

SMOKE ALARM BATTERY STANDARD ACT

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Senate Bill 328 (S-2) as reported from House committee

Sponsor: Sen. Kevin Hertel

House Committee: Regulatory Reform

Senate Committee: Regulatory Affairs

Complete to 2-27-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 328 would create the Smoke Alarm Battery Standard Act, which would require new smoke detector units sold in Michigan to be powered by a nonremovable, 10-year battery. The bill would not apply to systems that are wireless or hardwired into a building.

The new act would prohibit the sale, offer for sale, distribution, or importation into Michigan of a smoke alarm device powered by a replaceable or removable battery. Instead, a device would have to be powered for at least 10 years either by a nonremovable and nonreplaceable battery (e.g., a lithium ion battery in a sealed unit) or by another power source that uses new technology.

However, the new act would not apply to systems that are hardwired into a building or that are wireless or Wi-Fi connected. Specifically, the bill would exempt the following:

- A fire alarm, smoke detector, or smoke alarm that receives power, or that has an ancillary component that receives power, from an electrical system of a building.
- A fire alarm, smoke detector, or smoke alarm that is electronically connected, or that has an ancillary component that is electronically connected, as part of a centrally monitored or supervised alarm system.
- A fire alarm, smoke detector, or smoke alarm that uses, or that has an ancillary component that uses, one or more of the following:
 - A low-power radio frequency wireless communication signal.
 - Wi-Fi or other wireless local area networking capability to send and receive notifications to and from the internet.

The new act would apply to a *person* selling, offering to sell, distributing, or importing a smoke alarm device beginning 18 months after the bill takes effect.

Person would mean an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

A person that violated the act would be subject to a civil fine of up to \$500, which would be deposited in the Christopher R. Slezak First Responder Presumed Coverage Fund. The action to collect a fine could be brought by the attorney general or the county prosecutor of the county where the violation occurred.

BACKGROUND:

The bill is similar to House Bill 4382¹ of the 2021-22 legislative session, which was passed by the House of Representatives.

BRIEF DISCUSSION:

According to committee testimony, several states have already enacted similar legislation.² Supporters of the bill argued that mandating 10-year battery smoke alarms will help to save lives because the majority of home fire deaths occur in homes with malfunctioning or dead smoke alarms. They also pointed to statistics showing that having a working smoke alarm can nearly double the chance of a successful escape from a fire.

Some on the committee raised concerns about the ability to enforce the new requirement on out-of-state sellers, such as internet retailers, that ship products into Michigan.

FISCAL IMPACT:

Senate Bill 328 could result in additional revenue being deposited into the Christopher R. Slezak First Responder Presumed Coverage Fund, due to the bill's creation of a \$500 civil fine. The fund is used to pay claim expenses for firefighters who develop cancers, as outlined in section 405 of the Worker's Disability Compensation Act.³ The amount of revenue that would be deposited into the fund would depend on the number of civil fines assessed and is therefore currently indeterminate.

POSITIONS:

A representative of Carrier Corporation testified in support of the bill. (2-20-24)

The following entities indicated support for the bill (2-20-24):

- State Fire Marshal
- The Home Depot

The Department of Licensing and Regulatory Affairs indicated a neutral position on the bill. (2-20-24)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

¹ <http://legislature.mi.gov/doc.aspx?2021-HB-4382>

² https://www.kidde.com/home-safety/en/us/safety-campaigns/Its_the_Law/

³ <http://legislature.mi.gov/doc.aspx?mcl-418-405>