

The Connecticut General Assembly

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Memorandum

To: Senator Paul Doyle
Representative Christie Carpino
Senator Kevin Kelly
Representative Susan Johnson

From: Catriona Stratton and Bradford M. Towson

Date: July 13, 2018

Subject: Proposed 2018 Connecticut State Fire Safety Code

This is a resubmittal of the proposed **2018 Connecticut State Fire Safety Code** that was rejected without prejudice at the committee's meeting on May 22, 2018. The resubmittal addresses the substantive concerns and technical corrections noted in the May 22, 2018 report. In addition to the resubmitted Fire Safety Code, the agency has provided a written explanation, for the committee's consideration, of any change the agency did not make in response to the May 22, 2018 LCO memorandum, including any item listed in the "Additional Comments" section of said memo. On July 10, 2018, the agency submitted substitute pages 19 and 20. This report is based, in part, on such substitute pages.

Substantive Concerns:

Technical Corrections:

Recommendation:

- X** **Approval in whole**
 - with technical corrections
 - with deletions
- X** **with substitute pages**
 - Disapproval in whole or in part
 - Rejection without prejudice

Sec. 29-292a. Procedure for adoption and amendment of Fire Safety Code. (a) For the purposes of this section, "proposed code" means a proposal by the State Fire Marshal and the Codes and Standards Committee for a new Fire Safety Code or for a change in, addition to or repeal of any provision of the Fire Safety Code.

(b) Notwithstanding the provisions of chapter 54, the adoption of the Fire Safety Code and any amendments thereto shall not be required to comply with the provisions of chapter 54, except as provided in this section.

(c) Prior to the adoption of the Fire Safety Code and any amendments thereto, the State Fire Marshal shall (1) post any proposed code, a statement of purpose for which the proposed code is proposed, a fiscal note associated with compliance with the proposed code prepared pursuant to section 4-168, and a regulatory flexibility analysis prepared pursuant to section 4-168a on the Internet web site of the Department of Administrative Services, (2) give notice electronically to the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security, (3) give notice to any person who has requested the State Fire Marshal for advance notice of the proposed code adoption proceedings, (4) provide for a public comment period of forty-five days following the posting of such proposed code, fiscal note and regulatory flexibility analysis, and (5) hold a public hearing on the proposed code not less than twenty nor more than thirty-five days after such posting.

(d) After the close of the public comment period, the State Fire Marshal and the Codes and Standards Committee shall respond to each written and oral comment respecting the proposed code received during the public comment period and at the public hearing. Such response shall include any change made to the proposed code if applicable, and the rationale for such change. The State Fire Marshal shall post such response on the Internet web site of the Department of Administrative Services not later than thirty days after the close of the public comment period.

(e) The State Fire Marshal and the Codes and Standards Committee shall create and maintain a code-making record for each proposed code, submit such code-making record electronically to the standing legislative regulation review committee and the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security, and post such code-making record on the Internet web site of the Department of Administrative Services. Such code-making record shall include, but need not be limited to: (1) The final wording of the proposed code in a

format consistent with a nationally recognized model building code, (2) the fiscal note prepared pursuant to subsection (c) of this section, (3) the regulatory flexibility analysis prepared pursuant to subsection (c) of this section, (4) all written and oral comments received during the public comment period, and (5) the response to such comments prepared pursuant to subsection (d) of this section.

(f) The standing legislative regulation review committee shall have not more than forty-five days from the date the code-making record is submitted to the committee pursuant to subsection (e) of this section to convene a meeting to approve, disapprove or reject without prejudice the proposed code, in whole or in part. If the proposed code is withdrawn, the State Fire Marshal shall resubmit the proposed code and the committee shall have not more than forty-five days from the date of such resubmittal to convene a meeting to approve, disapprove or reject without prejudice the resubmitted proposed code. If the committee notifies the State Fire Marshal in writing that it is waiving its right to convene a meeting or does not act on a proposed code or a resubmitted proposed code, as the case may be, within such forty-five-day period, the proposed code or resubmitted proposed code shall be deemed to be approved by the committee.

(g) If the committee disapproves a proposed code, in whole or in part, the committee shall notify the State Fire Marshal of the disapproval and the reasons for the disapproval. The State Fire Marshal shall not take any action to implement such disapproved code, except that the State Fire Marshal may submit a substantively new proposed code in accordance with the provisions of this section, provided the General Assembly may reverse such disapproval in accordance with the provisions of section 4-171.

(h) If the committee rejects a proposed code without prejudice, in whole or in part, the committee shall notify the State Fire Marshal of the reasons for the rejection and the State Fire Marshal shall resubmit the proposed code in revised form to the committee not later than thirty days after the date of rejection without prejudice. Each resubmission of the proposed code under this subsection shall include a summary of any revisions to the proposed code. The committee shall have not more than forty-five days after the receipt of the resubmittal to review and take action on such resubmitted proposed code in the same manner as provided in subsection (f) of this section.

(i) The Fire Safety Code or any amendment thereto approved or deemed approved

by the committee pursuant to subsection (f) of this section is effective and enforceable against any person or party upon its posting on the Internet web site of the Department of Administrative Services, except that: (1) If a later date is required by statute or specified in the code, the later date is the effective date, and (2) a code may not be effective before the effective date of the public act requiring or permitting the code. Such posting shall include a statement by the State Fire Marshal certifying that the electronic copy of the code is a true and accurate copy of the code approved or deemed approved in accordance with subsection (f) of this section. The electronic copy of the Fire Safety Code posted on the Internet web site of the Department of Administrative Services shall be the official version for all purposes, including all legal and administrative proceedings.

(j) No provision of the Fire Safety Code or any amendment thereto adopted after May 31, 2016, is valid unless adopted in substantial compliance with the requirements of this section. A proceeding to contest any provision of the code on the ground of noncompliance with the requirements of this section shall be commenced within two years from the effective date of the code.

(k) The State Fire Marshal shall advise the public concerning how to obtain a copy of the Fire Safety Code and any amendments thereto.

Section 19a-77(a)(3), as amended by section 4 of substitute House Bill 5169 of the 2018 regular session:

(3) A "family child care home" which consists of a private family home caring for not more than six children, including the provider's own children not in school full time, where the children are cared for not less than three or more than twelve hours during a twenty-four-hour period and where care is given on a regularly recurring basis except that care may be provided in excess of twelve hours but not more than seventy-two consecutive hours to accommodate a need for extended care or intermittent short-term overnight care. During the regular school year, a maximum of three additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three children who are in school full time, all of the provider's children shall be permitted. During the summer months when regular school is not in session, a maximum of three additional children who are otherwise enrolled in school full time, including the provider's own children, shall be permitted if there is an assistant or substitute staff member approved by the Commissioner of Early

Childhood, pursuant to section 19a-87b, as amended by this act, present and assisting the provider, except that (A) if the provider has more than three such additional children who are the provider's own children, all of the provider's own children shall be permitted, and (B) such approved assistant or substitute staff member shall not be required if all of such additional children are the provider's own children;

Sec. 29-256d. Revision of code. Path marking systems. Not later than January 1, 2008, the State Building Inspector and the State Fire Marshal, in conjunction with the Codes and Standards Committee, shall make amendments to the State Building Code and the Fire Safety Code concerning floor proximity path marking devices or related devices intended for installation as a system to identify the path of emergency egress. The amendments shall require that a path marking system be installed within eighteen inches of the floor, provide a visible delineation of the path of travel along the designated exit access and be essentially continuous, except as interrupted by doorways, hallways, corridors or other such architectural features. The amendments shall provide which materials may be used for path marking, and such materials shall include, but not be limited to, electrical photo luminescent or self-luminous material. The amendments shall require installation of a path marking system in new construction in (1) Group A occupancies with an occupant load of more than three hundred persons, (2) Group B medical occupancies, (3) Group E occupancies, (4) Group I-1 occupancies, (5) Group I-2 occupancies, (6) Group R-1 hotels and motels, and (7) Group R-2 dormitories.