

**HOUSE . . . . . No. 00648**

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The Commonwealth of Massachusetts

PRESENTED BY:

*John D. Keenan*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the installation of approved smoke detectors in certain residential buildings and structures .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John D. Keenan</i>	<i>7th Essex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>

# HOUSE . . . . . No. 00648

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By Mr. John D Keenan of Salem, petition (accompanied by bill, House, No. 00648) of Denise Provost and others relative to the installation of approved smoke detectors in certain residential buildings and structures . Joint Committee on Public Safety and Homeland Security.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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An Act relative to the installation of approved smoke detectors in certain residential buildings and structures .

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Be it enacted by the Senate and House of Representatives in General Court assembled, And by  
2 the authority of the same, as follows:

3 SECTION 1. Chapter 148 of the General Laws is hereby amended by striking out section 26D, as  
4 appearing in the 2008 Official Edition, and inserting in place thereof the following section:

5 Section 26D. For purposes of this section, the following terms shall have the following  
6 meanings:

7 “Approved smoke detector”, shall mean a monitored battery power smoke detector device, fire  
8 warning system, primary power system, or combination appliance.

9 “Fire warning system”, shall mean a low voltage or wireless fire warning system as defined in  
10 Section 1 of Chapter 141 of the General Laws in compliance with NFPA and installed in  
11 accordance with said chapter.

12 “Monitored battery power smoke detector device”, shall be a smoke detector which is activated  
13 by a battery power source provided that the battery is monitored to assure that the following  
14 conditions are met:

15 (i) a distinctive audible trouble signal is given before the battery is incapable of operating the  
16 device for alarm purposes, and that such audible trouble signal is produced at least once every  
17 minute for seven consecutive days, and

18 (ii) the unit is capable of producing an alarm signal for at least four continuous minutes at the  
19 battery voltage at which a trouble signal is normally obtained followed by seven days of trouble  
20 signal operation, and

21 (iii) the monitored batteries meeting these specifications are clearly identified on the unit near the  
22 battery compartment.

23 “Monitored” shall mean the capability of the device to self monitor battery power sufficient to  
24 deliver the necessary power to transmit its signal or audible alarm when necessary and notify  
25 when the battery needs replacement.

26 “Primary power system” shall mean an alternating current (ac) plug-in with battery back up or ac  
27 primary power source with battery back up in compliance with NFPA and installed in  
28 accordance with Chapter 141 of the General Laws.

29 (a) Notwithstanding any general or special law to the contrary and without regard to the date of  
30 construction, every existing 1 or 2 family building or structure and every existing building or  
31 structure containing more than 1, but fewer than 6 dwelling units, occupied in whole or in part  
32 for residential purposes shall, upon sale or transfer of such building or structure, be equipped by  
33 the seller with approved smoke detectors in accordance with the rules and regulations of the  
34 board of fire prevention regulations. The head of the fire department shall inspect such building  
35 or structure at the time of sale or transfer for compliance with this section.

36 (b) The rules and regulations of the Board of Fire Prevention Regulations, established in  
37 accordance with this section, may require the upgrade, installation or replacement of smoke  
38 detector devices based upon advances in smoke detection technology; provided, however that, in  
39 any building or dwelling unit constructed prior to January 1, 1975 which has not undergone an  
40 alteration or change of use since January 1, 1975 which would require it to comply with the  
41 smoke detector provisions of the State Building Code, the installation of an approved smoke  
42 detector shall be allowed; and, provided further, that the relocation or addition of any smoke  
43 detector device, or the relocation or addition of any power supply wire associated with such  
44 smoke detector, if such location, or wire location was installed in accordance with the  
45 requirements of the State Building Code in effect as of the date of such installation, shall not be  
46 required.

47 (c) The head of the fire department shall enforce this section and to uniformly implement rules  
48 and regulations of the Board of Fire Prevention Regulations, established in accordance with this  
49 section, the Fire Marshall shall provide education and training to fire department heads or their  
50 designee(s).

51 (d) Nothing in this section shall abrogate the authority of the state board of building regulations  
52 and standards to regulate smoke detector requirements for the construction of new buildings and  
53 for existing buildings undergoing repair, alteration, addition or change of use. Notwithstanding  
54 anything to the contrary contained herein, no city or town may enact any ordinance or order  
55 relating to a requirement for the installation of, or specification for, approved smoke detectors or  
56 their standards.

57 SECTION 2. Section 10A of said chapter 148, as so appearing, is hereby amended by striking  
58 out, in line 15, the figure "26F" and inserting in place thereof the following figure: 26D.

59 SECTION 3. Sections 26E and 26F of chapter 148 of the General Laws are hereby repealed.