

# HOUSE . . . . . No. 4426

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, February 20, 2020.

The committee on Education to whom were referred the petition (accompanied by bill, Senate, No. 283) of Ryan C. Fattman, Joseph D. McKenna, Michael O. Moore, Michael J. Soter and others for legislation relative to carbon monoxide detectors in schools, the 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, the petition (accompanied by bill, House, No. 412) of Paul Brodeur, Joseph D. McKenna and Michael J. Soter relative to carbon monoxide and fire alarms in schools, residences and places of public assembly, the petition (accompanied by bill, House, No. 437) of Michelle M. DuBois, Michael D. Brady and José F. Tosado for the establishment of a school carbon monoxide safety trust fund to be administered by the Commissioner of Elementary and Secondary Education, and the petition (accompanied by bill, House, No. 522) of Paul W. Mark and others relative to requiring carbon monoxide alarms in schools, reports recommending that the accompanying bill (House, No. 4426) ought to pass.

For the committee,

ALICE HANLON PEISCH.

**HOUSE . . . . . No. 4426**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act relative to carbon monoxide alarms in schools.

*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 2CCCCC the following section:-

3           Section 2DDDDD. (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</sup>/<sub>2</sub>) of section 26F<sup>1</sup>/<sub>2</sub> 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 2018 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<sup>1/2</sup>) of section 26F<sup>1/2</sup> of chapter 148.

36 SECTION 3. Section 26F½ of said chapter 148, as appearing in the 2018 Official Edition,  
37 is hereby amended by inserting after subsection (a) the following subsection:-

38 (a½) Each school building that provides public or private education for children in  
39 kindergarten through grade 12 that: (1) contains fossil-fuel burning equipment including, but not  
40 limited to, a furnace, boiler, water heater, fireplace or any other apparatus, appliance or device  
41 that burns fossil fuel; or (2) incorporates enclosed parking within its structure shall be equipped  
42 with working, approved carbon monoxide alarms in conformance with the requirements of the  
43 board of fire prevention regulations.

44 SECTION 4. The state board of building regulations and standards shall adopt as a  
45 minimum standard the 2015 International Building Code requirement to install carbon monoxide  
46 detection systems in all new or substantially rehabilitated school buildings that provide education  
47 for children in kindergarten through grade 12.

48 SECTION 5. Notwithstanding subsection (a½) of section 26F½ of chapter 148 of the  
49 General Laws, the board of fire prevention shall allow the temporary use of carbon monoxide  
50 alarms that are solely battery-powered or that are plug-in with battery back-up in school  
51 buildings in the Commonwealth until the school undergoes a heating plant replacement, or other  
52 major reconstruction project as defined in section 2 of chapter 70B that is determined by the  
53 Massachusetts School Building Authority to be appropriately suited for the installation of  
54 permanent alarms. The board shall determine the frequency that any temporary alarms that are  
55 battery-powered or contain battery back-up shall be inspected and batteries shall be replaced.

56 SECTION 6. Notwithstanding any general or special law to the contrary, not later than  
57 June 30, 2021 and without further appropriation, the state comptroller shall transfer \$7,500,000

58 from the General Fund to the School Carbon Monoxide Safety Trust Fund established in section  
59 2DDDDD of chapter 29 of the General Laws.

60 SECTION 7. Notwithstanding any general or special law to the contrary, not later than  
61 December 31, 2020, the department of fire services, in consultation with the department of  
62 elementary and secondary education and the Massachusetts School Building Authority, shall  
63 develop best practices that are commensurate with Section 915.2.3 of the 2015 International  
64 Building Code for the placement and installation of carbon monoxide detection systems in public  
65 school buildings as required by subsection (a ½) of section 26F ½ of chapter 148; provided,  
66 however, that the best practices shall prioritize student and staff safety as well as cost economy.