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## 2001 Survey of Rhode Island Law: Legislation: Public Health and Safety: An Act Relating to Public Health and Safety - Carbon Monoxide Detectors

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**Public Health and Safety.** *An Act Relating to Public Health and Safety – Carbon Monoxide Detectors.* Fire and carbon monoxide detections systems act. This act requires carbon monoxide detectors be located in the sleeping areas of each residence. Effective January 1, 2002. 2001 R.I. Pub. Laws ch. 177.

#### SUMMARY

This legislation (the Act) amends Title 23 of the Rhode Island General Laws, entitled “Health and Safety,” by amending Chapter 28.34, renamed “Fire and Carbon Monoxide Detection Systems” and Chapter 28.35, renamed “Fire Detectors and Carbon Monoxide Systems in Existing Residential Occupancies.”<sup>1</sup>

For both chapters, the Act provides that each residence must have a carbon monoxide detector system that is listed by a nationally recognized testing laboratory, which has been approved by the fire marshal.<sup>2</sup> The rules for a new residence and an existing residence are very similar.<sup>3</sup> One of the differences for new residences provided by the Act is that “all buildings hereinafter constructed or converted for residential occupancy, *those premises being equipped with gas utilities*, shall also be equipped with a carbon monoxide detector system. . . .”<sup>4</sup> This is not applicable for existing structures. The law requires all residential buildings to have a carbon monoxide detector.<sup>5</sup> On January 16, 2002, the Senate introduced a bill that would remove the language “those premises being equipped with gas utilities”.<sup>6</sup> The Senate bill is proposed to be effective on passage.<sup>7</sup> This would eliminate the major difference between a new structure and an existing residence that existed.

Once the bill passes, the newly constructed residential buildings and the existing residential buildings must be equipped with carbon monoxide detectors; a minimum of one in each building, located outside sleeping areas will be required.<sup>8</sup> If a room other than a bathroom separates a sleeping area, then each sleeping area re-

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1. R.I. Gen. Laws §§ 23-28.34-1 et seq., 23-28.35-1 et seq. (2001).

2. *Id.* §§ 23-28.34-1, 23-28.35-1.

3. *See id.* §§ 23-28.34-1 to 23-28.35-15.

4. *Id.* § 23-28.34-1 (emphasis added).

5. *Id.* § 23-28.35-1.

6. S.B. 2135 (SN) (R.I. 2001).

7. *Id.*

8. R.I. Gen. Laws §§ 23-28.34-3, 23-28.35-2.

quires a separate detector.<sup>9</sup> Each carbon monoxide detector must be mounted in compliance with the manufacturer's specifications, meet specific power indicators and meet specific audio signals.<sup>10</sup>

Property cannot be transferred without meeting these requirements; therefore, an existing structure may not be required to have a carbon monoxide detector until it is to be sold.<sup>11</sup> However, cities and towns can require buildings not currently covered by these chapters (i.e., those not currently for sale), to comply within one year.<sup>12</sup> The city can designate the department that will perform inspections for compliance.<sup>13</sup> The seller is responsible for the fee that accompanies each inspection.<sup>14</sup> Once a carbon monoxide detector is required, the owner must ensure it remains in proper working order.<sup>15</sup>

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9. *Id.*

10. *Id.* §§ 23-28.34-4, 23-28.35-3.

11. *Id.* § 23-28.35-1.

12. *Id.*

13. *Id.* § 23-28.35-1.2.

14. *Id.*

15. *Id.* § 23-28.35-5.