

HOUSE BILL 1525

By Turner M

AN ACT to amend Tennessee Code Annotated, Title 37
and Title 68, relative to smoke detectors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-2-412, is amended by inserting the following as a new subsection (b) and by relettering the existing subsections accordingly;

With respect to any dwellings constructed or renovated, or in which a smoke detector is upgraded or replaced on or after the effective date of this act, "approved smoke detector" means a photo-electric device that senses visible or invisible particles of combustion and that has been investigated and listed in accordance with standards prescribed under subdivisions (a)(1) or (2). Smoke detectors installed in those dwellings shall be photo-electric devices or devices that include a combination of a photo-electric and non-photo-electric smoke detector; provided, however, in the kitchen area the devices shall be photo-electric.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following language as a new, appropriately designated section:

The department of health shall not issue a license to any new nursing home, assisted-care living facility, or home for the aged on or after the effective date of this act, unless, prior to licensure, the facility is fully sprinklered and provides a photo-electric smoke alarm or detector, or both, in each patient room. The photo-electric smoke alarms may be single-station photo-electric smoke alarms that are powered by battery or electrical current, or a series of photo-electric smoke detectors that are connected together and have a central fire alarm panel, or any combination thereof. For nursing homes, assisted-care facilities or homes for the aged, any existing smoke alarms shall

be replaced by a photo-electric smoke alarm or detector, or a device that is a combination of a photo-electric and non-photo-electric smoke detector; provided, however, in the kitchen area the device shall be photo-electric. This section shall not apply where that replacement requires modification to an existing central fire alarm panel or system.

SECTION 3. Tennessee Code Annotated, Section 68-102-151(a), is amended by adding the following language as a new subdivision (3):

(3) With respect to any new one-family or two-family rental units that are constructed or renovated, or in which a smoke detector is upgraded or replaced on or after the effective date of this act, "approved smoke detector" means a photo-electric device that senses visible or invisible particles of combustion and that has been investigated and listed in accordance with standards prescribed under subdivision (a)(1)(A) or (a)(1)(B). Smoke detectors installed in those units shall be photo-electric devices or devices that include a combination of a photo-electric and non-photo-electric smoke detector; provided, however, in the kitchen area the devices shall be photo-electric.

SECTION 4. Tennessee Code Annotated, Section 68-120-111, is amended by deleting the section in its entirety and by substituting instead the following:

(a) No one-family or two-family dwelling shall be approved for connection of new electric service under § 68-102-143 on or after the effective date of this act, unless the dwelling is equipped with at least one (1) photo-electric smoke detector that, when activated, initiates an alarm audible in every sleeping room. The detectors shall have been:

(1) Listed in accordance with the standards of Underwriters' Laboratories, or another testing agency or laboratory accepted by the state fire marshal; and

(2) Installed in accordance with the 2003 International Residential Code, published by the International Code Council, Inc.; and in accordance with the manufacturer's directions, unless those directions conflict with applicable codes that are adopted by the state fire marshal. Notwithstanding the 2003 International Residential Code, battery operated smoke detectors shall be permitted when installed in buildings without commercial power.

(b) Smoke detectors installed in dwellings under subsection (a) shall be photo-electric devices or devices that are a combination of a photo-electric and non-photo-electric smoke detector; provided, however, in the kitchen area the devices shall be photo-electric.

(c) This section does not apply to any one-family dwelling built and occupied by the family.

SECTION 5. Tennessee Code Annotated, Section 68-120-112(c), is amended by adding the following language as a new subdivision:

() With respect to any existing apartment building or hotel that is remodeled or upgraded or in which smoke detectors are replaced on or after the effective date of this act, "approved smoke detector" means a photo-electric device that senses visible or invisible particles of combustion and that has been investigated and listed in accordance with standards prescribed pursuant to subdivision (a)(2)(A) or (a)(2)(B), provided that the replacement of an existing smoke alarm or detector by a photo-electric smoke alarm or detector does not require modification to an existing central fire alarm panel or system. When installations are made, the devices shall be either photo-electric devices or devices that are a combination of a photo-electric and non-photo electric smoke detector; provided, however, in the kitchen area the devices shall be photo-electric.

SECTION 6. Tennessee Code Annotated, Section 68-120-101, is amended by adding the following language as a new, appropriately designated subsection:

(g)

(1) Except as provided under subdivision (g)(3), with respect to any building required by § 68-120-112 to maintain smoke detectors, and which is newly constructed or renovated, or in which a smoke detector is upgraded or replaced on or after the effective date of this act, "approved smoke detector" means a photo-electric device that senses visible or invisible particles of combustion and that has been investigated and listed in accordance with standards prescribed by:

(A) A nationally recognized and approved independent testing agency or laboratory, such as Underwriters' Laboratories' Standard for Single and Multiple Station Smoke Detectors (UL 217); or

(B) An agency authorized to make independent inspections by the state fire marshal.

(2) Smoke detectors in buildings under subdivision (g)(1) shall be either photo-electric devices or devices that are a combination of a photo-electric and non-photo-electric smoke detector; provided, however, in the kitchen area the devices shall be photo-electric.

(3) In the event that a replacement smoke alarm or detector under this subsection (g) requires modification to an existing central fire alarm panel or system, the definition of approved smoke detector shall be as it was when the building was originally constructed.

SECTION 7. Tennessee Code Annotated, Title 68, Chapter 102, Part 1, is amended by adding the following as a new section:

No individual non-photo-electric smoke detectors shall be sold or offered for sale in this state on or after July 1, 2011.

SECTION 8. This act shall take effect July 1, 2011, the public welfare requiring it.