

Chapter 484

(Senate Bill 728)

AN ACT concerning

Public Safety – Battery Operated Smoke Alarms

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

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

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

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

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

Article – Public Safety

9–101.

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

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

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

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

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

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

9–104.

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

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

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

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

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

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

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

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

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

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

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

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

9-106.

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

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

9-106.1.

(A) THIS SECTION DOES NOT APPLY TO:

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

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

(II) CAPABLE OF SENDING AND RECEIVING NOTIFICATIONS BY:

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

2. A WIRELESS LOCAL AREA NETWORKING CAPABILITY;

OR

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

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

9-109.

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

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

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

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

Approved by the Governor, May 8, 2018.