

AMENDED IN SENATE MAY 10, 2011
AMENDED IN SENATE APRIL 28, 2011
AMENDED IN SENATE MARCH 22, 2011

SENATE BILL

No. 840

Introduced by Senator Evans

February 18, 2011

An act to add Section 1287 to the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 840, as amended, Evans. Health facilities: carbon monoxide detectors.

Existing law provides for the licensure and regulation of health facilities, ~~including, but not limited to, skilled nursing facilities,~~ as defined, by the State Department of Public Health. A violation of these provisions is a crime.

Existing law establishes the Office of Statewide Health Planning and Development (OSHPD) and sets forth its powers and duties with respect to health facility construction, health policy and planning, and health professions development.

This bill would require an owner of a ~~skilled nursing~~ *specified health* facility to install prescribed carbon monoxide devices in that facility ~~if it has a fossil fuel burning appliance within the interior of the facility on or before January 1, 2013 in or around areas that contain a fossil fuel burning appliance within 180 days after regulations are approved by the OSHPD.~~ This bill would require the ~~department~~ *OSHPD* to prescribe the criteria for the number and placement of carbon monoxide devices in a ~~skilled nursing~~ facility and to adopt and enforce regulations

prescribing building standards for the adequacy and safety of ~~skilled nursing~~ facility physical plants for these purposes. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1287 is added to the Health and Safety
 2 Code, to read:

3 ~~1287. (a) An owner of a skilled nursing facility shall install~~
 4 ~~carbon monoxide devices in the facility, that are approved and~~
 5 ~~listed by the State Fire Marshal pursuant to Section 13263, on or~~
 6 ~~before January 1, 2013.~~

7 *1287. (a) An owner of a health facility, as defined in*
 8 *subdivision (c), (d), (e), (g), (h), (i), (k), or (m) of Section 1250,*
 9 *shall install carbon monoxide devices, as defined in Section 13262,*
 10 *in the facility in or around areas that contain a fossil fuel burning*
 11 *appliance within 180 days after regulations are approved by the*
 12 *Office of Statewide Health Planning and Development.*

13 (b) ~~The department~~*The Office of Statewide Health Planning*
 14 *and Development* shall prescribe the criteria for the number and
 15 placement of carbon monoxide devices in a ~~skilled nursing~~ facility
 16 ~~and shall adopt and enforce~~ *with a fossil fuel burning appliance*
 17 *and shall adopt* regulations prescribing building standards for the
 18 adequacy and safety of ~~skilled nursing~~ facility physical plants for
 19 the purposes of this section. *Battery-operated carbon monoxide*
 20 *devices shall be considered to meet the requirements of this section*
 21 *and shall be maintained in operating condition.*

22 (c) A ~~skilled nursing~~ facility that does not have a fossil fuel
 23 burning appliance within the interior of the facility shall not be
 24 required to install carbon monoxide devices pursuant to this ~~section.~~
 25 ~~For section.~~

1 *(d) For* purposes of this section, “fossil fuel” means coal,
2 kerosene, oil, wood, fuel gases, and other petroleum or hydrocarbon
3 products that emit carbon monoxide as a byproduct of combustion.

4 SEC. 2. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.

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