

SENATE BILL 728

E4

(8lr2258)

ENROLLED BILL

— *Judicial Proceedings/Environment and Transportation* —

Introduced by **Senators King, Benson, Feldman, Guzzone, Peters, Robinson, Young, and Zucker**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Battery Operated Smoke Alarms**

3 FOR the purpose of prohibiting a person from selling a battery operated smoke alarm in
4 the State ~~or transporting a battery operated smoke alarm into the State~~ for a certain
5 ~~use~~ purpose on or after a certain date unless the smoke alarm meets certain
6 requirements; exempting certain alarms and detectors from a certain prohibition;
7 imposing a certain penalty for a violation of this Act; defining a certain term; and
8 generally relating to smoke alarms.

9 BY repealing and reenacting, with amendments,
10 Article – Public Safety
11 Section 9–101 and 9–109
12 Annotated Code of Maryland
13 (2011 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, without amendments,
 2 Article – Public Safety
 3 Section 9–104(d) and 9–106(f)
 4 Annotated Code of Maryland
 5 (2011 Replacement Volume and 2017 Supplement)

6 BY adding to
 7 Article – Public Safety
 8 Section 9–106.1
 9 Annotated Code of Maryland
 10 (2011 Replacement Volume and 2017 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 12 That the Laws of Maryland read as follows:

13 **Article – Public Safety**

14 9–101.

15 (a) In this subtitle the following words have the meanings indicated.

16 **(B) “LONG–LIFE BATTERY” MEANS A NONRECHARGEABLE,**
 17 **NONREPLACEABLE PRIMARY BATTERY THAT IS CAPABLE OF OPERATING A SMOKE**
 18 **ALARM FOR AT LEAST 10 YEARS IN THE NORMAL CONDITION.**

19 **[(b)] (C)** “Sleeping area” means a space that includes one or more sleeping rooms
 20 and a hall or common area immediately adjacent to any sleeping room.

21 **[(c)] (D)** “Sleeping room” means an enclosed room with a bed arranged to be used
 22 as a bedroom.

23 **[(d)] (E)** “Smoke alarm” means a single or multiple station device that detects
 24 visible or invisible products of combustion and includes a built–in internal alarm signal.

25 **[(e)] (F)** “Smoke detector” means a system–connected smoke sensing device tied
 26 to a fire alarm control panel or a household fire warning panel.

27 9–104.

28 (d) (1) Subject to paragraph (2) of this subsection, smoke alarm placement in
 29 a one– or two–family dwelling shall be upgraded to comply with paragraph (3) of this
 30 subsection in existing residential occupancies when any one of the following occurs:

31 (i) the existing smoke alarms exceed 10 years from the date of
 32 manufacture;

1 (ii) the existing smoke alarms fail to respond to operability tests or
2 otherwise malfunction;

3 (iii) there is a change of tenant in a residential unit and the
4 residential unit has not previously been equipped in accordance with this subtitle with
5 sealed long-life battery smoke alarms with silence/hush button features within the 10
6 years preceding the change of tenant; or

7 (iv) a building permit is issued for an additional residential unit or
8 alteration to a residential unit.

9 (2) Smoke alarm placement shall be upgraded to comply with paragraph
10 (3) of this subsection in all existing residential occupancies on or before January 1, 2018.

11 (3) Upgraded smoke alarm placement shall include the following:

12 (i) a minimum of one smoke alarm on each level of the residential
13 unit, including basements and excluding unoccupied attics, garages, and crawl spaces;

14 (ii) smoke alarms shall be alternating current (AC) primary powered
15 units with battery backup, except as follows:

16 1. smoke alarms in one- and two-family dwellings
17 constructed before July 1, 1975, may be battery operated; and

18 2. smoke alarms required in new locations by this section, if
19 smoke alarms did not previously exist, may be battery operated; and

20 (iii) if battery operated smoke alarms are permitted, only sealed,
21 tamper resistant units incorporating a silence/hush button and using long-life batteries
22 may be used.

23 9-106.

24 (f) (1) If a residential unit does not contain alternating current (AC) primary
25 electric power, battery operated smoke alarms or smoke alarm operation on an approved
26 alternate source of power may be permitted.

27 (2) Battery operated smoke alarms shall be sealed, tamper resistant units
28 incorporating a silence/hush button and using long-life batteries.

29 **9-106.1.**

30 **(A) THIS SECTION DOES NOT APPLY TO:**

1 **(1) A FIRE ALARM, A SMOKE DETECTOR, A SMOKE ALARM, OR AN**
 2 **ANCILLARY COMPONENT THAT IS:**

3 **(I) ELECTRONICALLY CONNECTED AS A PART OF A LISTED**
 4 **CENTRALLY MONITORED OR SUPERVISED ALARM SYSTEM; OR**

5 **(II) CAPABLE OF SENDING AND RECEIVING NOTIFICATIONS BY:**

6 **1. A LOW-POWER RADIO FREQUENCY WIRELESS**
 7 **COMMUNICATION SIGNAL; OR**

8 **2. A WIRELESS LOCAL AREA NETWORKING CAPABILITY;**
 9 **OR**

10 **(2) ANY OTHER DEVICE THAT THE STATE FIRE MARSHAL**
 11 **DESIGNATES AS EXEMPT THROUGH THE REGULATORY PROCESS.**

12 **(B) ON OR AFTER OCTOBER 1, 2018, A PERSON MAY NOT SELL A BATTERY**
 13 **OPERATED SMOKE ALARM IN THE STATE ~~OR TRANSPORT A BATTERY OPERATED~~**
 14 **~~SMOKE ALARM INTO THE STATE FOR CONSUMER USE~~ COMPLIANCE WITH THIS**
 15 **SUBTITLE UNLESS THE SMOKE ALARM IS A SEALED, TAMPER RESISTANT UNIT**
 16 **INCORPORATING A SILENCE/HUSH BUTTON AND USING ONE OR MORE LONG-LIFE**
 17 **BATTERIES.**

18 **9-109.**

19 **(a) A person may not knowingly violate this subtitle.**

20 **(b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
 21 **SUBSECTION, A person who violates this section is guilty of a misdemeanor and on**
 22 **conviction is subject to imprisonment not exceeding 10 days or a fine not exceeding \$1,000**
 23 **or both.**

24 **(2) A PERSON WHO VIOLATES § 9-106.1 OF THIS SUBTITLE IS SUBJECT**
 25 **TO A FINE NOT EXCEEDING \$1,000.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 27 October 1, 2018.