

# SENATE BILL 728

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CF HB 810

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By: **Senators King, Benson, Feldman, Guzzone, Peters, Robinson, Young, and Zucker**

Introduced and read first time: February 2, 2018

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

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 on or after a certain date unless the smoke alarm meets certain requirements;  
6 defining a certain term; and generally relating to smoke alarms.

7 BY repealing and reenacting, with amendments,

8 Article – Public Safety

9 Section 9–101

10 Annotated Code of Maryland

11 (2011 Replacement Volume and 2017 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Public Safety

14 Section 9–104(d) and 9–106(f)

15 Annotated Code of Maryland

16 (2011 Replacement Volume and 2017 Supplement)

17 BY adding to

18 Article – Public Safety

19 Section 9–106.1

20 Annotated Code of Maryland

21 (2011 Replacement Volume and 2017 Supplement)

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

24 **Article – Public Safety**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9–101.

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

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

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

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

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

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

14 9–104.

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

18 (i) the existing smoke alarms exceed 10 years from the date of  
19 manufacture;

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

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

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

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

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

31 (i) a minimum of one smoke alarm on each level of the residential

1 unit, including basements and excluding unoccupied attics, garages, and crawl spaces;

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

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

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

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

11 9-106.

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

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

17 **9-106.1.**

18 **ON OR AFTER OCTOBER 1, 2018, A PERSON MAY NOT SELL A BATTERY**  
19 **OPERATED SMOKE ALARM IN THE STATE OR TRANSPORT A BATTERY OPERATED**  
20 **SMOKE ALARM INTO THE STATE FOR CONSUMER USE UNLESS THE SMOKE ALARM IS**  
21 **A SEALED, TAMPER RESISTANT UNIT INCORPORATING A SILENCE/HUSH BUTTON**  
22 **AND USING ONE OR MORE LONG-LIFE BATTERIES.**

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