

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE

House Bill 849

(Chair, Environmental Matters Committee)(By Request -  
Departmental - State Police)

Environmental Matters

Education, Health, and Environmental Affairs

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Public Safety - Smoke Detectors and Smoke Alarms

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This departmental bill specifies that a person may sell or install a smoke detector, a smoke alarm, or a specialized smoke alarm for the deaf and hard of hearing only in accordance with the State Fire Prevention Code. The bill repeals a requirement that each manufacturer that commercially sells or offers for sale a smoke detection system obtain approval from the State Fire Marshal for each model. The bill also eliminates the \$25 application fee for that approval.

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Fiscal Summary

**State Effect:** General fund revenues decrease by approximately \$1,100 annually beginning in FY 2012. Administrative cost savings and operational efficiencies for the State Fire Marshal. According to the State Fire Marshal, the current application fee does not cover the cost of administering the smoke detector approval program.

**Local Effect:** None.

**Small Business Effect:** The Department of State Police has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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Analysis

**Current Law:** A person may sell or install a smoke detection system or specialized smoke detectors for the deaf and hearing impaired only in accordance with the State Fire Prevention Code. Each manufacturer commercially selling or offering for sale smoke

detection systems in the State must obtain approval of each model of smoke detector from the State Fire Marshal. An application for approval of each model of smoke detector must be submitted to the State Fire Marshal with a fee of \$25.

If approved by the State Fire Prevention Commission, an approved automatic fire sprinkler system may be installed instead of a smoke detection system. Installing an approved automatic fire sprinkler system does not nullify the other requirements of the State Fire Prevention Code or exempt an occupancy from other requirements that are clearly applicable under the code.

**Background:** According to the Maryland State Police (MSP), when the current smoke detector requirements were originally enacted, there were no national standards or processes for the approval or listing of these devices. At the time, it was believed that the State Fire Marshal, who is charged with statewide fire prevention initiatives, was the best person to certify and approve smoke detection devices for sale and use in homes and businesses.

The current State Fire Prevention Code, which adopts the model codes and standards of the National Fire Protection Association, approves only those devices that are tested and listed to meet the appropriate national consensus standards. The State Fire Marshal requires that these devices be tested and listed by an approved testing laboratory. Accordingly, MSP believes that approval of each product by the State Fire Marshal is no longer necessary.

**State Fiscal Effect:** Over the last six years, the State Fire Marshal has received an average of 44 applications per year. The fee revenue generated from those applications was as follows:

<u>Calendar Year</u>	<u>Applications</u>	<u>Fee Revenue</u>
2005	34	\$850
2006	82	2,050
2007	2	50
2008	64	1,600
2009	49	1,225
2010	32	800
<b>Total</b>	<b>263</b>	<b>\$6,575</b>

Repealing the \$25 application fee for the approval of smoke detectors will result in an annual \$1,100 decrease in general fund revenues. However, according to the State Fire Marshal, the current fee does not cover the cost of administering the program.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader - March 1, 2011  
ncs/hlb

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## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Public Safety – Smoke Detectors and Smoke Alarms

BILL NUMBER: HB 849

PREPARED BY: Maryland State Police

### PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

### PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.