

TEMPORARY DOOR LOCKING DEVICES IN CHILD CARE CENTERS

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Senate Bills 906 and 907 as passed by the Senate
Sponsor: Sen. Jeremy Moss

Analysis available at
<http://www.legislature.mi.gov>

Senate Bill 908 as passed by the Senate
Sponsor: Sen. Mallory McMorrow

House Committee: Regulatory Reform
Senate Committee: Regulatory Affairs
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SUMMARY:

Senate Bill 906 would amend the Still-DeRossett-Hale Single State Construction Code Act to regulate the installation and use of a temporary door locking device or system¹ in a child care center.² Specifically, the bill would say that all of the following apply to these devices or systems:³

- The device or system is portable and will not be permanently affixed to the door. Individual parts of the locking assembly of the device or system, including bolts, stops, brackets, and pins, that do not prevent normal ingress and egress through the door may be permanently mounted on a labeled fire door assembly.
- The locking means is capable of being engaged without opening the door.
- The door is capable of being unlocked and opened from outside the room with a required tool or key.
- The locking means does not modify the door closure, fire exit hardware, or panic hardware (defined as fire door hardware, handles, or push bars that allow for the opening of the door with a single movement).
- The device or system may be disengaged by an individual on the interior side of the door without the use of a key or special tool.
- Installation and operation of the fixed elements of the device or system is in compliance with 1966 PA 1.⁴
- A properly trained firefighter, law enforcement officer, or child care center staff member is able to release the locking device or system from the outside.
- The device or system may provide notification of its location and placement in the event of a lockdown.

¹ Defined as an anchoring mechanism or system installed on the interior side of a door that, when engaged, secures the door against forced entry.

² Defined as a facility, other than a private residence, that takes in or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. For further information and exceptions, see <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-722-111>

³ These provisions mirror those enacted in 2020 for the installation of temporary door locking devices in schools. See <https://www.legislature.mi.gov/Bills/Bill?ObjectName=2019-HB-4689>

⁴ <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-Act-1-of-1966>

- The device or system must not be installed on doors leading outside the child care center from a corridor.
- The device or system must be installed in accordance with the installation instructions submitted as described below.
- Any fasteners or through bolt penetrations to a labeled fire door assembly must be made of steel.
- Holes, bolts, or fasteners made or used to install a device or system must be the same as stated in the submitted installation instructions.

Under the bill, a temporary door locking device or system could be installed in any child care center or addition to a child care center, regardless of the number of stories of the building or addition, or as a component in the construction, reconstruction, or remodeling of a child care center or addition to a child care center, regardless of the costs of those activities.

A labeled fire door assembly with a temporary door locking device or system installed in accordance with the bill would not violate the act.

Except as described below, the operator of a child care center would be required to do all of the following:

- Before newly installing a temporary door locking device or system in the child care center, submit to the *enforcing agency* two copies of the floor plans, drawings, diagrams, and installation instructions for plan review, obtain plan review approval, and obtain a permit for installation, as provided in the act and the Fire Prevention Code,⁵ and notify the local fire department and law enforcement agency with jurisdiction over the child care center of the intended installation or use, and location, of the device or system.
- Before using a newly installed device or system in the child care center, notify the enforcing agency that the device or system is ready for inspection and receive written approval from the agency that the device or system is approved for use.
- In the child care center where the device or system is installed or being used, provide in-service training to staff members on the use of the device or system. The operator would have to maintain a record verifying this training on file.
- Ensure that the device or system is engaged for only a finite period of time, as determined by the operator in accordance with (beginning 90 days after the bill takes effect) an emergency procedure plan adopted in accordance with licensing rules for child care centers. The emergency procedure would need to include a description of the installation and use of the temporary door locking devices or systems used by the operator.

Enforcing agency means the governmental agency that, under the act, is responsible for administration and enforcement of the act within a governmental subdivision.

⁵ <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-Act-207-of-1941>

Previously installed devices or systems

Except as described below, if a child care center has an existing temporary door locking device or system that was installed before the bill's effective date, the enforcing agency would have to approve the device or system if all of the following requirements are met:

- Within one year after the bill's effective date, the operator of the child care center submits to the enforcing agency two copies of the drawings, diagrams, and installation instructions showing that the device or system meets the bill's requirements described above.
- The operator of the child care center applies for and obtains any necessary permits as described above.
- The enforcing agency inspects the installed device or system and determines that it meets the bill's requirements.

The operator of a center with a previously installed device would have to comply with the required in-service training for staff members and operation of the device in accordance with an emergency procedure plan, as described above, and notify the local fire department and law enforcement agency with jurisdiction over the applicable child care center.

Exceptions

Notwithstanding any rules, regulations, or guidelines to the contrary developed and issued by the Department of Licensing and Regulatory Affairs (LARA), the operator of a child care center would not be required to provide to LARA or the enforcing agency construction documents that are sealed and signed by a licensed architect or licensed professional engineer in accordance with Article 20 of the Occupational Code⁶ before doing either of the following:

- Newly installing a temporary door locking device or system in a child care center.
- Receiving approval for an existing temporary door locking device or system that was installed in a child care center before the bill's effective date.

MCL 125.1528 and proposed MCL 125.1504i

Senate Bill 907 would amend the Fire Prevention Code to provide that a labeled fire door assembly with a temporary door locking device installed in accordance with Senate Bill 906 does not violate the code.

MCL 29.22

Senate Bill 908 would amend 1973 PA 116, known as the child care licensing act, to allow for the installation of temporary door locking devices in child care centers in accordance with Senate Bill 906.

Proposed MCL 722.113m

The bills are all tie-barred to one another, which means that none of them can take effect unless all three are enacted.

⁶ <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-299-1980-20>

FISCAL IMPACT:

Senate Bills 906, 907, and 908 would have an indeterminate fiscal impact on state and local government units. The Department of Licensing and Regulatory Affairs and local agencies that enforce the Michigan Building Code may incur costs associated with reviewing and inspecting the plans and installations of temporary door locking devices or systems in child care centers, but the costs would depend on the number of centers that choose to install these systems.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.