



Senate Fiscal Agency
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Senate Bill 328 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Kevin Hertel
Committee: Regulatory Affairs

(enrolled version)

Date Completed: 4-19-24

RATIONALE

Three out of five home fire deaths are caused by fires on properties with no smoke alarms or inoperative smoke alarms.¹ According to testimony before the Senate Committee on Regulatory Affairs, missing batteries are a common reason why smoke alarms are inoperative. By requiring the sale of smoke alarm devices that were tamperproof and that would have to be fully replaced every 10 years, the number of people who tamper with the batteries in their smoke alarm devices would decrease. This requirement would ensure that more smoke alarms in the State are operational and so reduce home fire deaths.

CONTENT

The bill would enact the "Smoke Alarm Battery Standard Act" to do the following:

- Prohibit a person from distributing, selling, offering for sale, or importing a smoke alarm device powered by a replaceable or removable battery.**
- Require, beginning 18 months after the Act's effective date, a smoke alarm device that was distributed, sold, offered for sale, or imported to be powered for at least 10 years by a nonremovable and nonreplaceable battery or another power source that used new technology.**
- Specify that a person that violated the Act would be responsible for a State civil infraction and could be ordered to pay a maximum fine of \$500 and require the fine to be deposited into the Christopher R. Slezak First Responder Presumed Coverage Fund.**
- Specify that the battery and power source requirements would not apply to devices specified in the Act.**

Except as otherwise provided below, the Act would prohibit a person from distributing, selling, offering for sale, or importing a smoke alarm device powered by a replaceable or removable battery. Beginning 18 months after the Act's effective date, a smoke alarm device that was distributed, sold, offered for sale, or imported would have to be powered for at least 10 years by a nonremovable and nonreplaceable battery or another power source that used new technology. ("Person" would mean an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.)

Under the Act, a person that distributed, sold, offered for sale, or imported a smoke alarm device powered by a replaceable or removable battery would be responsible for a maximum civil fine of \$500. Additionally, the prosecutor of the county in which the violation occurred or the Attorney General could bring an action to collect the fine. The fine would have to be deposited in the Christopher R. Slezak First Responder Presumed Coverage Fund.

¹ Ahrens, M., National Fire Protection Association, "Smoke Alarms in US Home Fires", February 2021.

The Act's battery and power source requirements would not apply to any of the following devices:

- A fire alarm, smoke detector, or smoke alarm that received power from a building's electrical system or was connected electronically as part of a centrally monitored or supervised alarm system.
- A fire alarm, smoke detector, or smoke alarm with an ancillary component that received power from a building's electrical system or was connected electronically as part of a centrally monitored or supervised alarm system.

In addition, the Act's battery and power source requirements would not apply to a fire alarm, smoke detector, or smoke alarm with an ancillary component that used a low-power radio frequency wireless communication signal or wi-fi or other wireless local area networking capability to send and receive notifications to and from the internet.

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

The bill is similar to House Bill 4382 of the 2021-2022 Legislative Session, which was reported out of the Senate Committee on Economic and Small Business Development but received no further action.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

According to testimony before the Senate Committee on Regulatory Affairs, a standard smoke alarm device with replaceable batteries costs about \$10 at a local retailer. By contrast, a tamperproof smoke alarm device with a permanent 10-year batteries costs about \$20 at a local retailer. Both smoke alarm devices have the same 10-year lifespan before the entire device must be replaced. When the cost of battery replacement is included for smoke alarm devices with replaceable batteries, tamperproof smoke alarm devices are the more cost-effective devices over the 10-year lifespan of each product. The bill would require Michigan residents to purchase more cost-effective smoke alarm devices, saving them money.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill could have a positive fiscal impact on the State. The bill would impose a civil fine of up to \$500. Revenue collected from civil fines would be deposited in the Christopher R. Slezak First Responder Presumed Coverage Fund. Monies from the Fund are used to pay workers compensation claims for first responders. The amount of revenue to the Fund is indeterminate and would depend on the actual number of violations.

It is possible that additional costs related to inspections could be incurred to ensure compliance with the bill, but most activity likely would be covered by existing appropriations to the Department of Licensing and Regulatory Affairs.

Fiscal Analysts: Joe Carrasco, Jr.
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.