

**CARBON MONOXIDE DETECTOR REPEAL**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mark A. Wheatley**

Senate Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

▶ repeals sections that prohibit a county or municipality from enforcing an ordinance, rule, or regulation that requires the installation or maintenance of a carbon monoxide detector in a residential dwelling against anyone other than the occupant of the dwelling, subject to an exception for new construction; and

▶ repeals a provision that states that local health department authority does not include the authority to enforce an ordinance, rule, or regulation that requires the installation or maintenance of a carbon monoxide detector in a residential dwelling against anyone other than the occupant of the dwelling.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26A-1-114**, as last amended by Laws of Utah 2011, Chapters 14 and 177



28 REPEALS:

29 **10-8-53.5**, as enacted by Laws of Utah 2009, Chapter 304

30 **17-50-327**, as enacted by Laws of Utah 2009, Chapter 304

31 

---

---

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

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

34 **26A-1-114. Powers and duties of departments.**

35 (1) A local health department may:

36 (a) subject to the provisions in Section **26A-1-108**, enforce state laws, local ordinances,  
37 department rules, and local health department standards and regulations relating to public  
38 health and sanitation, including the plumbing code administered by the Division of  
39 Occupational and Professional Licensing under Title 15A, Chapter 1, Part 2, State Construction  
40 Code Administration Act, and under Title 26, Chapter 15a, Food Safety Manager Certification  
41 Act, in all incorporated and unincorporated areas served by the local health department;

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

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

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

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

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

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

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

58 (g) make necessary sanitary and health investigations and inspections on its own

59 initiative or in cooperation with the Department of Health or Environmental Quality, or both,  
60 as to any matters affecting the public health;

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

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

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

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

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

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

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

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

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

76 (l) conduct studies to identify injury problems, establish injury control systems,  
77 develop standards for the correction and prevention of future occurrences, and provide public  
78 information and instruction to special high risk groups;

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

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

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

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

89 (2) The local health department shall:

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

92 (b) investigate infectious and other diseases of public health importance and implement  
93 measures to control the causes of epidemic and communicable diseases and other conditions  
94 significantly affecting the public health which may include involuntary testing of alleged sexual  
95 offenders for the HIV infection pursuant to Section 76-5-502 and voluntary testing of victims  
96 of sexual offenses for HIV infection pursuant to Section 76-5-503;

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

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

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

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

107 (iii) provides for the delegation of authority and pass through of funding to local health  
108 departments for environmental programs, to the extent allowed by applicable law, identified in  
109 the plan, and requested by the local health department; and

110 (iv) is reviewed and updated annually.

111 (3) The local health department has the following duties regarding public and private  
112 schools within its boundaries:

113 (a) enforce all ordinances, standards, and regulations pertaining to the public health of  
114 persons attending public and private schools;

115 (b) exclude from school attendance any person, including teachers, who is suffering  
116 from any communicable or infectious disease, whether acute or chronic, if the person is likely  
117 to convey the disease to those in attendance; and

118 (c) (i) make regular inspections of the health-related condition of all school buildings  
119 and premises;

120 (ii) report the inspections on forms furnished by the department to those responsible for

121 the condition and provide instructions for correction of any conditions that impair or endanger  
122 the health or life of those attending the schools; and

123 (iii) provide a copy of the report to the department at the time the report is made.

124 (4) If those responsible for the health-related condition of the school buildings and  
125 premises do not carry out any instructions for corrections provided in a report in Subsection  
126 (3)(c), the local health board shall cause the conditions to be corrected at the expense of the  
127 persons responsible.

128 (5) The local health department may exercise incidental authority as necessary to carry  
129 out the provisions and purposes of this part.

130 ~~[(6) Nothing in this part may be construed to authorize a local health department to~~  
131 ~~enforce an ordinance, rule, or regulation requiring the installation or maintenance of a carbon~~  
132 ~~monoxide detector in a residential dwelling against anyone other than the occupant of the~~  
133 ~~dwelling.]~~

134 Section 2. **Repealer.**

135 This bill repeals:

136 Section **10-8-53.5, Regulation of carbon monoxide detectors -- Enforcement against**  
137 **occupant only.**

138 Section **17-50-327, Regulation of carbon monoxide detectors -- Enforcement**  
139 **against occupant only.**

---

---

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**