



Senate Bill 328 (as introduced 5-4-23)

Sponsor: Senator Kevin Hertel

Committee: Regulatory Affairs

Date Completed: 9-13-23

CONTENT

The bill would enact the "Smoke Alarm Battery Standard Act" to do the following:

- **Prohibit a person from distributing, selling, offering for sale, or importing a smoke alarm device powered by a replaceable and removeable battery.**
- **Require, beginning 18 months after the Act's effective date, a smoke alarm device that was distributed, sold, offered for sale, or imported to be powered for at least 10 years by a nonremovable and nonreplaceable battery or another power source that used new technology.**
- **Specify that a person that violated the Act would be responsible for a State civil infraction and could be ordered to pay a maximum fine of \$1,000.**
- **Specify that the battery and power source requirements would not apply to the devices specified in the Act.**

Except as otherwise provided below, the Act would prohibit a person from distributing, selling, offering for sale, or importing a smoke alarm device powered by a replaceable and removable battery. Beginning 18 months after the Act's effective date, a smoke alarm device that was distributed, sold, offered for sale, or imported would have to be powered for at least 10 years by a nonremovable and nonreplaceable battery or another power source that used new technology. ("Person" would mean an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.)

Under the Act, a person that distributed, sold, offered for sale, or imported a smoke alarm device powered by a replaceable and removable battery would be responsible for a State civil infraction and could be ordered to pay a maximum civil fine of \$1,000.

The Act's battery and power source requirements would not apply to any of the following devices:

- A fire alarm, smoke detector, or smoke alarm that received power from a building's electrical system or was connected electronically as part of a centrally monitored or supervised alarm system.
- A fire alarm, smoke detector, or smoke alarm with an ancillary component that received power from a building's electrical system or was connected electronically as part of a centrally monitored or supervised alarm system.
- Any other smoke alarm device with equivalent characteristics to a device described above and below, as determined by rules promulgated under the Act.

In addition, the Act's battery and power source requirements would not apply to a fire alarm, smoke detector, or smoke alarm with an ancillary component that used a low-power radio

frequency wireless communication signal or wi-fi or other wireless local area networking capability to send and receive notifications to and from the internet.

The Act would allow the Department of Licensing and Regulatory Affairs (LARA), in consultation with the State Fire Marshal, to promulgate rules to implement this provision.

PREVIOUS LEGISLATION

(Please note: This section does not provide a comprehensive account of all previous legislative efforts on the relevant subject matter.)

The bill is similar to House Bill 4382 of the 2021-2022 Legislative Session, which was reported out of the Senate Committee on Economic and Small Business Development but received no further action.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill could have a positive fiscal impact on the State and local units of government. The bill would impose of a civil fine of up to \$1,000. Revenue collected from civil fines is used to support local libraries. Additionally, \$10 of the civil fine would be deposited into the State Justice System Fund. This fund supports justice-related activities across State government in the Departments of Corrections, Health and Human Services, State Police, and Treasury. The Fund also supports justice-related issues in the Legislative Retirement System and the Judiciary. The amount of revenue to the State or for local libraries is indeterminate and dependent on the actual number of violations.

Current appropriations would be sufficient for LARA to promulgate rules as required under the bill. It is possible that additional costs related to inspections could be incurred to ensure compliance with the bill, but most activity likely would be covered by existing appropriations.

Fiscal Analyst: Joe Carrasco, Jr.
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.