

Position Statement on House Bill 156, Printer's Number 1302

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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 House Bill 156, PN 1302. In 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. If child care providers took advantage of this opportunity, those child care providers would not incur additional costs. PennAEYC, Trying Together and First Up can assist providers in utilizing shared buying services to reduce costs of purchasing carbon monoxide alarms.

Bill Summary

House Bill 156 amends the Human Services Code at Article X, specific to for-profit child care centers and family child care homes, establishing carbon monoxide alarm standards. The bill requires that each building where a child care center and family child care home 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 and was amended to require it within fifteen feet of the heater or appliance, fireplace or attached garage. A carbon monoxide alarm would also need to be located on every level of the child care center or family child care home.

The Department of Human Services would be authorized to take enforcement action against a child care center and family child care home for a violation of the carbon monoxide alarm requirements in Articles IX and X and the regulations.

The bill was amended and now requires that the carbon monoxide alarms be installed within 15 feet of any fossil-fuel-burning heater or appliance, fireplace or attached garage.

The bill would take effect in 90 days with child care centers and family child care homes required to meet the carbon monoxide alarm 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, House Bill 156 would ensure all existing child care centers and family child care home as defined in the bill 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 staff in early care and education programs. In order to protect the health and safety of children and child care staff, carbon monoxide alarms should be used in child care centers and family child care homes 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, 4th Edition, Section 5.2.9.5 Carbon Monoxide Detectors 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 notes that House Bill 156 amends Article X, which governs for-profit child care centers and family child care homes. The term child care center includes "children's institution" under Article IX and child care center under Article X. The bill requires for-profit child care programs under Article X and non-profit child care programs under Articles IX of the Human Services Code to meet the requirements and allow the Department of Human Services to have enforcement action. We note that "family child care home" should be included at the end of the bill where "child care center" as defined in article X is referenced.

Fiscal Impact to Child Care Provider Community

As written, child care centers and family child care homes 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.