

Department of Legislative Services
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FISCAL AND POLICY NOTE
Revised

Senate Bill 535

(Senators Klausmeier and Exum)

Education, Health, and Environmental Affairs

Environmental Matters

Public Safety - Carbon Monoxide Alarms

This bill requires a “carbon monoxide alarm” to be installed in a central location outside of each sleeping area within specified dwellings newly constructed after January 1, 2008. The bill requires a disclosure form for vendors of single-family residential real property to include information whether a carbon monoxide alarm is installed on the property if the property relies on the combustion of fossil fuel for heat, ventilation, hot water, or clothes dryer operation.

Fiscal Summary

State Effect: Potential additional costs for some new construction of State-owned qualifying dwellings (such as dormitories) associated with the inclusion of carbon monoxide alarms after January 1, 2008. The scale and scope of such potential costs are not expected to be significant.

Local Effect: Varying carbon monoxide alarm installation costs for construction of publicly owned dwellings (such as public housing) in all jurisdictions after January 1, 2008. It is assumed that compliance for all construction projects could be handled with the existing resources of ongoing construction permitting and inspection processes in each jurisdiction.

Small Business Effect: Minimal additional construction costs after January 1, 2008 for some developers and builders of dwelling units. Required disclosure forms applicable to the sale of single-family residential real property could be handled by vendors at minimal cost.

Analysis

Bill Summary: These provisions are applied to newly constructed dwellings for which a building permit is issued on or after January 1, 2008.

A “dwelling” means a building or part of a building that provides living or sleeping facilities, and includes a one- or two-family dwelling, multifamily dwelling, hotel, motel, or dormitory. The bill’s requirements for installation of carbon monoxide alarms only apply to a dwelling that relies on the combustion of a fossil fuel for heat, ventilation, hot water, or clothes dryer operation.

The bill does not prevent a local government from enacting a more stringent law relating to carbon monoxide alarms.

Current Law: Carbon monoxide detectors or alarms are not now regulated under Maryland law.

Residential dwelling units built after 1990 are required to have both battery backup and alternating current smoke detectors. Each sleeping area within each occupancy classified residential, as defined in the most recent edition of the National Fire Protection Association Life Safety Code adopted by the State Fire Prevention Commission, is required to be equipped with at least one approved smoke detector installed in a manner and location approved by the State Fire Prevention Commission. When activated, the smoke detector must provide an alarm suitable to warn the occupants.

By July 1, 1982, an occupant of a one, two, or three family residential dwelling constructed before July 1, 1975 must equip and maintain each occupant’s living unit with at least one approved battery or alternating current (AC) primary electric powered smoke detector.

A landlord must install smoke detectors. On written notification by certified mail by the tenant or on notification in person by the tenant, the landlord is required to repair or replace the smoke detector. If the tenant personally notifies the landlord of the failure of a smoke detector, the landlord must provide a written receipt acknowledging the notification. A tenant may not remove a smoke detector or render a smoke detector inoperative.

If there is clear evidence that an exception will not adversely affect the fire safety of a building or its occupants, the State Fire Marshal or a local authority with jurisdiction over the enforcement of fire and building codes may grant an exception to: (1) a requirement of a State or local fire and building code if a required sprinkler system is installed in a

building; or (2) the sprinkler system requirement if, on or before June 30, 1990, the local authority gave approval to a construction plan for a dormitory, hotel, lodging or rooming house, multifamily residential unit, or town house, and the approved plan did not include the installation of a required sprinkler system. The State Fire Marshal or a local authority may not grant an exception under these provisions to a smoke detector requirement.

A seller of single-family residential real property must complete and give to the purchaser a written disclosure or disclaimer statement about the condition of the property before executing the contract of sale, including whether the smoke detectors will provide an alarm in the event of a power outage.

Under fire protection and prevention provisions of the Public Safety Article, the terms single-family dwelling and multifamily dwelling are not defined. However, under those same provisions, “residential dwelling” means a building or part of a building that provides living or sleeping facilities for one or more individuals. Residential dwelling includes a multifamily residential dwelling, hotel, motel, boardinghouse, lodging house, rooming house, inn, club, or dormitory. The term does not include a single-family residential dwelling or a multifamily residential dwelling in which the individual dwelling units are arranged in a row, side by side, and not constructed above each other.

Background: Carbon monoxide is an odorless, tasteless, invisible gas. Carbon monoxide results from the incomplete combustion of fossil fuels, such as wood, kerosene, gasoline, charcoal, propane, natural gas, and oil. According to the *Journal of the American Medical Association*, carbon monoxide poisoning is the leading cause of accidental poisoning deaths in the United States. Motor vehicles are the most common cause of these accidents.

In the home, it is formed from incomplete combustion from any flame-fueled (*i.e.*, not electric) device, including ranges, ovens, clothes dryers, furnaces, fireplaces, grills, space heaters, vehicles, and water heaters. Furnaces and water heaters may be sources of carbon monoxide, but if they are vented properly the carbon monoxide will escape to the outside air. Open flames, such as from ovens and ranges, are the most common source of carbon monoxide in the home.

Carbon monoxide detectors trigger an alarm based on an accumulation of carbon monoxide over time. Carbon monoxide can do harm with high levels of exposure in a short period of time, or with lower levels over a long period of time. Detectors require a continuous power supply. Models are available that offer back-up battery power.

The State Fire Marshal has authority over fire investigations in all counties except Baltimore City and Anne Arundel, Howard, Montgomery, and Prince George’s counties.

In Wicomico County the responsibilities are shared between the State Fire Marshal and the county government.

It is unclear whether this bill intends to include such temporary residence dwellings, buildings, or structures such as hotels or motels the definition of occupancy.

In 2006, HB 1539 and SB 929 (both failed) were based on a Massachusetts enactment of 2005 and would have required an owner of an “occupancy” that contains fossil-fuel burning equipment or incorporates enclosed parking within the occupancy to equip the occupancy with “carbon monoxide detectors” that conform to the requirements of the State Fire Prevention Commission.

There are currently 11 states that have enacted provisions/requirements relating to carbon monoxide detection: Alaska, Connecticut, Massachusetts, Minnesota, New Jersey, New York, Pennsylvania, Rhode Island, Texas, Vermont, and West Virginia.

According to the State Medical Examiner, the following are the death totals for carbon monoxide poisoning in the State over the past few years:

<u>Cause of Death</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>
Accidental	21	5	9	7
Suicide	24	19	8	7
Undetermined	<u>3</u>	<u>1</u>	<u>-</u>	<u>1</u>
Total	48	25	17	15

According to the State Fire Marshal, detectors now cost about \$25-\$50.

Legislative Services notes that many large scale residences, such as dormitories, do not contain fossil-fuel burning equipment (or attached garages) within that residence. For instance, gas or oil burning heating systems and generators are often in separate buildings.

Additional Information

Prior Introductions: SB 929 and HB 1539 of 2006 addressed similar issues relating to carbon monoxide detection in an “occupancy.” SB 929 received an unfavorable report from the Senate Finance Committee. HB 1539 received a hearing before the House Environmental Matters Committee and had no further action taken on it.

Cross File: HB 401 (Delegate Barnes, *et al.*) – Environmental Matters.

Information Source(s): Office of the Attorney General (Consumer Protection), Department of Public Safety and Correctional Services, Department of State Police (State Fire Marshal), Department of Legislative Services

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