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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2438 Session of  
2014

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INTRODUCED BY MUSTIO, WATSON, HENNESSEY, PICKETT, GINGRICH,  
CALTAGIRONE, MAJOR, READSHAW, KOTIK, MILLARD, NEILSON,  
BISHOP, V. BROWN, McNEILL, DAVIDSON, MARSHALL, BOBACK,  
SWANGER, JAMES, D. COSTA, COHEN AND MURT, AUGUST 13, 2014

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REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,  
AUGUST 13, 2014

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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 Public  
4 Welfare; 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  
17 Standard for Single and Multiple Station Carbon Monoxide

1 Alarms (ANSI/UL2034) or a carbon monoxide detector listed as  
2 complying with the Approved American National 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 the following:

8 (i) Complies with either of the following:

9 (A) the Approved American National Standard for  
10 Single and Multiple Station Carbon Monoxide Alarms  
11 (ANSI/UL2034) for carbon monoxide alarms and the  
12 Approved American National Standard for Single and  
13 Multiple Station Smoke Alarms (ANSI/UL217) for smoke  
14 alarms; or

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

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

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

1 "Care facility." Any of the following:

2 (1) A long-term care nursing facility as defined in  
3 section 802.1 of the act of July 19, 1979 (P.L.130, No.48),  
4 known as the Health Care Facilities Act, that is licensed and  
5 regulated under the authority of the Department of Health.

6 (2) A personal care home as defined in section 1001 of  
7 the act of June 13, 1967 (P.L.31, No.21), known as the Public  
8 Welfare Code, that is licensed and regulated under the  
9 authority of the Department of Public Welfare.

10 (3) An assisted living residence as defined in section  
11 1001 of the Public Welfare Code, that is licensed and  
12 regulated under the authority of the Department of Public  
13 Welfare.

14 "Fossil fuel." Coal, kerosene, oil, wood, fuel gases and  
15 other petroleum or hydrocarbon products which emit carbon  
16 monoxide as a by-product of combustion.

17 "Installed." A carbon monoxide alarm that is hardwired into  
18 electrical wiring, directly plugged into an electrical outlet  
19 without a switch, other than a circuit breaker or, if the alarm  
20 is battery powered, attached to the wall or ceiling of a  
21 residential building, an apartment or a multifamily dwelling in  
22 accordance with the Standard for the Installation of Carbon  
23 Monoxide (CO) Detection and Warning Equipment (NFPA 720).

24 "Licensing agencies." All of the following:

25 (1) The Department of Aging.

26 (2) The Department of Health.

27 (3) The Department of Public Welfare.

28 Section 3. Facility powers and duties.

29 (a) Installation.--

30 (1) An approved carbon monoxide alarm at a care facility

1 shall be installed in close proximity of, but not less than  
2 15 feet from, any fossil fuel-burning device or appliance.

3 (2) The system shall be installed in a manner that any  
4 alarm signal can be heard by the care facility staff  
5 responsible for the area where the device or appliance is in  
6 use.

7 (3) If the approved carbon monoxide alarm cannot be  
8 heard at the staff station on a specific floor or wing of the  
9 facility, a single approved carbon monoxide alarm shall be  
10 installed in close proximity to that staff station in  
11 addition to the alarm installed in close proximity of the  
12 fossil fuel-burning device or appliance.

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) Compliance.--Compliance with this act shall be assessed  
25 by the licensing agency with licensure responsibility for the  
26 care facility utilizing the standards set forth in this section  
27 during the initial issuance of a license or during the annual  
28 licensure renewal. All care facilities shall demonstrate  
29 compliance with this act and shall be verified at the care  
30 facility's renewal inspections following the effective date of

1 this section.

2 (d) Liability exemption.--No care facility shall be liable  
3 for damages resulting from any of the following:

4 (1) A false alarm from an approved carbon monoxide  
5 alarm, if the approved carbon monoxide alarm was maintained  
6 by the care facility in accordance with subsection (b).

7 (2) Failure of an approved carbon monoxide alarm to  
8 operate properly, if that failure was the result of tampering  
9 with, or removal or destruction of, an approved carbon  
10 monoxide alarm by a person other than an employee of the care  
11 facility.

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

16 Section 4. Programs and education.

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

20 Section 5. Effective date.

21 This act shall take effect in 180 days.