENTER OR FAMILY CHILD CARE
11 HOME.

12 Section ~~6~~ 7. Effective date.

<--

13 This act shall take effect in 90 days.