

By: Representative Taylor

To: Universities and
Colleges; Appropriations

HOUSE BILL NO. 1162

1 AN ACT TO CREATE "THE JOHN MCGEE ACT" TO REQUIRE PUBLIC POST
2 SECONDARY INSTITUTIONS TO INSTALL CARBON MONOXIDE DETECTORS IN
3 EACH AREA WITHIN, OR GIVING ACCESS TO, BEDROOMS IN EACH UNIT IN
4 ANY BUILDING OF MULTIFAMILY OCCUPANCY, FRATERNITY HOUSE, SORORITY
5 HOUSE OR DORMITORY THAT IS AFFILIATED WITH AN EDUCATIONAL FACILITY
6 UNDER THE CONTROL OF SAID POSTSECONDARY INSTITUTION; TO DEFINE
7 CERTAIN TERMS USED IN THE ACT; TO SPECIFY HOW EACH CARBON MONOXIDE
8 DETECTOR SHALL BE POWERED; TO REQUIRE POSTSECONDARY INSTITUTION TO
9 PROVIDE AN APPROVED CARBON MONOXIDE DETECTOR SUITABLE TO WARN
10 STUDENTS WHO ARE DEAF OR HEARING-IMPAIRED UPON THE STUDENTS'
11 REQUEST FOR SUCH DEVICE; TO REQUIRE THE INSTALLATION OF CARBON
12 MONOXIDE DETECTORS IN EACH NEWLY CONSTRUCTED FRATERNITY HOUSE,
13 SORORITY HOUSE, DORMITORY OR CERTAIN EDUCATIONAL FACILITIES; TO
14 AUTHORIZE THE COMMISSIONER OF INSURANCE OR THE STATE FIRE MARSHAL,
15 AS THE COMMISSIONER'S DESIGNEE, TO ADOPT RULES PERTAINING TO
16 CARBON MONOXIDE DETECTORS; TO PRESCRIBE CIVIL PENALTIES FOR
17 VIOLATIONS; TO PROHIBIT THE KNOWING INTERFERENCE WITH A CARBON
18 MONOXIDE DETECTOR THAT RENDERS THE DEVICE INOPERABLE; TO EXEMPT
19 CERTAIN EDUCATIONAL FACILITIES THAT MEET THE STANDARDS FOR THE
20 INSTALLATION OF CARBON MONOXIDE DETECTION AND WARNING EQUIPMENT
21 ADOPTED BY THE NATIONAL FIRE PROTECTION ASSOCIATION; TO AMEND
22 SECTION 45-11-101, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
23 PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

25 **SECTION 1.** This act shall be known and may be cited as "The
26 John McGee Act."



27 **SECTION 2.** (1) As used in this section, the following terms
28 shall have the meanings ascribed in this section, unless the
29 context clearly indicates otherwise:

30 (a) "Carbon monoxide detector" means a device with an
31 assembly that incorporates a sensor control component and an alarm
32 notification that detects elevations in carbon monoxide levels and
33 sounds a warning alarm and is approved or listed for the purpose
34 by a nationally recognized independent testing laboratory.

35 (b) "Educational facility" means a public postsecondary
36 institution facility under the governance and oversight of the
37 Board of Trustees of State Institutions of Higher Learning or the
38 Mississippi Community College Board.

39 (c) "Powered by the electrical service" means either
40 plugged into an electrical outlet or hardwired.

41 (2) Each public postsecondary institution shall install, or
42 cause to be installed, at least one (1) approved carbon monoxide
43 detector in each area within, or giving access to, bedrooms in
44 each unit in any building of multifamily occupancy, fraternity
45 house, sorority house or dormitory that is affiliated with an
46 educational facility. The carbon monoxide detector must be
47 powered by:

48 (a) Both the electrical service in the building and a
49 battery;

50 (b) A nonreplaceable ten-year battery; or



51 (c) A replaceable battery if the carbon monoxide
52 detector uses a low-power radio frequency wireless communication
53 signal, uses multiple sensors, has low-frequency audible
54 notification capability or is connected to a control panel.

55 (3) Each public postsecondary institution, upon the request
56 of a student who is deaf or has a hearing-impairment, shall
57 provide an approved carbon monoxide detector suitable to warn the
58 student within the educational facility as defined under
59 subsection (1) of this section, fraternity or sorority house or
60 dormitory under its control. If the postsecondary institution
61 does not provide a suitable carbon monoxide detector, to the
62 student for his or her dormitory room, the student may purchase,
63 install and maintain a suitable carbon monoxide detector or
64 arrange for proper installation and maintenance of a suitable
65 carbon monoxide detector and may submit an invoice for
66 reimbursement of the actual costs of purchase and/or installation
67 of the carbon monoxide detector.

68 (4) Any public postsecondary institution that constructs any
69 fraternity house, sorority house, dormitory or educational
70 facility on or after July 1, 2018, that is affiliated with the
71 institution shall install or cause to be installed at least one
72 (1) carbon monoxide detector in each area within, or giving access
73 to bedrooms in each unit.

74 (5) The Commissioner of Insurance or the State Fire Marshal,
75 as the commissioner's designee, shall adopt rules pertaining to



76 carbon monoxide detectors. The rules adopted must include, but
77 are not limited to, standards for approved carbon monoxide
78 detectors and all requirements of use, maintenance and
79 installation.

80 (6) Any postsecondary institution that violates this section
81 shall be guilty of a civil violation and is subject to a fine of
82 not more than Five Hundred Dollars (\$500.00) for each violation.
83 The court may waive any penalty or cost against any violator upon
84 satisfactory proof that the violation was corrected within ten
85 (10) days of the issuance of a complaint.

86 (7) A person shall not knowingly interfere with or make
87 inoperative any carbon monoxide detector required by this section,
88 except that the public postsecondary institution or an employee of
89 the institutions physical plant or facilities maintenance may
90 temporarily disconnect a carbon monoxide detector in a fraternity
91 house, sorority house, dormitory or common area only for
92 construction or rehabilitation activities when such activities are
93 likely to activate the carbon monoxide detector or make it
94 inactive. The carbon monoxide detector must be immediately
95 reconnected at the cessation of construction or rehabilitation
96 activities each day, regardless of the intent to return to
97 construction or rehabilitation activities on succeeding days.

98 (8) Each public postsecondary institution shall install, or
99 cause to be installed, by the manufacturer's requirements at least
100 one (1) approved carbon monoxide detector in each building of the



101 educational facility that is used for educational purposes by at
102 least six (6) persons for at least four (4) hours per day or more
103 than twelve (12) hours per week.

104 (9) (a) A dormitory or other building of an educational
105 facility is exempt from the requirements of this section if the
106 dormitory or other building meets the standards for the
107 installation of carbon monoxide detection and warning equipment
108 adopted by the National Fire Protection Association.

109 (b) Public postsecondary institutions, for each
110 dormitory or other building that is not exempt from the
111 requirements of paragraph (a) of this subsection, shall begin
112 installation of carbon monoxide detectors as required by this
113 section by August 1, 2018, and shall achieve full compliance by
114 January 1, 2021.

115 **SECTION 3.** Section 45-11-101, Mississippi Code of 1972, is
116 amended as follows:

117 45-11-101. (1) The State Fire Marshal shall promulgate the
118 Mississippi Fire Prevention Code which shall apply to:

119 (a) All buildings owned by the state or state agencies;

120 (b) All buildings utilized for public assembly, except
121 in any county or municipality which has adopted a fire prevention
122 code with standards not less stringent than the Mississippi Fire
123 Prevention Code; however, the State Fire Marshal or his authorized
124 representative shall perform investigations or inspections of such
125 buildings only when advised by interested persons of a danger or



126 hazardous inflammable condition existing in any building that
127 would tend to impair the safety of persons or property, or when
128 the State Fire Marshal or his authorized representative believes
129 the investigation or inspection is in the interest of public
130 safety. The investigation or inspection shall be made in
131 accordance with Section 45-11-3;

132 (c) All buildings, the permits for the construction of
133 which are issued subsequent to July 1, 1978, and which are not
134 less than seventy-five (75) feet in height * * *. However, * * *
135 in any county or municipality which has adopted a fire prevention
136 code with standards not less stringent than the Mississippi Fire
137 Prevention Code, the provisions and enforcement mechanism thereof
138 shall apply and not the Mississippi Fire Prevention Code;

139 (d) All buildings, the permits for construction of
140 which are issued subsequent to July 1, 2004, constructed as
141 private correctional facilities that house state inmates. Before
142 such construction, construction plans must be submitted for review
143 and approval to the State Fire Marshal's office to ensure
144 compliance with the Mississippi Fire Prevention Code * * *.
145 However, in any county or municipality that has adopted a fire
146 prevention code with standards not less stringent than the
147 Mississippi Fire Prevention Code, the provisions and enforcement
148 mechanism thereof shall apply instead of the Mississippi Fire
149 Prevention Code. All private correctional facilities may be
150 inspected as required by the State Fire Marshal or his duly



151 authorized representative. Inspection fees and expenses
152 authorized by Section 45-11-105(2) shall be assessed for each
153 inspection conducted by the State Fire Marshal's office and shall
154 be paid to the State Fire Marshal's office;

155 (e) Any buildings, the permits for construction of
156 which are issued subsequent to July 1, 2004, upon the request of
157 any interested person. The interested person may submit the
158 construction plans to the State Fire Marshal's office for review
159 and approval before construction to ensure compliance with the
160 Mississippi Fire Prevention Code * * *. However, in any county or
161 municipality that has adopted a fire prevention code with
162 standards not less stringent than the Mississippi Fire Prevention
163 Code, the provisions and enforcement mechanism thereof shall apply
164 instead of the Mississippi Fire Prevention Code. Inspection fees
165 and expenses authorized by Section 45-11-105(2) shall be assessed
166 for each inspection conducted by the State Fire Marshal's office
167 and shall be paid to the State Fire Marshal's office;

168 (f) All buildings, the permits for construction of
169 which are issued subsequent to July 1, 2005, constructed as
170 private fraternity and sorority houses located on state property.
171 Before such construction, construction plans shall be submitted
172 for review and approval to the State Fire Marshal's office to
173 ensure compliance with the Mississippi Fire Prevention Code. All
174 private fraternity and sorority houses located on state property
175 may be inspected as required by the State Fire Marshal or his duly



176 authorized representative. All fraternity and sorority houses
177 located on state property shall be equipped with an approved fire
178 alarm and smoke detector system to be in compliance with the
179 National Fire Code (NFPA) Standard 72 as published by the National
180 Fire Protection Association and as same may be revised or amended.
181 All fraternity and sorority houses constructed on state property
182 after April 20, 2005, shall be equipped with an approved automatic
183 fire sprinkler system to be in compliance with the National Fire
184 Code (NFPA) Standard 13 as published by the National Fire
185 Protection Association and as same may be revised or amended. All
186 fraternity and sorority houses located on state property shall be
187 equipped with an approved carbon monoxide detector.

188 (2) The State Fire Marshal shall annually examine the fire
189 prevention codes adopted by counties and municipalities within the
190 State of Mississippi and prepare a list thereof specifying which
191 codes have provisions not less stringent than those of the
192 Mississippi Fire Prevention Code.

193 **SECTION 4.** This act shall take effect and be in force from
194 and after July 1, 2018.

