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BILL ANALYSIS

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Senate Bills 906 through 908 (as passed by the Senate)  
Sponsor: Senator Jeremy Moss (S.B. 906 & 907)  
Senator Mallory McMorrow (S.B. 908)  
Committee: Regulatory Affairs

Date Completed: 8-5-24

### **INTRODUCTION**

The bills would prescribe standards and processes for a child care center to install an anchoring mechanism or system on the interior side of a door that when engaged, secured the door against forced entry (temporary locking device). To install a new temporary locking device, a child care center would have to submit plans for review, obtain permits, and notify an enforcing agency and local fire and law enforcement departments. The operator of a child care center also would have to provide in-service training to employees on use of the device. The bills would allow a child care center to use an existing temporary locking device if it were inspected and met the proposed standards for a new device. Additionally, a child care center would have to comply with an emergency procedure plan within 90 days of the bills' effective dates, and the plan would have to include a description of the installation and use of the temporary locking device or systems used by the operator of the child care center.

The bills are tie-barred.

### **BRIEF RATIONALE**

Public Act (PA) 45 of 2020 amended PA 306 of 1937, which governs the construction, reconstruction, and remodeling of school buildings, to allow temporary door locking devices or systems to be installed in school buildings. According to testimony before the Senate Committee on Regulatory Affairs, PA 45 was intended to allow child care organizations that are not affiliated with schools to also install temporary door locking devices; however, the waiver granted to schools under the Fire Prevention Code at that time was not granted to unaffiliated child care centers. Some people believe that child care organizations and day care centers that are not affiliated with schools should be allowed to use temporary door locking devices to prevent harm to children in violent emergency situations.

### **FISCAL IMPACT**

The bills would have an indeterminate negative fiscal impact on local units of government and no fiscal impact on the State. The costs to the local units of government would occur as additional administrative costs and would likely be minimal.

MCL 125.1528 et al. (S.B. 906)  
29.22 (S.B. 907)  
Proposed MCL 722.113m (S.B. 908)

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## **CONTENT**

**Senate Bill 906 would amend the Single State Construction Code Act to do to the following:**

- Allow a temporary locking device to be installed in a child care center.
- Prescribe standards, procedures, and permit and installation processes for the installation and use of temporary locking devices or systems in child care centers.
- Require the operator of a child care center to submit installation plans for review and approval from an enforcing agency and notify relevant authorities of an installation.
- Require the operator of a child care center to provide employees with training in the temporary locking system and document such training.
- Allow a child care center to use an existing temporary locking device so long as the device complied with the bill's standards and the operator had an inspection from and approval by an enforcing agency.
- Specify that a child care center would not have to submit to the Department of Licensing and Regulatory Affairs (LARA), plans that were signed and sealed by a licensed architect or licensed professional engineer to install or approve an existing temporary locking device.
- Require a child care center to comply with an emergency procedure plan within 90 days of the bill's effective date and specify that the plan would have to include a description of the installation and use of the temporary locking device or systems used by the operator of the child care center.

**Senate Bill 907 would amend the Fire Prevention Code to specify that a temporary locking device installed in accordance with the Single State Construction Act as proposed by Senate Bill 906 would not violate the Code.**

**Senate Bill 908 would amend the child care licensing Act to allow a temporary locking device or system to be installed in a child care center in accordance with the Single State Construction Code Act as proposed by Senate Bill 906.**

Senate Bill 906 is described in greater detail below.

### **Senate Bill 906**

#### **Temporary Locking Device Standards**

The bill would amend the Single State Construction Code Act to specify that all the following would apply to the installation and use of a temporary locking device or system in a child care center:

- The device or system was portable and would not be permanently affixed to the door; however, individual parts of the locking assembly of the device or system including bolts, stops, brackets, and pins that did not prevent ingress and egress through the door could be permanently mounted on a labeled fire door assembly.
- The locking means was capable of being engaged without opening the door.
- The door was capable of being unlocked and opened outside the room with a required tool or key.
- The locking means did not modify the door closure, panic hardware, or fire exit hardware.
- The device or system could be disengaged by an individual on the interior side of the door without the use of a key or special tool.

- Installation and operation of the fixed elements of the device or door system was in compliance with Public Act 1 of 1966, which provides for the accessibility and use of public facilities by people with physical limitations.
- A properly trained firefighter, law enforcement officer, or child care center staff member was able to release the locking device or system from outside.
- The device could provide notification of its location and placement in the event of a lockdown.
- The device or system could not be installed on doors leading outside the child care center from a corridor.
- The device or system would have to be installed in compliance with the installation requirements described below.
- Any fasteners or through bolt penetrations to a labeled fire door assembly would have to be made of steel.
- Holes, bolts, or fasteners, made or used to install a device or system would have to be made in the same installation instructions described below.

"Child care center" would mean that term as defined in the child care licensing Act: a facility, other than a private residence, receiving one or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. The term would include a facility that provides care for at least two consecutive weeks, regardless of the number of hours of care per day. The facility would be generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. The term would not include any of the following:

- A Sunday school, a vacation bible school, or a religious instructional class that was conducted by a religious organization where children were attending for not more than three hours per day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a 12-month period.
- A facility operated by a religious organization where children were in the religious organization's care for not more than three hours while persons responsible for the children were attending religious services.
- A program that was primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion.
- A program that was primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs.
- A program that primarily provided therapeutic services to a child.

"Temporary locking device or system" or "device or system" would mean an anchoring mechanism or system installed on the interior side of a door that when engaged, secures the door against forced entry. "Panic hardware" would mean fire door hardware, handles, or push bars that allow for the opening of the door with a single movement.

#### Child Care Center Duties

Except as otherwise provided, the operator of a child care center would have to do all the following:

- Before installing a device or system in the child care center, submit to the enforcing agency two copies of the floor plans, drawings, diagrams, and installation instructions for plan review, obtain plan review approval, and obtain a permit for installation as provided by the Single State Construction Code Act and the Fire Prevention Code, and notify the local

- fire department and law enforcement agency that had jurisdiction over the child care center of the intended installation or use, and location, of the device or system.
- Before using a newly installed device or system in the child care center, notify the enforcing agency that the device or system was ready for inspection and receive written notice from the enforcing agency that the device or system was approved for use.
- Provide in-service training to child care staff members on the use of the device or system in the child care center where the device or system was installed or being used and have the center's operator maintain a file on record to verify the training.
- Ensure that the device or system was engaged for only a finite period of time, as determined by the operator of the child care center in accordance with an emergency procedure plan adopted in accordance with licensing rules for child care centers.

The bill specifies that a child care center would have to comply with an emergency procedure plan within 90 days of the bill's effective date and that the plan would have to include a description of the installation and use of the temporary locking device or systems used by the operator of the child care center.

#### Use of Existing Temporary Locking Device

Unless otherwise provided, if a child care center had an existing temporary device or system that was installed before the bill's effective date, the enforcing agency would have to approve the device or system if all the following requirements were met:

- Within one year of the bill's effective date, the operator of the child care center submitted to the enforcing agency two copies of drawings, diagrams, and installation instructions that showed that the device met the requirements under Temporary Locking Device Standards.
- The operator of the child care center applied for and obtained any necessary permits required by the Act and the Fire Prevention Code, described above.
- The enforcing agency inspected the installed device or system and determined that it met the requirements under Child Care Center Duties.

#### Allowed Actions Without LARA or Enforcing Agency Approval

Under the bill, notwithstanding any rules, regulations, or guidelines promulgated by LARA to the contrary, the operator of a child care center would not have to provide LARA or an enforcing agency construction documents that were sealed and signed by a licensed architect or licensed professional engineer before doing any of the following:

- Newly installing a temporary door locking device or system in a child care center.
- Receiving approval for an existing temporary door locking device or system that was installed in a child care center before the bill's effective date.

The bill specifies that a temporary locking device or system could be installed in any child care center or addition to a child care center regardless of the cost of that construction, reconstruction, or remodeling.

#### Enforcement

Additionally, the Code specifies that a labeled fire door assembly with a temporary locking device or system installed in a school building does not violate the Act. Under the bill, this provision also would apply to a temporary locking device or system installed in a child care center in accordance with the bill.

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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.