

**HOUSE . . . . . No. 399**

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>1/16/2019</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/1/2019</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>1/29/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/31/2019</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>	<i>1/29/2019</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/29/2019</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>	<i>2/1/2019</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/22/2019</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>2/1/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>1/31/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>2/1/2019</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>	<i>1/28/2019</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/18/2019</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>1/31/2019</i>

**HOUSE . . . . . No. 399**

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By Mr. Ashe of Longmeadow, a petition (accompanied by bill, House, No. 399) 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.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 238 OF 2017-2018.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

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<sup>1/2</sup>) of section 26F<sup>1/2</sup> 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<sup>1/2</sup>) of section 26F<sup>1/2</sup> 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, 2019.