

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 439 Session of 2017

INTRODUCED BY FONTANA, BREWSTER, COSTA, HAYWOOD, HUGHES, BROWNE AND TARTAGLIONE, FEBRUARY 27, 2017

AS AMENDED ON THIRD CONSIDERATION, MAY 21, 2018

AN ACT

1 Providing standards for carbon monoxide alarms in child care
2 facilities; and imposing penalties.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Carbon
7 Monoxide Alarm Standards in Child Care Facilities Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Approved carbon monoxide alarm." The term includes:

13 (1) A single or multiple station carbon monoxide alarm
14 listed as complying with the Standard for Single and Multiple
15 Station Carbon Monoxide Alarms (ANSI/UL2034) or a carbon
16 monoxide detector listed as complying with the Standard for
17 Gas and Vapor Detectors and Sensors (ANSI/UL2075) installed
18 in accordance with this act.

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

4 (i) Complies with either of the following:

5 (A) The Standard for Single and Multiple Station
6 Carbon Monoxide Alarms (ANSI/UL2034) for carbon
7 monoxide alarms and the Standard for Single and
8 Multiple Station Smoke Alarms (ANSI/UL217) for smoke
9 alarms.

10 (B) The Standard for Gas and Vapor Detectors and
11 Sensors (ANSI/UL2075) for carbon monoxide detectors
12 and the Standard for Safety for Smoke Detectors for
13 Fire Alarm Systems (ANSI/UL268) for smoke detectors.

14 (ii) Emits an alarm in a manner that clearly
15 differentiates between detecting the presence of carbon
16 monoxide and the presence of smoke.

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

25 "Child care." Care in lieu of parental care given for part
26 of the day to a child under 16 years of age away from their own
27 home. The term does not include child care furnished in places
28 of worship during religious services.

29 "Child care facility." Any of the following:

30 (1) A premises in which child care is provided for a

1 period exceeding twenty-four hours for a child under 16 years
2 of age who is not a relative of the operator and who is not
3 accompanied by a parent, individual standing in loco parentis
4 or legal guardian. For purposes of this paragraph, the term
5 does not include a premises selected for care of a child by a
6 parent, individual standing in loco parentis or legal
7 guardian for a period of 30 days or less or a facility
8 operated under social service auspices.

9 (2) A premises in which child care is provided
10 simultaneously for seven or more children who are not
11 relatives of the operator, except a facility operated under
12 social service auspices.

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

16 (4) A nursery school that is licensed and regulated by
17 the Commonwealth.

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

21 "Human Services Code." The act of June 13, 1967 (P.L.31,
22 No.21), known as the Human Services Code.

23 "Installed." A carbon monoxide alarm that is hardwired into
24 the electrical wiring, directly plugged into an electrical
25 outlet without a switch, other than a circuit breaker, or, if
26 the alarm is battery-powered, attached to the wall or ceiling of
27 a unit of a child care facility, in accordance with the Standard
28 for the Installation of Carbon Monoxide (CO) Detection and
29 Warning Equipment (NFPA 720).

30 "Operational." Working and in service.

1 "Unit." A room or suite of two or more rooms that is
2 occupied as a residence, intended or designed to be occupied as
3 a residence, or is occupied by a client of a child care
4 facility.

5 Section 3. Administration.

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

10 Section 4. Carbon monoxide alarm requirements.

11 Each building in which a child care facility is in operation,
12 which uses a fossil fuel-burning heater or appliance, fireplace
13 or an attached garage, must have an operational, centrally
14 located and approved carbon monoxide alarm installed in the
15 vicinity of the fossil-fuel-burning heater or fireplace and in
16 every unit that is located on the same story as the fossil-fuel-
17 burning heater or appliance within 18 months of the effective
18 date of this section. IF THE BUILDING IN WHICH THE CHILD CARE <--
19 FACILITY IS IN OPERATION HAS A SECURITY SYSTEM, THE CARBON
20 MONOXIDE ALARM SHALL BE INSTALLED BY HARDWIRE CONNECTION TO THE
21 SECURITY SYSTEM.

22 Section 5. Licensure.

23 (a) General rule.--Except as provided under subsection (b),
24 the Department of Human Services may not issue or renew a
25 license for a child care facility supervised or licensed under
26 Article IX or X of the Human Services Code if the child care
27 facility fails to meet the requirements under section 4.

28 (b) Provisional licensure.--If a child care facility
29 licensed under Article X of the Human Services Code is not in
30 compliance with the requirements of section 4, the Department of

1 Human Services may issue a provisional license in accordance
2 with section 1008 of the Human Services Code.
3 Section 6. Effective date.
4 This act shall take effect in 90 days.