

LC 4274
2019 Regular Session
PRIORITY
3/8/19 (HRL/ps)

D R A F T

SUMMARY

Requires State Fire Marshal to adopt rules establishing minimum standards for carbon monoxide alarms in school facilities that have carbon monoxide source.

Directs State Fire Marshal to adopt rules no later than January 1, 2020. Requires school districts and public charter schools to comply with rules no later than July 1, 2020. Allows State Fire Marshal to give extensions for compliance.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to carbon monoxide alarms in school facilities; creating new provisions; amending ORS 332.331; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) “Carbon monoxide alarm” has the meaning given that term in ORS 105.836.

(b) “Carbon monoxide source” has the meaning given that term in ORS 105.836.

(c) “School facilities” means facilities that are owned or leased by a school district or a public charter school and that have students or staff present on a regular basis.

(2) The State Fire Marshal shall adopt rules establishing minimum standards for carbon monoxide alarms in school facilities that have a carbon monoxide source.

(3) Rules adopted under this section shall include standards for the

1 **placement and location of carbon monoxide alarms in school facilities**
2 **that:**

3 (a) **Have a carbon monoxide source; and**

4 (b) **Were not subject to state building code requirements for carbon**
5 **monoxide alarm placement or location at the time of construction.**

6 (4) **In adopting rules under this section, the State Fire Marshal**
7 **shall give consideration to state building code requirements and any**
8 **standards adopted by national safety organizations.**

9 **SECTION 2. (1) Section 1 of this 2019 Act becomes operative on**
10 **January 1, 2020.**

11 (2) **The State Fire Marshal shall take any action before January 1,**
12 **2020, that is necessary for the State Fire Marshal to exercise all of the**
13 **duties, functions and powers conferred on the State Fire Marshal by**
14 **section 1 of this 2019 Act.**

15 (3) **No later than January 1, 2020, the State Fire Marshal shall adopt**
16 **rules as required by section 1 of this 2019 Act. The rules must:**

17 (a) **Require school districts and public charter schools to comply**
18 **with the rules no later than July 1, 2020.**

19 (b) **Allow the State Fire Marshal to provide to a school district or**
20 **a public charter school an extension:**

21 (A) **On a case-by-case basis; and**

22 (B) **For reasonable cause.**

23 **SECTION 3. ORS 332.331 is amended to read:**

24 332.331. (1) A school district, education service district or public charter
25 school shall develop and adopt a plan, to be known as the Healthy and Safe
26 Schools Plan, for the district or school. The plan must address environ-
27 mental conditions at the facilities owned or leased by the district or school
28 where students or staff are present on a regular basis. The Department of
29 Education, in consultation with the Oregon Health Authority, the Depart-
30 ment of Environmental Quality and other interested stakeholders, shall de-
31 velop and adopt a model plan to provide guidance to the districts and schools

1 in developing and adopting plans under this section.

2 (2) A school district, education service district or public charter school
3 shall provide a copy of a plan developed and adopted under this section to
4 the Department of Education. The district or school shall annually review
5 the plan. If the information contained in a plan has changed since the pre-
6 ceding annual review due to the acquisition or remodeling of a facility, the
7 termination of regular use of the facility by students and staff or a modifi-
8 cation in the method, location, scope, frequency or other aspects of address-
9 ing environmental conditions, the district or school shall revise the plan as
10 necessary to address the change in information and provide a copy of the
11 revised plan to the department.

12 (3) A plan developed and adopted under this section must, at a minimum,
13 include the following:

14 (a) The identification of, and contact information for, a position within
15 the administration of the school district, education service district or public
16 charter school having responsibility for maintaining and overseeing per-
17 formance of the plan.

18 (b) A list of all facilities of the school district, education service district
19 or public charter school that are subject to the plan.

20 (c) Provisions regarding testing for, and reducing exposure to, elevated
21 levels of lead in water used for drinking or food preparation as required
22 under guidelines adopted by the authority.

23 (d) Provisions consistent with the United States Environmental Pro-
24 tection Agency Renovation, Repair and Painting Rule set forth in 40 C.F.R.
25 section 745 regarding testing for, and reducing exposure to, lead-based paint.

26 (e) Provisions consistent with federal law regarding testing for, and re-
27 ducing exposure to, asbestos.

28 (f) Provisions consistent with ORS 332.345 regarding testing for, and re-
29 ducing exposure to, elevated levels of radon.

30 (g) Provisions for carrying out integrated pest management as provided
31 under ORS 634.700 to 634.750.

1 (h) Provisions for installing carbon monoxide detection devices in prox-
2 imity to fuel burning appliances that emit carbon monoxide, [*if installation*
3 *is required under the state building code*] **as provided by the state building**
4 **code or rules adopted by the State Fire Marshal under section 1 of this**
5 **2019 Act.**

6 (4) A plan described in subsection (3) of this section must provide for any
7 laboratory analysis on test samples to be carried out by a laboratory having
8 a type and level of accreditation recognized as appropriate by the authority.

9 (5) The authority, in consultation with the department, school districts,
10 education service districts, public charter schools and other interested
11 stakeholders, may provide districts and schools with recommendations re-
12 garding evidence-based practices for the reduction of environmental condi-
13 tions not addressed in subsection (3) of this section that may present health
14 concerns if present in district or school facilities. The recommendations may
15 include, but need not be limited to, recommendations regarding:

16 (a) Methods for limiting or reducing exposure to high levels of diesel en-
17 gine exhaust; and

18 (b) Identification of mold, including but not limited to advice regarding
19 how to recognize the presence of mold.

20 (6) The authority shall develop information sheets for use by school dis-
21 tricts, education service districts and public charter schools to inform staff,
22 students, parents of minor students and other interested stakeholders about
23 substances that may present health concerns if present in district or school
24 facilities.

25 (7) The department, in consultation with the authority, representatives
26 of school districts, education service districts and public charter schools and
27 other interested stakeholders, shall make opportunities for professional de-
28 velopment available to district and school staff regarding plan requirements
29 under this section and the provision of information as required under ORS
30 332.334.

31 **SECTION 4. The amendments to ORS 332.331 by section 3 of this**

1 **2019 Act become operative on July 1, 2020.**

2 **SECTION 5. This 2019 Act being necessary for the immediate pres-**
3 **ervation of the public peace, health and safety, an emergency is de-**
4 **clared to exist, and this 2019 Act takes effect on its passage.**

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