

By: Representative Lamar

To: Public Health and Human Services

HOUSE BILL NO. 1309

1 AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION  
 2 45-11-30, MISSISSIPPI CODE OF 1972, TO REQUIRE ALL HOTELS  
 3 CONTAINING FOSSIL FUEL BURNING APPLIANCES TO BE EQUIPPED WITH  
 4 CARBON MONOXIDE ALARMS; TO DEFINE CERTAIN TERMS; TO ESTABLISH  
 5 REQUIREMENTS FOR THE INSTALLATION OF CARBON MONOXIDE ALARMS IN  
 6 HOTELS; TO REQUIRE EXISTING HOTELS TO INSTALL CARBON MONOXIDE  
 7 ALARMS BEFORE JULY 1, 2019; TO AMEND SECTION 45-11-49, MISSISSIPPI  
 8 CODE OF 1972, TO ESTABLISH PENALTIES FOR HOTELS FAILING TO COMPLY  
 9 WITH THE CARBON MONOXIDE ALARM REQUIREMENTS; AND FOR RELATED  
 10 PURPOSES.

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

12 **SECTION 1.** The following shall be codified as Section  
 13 45-11-30, Mississippi Code of 1972:

14 45-11-30. (1) As used in this section, the following words  
 15 and phrases have the meanings ascribed in this subsection unless  
 16 the context clearly requires otherwise:

17 (a) "Carbon monoxide alarm" means a device, either  
 18 battery operated or electrical, that detects the presence of  
 19 carbon monoxide gas and is listed by a nationally recognized  
 20 testing laboratory approved by the federal Occupational Health and  
 21 Safety Administration (OSHA) to test and certify to American



22 National Standards Institute/Underwriters Laboratories Standards  
23 (ANSI/UL) 2034 or (ANSI/UL) 2075.

24 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases  
25 or other petroleum or hydrocarbon product that emits carbon  
26 monoxide as a byproduct of combustion.

27 (c) "Hotel" or "lodging house" means any building  
28 providing sleeping accommodations for guests, travelers or  
29 semi-permanent residents for commercial purposes. The term  
30 "hotel" or "lodging house" includes, but is not limited to, a  
31 motel, inn, hostel, boarding home, lodging home, rooming house,  
32 tourist court or apartment hotel.

33 (2) In each hotel and lodging house that has a fossil fuel  
34 burning heater or appliance, a fireplace, an attached garage, or  
35 other feature, fixture or element that emits carbon monoxide as a  
36 byproduct of combustion, a carbon monoxide alarm must be installed  
37 within ten (10) feet of each room used for sleeping purposes and  
38 in common areas accessible to the general public which contain or  
39 adjoin, including directly above or below, an area containing a  
40 permanently installed fossil fuel burning appliance or equipment  
41 that emits carbon monoxide as a byproduct of combustion.

42 (3) A carbon monoxide alarm required under this section:

43 (a) Must be installed in accordance with either the  
44 standards of the National Fire Protection Association or the  
45 manufacturer's directions unless the standards or directions  
46 conflict with applicable law;



47 (b) Must be wired directly to the building's power  
48 supply with secondary battery backup, powered by a self-monitored  
49 battery, or operated with a plug-in outlet fitted with a plug  
50 restrainer device if the outlet is not controlled by any switch  
51 other than the main power supply;

52 (c) May not be equipped with an alarm silencing switch  
53 or audible trouble silencing switch unless its silenced position  
54 is indicated by a readily apparent signal;

55 (d) Must be maintained, tested and repaired as  
56 necessary by the owner or manager of the hotel or lodging house to  
57 ensure that every carbon monoxide alarm in the hotel or lodging  
58 house is operational at all times; and

59 (e) May be a combination carbon monoxide alarm and  
60 smoke detector if the device:

61 (i) Complies with ANSI/UL 2034 or ANSI/UL 2075 for  
62 carbon monoxide alarms and with standards required for smoke  
63 detectors under Section 45-11-29; and

64 (ii) Emits an alarm in a manner that clearly  
65 differentiates between detecting the presence of carbon monoxide  
66 and the presence of smoke.

67 (4) (a) A hotel or lodging house being newly constructed or  
68 renovated which is not open to the public before July 1, 2018,  
69 must comply with the requirements of this section before the use  
70 or occupancy of the hotel or lodging house may be authorized.



71 (b) All hotels and lodging houses other than those  
72 described in paragraph (a) of this subsection must comply with the  
73 requirements of this section before July 1, 2019.

74 (5) It is unlawful for a person to knowingly tamper with or  
75 remove any carbon monoxide alarm, or a component of any carbon  
76 monoxide alarm, required by this section.

77 **SECTION 2.** Section 45-11-49, Mississippi Code of 1972, is  
78 amended as follows:

79 45-11-49. Every owner, lessee, keeper, or proprietor of a  
80 hotel or a lodging house who \* \* \*, when the same is prescribed by  
81 law to be done, fails, neglects or refuses to do any of the  
82 following is guilty of a misdemeanor:

83 (a) To provide for each room a rope or rope ladder, or  
84 other like appliance; or

85 (b) To give notice calling attention to such rope or  
86 rope ladder or appliance, and giving directions for its use; or

87 (c) To provide iron balconies with iron stairs; or

88 (d) To provide a hand or side rail to each stairway; or

89 (e) To provide a Mississippi Fire Prevention  
90 Code-approved electric fire detector; or

91 (f) To give alarm and awaken all guests and inmates of  
92 his house in case of fire therein or in close proximity thereto;  
93 or

94 (g) To do everything in case of fire in his power to  
95 rescue the guests or inmates of his house; or



96 (h) To install and maintain carbon monoxide alarms as  
97 required under Section 45-11-30; or

98 ( \* \* \*i) To do anything required by law to be done  
99 under the provisions of Sections 45-11-21 through 45-11-55 \* \* \*.  
100 On conviction \* \* \* of an offense under this section, a person  
101 shall be punished by imprisonment in the county jail not less than  
102 ninety (90) days nor more than six (6) months, or fined not less  
103 than One Hundred Dollars (\$100.00) nor more than One Thousand  
104 Dollars (\$1,000.00), or both such fine and imprisonment.

105 **SECTION 3.** This act shall take effect and be in force from  
106 and after July 1, 2018.

