

SENATE BILL No. 1142

November 12, 2014, Introduced by Senator JANSEN and referred to the Committee on Regulatory Reform.

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 19 (MCL 29.19), as amended by 2014 PA 12, and by adding section 19a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 19. (1) The chief administrative officer and the teachers
2 of all schools, including state supported schools, ~~colleges, and~~
3 ~~universities~~ and the owner, or owner's representative, of all
4 school dormitories shall have a fire drill each month and ensure
5 unrestricted emergency egress during school hours and when the
6 school is open to the public. Each teacher in a school, including a
7 state supported school, ~~college, or university~~ and the owner or
8 owner's representative of a **SCHOOL** dormitory shall comply with
9 these requirements and keep a record of the drills.

10 (2) Except as provided in subsection (3), a minimum of 8 fire

1 drills is required for each school year. If weather conditions do
2 not permit fire drills to be held at least once a month, then at
3 least 5 fire drills shall be held in the fall of each year and 3
4 fire drills shall be held during the remaining part of the school
5 year.

6 (3) A minimum of 5 fire drills is required for each school
7 year for a school that operates any of grades kindergarten to 12.
8 Three of the fire drills shall be held by December 1 of the school
9 year, and 2 shall be held during the remaining part of the school
10 year, with a reasonable spacing interval between each drill.

11 (4) A minimum of 2 tornado safety drills is required for each
12 school year at the schools and facilities described in subsection
13 (1). At least 1 of the tornado safety drills shall be conducted
14 during March of the school year. These drills shall be conducted
15 for the purpose of preventing injuries caused by severe weather.

16 (5) A minimum of 3 drills in which the occupants are
17 restricted to the interior of the building and the building secured
18 is required for each school year at a school that operates any of
19 grades kindergarten to 12. At least 1 of these drills shall be
20 conducted by December 1 of the school year, and at least 1 shall be
21 conducted after January 1 of the school year, with a reasonable
22 spacing interval between each drill. A drill conducted under this
23 subsection shall include security measures that are appropriate to
24 an emergency such as the release of a hazardous material or the
25 presence of a potentially dangerous individual on or near the
26 premises. The governing body of a school shall seek input from the
27 administration of the school and local public safety officials on

1 the nature of the drills to be conducted under this subsection.

2 (6) A school that operates any of grades kindergarten to 12
3 shall conduct at least 1 of the drills required by this section
4 during a lunch or recess period, or at another time when a
5 significant number of the students are gathered but not in the
6 classroom.

7 (7) For a school that operates any of grades kindergarten to
8 12, the governing body of the school shall ensure that
9 documentation of a completed school safety drill is posted on its
10 website within 30 school days after the drill is completed and is
11 maintained on the website for at least 3 years. For a school
12 operated by a school district or intermediate school district, the
13 documentation may be posted on the district website. The
14 documentation posted on the website shall include at least all of
15 the following:

16 (a) The name of the school.

17 (b) The school year of the drill.

18 (c) The date and time of the drill.

19 (d) The type of drill completed.

20 (e) The number of completed drills for that school year for
21 each type of drill required under subsections (3) to (5).

22 (f) The signature of the school principal or his or her
23 designee acknowledging the completion of the drill.

24 (g) The name of the individual in charge of conducting the
25 drill, if other than the school principal.

26 (8) Not later than September 15 of each school year, the chief
27 administrator of a school that operates any of grades kindergarten

1 to 12, or his or her designee, shall provide a list of the
2 scheduled drill days for the school buildings operated by the
3 school, school district, intermediate school district, or public
4 school academy to the county emergency management coordinator
5 appointed under section 9 of the emergency management act, 1976 PA
6 390, MCL 30.409. A scheduled drill that is not conducted on a
7 scheduled drill day due to conditions not within the control of
8 school authorities, such as severe storms, fires, epidemics,
9 utility power unavailability, water or sewer failure, or health
10 conditions as defined by the city, county, or state health
11 authorities, will not result in a violation of this section as long
12 as the school conducts the minimum number of drills required under
13 subsections (3), (4), and (5), the school reschedules the drill to
14 occur within 10 school days after the scheduled date of the
15 canceled drill, and the chief administrator notifies the county
16 emergency management coordinator of the rescheduled date for the
17 drill. The county emergency management coordinator shall provide
18 this information to the appropriate local emergency management
19 coordinator appointed under that section, if any, and, consistent
20 with applicable federal, state, and local emergency operations
21 plans, to the department of state police district coordinator and
22 the county sheriff for the county or the chief of police or fire
23 chief for the municipality where the school is located, or the
24 designee of the sheriff, chief of police, or fire chief. The
25 information provided under this subsection is exempt from
26 disclosure under the freedom of information act, 1976 PA 442, MCL
27 15.231 to 15.246.

1 (9) A public school that operates any of grades kindergarten
2 to 12 shall not conduct a drill required under this section at a
3 time that would interfere with the conduct of a state-mandated
4 assessment.

5 (10) The state fire marshal, a fire chief, or a firefighter in
6 uniform acting under orders and directions of the fire chief may
7 cause fire drills to be held in school houses, school dormitories,
8 and other public buildings as the state fire marshal considers
9 advisable. The state fire marshal may order the installation of
10 other protective apparatus or equipment that conforms to recognized
11 and approved modern practices.

12 (11) The department of state police emergency management and
13 homeland security division shall develop a model to be used by a
14 school in conducting a drill under subsection (5).

15 (12) The governing body of a school that operates any of
16 grades kindergarten to 12 shall adopt and implement a cardiac
17 emergency response plan for the school. The cardiac emergency
18 response plan shall address and provide for at least all of the
19 following:

20 (a) Use and regular maintenance of automated external
21 defibrillators, if available.

22 (b) Activation of a cardiac emergency response team during an
23 identified cardiac emergency.

24 (c) A plan for effective and efficient communication
25 throughout the school campus.

26 (d) If the school includes grades 9 to 12, a training plan for
27 the use of an automated external defibrillator and in

1 cardiopulmonary resuscitation techniques.

2 (e) Incorporation and integration of the local emergency
3 response system and emergency response agencies with the school's
4 plan.

5 (f) An annual review and evaluation of the cardiac emergency
6 response plan.

7 (13) AS USED IN THIS SECTION:

8 (A) "SCHOOL" DOES NOT INCLUDE A POSTSECONDARY EDUCATIONAL
9 INSTITUTION AS DEFINED IN SECTION 19A.

10 (B) "SCHOOL DORMITORY" DOES NOT INCLUDE A SCHOOL DORMITORY AS
11 DEFINED IN SECTION 19A.

12 SEC. 19A. (1) A POSTSECONDARY EDUCATIONAL INSTITUTION SHALL
13 ENSURE THAT ALL INSTRUCTIONAL STAFF ARE TRAINED IN FIRE DRILL AND
14 TORNADO EMERGENCY PROCEDURES BEFORE THE BEGINNING OF EACH ACADEMIC
15 YEAR.

16 (2) A POSTSECONDARY EDUCATIONAL INSTITUTION SHALL ENSURE THAT
17 EACH SCHOOL DORMITORY HOLDS 3 FIRE DRILLS EACH YEAR; KEEPS A RECORD
18 OF THE DRILLS; AND ENSURES UNRESTRICTED EMERGENCY EGRESS FROM THE
19 SCHOOL DORMITORY DURING SCHOOL HOURS AND WHEN THE BUILDING IS OPEN
20 TO THE PUBLIC. THE POSTSECONDARY EDUCATIONAL INSTITUTION SHALL HOLD
21 THE FIRE DRILLS DESCRIBED IN THIS SUBSECTION DURING THE FOLLOWING
22 PERIODS:

23 (A) ONE IN THE FALL SEMESTER, HELD WITHIN 21 DAYS AFTER THE
24 START OF CLASSES IN THAT SEMESTER.

25 (B) ONE IN THE SPRING SEMESTER.

26 (C) ONE IN THE SUMMER SEMESTER.

27 (3) A POSTSECONDARY EDUCATIONAL INSTITUTION SHALL HOLD AT

1 LEAST 1 OF THE FIRE DRILLS DESCRIBED IN SUBSECTION (2) (A) OR (B)
2 WHILE SCHOOL IS IN SESSION AND BETWEEN SUNSET AND SUNRISE.

3 (4) A POSTSECONDARY EDUCATIONAL INSTITUTION SHALL PREPARE A
4 RECORD OF EACH DRILL DESCRIBED IN THIS SECTION, ON A FORM
5 PRESCRIBED BY THE BUREAU. THE INSTITUTION SHALL RETAIN THESE
6 RECORDS AND A RECORD OF ALL EMERGENCY PROCEDURES TRAINING COMPLETED
7 BY ITS STAFF AND MAKE THOSE RECORDS AVAILABLE TO THE BUREAU ON
8 REQUEST.

9 (5) BEGINNING IN 2016, ON OR BEFORE JANUARY 10 OF EACH YEAR, A
10 POSTSECONDARY EDUCATIONAL INSTITUTION SHALL SUBMIT TO THE BUREAU,
11 ON A FORM PRESCRIBED BY THE BUREAU, A STATEMENT CERTIFYING THAT THE
12 INSTITUTION COMPLIED WITH ALL OF THE REQUIREMENTS OF THIS SECTION
13 AND THIS ACT IN THE PRECEDING CALENDAR YEAR.

14 (6) IN ADDITION TO ANY OTHER APPLICABLE PENALTIES OR REMEDIES
15 UNDER THIS ACT, ALL OF THE FOLLOWING APPLY IF A POSTSECONDARY
16 EDUCATIONAL INSTITUTION VIOLATES THIS SECTION:

17 (A) THE INSTITUTION IS RESPONSIBLE FOR A CIVIL FINE OF \$500.00
18 FOR A FIRST VIOLATION OF THIS SECTION AND A CIVIL FINE OF \$1,000.00
19 FOR A SECOND OR SUBSEQUENT VIOLATION. A CIVIL FINE COLLECTED UNDER
20 THIS SUBSECTION SHALL BE PAID TO THE GENERAL FUND AND CREDITED TO
21 THE BUREAU FOR THE ENFORCEMENT OF THIS ACT.

22 (B) FOR A SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION, THE
23 BUREAU MAY REQUIRE A MANDATORY INSPECTION OF THE INSTITUTION'S
24 FACILITIES AND THE PREPARATION OF A PLAN OF ACTION REPORT BY THE
25 BUREAU OR ITS DESIGNEE. THE INSTITUTION IS RESPONSIBLE FOR PAYMENT
26 OF THE BUREAU'S COSTS ASSOCIATED WITH AN INSPECTION AND PLAN OF
27 ACTION REPORT, OR \$1,000.00, WHICHEVER IS LESS.

1 (7) BEGINNING IN 2016, ON OR BEFORE FEBRUARY 15 OF EACH YEAR,
2 THE BUREAU SHALL SUBMIT A REPORT TO THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES, THE SENATE MAJORITY LEADER, THE HOUSE AND SENATE
4 APPROPRIATIONS COMMITTEES, THE HOUSE AND SENATE APPROPRIATIONS
5 SUBCOMMITTEES ON HIGHER EDUCATION AND JOINT CAPITAL OUTLAY, AND THE
6 DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS THAT DESCRIBES EACH
7 VIOLATION OF THIS SECTION BY A POSTSECONDARY EDUCATIONAL
8 INSTITUTION IN THE PRECEDING STATE FISCAL YEAR.

9 (8) AS USED IN THIS SECTION:

10 (A) "FALL SEMESTER" MEANS THE SEMESTER IN WHICH THE MAJORITY
11 OF SCHEDULED CLASSES ARE BETWEEN SEPTEMBER 1 AND DECEMBER 31.

12 (B) "POSTSECONDARY EDUCATIONAL INSTITUTION" MEANS A DEGREE- OR
13 CERTIFICATE-GRANTING PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY,
14 JUNIOR COLLEGE, OR COMMUNITY COLLEGE THAT IS LOCATED IN THIS STATE.
15 THE TERM INCLUDES THE GOVERNING BODY OF THE POSTSECONDARY
16 EDUCATIONAL INSTITUTION.

17 (C) "SCHOOL DORMITORY" MEANS A BUILDING THAT IS ERECTED FOR,
18 AND USED AS, A PLACE FOR HOUSING AND BOARDING STUDENTS AND OTHER
19 INCIDENTAL PURPOSES; IS LOCATED ON THE CAMPUS OF A POSTSECONDARY
20 EDUCATIONAL INSTITUTION; AND IS OWNED, LEASED, OR MANAGED BY, OR
21 UNDER THE DIRECT CONTROL OF, THE POSTSECONDARY EDUCATIONAL
22 INSTITUTION.

23 (D) "SPRING SEMESTER" MEANS THE SEMESTER IN WHICH THE MAJORITY
24 OF SCHEDULED CLASSES ARE BETWEEN JANUARY 1 AND MAY 31.

25 (E) "SUMMER SEMESTER" MEANS THE SEMESTER IN WHICH THE MAJORITY
26 OF SCHEDULED CLASSES ARE BETWEEN JUNE 1 AND AUGUST 31.