

HOUSE No. 4103

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 21, 2016.

The committee on Public Safety and Homeland Security to whom was referred the petition (accompanied by bill, House, No. 2099) of Paul Brodeur, Ann-Margaret Ferrante and Benjamin Swan relative to carbon monoxide and fire alarms in schools, residences and places of public assembly, reports recommending that the accompanying bill (House, No. 4103) ought to pass.

For the committee,

HAROLD P. NAUGHTON, JR.

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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 safety. 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 safety, shall submit a report to the clerks of
28 the house of representatives and the senate and the chairs of the house and senate committees on
29 ways and means regarding the status of the fund including, but not limited to: (i) the amount of
30 money in the fund; and (ii) a list of school districts that were awarded grants and the amount of
31 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 (a½) of section 26F½ 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 (a½) of section 26F½ of chapter 148.

40 SECTION 4. Chapter 143 of the General Laws is hereby amended by inserting after
41 section 97A the following section:-

42 Section 97B. The board of building regulations and standards shall require the installation
43 of carbon monoxide detection systems in any new or substantially rehabilitated building used as
44 a restaurant which prepares and serves meals to the public and that: (i) contains fossil-fuel
45 burning equipment including, but not limited to, a furnace, boiler, water heater, fireplace or any
46 other apparatus, appliance or device that burns fossil fuel; or (ii) incorporates enclosed parking
47 within its structure. For the purposes of this paragraph, a building shall be considered to be
48 undergoing substantial rehabilitation when the permitted work exceeds 1/3 of the current
49 assessed value of the building or where the work affects more than 1/3 of the total square footage
50 of the building.

51 SECTION 5. Section 10A of chapter 148 of the General Laws, as appearing in the 2012
52 Official Edition, is hereby amended by striking out, in line 15, the figure "26F" and inserting in
53 place thereof the following figure:- 26D.

54 SECTION 7. Sections 26E and 26F of said chapter 148 are hereby repealed.

55 SECTION 8. Section 26F½ of said chapter 148, as appearing in the 2012 Official Edition,
56 is hereby amended by inserting after subsection (a) the following subsection:-

57 (a½) Each school building that provides public or private education for children in
58 kindergarten through grade 12 that: (1) contains fossil-fuel burning equipment including, but
59 notlimited to, a furnace, boiler, water heater, fireplace or any other apparatus, appliance or
60 device that burns fossil fuel; or (2) incorporates enclosed parking within its structure shall install
61 carbon monoxide alarms under the regulations of the board of fire prevention.

62 SECTION 9. The state board of building regulations and standards shall adopt as a
63 minimum standard the 2015 International Building Code requirement to install carbon monoxide
64 detection systems in all new or substantially rehabilitated school buildings that provide education
65 for children in kindergarten through grade 12.

66 SECTION 10. Notwithstanding subsection (a½) of section 26F½ of chapter 148 of the
67 General Laws, the board of fire prevention shall allow the temporary use of carbon monoxide
68 alarms that are solely battery-powered or that are plug-in with battery back-up.

69 SECTION 11. Notwithstanding any general or special law to the contrary, not later than
70 January 1, 2017 and without further appropriation, the state comptroller shall transfer \$7,500,000
71 from the General Fund to the School Carbon Monoxide Safety Trust Fund established in section
72 2LLLL of chapter 29 of the General Laws.

73 SECTION 12. Notwithstanding any general or special law to the contrary, not later than
74 March 31, 2017, the department of elementary and secondary education, in consultation with the
75 department of fire safety and the Massachusetts School Building Authority, shall develop best

76 practices that are commensurate with Section 915.2.3 of the 2015 International Building Code
77 for the placement and installation of carbon monoxide detection systems in public school
78 buildings as required by sections 2 and 8 of this act; provided, however, that the best practices
79 shall prioritize student and staff safety as well as cost economy.

80 SECTION 13. Section 10 is hereby repealed.

81 SECTION 14. Section 13 shall take effect on January 1, 2022.

82 SECTION 15. Unless otherwise provided, this act shall take effect on January 1, 2017.