

**ENFORCEMENT OF CARBON MONOXIDE  
DETECTOR REQUIREMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kevin S. Garn**

Senate Sponsor: Sheldon L. Killpack

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**LONG TITLE**

**General Description:**

This bill enacts provisions relating to the enforcement of carbon monoxide detector requirements.

**Highlighted Provisions:**

This bill:

▶ prohibits counties and municipalities from enforcing ordinances, rules, or regulations requiring the installation or maintenance of carbon monoxide detectors in residential dwellings against anyone other than the occupant of the dwelling ~~§~~ **→**, subject to an exception for new construction ~~←~~ **§** ; and

▶ clarifies that local health department authority does not include the authority to enforce ordinances, rules, or regulations requiring the installation or maintenance of carbon monoxide detectors in residential dwellings against anyone other than the occupant of the dwelling.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26A-1-114**, as last amended by Laws of Utah 2008, Chapter 339



28 ENACTS:

29 **10-8-53.5**, Utah Code Annotated 1953

30 **17-50-327**, Utah Code Annotated 1953

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32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **10-8-53.5** is enacted to read:

34 **10-8-53.5. Regulation of carbon monoxide detectors -- Enforcement against**  
 35 **occupant only.**

36 **§→ [A] (1) Subject to Subsection (2), a ←§ municipality may not enforce an ordinance,**  
 36a **rule, or regulation requiring the**  
 37 **installation or maintenance of a carbon monoxide detector in a residential dwelling against**  
 38 **anyone other than the occupant of the dwelling.**

38a **§→ (2) Subsection (1) may not be construed to affect:**

38b **(a) a [developer's] building permit applicant's obligation to comply with a building code**  
 38c **that requires the installation of a carbon monoxide detector as part of new construction; or**  
 38d **(b) a municipality's ability to require a [developer] building permit applicant to comply**  
 38e **with a building code that requires the installation of a carbon monoxide detector as part of**  
 38f **new construction. ←§**

39 Section 2. Section **17-50-327** is enacted to read:

40 **17-50-327. Regulation of carbon monoxide detectors -- Enforcement against**  
 41 **occupant only.**

42 **§→ [A] (1) Subject to Subsection (2), a ←§ county may not enforce an ordinance, rule, or**  
 42a **regulation requiring the installation or**  
 43 **maintenance of a carbon monoxide detector in a residential dwelling against anyone other than**  
 44 **the occupant of the dwelling.**

44a **§→ (2) Subsection (1) may not be construed to affect:**

44b **(a) a [developer's] building permit applicant's obligation to comply with a**  
 44c **building code that requires the installation of a carbon monoxide detector as part of new**  
 44d **construction; or**  
 44e **(b) a county's ability to require a [developer] building permit applicant to**  
 44f **comply with a building code that**  
 44g **requires the installation of a carbon monoxide detector as part of new construction. ←§**

45 Section 3. Section **26A-1-114** is amended to read:

46 **26A-1-114. Powers and duties of departments.**

47 (1) A local health department may:

48 (a) subject to the provisions in Section 26A-1-108, enforce state laws, local ordinances,  
 49 department rules, and local health department standards and regulations relating to public

50 health and sanitation, including the plumbing code adopted by the Division of Occupational  
51 and Professional Licensing under Section 58-56-4 and under Title 26, Chapter 15a, Food  
52 Safety Manager Certification Act, in all incorporated and unincorporated areas served by the  
53 local health department;

54 (b) establish, maintain, and enforce isolation and quarantine, and exercise physical  
55 control over property and over individuals as the local health department finds necessary for  
56 the protection of the public health;

57 (c) establish and maintain medical, environmental, occupational, and other laboratory  
58 services considered necessary or proper for the protection of the public health;

59 (d) establish and operate reasonable health programs or measures not in conflict with  
60 state law which:

61 (i) are necessary or desirable for the promotion or protection of the public health and  
62 the control of disease; or

63 (ii) may be necessary to ameliorate the major risk factors associated with the major  
64 causes of injury, sickness, death, and disability in the state;

65 (e) close theaters, schools, and other public places and prohibit gatherings of people  
66 when necessary to protect the public health;

67 (f) abate nuisances or eliminate sources of filth and infectious and communicable  
68 diseases affecting the public health and bill the owner or other person in charge of the premises  
69 upon which this nuisance occurs for the cost of abatement;

70 (g) make necessary sanitary and health investigations and inspections on its own  
71 initiative or in cooperation with the Department of Health or Environmental Quality, or both,  
72 as to any matters affecting the public health;

73 (h) pursuant to county ordinance or interlocal agreement:

74 (i) establish and collect appropriate fees for the performance of services and operation  
75 of authorized or required programs and duties;

76 (ii) accept, use, and administer all federal, state, or private donations or grants of funds,  
77 property, services, or materials for public health purposes; and

78 (iii) make agreements not in conflict with state law which are conditional to receiving a  
79 donation or grant;

80 (i) prepare, publish, and disseminate information necessary to inform and advise the  
81 public concerning:

82 (i) the health and wellness of the population, specific hazards, and risk factors that may  
83 adversely affect the health and wellness of the population; and

84 (ii) specific activities individuals and institutions can engage in to promote and protect  
85 the health and wellness of the population;

86 (j) investigate the causes of morbidity and mortality;

87 (k) issue notices and orders necessary to carry out this part;

88 (l) conduct studies to identify injury problems, establish injury control systems,  
89 develop standards for the correction and prevention of future occurrences, and provide public

90 information and instruction to special high risk groups;

91 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules  
92 within the jurisdiction of the boards;

93 (n) cooperate with the state health department, the Department of Corrections, the  
94 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime  
95 Victim Reparations Board to conduct testing for HIV infection of convicted sexual offenders  
96 and any victims of a sexual offense;

97 (o) investigate suspected bioterrorism and disease pursuant to Section 26-23b-108; and

98 (p) provide public health assistance in response to a national, state, or local emergency,  
99 a public health emergency as defined in Section 26-23b-102, or a declaration by the President  
100 of the United States or other federal official requesting public health-related activities.

101 (2) The local health department shall:

102 (a) establish programs or measures to promote and protect the health and general  
103 wellness of the people within the boundaries of the local health department;

104 (b) investigate infectious and other diseases of public health importance and implement  
105 measures to control the causes of epidemic and communicable diseases and other conditions  
106 significantly affecting the public health which may include involuntary testing of convicted  
107 sexual offenders for the HIV infection pursuant to Section 76-5-502 and voluntary testing of  
108 victims of sexual offenses for HIV infection pursuant to Section 76-5-503;

109 (c) cooperate with the department in matters pertaining to the public health and in the  
110 administration of state health laws; and

111 (d) coordinate implementation of environmental programs to maximize efficient use of  
112 resources by developing with the Department of Environmental Quality a Comprehensive  
113 Environmental Service Delivery Plan which:

114 (i) recognizes that the Department of Environmental Quality and local health  
115 departments are the foundation for providing environmental health programs in the state;

116 (ii) delineates the responsibilities of the department and each local health department  
117 for the efficient delivery of environmental programs using federal, state, and local authorities,  
118 responsibilities, and resources;

119 (iii) provides for the delegation of authority and pass through of funding to local health  
120 departments for environmental programs, to the extent allowed by applicable law, identified in

121 the plan, and requested by the local health department; and  
122 (iv) is reviewed and updated annually.  
123 (3) The local health department has the following duties regarding public and private  
124 schools within its boundaries:  
125 (a) enforce all ordinances, standards, and regulations pertaining to the public health of  
126 persons attending public and private schools;  
127 (b) exclude from school attendance any person, including teachers, who is suffering  
128 from any communicable or infectious disease, whether acute or chronic, if the person is likely  
129 to convey the disease to those in attendance; and  
130 (c) (i) make regular inspections of the health-related condition of all school buildings  
131 and premises;  
132 (ii) report the inspections on forms furnished by the department to those responsible for  
133 the condition and provide instructions for correction of any conditions that impair or endanger  
134 the health or life of those attending the schools; and  
135 (iii) provide a copy of the report to the department at the time the report is made.  
136 (4) If those responsible for the health-related condition of the school buildings and  
137 premises do not carry out any instructions for corrections provided in a report in Subsection  
138 (3)(c), the local health board shall cause the conditions to be corrected at the expense of the  
139 persons responsible.  
140 (5) The local health department may exercise incidental authority as necessary to carry  
141 out the provisions and purposes of this part.  
142 (6) Nothing in this part may be construed to authorize a local health department to  
143 enforce an ordinance, rule, or regulation requiring the installation or maintenance of a carbon  
144 monoxide detector in a residential dwelling against anyone other than the occupant of the  
145 dwelling.

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**Legislative Review Note**  
as of 2-16-09 12:41 PM

**Office of Legislative Research and General Counsel**

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**H.B. 402 - Enforcement of Carbon Monoxide Detector Requirements**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Where applicable local governments would need to change their laws that are in conflict with this legislation.

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