

SENATE BILL 2021

By Berke

AN ACT to amend Tennessee Code Annotated, Section 37-2-412; Title 68, Chapter 102, Part 1; Title 68, Chapter 11 and Title 68, Chapter 120, Part 1, 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(a), is amended by adding the following language at the end of the subdivision:

With respect to any new dwellings which provide foster care services that are constructed after the effective date of this act or any such dwellings which, after the effective date of this act, are renovated or in which a smoke detector that was installed and maintained prior to the such date is upgraded or replaced, "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)(1) or (a)(2). The installation of smoke detectors in such dwellings shall be either the photo-electric device or a device which is a combination of a photo-electric and non-photo electric smoke detector, except in the kitchen area the device must be a photo-electric device.

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

Section \_\_\_\_\_. On or after the effective date of this act, the department of health shall not issue a license to any new nursing home, assisted-care living facility, or home for the aged unless such facility is fully sprinklered and provides a photo-electric smoke alarm or detector, or both, in each patient room prior to licensure; provided, that in the kitchen area the smoke detector must be a photo-electric device. 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 living facilities, or homes for the aged built prior to the effective date of this act, any existing smoke alarms or detectors requiring replacement shall be replaced by a photo-electric smoke alarm or detector or a device which is a combination of a photo-electric and non-photo electric smoke detector, except in the kitchen area the device must be a photo-electric device; provided, such replacement from an existing smoke alarm or detector to a photo-electric smoke alarm or detector does not require 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 after the effective date of this act or any such units which, after the effective date of this act, are renovated or in which the smoke detector that was installed prior to such date is upgraded or replaced, "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)(1)(A) or (a)(1)(B). The installation of smoke detectors in such units shall be either the photo-electric device or a device which is a combination of a photo-electric and non-photo electric smoke detector, except in the kitchen area the device must be a photo-electric device.

SECTION 4. Tennessee Code Annotated, Section 68-120-111(a), is amended by deleting the language up to and including the colon and by substituting instead the following language:

After the effective date of this act, no one-family or two-family dwelling shall be approved for connection of new electric service under § 68-102-143, 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 detector or detectors shall have been:

Section 68-120-111(a), is further amended by adding the following language at the end of the subsection:

The installation of a smoke detector in such dwellings shall be either the photo-electric device or a device which is a combination of a photo-electric and non-photo electric smoke detector, except in the kitchen area the device must be a photo-electric device.

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

( ) If any existing apartment building or hotel is remodeled or upgraded or the smoke detectors are replaced, with respect to such facilities "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), providing such replacement from an existing smoke alarm or detector to a photo-electric smoke alarm or detector does not require modification to an existing central fire alarm panel or system. When such installations are made, the devices shall be either the photo-electric device or a device which is a combination of a photo-electric and non-photo electric smoke detector, except in the kitchen area the device must be a photo-electric device.

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

( )

(1) With respect to any new building which is required to have a smoke detector pursuant to § 68-120-112, which is constructed after the effective date of this act or, except as provided in subdivision (3), which, after the effective date of this act, is renovated or in which the smoke detector that was installed prior to such date is upgraded or replaced, "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) The installation of smoke detectors in the buildings referenced in subdivision (1) shall be either photo-electric devices or devices which are a combination of a photo-electric and non-photo electric smoke detector, except in the kitchen area the devices must be photo-electric devices.

(3) An approved smoke detector for a building which is required to have a smoke detector pursuant to § 68-120-112, shall be as defined when the building was originally constructed if the replacement from an existing smoke alarm or detector to a photo-electric smoke alarm or detector requires modification to an existing central fire alarm panel or system.

SECTION 7. On and after January 1, 2010, no individual non-photo electric smoke detectors shall be sold or offered for sale in this state.

SECTION 8. This act shall take effect July 1, 2009, the public welfare requiring it.