

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 825 (Delegates Frush and Pena-Melnyk)
Environment and Transportation

Public Safety - Carbon Monoxide Poisoning - Portable Generators

This bill prohibits a person, under the State Fire Prevention Code, from using a portable generator (1) in a way that endangers life or property due to the hazards of fire, explosion, or carbon monoxide poisoning; (2) within 20 feet of a residential dwelling; or (3) in violation of any regulation adopted by the State Fire Prevention Commission under specified provisions of the Public Safety Article. A person who violates these provisions is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 10 days and/or a fine of \$1,000. Each day on which a violation continues after knowledge or official notice of the violation is a separate offense.

The bill also expands the purposes of the State Fire Protection Code to include the protection of life and property from the hazards of carbon monoxide poisoning, in addition to protection from the hazards of fire and explosion.

Fiscal Summary

State Effect: General fund revenues increase minimally as a result of the application of an existing monetary penalty provision to the bill from cases heard in the District Court. Implementation and enforcement can be handled with the existing budgeted resources of the Department of State Police and the State Fire Marshal.

Local Effect: Expenditures increase minimally as a result of the application of an existing incarceration penalty to the bill. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years.

Small Business Effect: None.

Analysis

Current Law: 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. Each county and municipality may adopt by ordinance or resolution a fire prevention code to:

- provide for protection against fires and the removal of fire hazards;
- provide for the appointment of inspectors to enforce the fire prevention code; and
- establish penalties for violation of the fire prevention code or an ordinance, resolution, or regulation for the prevention of fires or removal of fire hazards.

A fire prevention code of a county or municipality adopted may incorporate by reference a code or part of a code prepared by a governmental unit or a trade or professional association for general distribution in printed form as a standard or model on any subject that relates to fire prevention, fire hazards, or flammable or dangerous substances.

Because portable generators have fuel-burning engines, they emit high levels of carbon monoxide, which can be fatal within minutes if used indoors, in enclosed spaces, or too close to a home. According to a 2013 report of the U.S. Consumer Product Safety Commission (CPSC), portable generators were linked to more than 85% of nonfire carbon monoxide deaths associated with engine-driven tools from 1999 through 2012. Most of the generator fatalities that occurred during that time period occurred at fixed-structure homes, and many of the incidents involved generators that were operated in the home's living space. CPSC urges consumers to use portable generators only outside, at least 20 feet from the home, and away from windows and vents to allow proper ventilation.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police, U.S. Consumer Product Safety Commission, Department of Legislative Services

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md/lgc

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