

Calendar No. 524

116TH CONGRESS
2D SESSION

S. 481

[Report No. 116–261]

To encourage States to require the installation of residential carbon monoxide detectors in homes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2019

Ms. KLOBUCHAR (for herself, Mr. HOEVEN, Mr. CRAMER, Ms. SMITH, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 8, 2020

Reported by Mr. WICKER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To encourage States to require the installation of residential carbon monoxide detectors in homes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Nicholas and Zachary
3 Burt Memorial Carbon Monoxide Poisoning Prevention
4 Act of 2019”.

5 **SEC. 2. FINDINGS AND SENSE OF CONGRESS.**

6 (a) **FINDINGS.**—Congress finds the following:

7 (1) Carbon monoxide is a colorless, odorless gas
8 produced by burning any fuel. Exposure to unhealth-
9 thy levels of carbon monoxide can lead to carbon
10 monoxide poisoning, a serious health condition that
11 could result in death.

12 (2) Unintentional carbon monoxide poisoning
13 from motor vehicles and improper operation of fuel-
14 burning appliances, such as furnaces, water heaters,
15 portable generators, and stoves, annually kills more
16 than 400 individuals and sends approximately
17 15,000 individuals to hospital emergency rooms for
18 treatment.

19 (3) Research shows that installing carbon mon-
20 oxide alarms close to the sleeping areas in residen-
21 tial homes and other dwelling units can help avoid
22 fatalities.

23 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
24 gress that Congress should promote the installation of car-
25 bon monoxide alarms in residential homes and dwelling
26 units across the United States in order to promote the

1 health and public safety of citizens throughout the United
 2 States.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) CARBON MONOXIDE ALARM.—The term
 6 “carbon monoxide alarm” means a device or system
 7 that—

8 (A) detects carbon monoxide; and

9 (B) is intended to sound an alarm at a
 10 carbon monoxide concentration below a con-
 11 centration that could cause a loss of the ability
 12 to react to the dangers of carbon monoxide ex-
 13 posure.

14 (2) COMMISSION.—The term “Commission”
 15 means the Consumer Product Safety Commission.

16 (3) COMPLIANT CARBON MONOXIDE ALARM.—
 17 The term “compliant carbon monoxide alarm”
 18 means a carbon monoxide alarm that complies with
 19 the most current version of—

20 (A) the Standard for Single and Multiple
 21 Station Carbon Monoxide Alarms of the Amer-
 22 ican National Standards Institute and UL
 23 (ANSI/UL 2034), or any successor standard;
 24 and

1 ~~(B) the Standard for Gas and Vapor De-~~
 2 ~~tectors and Sensors of the American National~~
 3 ~~Standards Institute and UL (ANSI/UL 2075),~~
 4 ~~or any successor standard.~~

5 ~~(4) DWELLING UNIT.—The term “dwelling~~
 6 ~~unit”—~~

7 ~~(A) means a room or suite of rooms used~~
 8 ~~for human habitation; and~~

9 ~~(B) includes—~~

10 ~~(i) a single family residence;~~

11 ~~(ii) each living unit of a multiple fam-~~
 12 ~~ily residence, including an apartment build-~~
 13 ~~ing; and~~

14 ~~(iii) each living unit in a mixed use~~
 15 ~~building.~~

16 ~~(5) FIRE CODE ENFORCEMENT OFFICIALS.—~~
 17 ~~The term “fire code enforcement officials” means of-~~
 18 ~~ficials of the fire safety code enforcement agency of~~
 19 ~~a State or local government or a tribal organization.~~

20 ~~(6) NFPA 720.—The term “NFPA 720”~~
 21 ~~means—~~

22 ~~(A) the Standard for the Installation of~~
 23 ~~Carbon Monoxide Detection and Warning~~
 24 ~~Equipment issued by the National Fire Protec-~~
 25 ~~tion Association in 2012; and~~

1 ~~(B)~~ any amended or similar successor
 2 standard relating to the proper installation of
 3 carbon monoxide alarms in dwelling units.

4 ~~(7) STATE.—~~The term “State”—

5 ~~(A)~~ has the meaning given the term in sec-
 6 tion ~~3(a)~~ of the Consumer Product Safety Act
 7 ~~(15 U.S.C. 2052(a))~~; and

8 ~~(B)~~ includes—

9 ~~(i)~~ the Commonwealth of the North-
 10 ern Mariana Islands; and

11 ~~(ii)~~ any political subdivision of a
 12 State.

13 ~~(8) TRIBAL ORGANIZATION.—~~The term “tribal
 14 organization” has the meaning given the term in
 15 section ~~4(l)~~ of the Indian Self-Determination and
 16 Education Assistance Act ~~(25 U.S.C. 5304(l))~~.

17 **SEC. 4. GRANT PROGRAM FOR CARBON MONOXIDE POI-**
 18 **SONING PREVENTION.**

19 ~~(a) IN GENERAL.—~~Subject to the availability of ap-
 20 propriations authorized under subsection (f), the Commis-
 21 sion shall establish a grant program to provide assistance
 22 to States and tribal organizations that are eligible under
 23 subsection (b) to carry out the carbon monoxide poisoning
 24 prevention activities described in subsection (e).

1 (b) ELIGIBILITY.—For the purposes of this section;
 2 an eligible State or tribal organization is any State or trib-
 3 al organization that—

4 (1) demonstrates to the satisfaction of the
 5 Commission that the State or tribal organization has
 6 adopted a statute or a rule, regulation, or similar
 7 measure that—

8 (A) has the force and effect of law; and

9 (B) requires compliant carbon monoxide
 10 alarms to be installed in dwelling units in ac-
 11 cordance with NFPA 720; and

12 (2) submits an application—

13 (A) to the Commission at such time, in
 14 such form, and containing such additional in-
 15 formation as the Commission may require; and

16 (B) that may be filed on behalf of the
 17 State or tribal organization by the fire safety
 18 code enforcement agency of that State or tribal
 19 organization.

20 (c) GRANT AMOUNT.—The Commission shall deter-
 21 mine the amount of each grant awarded under this sec-
 22 tion.

23 (d) SELECTION OF GRANT RECIPIENTS.—In select-
 24 ing eligible States and tribal organizations for the award
 25 of grants under this section, the Commission shall give

1 favorable consideration to an eligible State or tribal orga-
 2 nization that—

3 ~~(1)~~ requires the installation of a compliant ear-
 4 bon monoxide alarm in a new or existing educational
 5 facility, childcare facility, health care facility, adult
 6 dependent care facility, government building, res-
 7 taurant, theater, lodging establishment, or dwelling
 8 unit—

9 ~~(A)~~ within which a fuel-burning appliance,
 10 including a furnace, boiler, water heater, fire-
 11 place, or any other apparatus, appliance, or de-
 12 vice that burns fuel, is installed; or

13 ~~(B)~~ that has an attached garage; and

14 ~~(2)~~ has developed a strategy to protect vulner-
 15 able populations, such as children, the elderly, or
 16 low-income households, from exposure to unhealthy
 17 levels of carbon monoxide.

18 ~~(c) USE OF GRANT FUNDS.—~~

19 ~~(1) IN GENERAL.—~~Subject to paragraph ~~(2)~~, an
 20 eligible State or tribal organization to which a grant
 21 is awarded under this section may use the grant—

22 ~~(A)~~ to purchase and install compliant ear-
 23 bon monoxide alarms in the dwelling units of
 24 low-income families or elderly individuals, facili-
 25 ties that commonly serve children or the elderly

(including childcare facilities, public schools, and senior centers), or student dwelling units owned by public universities;

(B) to train State, tribal organization, or local fire code enforcement officials in the proper enforcement of State, tribal, or local laws regarding compliant carbon monoxide alarms and the installation of those alarms in accordance with NFPA 720;

(C) for the development and dissemination of training materials, instructors, and any other costs relating to the training sessions authorized under this subsection; or

(D) to educate the public about—

(i) the risk associated with carbon monoxide as a poison; and

(ii) the importance of proper carbon monoxide alarm use.

(2) LIMITATIONS.—

(A) ADMINISTRATIVE COSTS.—An eligible State or tribal organization to which a grant is awarded under this section may use not more than 5 percent of the grant amount to cover administrative costs that are not directly related to training described in paragraph (1)(B).

1 ~~(B) PUBLIC OUTREACH.—~~An eligible State
 2 or tribal organization to which a grant is
 3 awarded under this section may use not more
 4 than 25 percent of the grant amount to cover
 5 the costs of activities described in paragraph
 6 ~~(1)(D).~~

7 ~~(f) AUTHORIZATION OF APPROPRIATIONS.—~~

8 ~~(1) IN GENERAL.—~~Subject to paragraph (2),
 9 there is authorized to be appropriated to the Com-
 10 mission, for each of fiscal years 2019 through 2023,
 11 \$2,000,000 to carry out this Act, which shall remain
 12 available until expended.

13 ~~(2) LIMITATION ON ADMINISTRATIVE EX-~~
 14 ~~PENSES.—~~In a fiscal year, not more than 10 percent
 15 of the amounts appropriated or otherwise made
 16 available to carry out this Act may be used for ad-
 17 ministrative expenses.

18 ~~(3) RETENTION OF AMOUNTS.—~~Any amounts
 19 appropriated under this subsection that remain un-
 20 expended and unobligated on September 30, 2023,
 21 shall be retained by the Commission and credited to
 22 the appropriations account that funds the enforce-
 23 ment of the Consumer Product Safety Act (15
 24 U.S.C. 2051 et seq.).

1 ~~(g) REPORT.—Not later than 1 year after the last~~
 2 ~~day of each fiscal year in which grants are awarded under~~
 3 ~~this section, the Commission shall submit to Congress a~~
 4 ~~report that evaluates the implementation of the grant pro-~~
 5 ~~gram required under this section.~~

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Nicholas and Zachary*
 8 *Burt Memorial Carbon Monoxide Poisoning Prevention Act*
 9 *of 2019”.*

10 **SEC. 2. FINDINGS AND SENSE OF CONGRESS.**

11 *(a) FINDINGS.—Congress finds the following:*

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 13 *produced by burning any fuel. Exposure to unhealthy*
 14 *levels of carbon monoxide can lead to carbon mon-*
 15 *oxide poisoning, a serious health condition that could*
 16 *result in death.*

17 *(2) Unintentional carbon monoxide poisoning*
 18 *from motor vehicles and improper operation of fuel-*
 19 *burning appliances, such as furnaces, water heaters,*
 20 *portable generators, and stoves, annually kills more*
 21 *than 400 individuals and sends approximately 15,000*
 22 *individuals to hospital emergency rooms for treat-*
 23 *ment.*

24 *(3) Research shows that installing carbon mon-*
 25 *oxide alarms close to the sleeping areas in residential*

1 *homes and other dwelling units can help avoid fatali-*
 2 *ties.*

3 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
 4 *that Congress should promote the installation of carbon*
 5 *monoxide alarms in residential homes and dwelling units*
 6 *across the United States in order to promote the health and*
 7 *public safety of citizens throughout the United States.*

8 **SEC. 3. DEFINITIONS.**

9 *In this Act:*

10 *(1) CARBON MONOXIDE ALARM.—The term “car-*
 11 *bon monoxide alarm” means a device or system*
 12 *that—*

13 *(A) detects carbon monoxide; and*

14 *(B) is intended to sound an alarm at a car-*
 15 *bon monoxide concentration below a concentra-*
 16 *tion that could cause a loss of the ability to react*
 17 *to the dangers of carbon monoxide exposure.*

18 *(2) COMMISSION.—The term “Commission”*
 19 *means the Consumer Product Safety Commission.*

20 *(3) COMPLIANT CARBON MONOXIDE ALARM.—The*
 21 *term “compliant carbon monoxide alarm” means a*
 22 *carbon monoxide alarm that complies with the most*
 23 *current version of—*

24 *(A) the Standard for Single and Multiple*
 25 *Station Carbon Monoxide Alarms of the Amer-*

1 ican National Standards Institute and UL
2 (ANSI/UL 2034), or any successor standard; and

3 (B) the Standard for Gas and Vapor Detec-
4 tors and Sensors of the American National
5 Standards Institute and UL (ANSI/UL 2075),
6 or any successor standard.

7 (4) *DWELLING UNIT.*—The term “dwelling
8 unit”—

9 (A) means a room or suite of rooms used for
10 human habitation; and

11 (B) includes—

12 (i) a single family residence;

13 (ii) each living unit of a multiple fam-
14 ily residence, including an apartment
15 building; and

16 (iii) each living unit in a mixed use
17 building.

18 (5) *FIRE CODE ENFORCEMENT OFFICIALS.*—The
19 term “fire code enforcement officials” means officials
20 of the fire safety code enforcement agency of a State
21 or local government or a Tribal organization.

22 (6) *INTERNATIONAL FIRE CODE.*—The term
23 “IFC” means—

1 (A) *the 2015 or 2018 edition of the Inter-*
 2 *national Fire Code published by the Inter-*
 3 *national Code Council; or*

4 (B) *any amended or similar successor code*
 5 *pertaining to the proper installation of carbon*
 6 *monoxide alarms in dwelling units.*

7 (7) *INTERNATIONAL RESIDENTIAL CODE.—The*
 8 *term “IRC” means—*

9 (A) *the 2015 or 2018 edition of the Inter-*
 10 *national Residential Code published by the*
 11 *International Code Council; or*

12 (B) *any amended or similar successor code*
 13 *pertaining to the proper installation of carbon*
 14 *monoxide alarms in dwelling units.*

15 (8) *NFPA 720.—The term “NFPA 720” means—*

16 (A) *the Standard for the Installation of*
 17 *Carbon Monoxide Detection and Warning*
 18 *Equipment issued by the National Fire Protec-*
 19 *tion Association in 2012; and*

20 (B) *any amended or similar successor*
 21 *standard relating to the proper installation of*
 22 *carbon monoxide alarms in dwelling units.*

23 (9) *STATE.—The term “State”—*

1 (A) has the meaning given the term in sec-
 2 tion 3(a) of the Consumer Product Safety Act
 3 (15 U.S.C. 2052(a)); and

4 (B) includes—

5 (i) the Commonwealth of the Northern
 6 Mariana Islands; and

7 (ii) any political subdivision of a
 8 State.

9 (10) TRIBAL ORGANIZATION.—The term “Tribal
 10 organization” has the meaning given the term in sec-
 11 tion 4(l) of the Indian Self-Determination and Edu-
 12 cation Assistance Act (25 U.S.C. 5304(l)).

13 **SEC. 4. GRANT PROGRAM FOR CARBON MONOXIDE POI-**
 14 **SONING PREVENTION.**

15 (a) IN GENERAL.—Subject to the availability of appro-
 16 priations authorized under subsection (f), the Commission
 17 shall establish a grant program to provide assistance to
 18 States and Tribal organizations that are eligible under sub-
 19 section (b) to carry out the carbon monoxide poisoning pre-
 20 vention activities described in subsection (e).

21 (b) ELIGIBILITY.—For the purposes of this section, an
 22 eligible State or Tribal organization is any State or Tribal
 23 organization that—

24 (1) demonstrates to the satisfaction of the Com-
 25 mission that the State or Tribal organization has

1 *adopted a statute or a rule, regulation, or similar*
 2 *measure with the force and effect of law, requiring*
 3 *compliant carbon monoxide alarms to be installed in*
 4 *dwelling units in accordance with NFPA 72, the IFC,*
 5 *or the IRC; and*

6 *(2) submits an application—*

7 *(A) to the Commission at such time, in such*
 8 *form, and containing such additional informa-*
 9 *tion as the Commission may require; and*

10 *(B) that may be filed on behalf of the State*
 11 *or Tribal organization by the fire safety code en-*
 12 *forcement agency of that State or Tribal organi-*
 13 *zation.*

14 *(c) GRANT AMOUNT.—The Commission shall deter-*
 15 *mine the amount of each grant awarded under this section.*

16 *(d) SELECTION OF GRANT RECIPIENTS.—In selecting*
 17 *eligible States and Tribal organizations for the award of*
 18 *grants under this section, the Commission shall give favor-*
 19 *able consideration to an eligible State or Tribal organiza-*
 20 *tion that—*

21 *(1) requires the installation of a compliant car-*
 22 *bon monoxide alarm in a new or existing educational*
 23 *facility, childcare facility, health care facility, adult*
 24 *dependent care facility, government building, res-*

1 *taurant, theater, lodging establishment, or dwelling*
 2 *unit—*

3 *(A) within which a fuel-burning appliance,*
 4 *including a furnace, boiler, water heater, fire-*
 5 *place, or any other apparatus, appliance, or de-*
 6 *vice that burns fuel, is installed; or*

7 *(B) that has an attached garage; and*

8 *(2) has developed a strategy to protect vulnerable*
 9 *populations, such as children, the elderly, or low-in-*
 10 *come households, from exposure to unhealthy levels of*
 11 *carbon monoxide.*

12 *(e) USE OF GRANT FUNDS.—*

13 *(1) IN GENERAL.—Subject to paragraph (2), an*
 14 *eligible State or Tribal organization to which a grant*
 15 *is awarded under this section may use the grant—*

16 *(A) to purchase and install compliant car-*
 17 *bon monoxide alarms in the dwelling units of*
 18 *low-income families or elderly individuals, facili-*
 19 *ties that commonly serve children or the elderly*
 20 *(including childcare facilities, public schools,*
 21 *and senior centers), or student dwelling units*
 22 *owned by public universities;*

23 *(B) to train State, Tribal organization, or*
 24 *local fire code enforcement officials in the proper*
 25 *enforcement of State, Tribal, or local laws re-*

1 *garding compliant carbon monoxide alarms and*
 2 *the installation of those alarms in accordance*
 3 *with NFPA 720, the IFC, or the IRC;*

4 *(C) for the development and dissemination*
 5 *of training materials, instructors, and any other*
 6 *costs relating to the training sessions authorized*
 7 *under this subsection; or*

8 *(D) to educate the public about—*

9 *(i) the risk associated with carbon*
 10 *monoxide as a poison; and*

11 *(ii) the importance of proper carbon*
 12 *monoxide alarm use.*

13 *(2) LIMITATIONS.—*

14 *(A) ADMINISTRATIVE COSTS.—An eligible*
 15 *State or Tribal organization to which a grant is*
 16 *awarded under this section may use not more*
 17 *than 5 percent of the grant amount to cover ad-*
 18 *ministrative costs that are not directly related to*
 19 *training described in paragraph (1)(B).*

20 *(B) PUBLIC OUTREACH.—An eligible State*
 21 *or Tribal organization to which a grant is*
 22 *awarded under this section may use not more*
 23 *than 25 percent of the grant amount to cover the*
 24 *costs of activities described in paragraph (1)(D).*

1 (C) *STATE CONTRIBUTIONS.*—An eligible
 2 State to which a grant is awarded under this
 3 section shall, with respect to the costs incurred
 4 by the State in carrying out activities under the
 5 grant, provide non-Federal contributions in an
 6 amount equal to not less than 20 percent of
 7 amount of Federal funds provided under the
 8 grant to administer the program. This subpara-
 9 graph shall not apply to Tribal organizations.

10 (f) *FUNDING.*—

11 (1) *IN GENERAL.*—The Commission shall carry
 12 out this Act using amounts appropriated to the Com-
 13 mission for each of fiscal years 2020 through 2024, to
 14 extent such funds are available.

15 (2) *LIMITATION ON ADMINISTRATIVE EX-*
 16 *PENSES.*—In a fiscal year, not more than 10 percent
 17 of the amounts appropriated or otherwise made avail-
 18 able to carry out this Act may be used for adminis-
 19 trative expenses.

20 (g) *REPORT.*—Not later than 1 year after the last day
 21 of each fiscal year in which grants are awarded under this
 22 section, the Commission shall submit to Congress a report
 23 that evaluates the implementation of the grant program re-
 24 quired under this section.

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