

Amy Klobuchar

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 481

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

1 At the appropriate place, insert the following:

2 **SECTION 1. SHORT TITLE.**

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

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

7 (a) FINDINGS.—Congress finds the following:

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

1 (2) Unintentional carbon monoxide poisoning
2 from motor vehicles and improper operation of fuel-
3 burning appliances, such as furnaces, water heaters,
4 portable generators, and stoves, annually kills more
5 than 400 individuals and sends approximately
6 15,000 individuals to hospital emergency rooms for
7 treatment.

8 (3) Research shows that installing carbon mon-
9 oxide alarms close to the sleeping areas in residen-
10 tial homes and other dwelling units can help avoid
11 fatalities.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that Congress should promote the installation of ear-
14 bon monoxide alarms in residential homes and dwelling
15 units across the United States in order to promote the
16 health and public safety of citizens throughout the United
17 States.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) CARBON MONOXIDE ALARM.—The term
21 “carbon monoxide alarm” means a device or system
22 that—

23 (A) detects carbon monoxide; and

24 (B) is intended to sound an alarm at a
25 carbon monoxide concentration below a con-

1 centration that could cause a loss of the ability
2 to react to the dangers of carbon monoxide ex-
3 posure.

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

6 (3) COMPLIANT CARBON MONOXIDE ALARM.—
7 The term “compliant carbon monoxide alarm”
8 means a carbon monoxide alarm that complies with
9 the most current version of—

10 (A) the Standard for Single and Multiple
11 Station Carbon Monoxide Alarms of the Amer-
12 ican National Standards Institute and UL
13 (ANSI/UL 2034), or any successor standard;
14 and

15 (B) the Standard for Gas and Vapor De-
16 tectors and Sensors of the American National
17 Standards Institute and UL (ANSI/UL 2075),
18 or any successor standard.

19 (4) DWELLING UNIT.—The term “dwelling
20 unit”—

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

23 (B) includes—

24 (i) a single family residence;

1 (ii) each living unit of a multiple fam-
2 ily residence, including an apartment build-
3 ing; and

4 (iii) each living unit in a mixed use
5 building.

6 (5) FIRE CODE ENFORCEMENT OFFICIALS.—

7 The term “fire code enforcement officials” means of-
8 ficials of the fire safety code enforcement agency of
9 a State or local government or a tribal organization.

10 (6) INTERNATIONAL FIRE CODE.—The term
11 “IFC” means—

12 (A) the 2015 or 2018 edition of the Inter-
13 national Fire Code published by the Inter-
14 national Code Council; or

15 (B) any amended or similar successor code
16 pertaining to the proper installation of carbon
17 monoxide alarms in dwelling units.

18 (7) INTERNATIONAL RESIDENTIAL CODE.—The
19 term “IRC” means—

20 (A) the 2015 or 2018 edition of the Inter-
21 national Residential Code published by the
22 International Code Council; or

23 (B) any amended or similar successor code
24 pertaining to the proper installation of carbon
25 monoxide alarms in dwelling units.

1 (8) NFPA 720.—The term “NFPA 720”
2 means—

3 (A) the Standard for the Installation of
4 Carbon Monoxide Detection and Warning
5 Equipment issued by the National Fire Protec-
6 tion Association in 2012; and

7 (B) any amended or similar successor
8 standard relating to the proper installation of
9 carbon monoxide alarms in dwelling units.

10 (9) STATE.—The term “State”—

11 (A) has the meaning given the term in sec-
12 tion 3(a) of the Consumer Product Safety Act
13 (15 U.S.C. 2052(a)); and

14 (B) includes—

15 (i) the Commonwealth of the North-
16 ern Mariana Islands; and

17 (ii) any political subdivision of a
18 State.

19 (10) TRIBAL ORGANIZATION.—The term “tribal
20 organization” has the meaning given the term in
21 section 4(l) of the Indian Self-Determination and
22 Education Assistance Act (25 U.S.C. 5304(l)).

1 **SEC. 4. GRANT PROGRAM FOR CARBON MONOXIDE POI-**
2 **SONING PREVENTION.**

3 (a) **IN GENERAL.**—Subject to the availability of ap-
4 propriations authorized under subsection (f), the Commis-
5 sion shall establish a grant program to provide assistance
6 to States and tribal organizations that are eligible under
7 subsection (b) to carry out the carbon monoxide poisoning
8 prevention activities described in subsection (c).

9 (b) **ELIGIBILITY.**—For the purposes of this section,
10 an eligible State or tribal organization is any State or trib-
11 al organization that—

12 (1) demonstrates to the satisfaction of the
13 Commission that the State or Tribal organization
14 has adopted a statute or a rule, regulation, or simi-
15 lar measure with the force and effect of law, requir-
16 ing compliant carbon monoxide alarms to be in-
17 stalled in dwelling units in accordance with NFPA
18 72, the IFC, or the IRC; and

19 (2) submits an application—

20 (A) to the Commission at such time, in
21 such form, and containing such additional in-
22 formation as the Commission may require; and

23 (B) that may be filed on behalf of the
24 State or tribal organization by the fire safety
25 code enforcement agency of that State or tribal
26 organization.

1 (c) GRANT AMOUNT.—The Commission shall deter-
2 mine the amount of each grant awarded under this sec-
3 tion.

4 (d) SELECTION OF GRANT RECIPIENTS.—In select-
5 ing eligible States and tribal organizations for the award
6 of grants under this section, the Commission shall give
7 favorable consideration to an eligible State or tribal orga-
8 nization that—

9 (1) requires the installation of a compliant car-
10 bon monoxide alarm in a new or existing educational
11 facility, childcare facility, health care facility, adult
12 dependent care facility, government building, res-
13 taurant, theater, lodging establishment, or dwelling
14 unit—

15 (A) within which a fuel-burning appliance,
16 including a furnace, boiler, water heater, fire-
17 place, or any other apparatus, appliance, or de-
18 vice that burns fuel, is installed; or

19 (B) that has an attached garage; and

20 (2) has developed a strategy to protect vulner-
21 able populations, such as children, the elderly, or
22 low-income households, from exposure to unhealthy
23 levels of carbon monoxide.

24 (e) USE OF GRANT FUNDS.—

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

4 (A) to purchase and install compliant car-
5 bon monoxide alarms in the dwelling units of
6 low-income families or elderly individuals, facili-
7 ties that commonly serve children or the elderly
8 (including child care facilities, public schools,
9 and senior centers), or student dwelling units
10 owned by public universities;

11 (B) to train State, tribal organization, or
12 local fire code enforcement officials in the prop-
13 er enforcement of State, tribal, or local laws re-
14 garding compliant carbon monoxide alarms and
15 the installation of those alarms in accordance
16 with NFPA 720, the IFC, or the IRC;

17 (C) for the development and dissemination
18 of training materials, instructors, and any other
19 costs relating to the training sessions author-
20 ized under this subsection; or

21 (D) to educate the public about—

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

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

1 (2) LIMITATIONS.—

2 (Δ) ADMINISTRATIVE COSTS.—An eligible
3 State or tribal organization to which a grant is
4 awarded under this section may use not more
5 than 5 percent of the grant amount to cover ad-
6 ministrative costs that are not directly related
7 to training described in paragraph (1)(B).

8 (B) PUBLIC OUTREACH.—An eligible State
9 or tribal organization to which a grant is
10 awarded under this section may use not more
11 than 25 percent of the grant amount to cover
12 the costs of activities described in paragraph
13 (1)(D).

14 (f) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) IN GENERAL.—Subject to paragraph (2),
16 there is authorized to be appropriated to the Com-
17 mission, for each of fiscal years 2020 through 2024,
18 \$2,000,000 to carry out this Act, which shall remain
19 available until expended.

20 (2) LIMITATION ON ADMINISTRATIVE EX-
21 PENSES.—In a fiscal year, not more than 10 percent
22 of the amounts appropriated or otherwise made
23 available to carry out this Act may be used for ad-
24 ministrative expenses.

1 (3) RETENTION OF AMOUNTS.—Any amounts
2 appropriated under this subsection that remain un-
3 expended and unobligated on September 30, 2024,
4 shall be retained by the Commission and credited to
5 the appropriations account that funds the enforce-
6 ment of the Consumer Product Safety Act (15
7 U.S.C. 2051 et seq.).

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