



**House
Legislative
Analysis
Section**

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House Bill 5576 as introduced
First Analysis (4-9-90)

RECEIVED

MAY 16 1990

Sponsor: Rep. Francis R. Spaniola

Committee: Mental Health

Mich. State Law Library

THE APPARENT PROBLEM:

In 1965, the legislature amended the Fire Prevention Code (then called the Fire Prevention Act) to give the state fire safety board the authority to make fire safety rules for a number of buildings used by the public. Prior to a 1980 amendment to the code, the law specified that buildings falling under the rules included schools and dormitories, hospitals, nursing homes, homes for the aged, and "mentally retarded care facilities." An extensive revision of the Fire Prevention Code in 1980 (by Public Act 247) expanded the list of buildings covered by the code (it added buildings owned or leased by the state, penal facilities, "places of public assembly" and dry cleaning establishments using flammable liquids), and substituted health care facilities as defined in the (then newly revised) Public Health Code for the list of health care facilities in the earlier version of the fire safety code. Tying the definition of "health facility" to the Public Health Code, however, inadvertently omitted mental health facilities, which are defined under the Mental Health Code. This meant that the fire safety board no longer had legal authority to make rules for mental health facilities, even though the Mental Health Code requires fire safety inspection approval by the State Fire Marshal before an annual license is issued. The Fire Marshall's Office (in the Department of State Police) has requested legislation that would once again include mental facilities under Fire Prevention Code rules.

THE CONTENT OF THE BILL:

The bill would amend the state fire prevention code (Public Act 207 of 1941) to add psychiatric hospitals, mental hospitals, and psychiatric units to the list of facilities falling under the fire safety rules promulgated by the State Fire Safety Board.

MCL 29.3c

FISCAL IMPLICATIONS:

According to the Department of State Police, the bill has no fiscal implications for the state. (4-9-90)

ARGUMENTS:

For:

Although mental health facilities continue to be inspected by the state fire marshal under existing rules, technically the fire safety board does not have the authority to make rules for these facilities. What is more, the board currently is re-promulgating fire safety rules (in accord with national standards set by the National Fire Protection Association), which, without the bill, these facilities technically would not have to follow. The bill would correct an inadvertent

omission of mental health facilities from the state Fire Prevention Code's fire safety rules, giving the fire safety board authority (as it once had) to make rules for these facilities and to use in performing the inspections mandated by the Mental Health Code.

POSITIONS:

The Department of Mental Health supports the bill. (4-4-90)

The Department of State Police supports the bill. (4-4-90)

The Michigan Hospital Association supports the bill. (4-4-90)

H.B. 5576 (4-9-90)