

2019 HOUSE HUMAN SERVICES COMMITTEE

HB 1288

2019 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

HB1288
1/15/2019
30798

- Subcommittee
 Conference Committee

Committee Clerk: Elaine Stromme by Donna Whetham

Explanation or reason for introduction of bill/resolution:

Relating to duties of the fire marshal to provide education regarding fire safety code requirements

Minutes:

Attachment 1-6

Vice Chairman Rohr: Opened the Hearing on HB 1288.

Representative Schneider: In support of HB 1288. (See Attachments 1-5). (00:29-3:40).

Vice Chairman Rohr: Any questions?

Representative Porter: So we are going to require a discussion between the two parties, that you say will solve the problem but there still isn't anything that says they have to have a carbon monoxide detector?

Representative Schneider: There is an International fire code standard, so we are not mandating anything we are just educating and enforcing what is already in the standard. It has not been incorporated into the documents that people use. It does not change that requirement.

Representative Porter: The state has fully adopted the international fire code and it is technically the law of the land? (4:30)

Representative Schneider: That is one of the standards that has been adopted in the state and it has some exceptions for home rule charters. In this case it would have applied.

Vice Chairman Rohr: Any other support of HB 1288?

Joan Connell, Pediatrician, and Past President of the North Dakota Chapter of American Academy of Pediatrics: I am also a working Mom whose children has spent many hours in daycare. In support of HB 1288. (See Attachment 6) (5:10-8:19).

Vice Chairman Rohr: Any other support of HB 1288? Any Opposition? Any neutral?

Representative Porter: Is the Fire marshal here? I have a question for him.

Doug Nelson: Fire marshal of the State of North Dakota: I would be happy to answer any questions. In neutral position to HB 1288.

Representative Porter: In the International fire code it says that carbon monoxide detectors are mandated into child care facilities. Is that currently adopted and enforced in North Dakota?

Doug Nelson: Yes, the International Fire Code 2015 was adopted by the State fire marshal in 2016 under administrative rule and that is the model code that we follow for state fire code enforcement. It is currently retroactively required for daycares in that fire code.

Representative Porter: When we adopt The International Fire Code as a state, is there the ability for political subdivisions to not adopt portions of that or are they required to adopt 100%?

Doug Nelson: Yes, different political subdivisions and home rule charters do develop their own code that they follow their own codes. As far as the legality of which code they would have to follow, I can't testify to, I am not a lawyer. We do have a state code that we follow for all those communities that don't have any other code or enforcement to follow or their own adopted code. For example, home rule charter or fire protection districts. They may have their own adopted code that they follow.

Representative Porter: Do you have any information for us that tells us which communities have not adopted this particular component of the fire code?

Doug Nelson: I don't have that right now but I can do some research on what communities have not adopted that. I can testify about Fargo because I have worked there, they had deleted this portion of the code as a retroactive requirement, but they required it in the new daycares and they are in the middle of another code adoption that they will be adopting the retroactive requirement.

Representative Schneider: As part of your education campaign could you also consider as a fire marshal, educating the people on the importance of having carbon monoxide detectors if you find someone has opted out of this portion of the International Fire code.

Doug Nelson: Yes, that is what our office would recommend to the communities, to adopt the requirement and educating on the risks. We recognize carbon monoxide is a risk even if there are political subdivisions that don't adopt the sections that require it.

Vice Chairman Rohr: Any opposition to HB 1288? Seeing none.
Hearing closed.

2019 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

HB 1288
1/28/2019
31608

- Subcommittee
 Conference Committee

Committee Clerk Signature Nicole Klaman by Risa Bergquist

Explanation or reason for introduction of bill/resolution:

Relating to duties of the fire marshal to provide education regarding fire safety code requirements.

Minutes:

Chairman Weisz: Calls the meeting to order for HB 1288.

Representative Schneider: This bill resulted from a couple of incidents in Fargo where a daycare individuals hospitalized and children exposed to carbon monoxide and the pediatrician that treated some of those children call the fire department and said why didn't they have a working carbon monoxide detector? Then the pediatrician called me and the fire marshal and we worked on the wording for this. The fire marshal did find that in the international fire code a provision that you should have carbon monoxide detectors in situations where there might be carbon monoxide within the daycare. We turned it into an educational piece since none of the forms at the state in human services or the inspection forms for the fire marshal included any mention of carbon monoxide detectors. Without increasing the budget, the fire marshal will incorporate into changing the forms that are used for inspection and education for human services who will pass it on the daycare providers.

Chairman Weisz: Under current licensing for a child care facility; they are not required to have carbon monoxide?

Representative Schneider: Nobody knew it was in the international fire code so none of the forms include anything about it. So there are three forms that need to be changed.

Representative Porter: The issue is that the state adopts the international fire code and the local political sub divisions adopt the components of that that they want into their local ordinance and local fire code. So yes it's in there but not every community adopts 100% of that fire code. Sprinkler systems being an example; there are various requirements for sprinkler systems in buildings. So even if the state adopts it they still have the option to adopt the pieces they want, they also have the option to go retroactive or forward with who is required to have them.

Chairman Weisz: If we passed this is that just added as a requirement for licensing regardless of local codes?

Representative Porter: The fire marshal is just giving the information to the licensed facilities but he can't speak for the jurisdiction that they may be in. We could potentially be giving them false information. I think it is fixing itself without this language in the century code.

Representative Schneider: The problem is the Fargo have coverage of this and nobody knew it and it's very important that somebody get the word out in consistent fashion and change the inspection forms.

Representative Porter: I do not feel this is necessary and I make a motion for Do Not Pass.

Representative Tveit: I'll second that motion.

A Roll Call vote was taken. Yea: 6 Nay: 6 Absent: 2

Motion Fails

Representative Schneider: I would like to make a motion to pass this bill.

Representative Devlin: Second

Chairman Weisz: Further discussion? The clerk will take a vote.

A Roll Call vote was taken. Yea: 10 Nay: 2 Absent: 2

Motion Passes, Representative Schneider will carry the bill.

Chairman Weisz closes the meeting.

Date: 1-28-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1288**

House Human Services Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. Porter Seconded By Rep. Tveit

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman		X	Gretchen Dobervich	X	
Karen M. Rohr - Vice Chairman	X		Mary Schneider		X
Dick Anderson					
Chuck Damschen		X			
Bill Devlin		X			
Clayton Fegley		X			
Dwight Kiefert	X				
Todd Porter	X				
Matthew Ruby	X				
Bill Tveit	X				
Greg Westlind		X			
Kathy Skroch	X				

Total (Yes) 6 No 6

Absent 2

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

r

Date: 1-28-19
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 288**

House Human Services Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. Schneider Seconded By Rep. Devlin

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	X		Gretchen Dobervich		
Karen M. Rohr - Vice Chairman	X		Mary Schneider	X	
Dick Anderson					
Chuck Damschen	X				
Bill Devlin	X				
Clayton Fegley	X				
Dwight Kiefert	X				
Todd Porter		X			
Matthew Ruby	X				
Bill Tveit		X			
Greg Westlind	X				
Kathy Skroch	X				

Total (Yes) 10 No 2

Absent 2

Floor Assignment Rep. Schneider

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1288: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1288 was placed on the Eleventh order on the calendar.

2019 SENATE POLITICAL SUBDIVISIONS

HB 1288

2019 SENATE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Red River Room, State Capitol

HB 1288
3/8/2019
Job # 33458

- Subcommittee
 Conference Committee

Committee Clerk: Mary Jo Wocken

Explanation or reason for introduction of bill/resolution:

Relates to duties to the fire marshal to provide education regarding fire safety code requirements.

Minutes:

Written attachment #1: Rep. Mary Schneider

Chairman Burckhard opened the hearing on HB1288. Senators Burckhard, Anderson, Dotzenrod, Larson, Kannianen were present. Senator J. Lee was absent.

Representative Mary Schneider: (:31-3:57) District 21, heart of central Fargo. **Written attachment #1.** She introduced the bill and spoke in favor of the bill.

Senator Anderson: Apparently the state of North Dakota has adopted the International Fire code or has Fargo?

Representative Mary Schneider: That's a wonderful question. What happened in this case there are multiple fire codes? There are two main ones. Fargo had adopted the International Fire Code but they had opted out as a Home Rule city of the carbon monoxide provisions which they are allowed to do. They had then put them back them back in, but apparently the firefighters did not know that. So this is a good example really of the difficulties in making a very simple thing known. We have two agencies, and we have multiple fire codes and we have multiple jurisdictions and multiple kinds of daycares. My first tendency in this bill was to just say all day care should have carbon monoxide detectors whether it was relevant with their heating sources. But in working with the Fire Marshal it became clear that there were a lot of different stakeholders here and he was willing to work with the agencies, the jurisdictions, the firefighters and the licensing issues to address those.

Senator Anderson: Why do we need to bills to tell people to do what they are supposed to do in the first place?

Representative Mary Schneider: Because of the differences within the jurisdictions. The different fire codes, the different entities involved and the inconsistencies in what they are supposed to do. I don't think the daycare providers necessarily understand, and it certainly isn't being inspected for. They are not being told in any written way that they would

understand. So this seems to be an issue that, a small one, but because it is a deadly one we brought the bill.

Senator Diane Larson: This isn't really requiring anything other than the fire marshal to do education and talk about some of those requirements. It isn't requiring anything, is that correct?

Representative Mary Schneider: It is requiring the education which I think will address the problem. I tried not to be a little heavy handed with working with the State Fire Marshal and understanding that he had the capacity and the systems and would certainly see that the job got done. What I am concerned with is maybe the next fire marshal might not be that focused on this particular issue. I would like that obligation in there and hopefully we won't have to have a law that says that daycares have to carbon monoxide detectors if we can take of it with this provision.

Senator Kannianen: Just looking for clarification on the phrase licensed early childhood program. Now does that include anything more than day cares, do you know of, just the definition I am wondering to clarify?

Representative Mary Schneider: I am not aware of anything else, that's in that definition. I apologize we had the head of the North Dakota Pediatric Association testify in the House, and she was going to try to be here today. She may ask to submit written information later, but apparently she wasn't able to make it and we don't have her written information.

Chairman Burckhard asked for opposition to HB 1288, then neutral testimony. We are going to reopen the hearing again.

Amanda Carlson: (9:21-10:35) Early Childhood Services Administrator within the Department of Human Services. I just wanted to respond if I can to your question regarding early childhood services programs that actually is in childcare. You can find it in Century Code 50-11.1-02 and I will give you a condensed version if I can. It is number 7 under definitions. Early childhood service means, the care, supervision, education or guidance of a child or children which is provided in exchange for money that there are other services. There are some exclusions to that, but this could include preschool settings so it is much bigger than just child care. I just wanted to provide that clarification for the committee.

Doug Nelson, State Fire Marshal of North Dakota. (11:05) Obviously we are on a neutral position on this.

Chairman Burckhard: So you've been State Fire Marshal since November 2018.

Mr. Doug Nelson: No it was March of 2018.

Senator Anderson: Perhaps we could ask him to explain the fire codes that we have in place and the variances you see and whether this monoxide detector was required in these situations or not?

Mr. Doug Nelson: Yes, I will be able to explain that to you. So we have a state fire code that is adopted and covers those areas that don't have any local code adopted. Where we most often see a local code adoption is through a home rule charter or city such as Representative Schneider stated with Fargo, Grand Forks, Bismarck, the bigger cities where we see that Home Rule Charter. So they are able to adopt their own code on their own. Where most communities do follow the state code and where we do have since 2015, we've adopted the International Fire Code which does have an inclusion for retro-actively requiring carbon monoxide alarms in day cares. Now, our office since that is relatively new, when I asked around our office, not necessarily all of our inspectors were aware of that, that it came in with the code at that time. So we have updated that now and we are enforcing that as we go. But a lot of small town fire departments that follow under the State Code may not know that and it's currently not covered on our form. So I think that is where the confusion comes and then to explain the Home Rule Charter, in this specific instance Fargo had a deleted out of their adoption their requirement the retro-active requirement. So subsequently now since then, they are in the current process of adopting the 2018 International Fire Code, in which they are going to not delete that section so they will be requiring it. Now currently, once Fargo updates their code adoption, then all the other communities that I know of that are on the same code that we are, or very similar, with minor differences with amendments they all will have a retro-active requirement for carbon monoxide alarms in day cares. But it hasn't been updated on our form and it hasn't been necessarily addressed by us like this specific instance.

Senator Anderson: So does your office provide the forms that the local small community fire department would use when they were expecting this facilities?

Mr. Doug Nelson: Yes, we provide the forms for most of the smaller communities. We accept forms if they have their own again, like in a Fargo, or the bigger cities that have their own programs and own fire prevention inspectors. But we do provide state forms to all the local communities for those local fire chiefs who feel that they can do those inspections.

Senator Anderson: So, basically then you would add this to your forms so that those local guys would know they are supposed to check for it?

Mr. Doug Nelson: Yes, this would make us update our forms and then we would also would speak with Department of Human Services (DHS), and we would look to develop for a course with them to help address this and get more fire prevention information out to the day cares, fire chiefs and licensers of day cares so that everybody is hopefully on the same page in the future.

Senator Kannianen: I was going to ask whether you have to develop new materials or if you have existing materials that would work. You, kind of answered that with developing a new course. But is that very extensive or what are you planning there? What do you think that will entail?

Mr. Doug Nelson: It wouldn't make too much of an impact on our office. We already have a requirement to do public education in Chapter 18, and this would really just add this specific safety area for us to address. We don't necessarily have a course right now that we are providing, but to do that would not cause an un-do stress on our office as a whole to provide

that and to update our forms. It is something that we needed to do anyway. I've been here since March of 2018 and this is something that I haven't just had the time to address at this point yet.

Senator Dotzenrod: I see on your bill here, smoke detector and carbon monoxide alarm. A lot of the buildings are heated with either propane or natural gas. Every now then there is an explosion because of a leak in a basement water heater or some other device in the home. We had one in Richland County where it blew up the house last summer and killed a women, who was in the house. I understand there is detectors that you can get that will detect if there is a leak. In propane's case, if there is a leak in propane is heavier than air, so if you have a water heater in the basement and there's a propane leak that the propane won't go up it will spread out and stay down there. Then if there is any ignition source you can really do a lot of damage. So, do you in your work as a Fire Marshal have any requirements or any part of the fire code where you have to have those detectors installed in places like a daycare center where if they are heating with that type of fuel that they need to have some detector to detect the leak?

Mr. Doug Nelson: Currently there are no requirements in the International Fire Code which we adopted the state and similarly what many of the local communities adopt requiring what they typically refer to a 4 gas monitor or an explosive gas monitor in those facilities. Most propane and natural gas has an odorant mixed into it and that's where if there is a leak, that should be the primary detection is the smell of it. So that would be my guess why that hasn't been addressed in the International Codes to this point for those types of occupancies. There are requirements for gas detectors depending on the occupancy but not necessarily in day cares. In higher hazard occupancies where they are introducing these different gases in to there for processes, or manufacturing or stuff like that they do require gas detectors but not with day care.

Senator Dotzenrod: I've noticed that some of the CO2 the carbon monoxide detectors say on the package that they also will detect propane or natural gas. I thought maybe if you had a carbon monoxide alarm that would cover that, but maybe not. I don't know.

Mr. Doug Nelson: The codes require a carbon monoxide alarms and it doesn't require another kind of explosive gas so I wouldn't have any. I would always advocate for safety, and say I recommend it and it's a good idea, especially if you have those gases being introduced into your home because you never know when they could build up or if some reason an odorant isn't introduced into particular batch of propane that they get. So I would recommend it but as far as being able to require it or being able to speak to it, if it should be required I guess I wouldn't be able to testify to that.

Chairman Burckhard closed the hearing on HB1288.

Senator Diane Larson moved a do pass on HB1288.

Senator Jim Dotzenrod- 2nd

Roll call vote: 5 Yea, 0 No, 1 Absent

Carrier: Senator Diane Larson

Date: 3/8/2019
 Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. H.B. 1288**

Senate Political Subdivisions Committee
 Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Sen. D. Larson Seconded By Sen. Jim Dotzenrod

Senators	Yes	No	Senators	Yes	No
Chair Randy Burkhard	X		Sen. Jim Dotzenrod	X	
Vice chair Howard Anderson	X				
Sen. Diane Larson	X				
Sen. Judy Lee					
Sen. Jordan Kannianen	X				

Total (Yes) 5 No 0
 Absent 1
 Floor Assignment Sen. Diane Larson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1288: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1288 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HB 1288

Testimony of
Representative Mary Schneider
Before the
HOUSE HUMAN SERVICES COMMITTEE

January 15, 2019

HB 1288

On November 7, 2018, Moms and Dads dropped off their children as usual at their daycare at 4820 30th Ave. S. in Fargo. The daycare is in a 2-story office building with other businesses. Little did those parents know that their children that day would be exposed to a silent unseen killer.

Each year more than 400 Americans die from unintentional carbon monoxide (CO) poisoning not linked to fires. More than 20,000 visit the emergency room, and more than 4,000 are hospitalized. Among the most vulnerable victims are babies and young children.

The invisible, odorless, silent killer on November 7 was CO, but it was foiled, in part, by alert folks in other parts of the building. Two adults were hospitalized, and 20 children medically evaluated. Luckily no one died, but kids were exposed to risk, and CO poisoning can have long term effects.

A pediatrician who treated the children contacted the Fargo Fire Department to see why a carbon monoxide detector hadn't functioned to protect the little ones. She was told there was no detector and that was not something on the fire department's daycare inspection checklist. The doctor then called the State Fire Marshal and her State Representative. We separately researched the issue.

I didn't find any item in the Department of Human Services forms about CO detectors, although there is a required fire inspection for licensing and subsequent reviews.

The fire department and fire marshal checklists didn't mention CO. The Fire Marshal, however, did find reference in the international fire code standards to CO detectors in relevant circumstances, but apparently information about them isn't incorporated into inspection documents--or on the radar of those who may run daycares or inspect them. This bill may remedy those omissions.

The new State Fire Marshal, Doug Nelson, started his job in 2018, after having extensive firefighter, investigation and inspection experience. If this bill passes, he will work with the Department of Human Services daycare licensing and provider programs, and with firefighters and inspectors, to ensure that daycare owners and staff, firefighters, and those who inspect daycares, know the regulations regarding CO detectors and the values of having them available and functioning properly.

This is not the first time that there has been CO exposure in a Fargo area daycare. I have given you information on another a few years ago. With your help in passing this bill, and the fire marshal's help in implementing it, maybe it will be the last.



**FIRE SAFETY CHECKLIST FOR CHILD CARE FACILITY
AND PRESCHOOL STRUCTURES**
OFFICE OF ATTORNEY GENERAL
NORTH DAKOTA STATE FIRE MARSHAL
SFN 61111 (03-2017)

2
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Pg 1.

Facility Name		Provider Name	
Address		City	State ZIP Code
Email Address		Telephone Number	
1. The structure has two means of egress from every occupied room. One egress leads to outside. (IFC 1006.2.1)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Egress doors are at least 32 inches in clear width. Exit doors are unlocked and provided with panic hardware when licensed for 100 or more. Exit doors swing in the direction of travel when over 50 clients or more. Travel distance to an exit is less than 150 feet for 50 clients or more. (IFC 1010.1.1 & 1010.1.10)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
3. Vertical openings are enclosed and have a door. (IFC 704.1)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
4. Exit signs are lighted. Emergency lighting is provided when licensed for 50 or more clients. Adequate normal lighting provided. (IFC 1013.3 & 1008.3.1 & 1008.2)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
5. When licensed for more than 50 clients, the building has a fire alarm system with smoke detectors connected to the fire alarm system. Smoke detectors are provided at stairway doors and in sleeping rooms and corridors. When fewer than 50 clients, the building has adequate smoke detectors. Detectors are tested monthly. (IFC 907.2.3 & 903.2 & 906.6)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
6. Outlets and extension cords are of proper size and not overloaded. (IFC 605.1)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
7. Interior corridors are fire resistive. Hazardous areas, i.e., furnace and storage rooms are fire resistive. Finishes on walls and ceilings are constructed of noncombustible materials. (IFC 1020 & 1023.2 & 807.3)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
8. The structure has an approved and properly maintained fire extinguisher on each level of the building. Extinguisher is accessible and mounted appropriately. (IFC 906.1 & 906.6)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
9. Combustibles and/or flammables are kept away from sources of ignition, i.e. furnace and water heater. Heating system and chimney are inspected and maintained by qualified person. (IFC 304.1 & 603.5.2 & 603.6)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
10. Kitchen cooking appliances producing grease vapors have a hood system protected by automatic extinguishing system. System is serviced and maintained regularly. (IFC 609.2 & 609.3.4 & 902.2.3)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
11. Number of children cared for complies with one child per 35 square feet net. (IFC 1004.1.2 & NFPA 101, Chapter 17)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
12. Written plan is posted and exit drills are conducted monthly. (IFC 403.2 & NFPA 101, Chapter 17)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Areas Restricted for Licensing			
Remarks			
Re-Inspection Date			
Signature of Provider			Date
Completed By (Fire Authority)			Date

This checklist is only a guide and does not contain a comprehensive listing of fire codes. A fire inspection is a condition of a daycare license. In order to request a fire inspection, you must contact a Deputy State Fire Marshal in your region or your local fire official. If you have any questions, feel free to contact the State Fire Marshal's Office at 701-328-5555.

Owner Lessee, agent or occupant of any building or premises described in an abatement order is aggrieved by such orders and desires a hearing thereon, the person may complain or appeal in writing to the State Fire Marshal within five days from the service of the order, and the State Fire Marshal shall investigate said complaint. Unless the order is revoked, modified, or vacated, it must remain in force and be complied with by such owner, lessee, agent, or occupant within the time fixed in said order, North Dakota Century Code §18-01-17.



COMPLIANCE CHECK LIST/CHILD CARE CENTER
 NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES/CFS
 SFN 1423 (Rev. 10-2016)

#2
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 pg 2.

Date Orientation Completed with Authorized Agent (For new licenses only):	
Legal Name of Center:	License Number: License Expiration Date:
Owner/Operator Full Legal Name:	Date of Licensing Study:
Address:	EIN if available:
City: ZIP Code:	Ages of Children: Maximum Number of Children:
Mailing Address if Different:	Program's Telephone Number:

I. LICENSE APPLICATION/DISPLAY

- Yes No N/A
 - Yes No N/A
 - Yes No N/A
- Licensing Fee Submitted With Application:
 One Year Application
 Two Year Application
- License displayed
 License denied/revoked in the last 12 months

II. STAFFING REQUIREMENTS

- Yes No N/A
 - Yes No N/A
 - Yes No N/A
- 75-03-10-04(2) License displayed
- 75-03-10-08(1)(2)(a-f)(6) Meets staffing requirements/maximum group size (see chart/ documentation).
- 75-03-10-08(4) Child's developmental age used in determining number of children that can be in care at any given time when child has special needs.
- 75-03-10-08(7) Child care is a McGruff safe house, blockhouse, or certified safe house.

III. DUTIES OF OPERATOR

- Yes No
 - Yes No
 - Yes No
 - Yes No
 - Yes No
 - Yes No
 - Yes No
 - Yes No
 - Yes No
 - Yes No
 - Yes No
 - Yes No
 - Yes No
 - Yes No
 - Yes No
- 75-03-10-09(1) Ensure qualified director is present 60% of the time.
- 75-03-10-09(4) Notified authorized agent of major changes in operation/ownership/ governing body, including staff member changes.
- 75-03-10-09(5) Ensure that liability insurance is carried by program.
- 75-03-10-09(6)(a-k) Written plan/policies for operation of child care center.
- 75-03-10-09(7) Maintenance of enrollment, attendance, health, other records.
- 75-08-10-09(9) Maintain necessary information to verify staff member's qualifications and to ensure safe care.
- 75-03-10-09(10-11) Preadmission visits are provided to parents to discuss and view facility, program, and policies. Parents are provided written notice of any significant changes in program services or policies.
- 75-03-10-09(12) Ensure child care is sufficiently staffed at all times to meet the child and staff ratios for children in attendance and that no more children than the licensed capacity are served at any one time.
- 75-03-10-09(14) Written agreements regarding fees and payment are in place.
- 75-03-10-09(15-16) Provides unlimited access and opportunities for parents to observe their child in care and upon parental request provides reports on their children.
- 75-03-10-09(17) Report as mandatory reporter any suspected child abuse or neglect as required by North Dakota Century Code section 50-25.1-03.
- 75-03-10-09(18) Ensure staff with current CPR and First Aid training is on duty whenever children are present.



FIRE SAFETY CHECKLIST FOR FAMILY/GROUP CHILD CARE STRUCTURES

OFFICE OF ATTORNEY GENERAL
NORTH DAKOTA STATE FIRE MARSHAL
SFN 61110 (03-2017)

1st Page ONLY

#2 HB1288
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pg 3.

Facility Name		Provider Name	
Address		City	State ZIP Code
Email Address		Telephone Number	
1. The structure has two means of egress from every occupied room. One egress leads to outside. (IFC 1006.2.1)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Egress doors are at least 32 inches in clear width. (IFC 1010.1.1)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
3. Outlets and extension cords are of proper size and not overloaded. (IFC 605.1)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
4. Smoke detectors are provided in all sleeping areas used for child care, and in/on each level of the home. Detectors are tested monthly. (IFC 907.2.11.1 & 907.2.11.2)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
5. The home has an approved and properly maintained fire extinguisher on each level of the building. The extinguisher is accessible. (IFC 906.1 & 906.6)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
6. Combustibles and/or flammables are kept away from sources of ignition, i.e., furnace and water heater. (IFC 304.1)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
7. Basement egress and mechanical room are separated by a one hour enclosure or equivalent. In occupancies with more than 12 children, the upstairs must be separated by a one hour enclosure or equivalent if used for sleeping area. (IFC 704.1 & 704.2)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
8. Number of children cared for complies with one child per 35 square feet net. (IFC 1004.1.2 & NFPA 101, Chapter 17)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
9. Closet and bathroom doors latch in closed position and are capable of opening from the inside. (IFC 1010.1.9.5.1)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Areas Restricted for Licensing			
Remarks			
Re-Inspection Date			
Signature of Provider			Date
Completed By (Fire Authority)			Date

This checklist is only a guide and does not contain a comprehensive listing of fire codes. A fire inspection is a condition of a daycare license. In order to request a fire inspection, you must contact a Deputy State Fire Marshal in your region or a local fire official. If you have any questions, feel free to contact the State Fire Marshal's Office at 701-328-5555.

If the owner Lessee, agent or occupant of any building or premises described in an abatement order is aggrieved by such orders and desires a hearing thereon, the person may complain or appeal in writing to the State Fire Marshal within five days from the service of the order, and the State Fire Marshal shall investigate said complaint. Unless the order is revoked, modified, or vacated, it must remain in force and be complied with by such owner, lessee, agent, or occupant within the time fixed in said order, North Dakota Century Code §18-01-17.

What is Carbon Monoxide?

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Carbon monoxide, or "CO," is an odorless, colorless gas that can kill you.

Where is CO found?

CO is found in fumes produced any time you burn fuel in cars or trucks, small engines, stoves, lanterns, grills, fireplaces, gas ranges, or furnaces. CO can build up indoors and poison people and animals who breathe it.

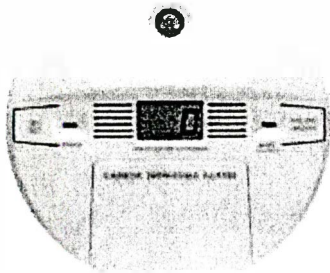
What are the symptoms of CO poisoning?

The most common symptoms of CO poisoning are headache, dizziness, weakness, upset stomach, vomiting, chest pain, and confusion. CO symptoms are often described as "flu-like." If you breathe in a lot of CO it can make you pass out or kill you. People who are sleeping or drunk can die from CO poisoning before they have symptoms.

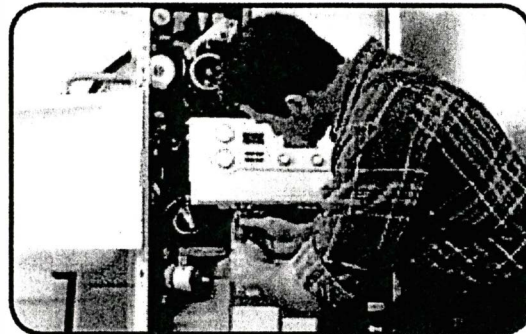
Who is at risk from CO poisoning?

Everyone is at risk for CO poisoning. Infants, the elderly, people with chronic heart disease, anemia, or breathing problems are more likely to get sick from CO. Each year, more than 400 Americans die from unintentional CO poisoning not linked to fires, more than 20,000 visit the emergency room, and more than 4,000 are hospitalized.

How can I prevent CO poisoning in my home?



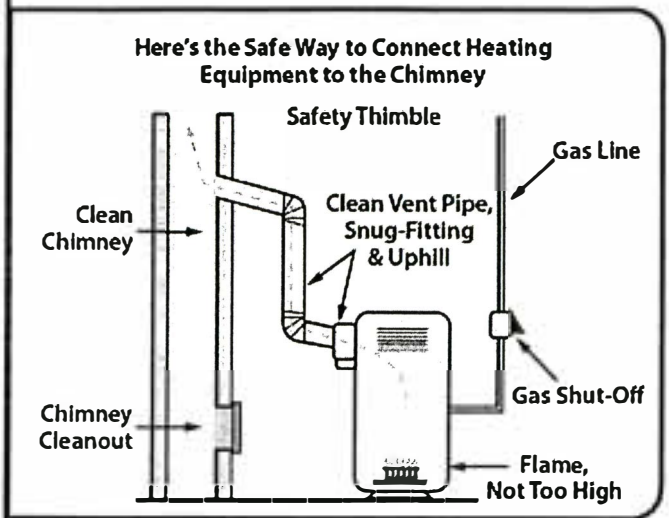
Carbon monoxide detector



Have your heating system serviced annually

- Install a battery-operated or battery back-up CO detector in your home and check or replace the battery when you change the time on your clocks each spring and fall.
- Have your heating system, water heater, and any other gas, oil, or coal burning appliances serviced by a qualified technician every year.
- Do not use portable flameless chemical heaters indoors.
- If you smell an odor from your gas refrigerator have an expert service it. An odor from your gas refrigerator can mean it could be leaking CO.
- When you buy gas equipment, buy only equipment carrying the seal of a national testing agency, such as Underwriters' Laboratories.

- Make sure your gas appliances are vented properly. Horizontal vent pipes for appliances, such as a water heater, should go up slightly as they go toward outdoors, as shown below. This prevents CO from leaking if the joints or pipes aren't fitted tightly.



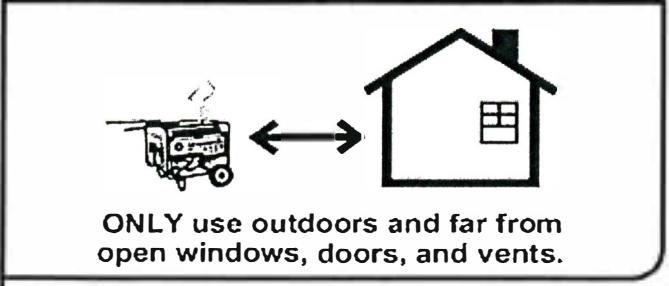
- Have your chimney checked or cleaned every year. Chimneys can be blocked by debris. This can cause CO to build up inside your home or cabin.
- Never patch a vent pipe with tape, gum, or something else. This kind of patch can make CO build up in your home, cabin, or camper.

How can I stay safe when the power is out?

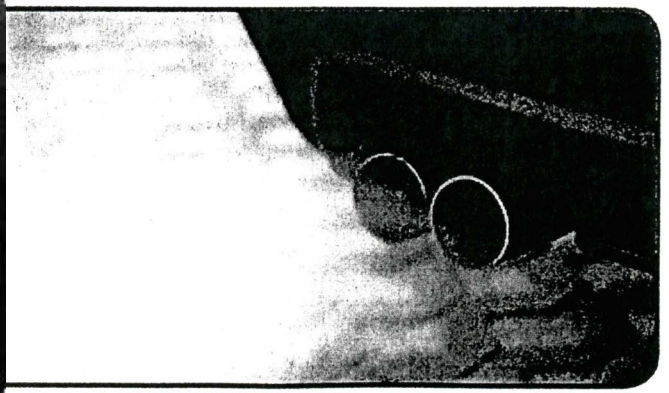
- Never use a gas range or oven for heating. Using a gas range or oven for heating can cause a build up of CO inside your home, cabin, or camper.
- Never burn charcoal indoors. Burning charcoal — red, gray, black, or white — gives off CO.
- Never use a portable gas camp stove indoors. Using a gas camp stove indoors can cause CO to build up inside your home, cabin, or camper.
- Never use a generator inside your home, basement, or garage or less than 20 feet from any window, door, or vent.



How can I avoid CO poisoning from my car or truck?



- Have a mechanic check the exhaust system of your car or truck every year. A small leak in the exhaust system can lead to a build up of CO inside the car.
- Never run your car or truck inside a garage that is attached to a house even with the garage door open. Always open the door to a detached garage to let in fresh air when you run a car or truck inside.
- If you drive a car or SUV with a tailgate, when you open the tailgate open the vents or windows to make sure air is moving through. If only the tailgate is open CO from the exhaust will be pulled into the car or SUV.



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Subway, day care evacuated after carbon monoxide leak

By Wendy Reuer on Oct 21, 2015 at 12:42 a.m.

1

A Subway restaurant and daycare here had to be evacuated on Monday after emergency crews found a woman suffering from carbon monoxide poisoning.

Around 9:38 a.m., paramedics and West Fargo Police were sent to Subway at 109 East Main Ave in West Fargo for the report of a person feeling lightheaded.

Paramedics recognized the patient's symptoms as consistent with possible carbon monoxide poisoning. Shortly after 10 a.m., the West Fargo Fire department arrived on scene and found slightly high levels of carbon monoxide in the building, including space occupied by Appletree Preschool.

No children or staff members reported feeling ill, but they were evacuated as a precaution while firefighters monitored the building and determined the most likely source, West Fargo Fire Chief Dan Fuller said in a release. The most likely cause of the higher levels of carbon monoxide was a malfunctioning furnace, he said in the release. The system was shut off, and the building ventilated until carbon monoxide levels returned to normal.

The daycare and Subway restaurant was building was re-opened.

Recommended for you

X

Wendy Reuer

Wendy reports for The Forum and West Fargo Pioneer, where she is also assistant editor. A University of Minnesota M. career in television news and entertainment in Minnesota and at CBS in Television City, Calif. before working at newspapers in Minnesota and North Dakota.

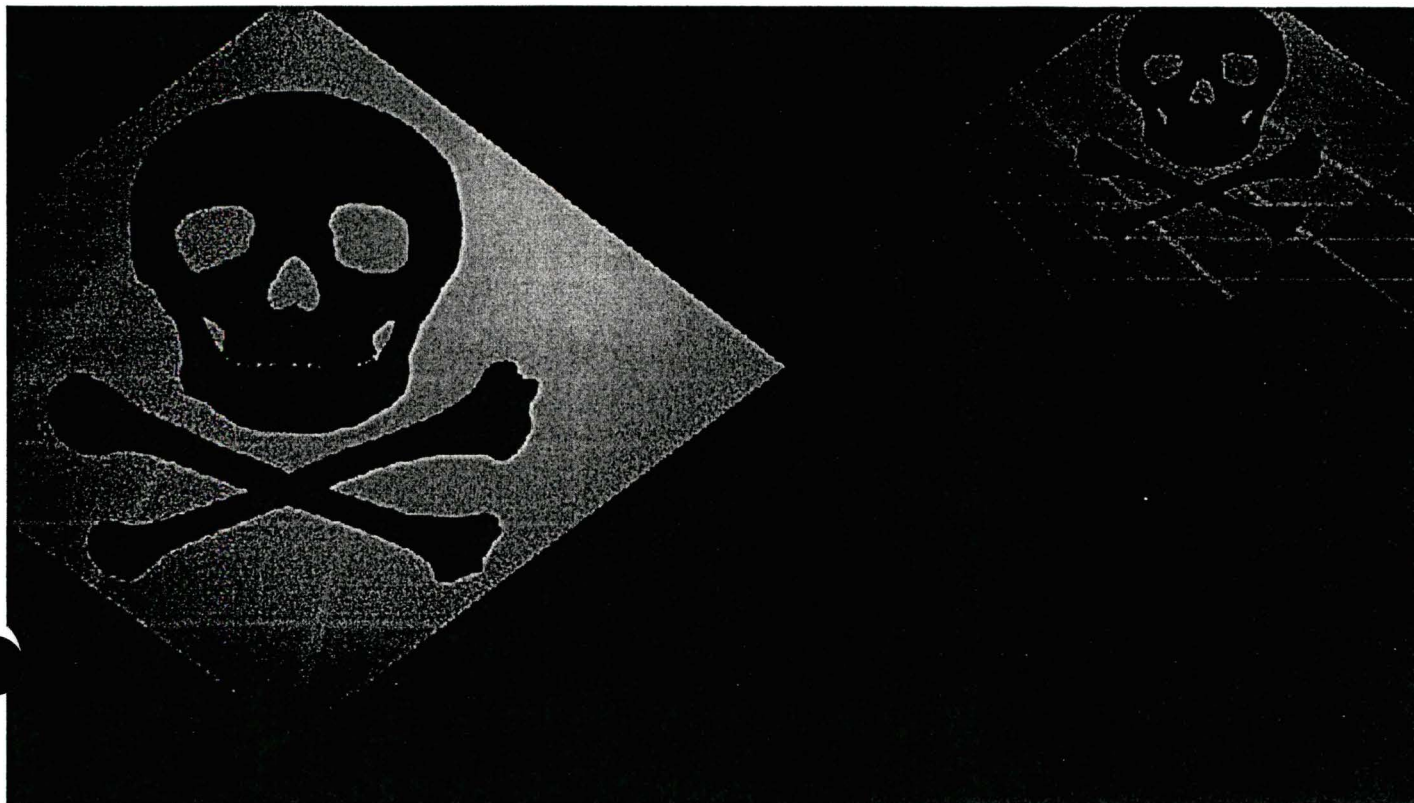
WReuer@forumcomm.com
(701) 241-5530



West Fargo man sentenced to two years for sex with a minor

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20 daycare kids and 15 adults were evaluated after high CO readings were found



Posted: Wed 3:59 PM, Nov 07, 2018

Fargo firefighters responded to a report of a gas smell Wednesday morning at 4820 30th Ave. S.

The office building is two stories and contains businesses and a daycare. When firefighters arrived, they found elevated carbon monoxide readings throughout the building but no indication of any type of flammable gas.

Firefighters say CO readings varied in the building from 25 parts per million in the daycare to 70 ppm on the second floor. The office spaces were evacuated and the children in the daycare were moved to a room with low CO readings. About 15 adults and 20 children were evaluated from the building.

The cause of the elevated CO was a construction crew using a gas-powered concrete saw inside the building without ventilation.

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House Bill 1288

Human Services Committee

Sixty-sixth Legislative Assembly of North Dakota

January 15, 2019

Good morning Chairman Weisz and members of the Human Services Committee. My name is Joan Connell and I am speaking to you today as a pediatrician, the Past-President of the North Dakota Chapter of the American Academy of Pediatrics, and a working Mom whose children have spent many hours in daycare. I am asking you to support House Bill 1288, which will empower the fire marshal to educate those in his jurisdiction about the regulation regarding carbon monoxide detectors in daycare centers. The fire marshal has found this enforceable requirement to be noted within international fire code. Additionally, the reference, "Caring for Infants and Toddlers in Early Care and Education", which is written by the American Academy of Pediatrics, the American Public Health Association, and the National Resource for Health and Safety in Child Care and Early Education also recommends that carbon monoxide detectors be required in child care centers if:

- a. The child care program uses any sources of coal, wood, charcoal, oil, kerosene, propane, natural gas, or any other product that can produce carbon monoxide
OR if
- b. Detectors are required by state/local law or a state licensing agency.

I have included a copy of this recommendation with my written testimony today.

Passage of House Bill 1288 will prompt the fire marshal to provide the department of human services with education about existing rules and regulations for licensed early childhood programs, including requirements for smoke detectors and carbon monoxide detectors.

As a reminder, children are among the most vulnerable to carbon monoxide poisoning. Common symptoms of headache, dizziness, and chest pain, which may be hard/impossible to verbalize as a childcare attendee, can lead to loss of consciousness, coma and even death in cases of severe poisoning with this gas, which is both colorless and odorless. Given this information, one can see how carbon monoxide acts as a "silent killer". This is totally preventable with the use and appropriate maintenance of carbon monoxide detectors. Please support House Bill 1288 so that we can prevent this needless tragedy from occurring in the locations where parents like me entrust others with the safety of our children so that we may work.

Chapter 5: Facilities, Supplies, Equipment, and Environmental Health

5.2 Quality of the Outdoor and Indoor Environment

5.2.9 Prevention and Management of Toxic Substances

5.2.9.5: Carbon Monoxide Detectors



Carbon monoxide detector(s) should be installed in child care settings if one of the following guidelines is met:

- a. The child care program uses any sources of coal, wood, charcoal, oil, kerosene, propane, natural gas, or any other product that can produce carbon monoxide indoors or in an attached garage;
- b. If detectors are required by state/local law or state licensing agency.

Facilities must meet state or local laws regarding carbon monoxide detectors. Detectors should be tested monthly. Batteries should be changed at least yearly. Detectors should be replaced at least every five years.

RATIONALE

Carbon monoxide (CO) is a deadly, colorless, odorless, poisonous gas. It is produced by the incomplete burning of various fuels, including coal, wood, charcoal, oil, kerosene, propane, and natural gas. Products and equipment powered by internal combustion engine-powered equipment such as portable generators, cars, lawn mowers, and power washers also produce carbon monoxide. Carbon monoxide detectors are the only way to detect this substance.

Carbon monoxide poisoning causes symptoms that mimic the flu; mild symptoms are typically headache, dizziness, fatigue, nausea, and diarrhea. Prolonged exposure can cause confusion, shortness of breath, unconsciousness, and even death.

On average, about 170 people in the United States die every year from carbon monoxide produced by non-automotive consumer products (1). These products include malfunctioning fuel-burning appliances such as furnaces, ranges, water heaters, and room heaters; engine-powered equipment such as portable generators; fireplaces; and charcoal that is burned in homes and other enclosed areas. In 2005 alone, the U.S. Consumer Product Safety Commission (CPSC) staff was aware of at least ninety-four generator-related carbon monoxide poisoning deaths (1). Still others die from carbon monoxide produced by non-consumer products, such as cars left running in attached garages. The Centers for Disease Control and Prevention (CDC) estimate that several thousand people go to hospital emergency rooms every year to be treated for carbon monoxide poisoning (1).

COMMENTS

Carbon monoxide detectors should be installed according to the manufacturer's instructions. One carbon monoxide detector should be installed in the hallway outside the bedrooms in each separate sleeping area. Carbon monoxide detectors may be installed into a plug-in receptacle or high on the wall. Hard-wired or plug-in carbon monoxide detectors should have battery backup. Installing carbon monoxide detectors near heating vents, locations that can be covered by furniture or draperies, above fuel-burning appliances or in kitchens should be avoided (1).

There are a number of safety steps that child care programs can do to help prevent carbon monoxide exposure (1-3):

- a. Make sure major appliances are professionally installed and inspected according to local building codes and have older appliances checked for malfunctions and leaks;
- b. Choose vented appliances when possible;
- c. Have heating systems inspected and cleaned by a qualified technician annually and make sure the chimney is clean and with a proper draft control to ensure a proper vent for flue gases;
- d. Check the color of the flame in the burner and pilot light (a yellow-colored flame indicates the fuel is not burning efficiently and could be releasing more carbon monoxide) (4);
- e. Never use a gas oven to heat your facility;
- f. Do not burn charcoal indoors;
- g. Never operate gasoline-powered engines or generators in confined areas in or near the building;
- h. Never leave a vehicle running in a garage or closed area. Even if the garage door is open, normal circulation will not supply enough fresh air to prevent a buildup of CO gas;

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- i. If the CO alarm goes off or if you have symptoms of CO poisoning, exit the building and call 9-1-1.

For other questions on CO poisoning call the poison center.

TYPE OF FACILITY

Center, Large Family Child Care Home

REFERENCES

1. U.S. Consumer Product Safety Commission (CPSC). 2008. Carbon monoxide questions and answers. Document #466. Bethesda, MD: CPSC. <https://www.cpsc.gov/safety-education/safety-guides/home/asbestos-home>.
2. Cowling, T. 2007. Safety first: Carbon monoxide poisoning. Healthy Child Care 10(5): 6-7. http://www.safekids.org/safetytips/field_risks/carbon-monoxide.
3. Safe Kids Worldwide. Home Safety Fact Sheet. <http://www.safekids.org/fact-sheet/home-safety-fact-sheet-2015-pdf>.
4. Tremblay, K. R., Jr. 2006. Preventing carbon monoxide problems. Colorado State University Extension. <http://www.ext.colostate.edu/pubs/consumer/09939.html>.

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3.8.2019
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Testimony of

Representative Mary Schneider, District 21

Senate Committee on Political Subdivisions

Senator Randy Burckhard, Chairman

March 8, 2019

HB 1288--Daycare Carbon Monoxide Detectors

On November 7, 2018, Moms and Dads dropped off their children as usual at their daycare at 4820 30th Ave. S. in Fargo. The daycare is in a 2-story office building with other businesses. Little did those parents know that their children that day would be exposed to a silent unseen killer.

Each year more than 400 Americans die from unintentional carbon monoxide (CO) poisoning not linked to fires. More than 20,000 visit the emergency room, and more than 4,000 are hospitalized. Among the most vulnerable victims are babies and young children.

The invisible, odorless, silent killer on November 7 was CO, but it was foiled, in part, by alert folks in other parts of the building. Two adults were hospitalized, and 20 children medically evaluated. Luckily no one died, but kids were exposed to risk, and CO poisoning can have long term effects.

A pediatrician who treated the children contacted the Fargo Fire Department to see why a carbon monoxide detector hadn't functioned to protect the little ones. She was told there was no detector and that was not something on the fire department's daycare inspection checklist. The doctor then called the State Fire Marshal and her State Representative. We separately researched the issue.

I didn't find any item in the Department of Human Services daycare forms about CO detectors, although there is a required fire inspection for licensing and subsequent reviews of daycares.

The fire department and fire marshal checklists didn't mention CO. There were two different daycare inspection forms, but no mention of carbon monoxide or carbon monoxide detectors.

The Fire Marshal, however, did find reference in the international fire code standards to CO detectors in relevant circumstances, but apparently information about them isn't incorporated into inspection documents--or on the radar of those who may license daycares, run daycares or inspect them. This bill may remedy those omissions.

The newest State Fire Marshal, Doug Nelson, started his job in 2018, after having extensive firefighter, investigation and inspection experience. If this bill passes, he will work with the Department of Human Services daycare licensing and provider programs, and with firefighters and inspectors, to ensure that daycare owners and staff, firefighters, and those who inspect daycares, know the regulations regarding CO detectors and the values of having them available and functioning properly.

Last November was not the first time that there has been CO exposure in a Fargo area daycare. With your help in passing this bill, and the fire marshal's help in implementing it, maybe it will be the last.