

HOUSE No. 538

The Commonwealth of Massachusetts

PRESENTED BY:

Brian M. Ashe

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the safety of schools, residences, and public assemblies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/13/2021</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/27/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/27/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/1/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/8/2021</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>2/9/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/23/2021</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/25/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/25/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/26/2021</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>2/26/2021</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/26/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>2/26/2021</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>2/26/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/15/2021</i>

HOUSE No. 538

By Mr. Ashe of Longmeadow, a petition (accompanied by bill, House, No. 538) of Brian M. Ashe and others for the establishment of a school carbon monoxide safety trust fund to be administered by the Commissioner of Elementary and Secondary Education. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 399 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the safety of schools, residences, and public assemblies.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 29 of the General Laws is hereby amended by inserting after
2 section 2KKKK the following section:-

3 Section 2LLLL. (a) There shall be established and set upon the books of the
4 commonwealth a separate fund to be known as the School Carbon Monoxide Safety Trust Fund,
5 to be expended without prior appropriation, by the department of elementary and secondary
6 education. The fund shall be credited any revenue from appropriations or other monies
7 authorized by the general court and specifically designated to be credited to the fund and any
8 gifts, grants, private contributions, investment income earned on the assets of the fund and all
9 other sources. Money remaining in the fund at the end of a fiscal year shall not revert to the

10 General Fund. The commissioner of elementary and secondary education or a designee, in
11 consultation with the department of fire safety, shall administer the fund and make expenditures
12 from the fund in the form of grants to public school districts for the installation of carbon
13 monoxide detection systems as required under subsection (a^{1/2}) of section 26F^{1/2} of chapter 148
14 and regulations promulgated by the board of fire prevention.

15 (b) Prior to receiving any monies from the fund, a school district shall submit a carbon
16 monoxide detection system installation plan to the department of elementary and secondary
17 education and the department of fire services. The plan shall include, but not be limited to: (i) the
18 method of installation of the carbon monoxide detection system for each school building in the
19 district; (ii) the status of carbon monoxide detection systems previously installed in school
20 buildings; and (iii) the cost, including labor costs, of installing carbon monoxide detection
21 systems. The department of elementary and secondary education, in conjunction with the
22 department of fire safety, shall: (A) review the plan and may request additional or supporting
23 information within 90 days of receipt of the plan; and (B) provide each school district 60 days to
24 submit any additional or supporting information requested. A plan shall be approved not later
25 than 180 days after receipt of the plan.

26 (c) Not later than April 1 of each year, the department of elementary and secondary
27 education, in conjunction with the department of fire services, shall submit a report to the clerks
28 of the house of representatives and the senate and the chairs of the house and senate committees
29 on ways and means regarding the status of the fund including, but not limited to: (i) the amount
30 of money in the fund; and (ii) a list of school districts that were awarded grants and the amount
31 of the grants awarded.

32 SECTION 2. Subsection (a) of section 6 of chapter 70B of the General Laws, as
33 appearing in the 2012 Official Edition, is hereby amended by adding the following clause:

34 (7) The school project includes a plan for the installation of a carbon monoxide detection
35 system as required under subsection (a $\frac{1}{2}$) of section 26F $\frac{1}{2}$ of chapter 148.

36 SECTION 3. Subsection (a) of section 17 of said chapter 70B, as so appearing, is hereby
37 amended by adding the following sentence:- The report shall also include an assessment of
38 carbon monoxide detection systems within each school building and each school's compliance
39 with subsection (a $\frac{1}{2}$) of section 26F $\frac{1}{2}$ of chapter 148.

40 SECTION 4. Section 26F $\frac{1}{2}$ of said chapter 148, as appearing in the 2012 Official Edition,
41 is hereby amended by inserting after subsection (a) the following subsection:-

42 (a $\frac{1}{2}$) Each school building that provides public or private education for children in
43 kindergarten through grade 12 that: (1) contains fossil-fuel burning equipment including, but not
44 limited to, a furnace, boiler, water heater, fireplace or any other apparatus, appliance or device
45 that burns fossil fuel; or (2) incorporates enclosed parking within its structure shall install carbon
46 monoxide alarms under the regulations of the board of fire prevention.

47 SECTION 5. The state board of building regulations and standards shall adopt as a
48 minimum standard the 2015 International Building Code requirement to install carbon monoxide
49 detection systems in all new or substantially rehabilitated school buildings that provide education
50 for children in kindergarten through grade 12.

51 SECTION 6. Notwithstanding subsection (a^{1/2}) of section 26F^{1/2} of chapter 148 of the
52 General Laws, the board of fire prevention shall allow the temporary use of carbon monoxide
53 alarms that are solely battery-powered or that are plug-in with battery back-up.

54 SECTION 7. Notwithstanding any general or special law to the contrary, not later than
55 January 1, 2020 and without further appropriation, the state comptroller shall transfer
56 \$7,500,000 from the General Fund to the School Carbon Monoxide Safety Trust Fund
57 established in section 2LLLL of chapter 29 of the General Laws.

58 SECTION 8. Notwithstanding any general or special law to the contrary, not later than
59 March 31, 2020, the department of elementary and secondary education, in consultation
60 with the department of fire services and the Massachusetts School Building Authority, shall
61 develop best practices that are commensurate with Section 915.2.3 of the 2015 International
62 Building Code for the placement and installation of carbon monoxide detection systems in public
63 school buildings as required by sections 2 and 5 of this act; provided, however, that the best
64 practices shall prioritize student and staff safety as well as cost economy.

65 SECTION 9. Section 6 is hereby repealed.

66 SECTION 10. Section 9 shall take effect on January 1, 2023.

67 SECTION 11. Unless otherwise provided, this act shall take effect on January 1, 2021.