

**Position Statement on Senate Bill 205, Printer's Number 177**

*Issued May X, 2023*

---

**Position**

*Recognizing the importance of functioning carbon monoxide alarms in protecting child and staff health and safety in an early care and education program, the Pennsylvania Association for the Education of Young Children (PennAEYC), Trying Together, and First Up support Senate Bill 205, PN 177. The Department of Human Services, Office of Child Development and Early Learning recently provided all certified child care providers access to two complimentary carbon monoxide detectors at no cost. If child care providers took advantage of this opportunity, there would be no cost to currently certified child care providers. Moving forward we will assist providers in utilizing shared buying services to reduce costs of purchasing carbon monoxide alarms. A technical amendment is needed, the bill should include for-profit and non-profit child care and reference Articles IX and X of the Human Services Code. The definition of child care facility includes nursery schools, which are not licensed by the Department of Human Services under the Human Services Code.*

**Bill Summary**

Senate Bill 205 creates the Carbon Monoxide Alarm Standards in Child Care Facilities Act. The Act would require that each building where a child care facility is operating that uses fossil-fuel-burning heater or appliance, fireplace or in an attached garage, have an operational, centrally located and approved carbon monoxide alarm installed in the vicinity of the heater or fireplace. A carbon monoxide alarm would also need to be located in every unit on the same story as the heater or appliance. Nothing in the Act is intended to modify the authority and responsibility of the Department of Labor and Industry under the Pennsylvania Construction Code Act.

Child care facilities may not be granted a license or certificate of compliance from the Department of Human Services without meeting the requirements of Section 4. A child care facility may be granted a provisional license if they are not in compliance with the requirements of Section 4.

The bill would take effect in 90 days with child care facilities required to meet the carbon monoxide requirement within 18 months of the effective date.

**Background**

The Department of Human Services (DHS) is responsible for enforcement of child care facility health and safety regulations in the commonwealth and conducts annual and complaint inspections. While there are no requirements in regulation related to carbon monoxide alarms, similarly, all certified (licensed) child care facilities, both center and home-based, must have written fire safety approval prior to receiving their certificate of compliance to operate as a child care provider. Regulations provide DHS the authority to require a plan of correction if a facility is not compliant with regulations and to deny, non-renew, or revoke a license to operate when certain conditions are met.

The child care regulations do not permit facilities to have portable space heaters. Fixed space heaters must be approved for use by a local fire safety professional, with written approval of the installation and use on file at the facility. The fixed space heater must also be insulated or equipped with protective guards. Fireplaces, fireplace inserts or woodburning and coal burning stoves must be securely screened or equipped with protective guards when being used, if they are allowed by local ordinance.

Since 2010, newly constructed single-family homes, including homes used to provide child care, are required to have carbon monoxide alarms through the Construction Code Act. Act 36 of 2017 extended this requirement to commercial buildings, including child care centers. Neither existing requirements or Act 36 were retroactive. Therefore, SB 205 would ensure all existing child care facilities as defined in the bill would have carbon monoxide alarms.

In addition, other social service entities have requirements to have carbon monoxide alarms. Act 48 of 2016 required personal care homes, assisted living residences and long-term care nursing facilities to install carbon monoxide detectors if they have fossil fuel burning appliances or devices. This statute addresses installation, testing and replacement, evacuation and alarm protocols, compliance, and liability exemptions for facilities.

Related to carbon monoxide alarms, as a result of Act 42 of 2022, the Fire and Panic Act requires family child care home providers to install interconnected (whether by hardwire, Bluetooth or other means) smoke alarms.

### **Recommendations and Rationale**

*PennAEYC, Trying Together, and First Up understand the importance of health and safety of children and child care staff. In order to protect the health and safety of children and child care staff, carbon monoxide alarms should be used in child care facilities that use fossil-fuel-burning heaters or appliances, fireplaces or in an attached garage.*

[Caring for Our Children's National Health and Safety Performance Standards Guidelines for Early Care and Education Programs](#), 4<sup>th</sup> Edition, [Section 5.2.9.5](#) notes that carbon monoxide is a deadly, colorless, odorless, poisonous gas. It is produced by the incomplete burning of various fuels, including coal, wood, charcoal, oil, kerosene, propane, and natural gas. Products and equipment powered by internal combustion engine-powered equipment such as portable generators, cars, lawn mowers, and power washers also produce carbon monoxide. Carbon monoxide detectors are the only way to detect this substance.

They recommend that carbon monoxide detector(s) be installed in child care settings if one of the following guidelines is met:

- a. The child care program uses any sources of coal, wood, charcoal, oil, kerosene, propane, natural gas, or any other product that can produce carbon monoxide indoors or in an attached garage;
- b. If detectors are required by state/local law or state licensing agency.

Detectors should be tested monthly. Batteries should be changed at least yearly. Detectors should be replaced at least every five years.

PennAEYC, Trying Together, and First Up recommend that Senate Bill 205 include a child care facility licensed under Article IX of the Human Services Code in Section 5(b) to permit them to be issued a provisional license if they do not meet the carbon monoxide requirements. The bill should include for-profit and non-profit child care facilities with regard to provisional licensure and reference Articles IX and X of the Human Services Code.

### **Fiscal Impact to Child Care Provider Community**

As written, child care facilities would be responsible for purchasing and installing their carbon monoxide alarms. In March 2023, the Department of Human Services, Office of Child Development and Early Learning provided all certified child care providers access to two complimentary carbon monoxide



detectors at no cost to child care providers. Child care providers that took advantage of this opportunity and later properly installed the carbon monoxide alarms would not incur any additional cost and would likely be in compliance with the carbon monoxide alarm requirements. If passed, PennAEYC, Trying Together and First Up will seek to help providers moving forward with the cost by seeking out opportunities to purchase carbon monoxide alarms in bulk through shared services arrangements.