

SENATE BILL NO. 906

June 11, 2024, Introduced by Senators MOSS and MCMORROW and referred to the Committee on Regulatory Affairs.

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 28 (MCL 125.1528), as amended by 2020 PA 155, and by adding section 4i.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 4i. (1) All of the following apply to the installation**
2 **and use of a temporary door locking device or system in a child**
3 **care center:**

4 **(a) The device or system is portable and will not be**
5 **permanently affixed to the door. Individual parts of the locking**

1 assembly of the device or system, including, but not limited to,
2 bolts, stops, brackets, and pins, that do not prevent normal
3 ingress and egress through the door may be permanently mounted on a
4 labeled fire door assembly.

5 (b) The locking means is capable of being engaged without
6 opening the door.

7 (c) The door is capable of being unlocked and opened from
8 outside the room with a required tool or key.

9 (d) The locking means does not modify the door closure, panic
10 hardware, or fire exit hardware.

11 (e) The device or system may be disengaged by an individual on
12 the interior side of the door without the use of a key or special
13 tool.

14 (f) Installation and operation of the fixed elements of the
15 device or system is in compliance with 1966 PA 1, MCL 125.1351 to
16 125.1356.

17 (g) A properly trained firefighter, law enforcement officer,
18 or child care center staff member is able to release the locking
19 device or system from the outside.

20 (h) The device or system may provide notification of its
21 location and placement in the event of a lockdown.

22 (i) The device or system must not be installed on doors
23 leading outside the child care center from a corridor.

24 (j) The device or system must be installed per the
25 installation instructions submitted under subsection (2)(a) or
26 (3)(a).

27 (k) Any fasteners or through bolt penetrations to a labeled
28 fire door assembly must be made of steel.

29 (l) Holes, bolts, or fasteners made or used to install a device

1 or system must be the same as stated in the installation
2 instructions submitted under subsection (2)(a) or (3)(a).

3 (2) Except as otherwise provided in subsection (5), the
4 operator of a child care center shall do all of the following:

5 (a) Before newly installing a device or system in the child
6 care center, submit to the enforcing agency 2 copies of the floor
7 plans, drawings, diagrams, and installation instructions for plan
8 review, obtain plan review approval, and obtain a permit for
9 installation, as provided in this act and the fire prevention code,
10 1941 PA 207, MCL 29.1 to 29.33, and notify the local fire
11 department and the law enforcement agency that has jurisdiction
12 over the child care center of the intended installation or use, and
13 location, of the device or system.

14 (b) Before using a newly installed device or system in the
15 child care center, notify the enforcing agency that the device or
16 system is ready for inspection and receive written approval from
17 the enforcing agency that the device or system is approved for use.

18 (c) In the child care center where the device or system is
19 installed or being used, provide in-service training to child care
20 center staff members on the use of the device or system. The
21 operator of the child care center shall maintain on file a record
22 verifying this training.

23 (d) Ensure that the device or system is engaged for only a
24 finite period of time, as determined by the operator of the child
25 care center in accordance with, beginning 90 days after the
26 effective date of the amendatory act that added this section, an
27 emergency procedure plan adopted in accordance with licensing rules
28 for child care centers. The emergency procedure plan described
29 under this subdivision must include a description of the

1 installation and use of the temporary locking devices or systems
2 used by the operator of the child care center.

3 (3) Except as otherwise provided in subsection (5), if a child
4 care center has an existing temporary door locking device or system
5 that was installed before the effective date of the amendatory act
6 that added this section, the enforcing agency shall approve the
7 device or system if all of the following requirements are met:

8 (a) Not more than 1 year after the effective date of the
9 amendatory act that added this section, the operator of the child
10 care center submits to the enforcing agency 2 copies of the
11 drawings, diagrams, and installation instructions showing that the
12 device or system meets the requirements of subsection (1).

13 (b) The operator of the child care center applies for and
14 obtains any necessary permits as described in subsection (2)(a).

15 (c) The enforcing agency inspects the installed device or
16 system and determines it meets the requirements of subsection (2).

17 (4) The operator of a child care center in which an existing
18 temporary door locking device or system has been installed as
19 described under subsection (3) shall comply with the requirements
20 of subsection (2)(c) and (d) and notify the local fire department
21 and the law enforcement agency that has jurisdiction over the child
22 care center where the device or system is located.

23 (5) Notwithstanding any rules, regulations, or guidelines
24 promulgated by the department to the contrary, the operator of a
25 child care center is not required to provide to the department or
26 enforcing agency construction documents that are sealed and signed
27 by a licensed architect or licensed professional engineer in
28 accordance with article 20 of the occupational code, 1980 PA 299,
29 MCL 339.2001 to 339.2014, before doing any of the following:

1 (a) Newly installing a temporary door locking device or system
2 in a child care center.

3 (b) Receiving approval for an existing temporary door locking
4 device or system that was installed in a child care center before
5 the effective date of the amendatory act that added this section.

6 (6) A temporary door locking device or system may be installed
7 in any child care center or addition to a child care center,
8 regardless of the number of stories of the building or addition, or
9 as a component in the construction, reconstruction, or remodeling
10 of a child care center or addition to a child care center,
11 regardless of the costs of that construction, reconstruction, or
12 remodeling.

13 (7) As used in this section:

14 (a) "Child care center" means that term as defined under
15 section 1 of 1973 PA 116, MCL 722.111.

16 (b) "Panic hardware" means fire door hardware, handles, or
17 push bars that allow for the opening of the door with a single
18 movement.

19 (c) "Temporary door locking device or system" or "device or
20 system" means an anchoring mechanism or system installed on the
21 interior side of a door that, when engaged, secures the door
22 against forced entry.

23 Sec. 28. (1) Any provision of any of the following that is
24 inconsistent or in conflict with this act is superseded to the
25 extent of the inconsistency or conflict:

26 (a) Section 34 of 1933 (Ex Sess) PA 18, MCL 125.684.

27 (b) Article 11 of the skilled trades regulation act, 2016 PA
28 407, MCL 339.6101 to 339.6133.

29 (c) Article 7 of the skilled trades regulation act, 2016 PA

1 407, MCL 339.5701 to 339.5739.

2 (d) Except as otherwise provided in this section, any other
3 public act.

4 (2) Any provision of this act that is inconsistent or in
5 conflict with the Michigan fireworks safety act, 2011 PA 256, MCL
6 28.451 to 28.470, as it relates to the retail sale of consumer
7 fireworks and low-impact fireworks, as those terms are defined in
8 that act, is superseded to the extent of the inconsistency or
9 conflict.

10 (3) This act does not repeal, amend, supersede, or otherwise
11 affect the powers and duties under any of the following:

12 (a) Part 55 of the natural resources and environmental
13 protection act, 1994 PA 451, MCL 324.5501 to 324.5542.

14 (b) Part 124 of the public health code, 1978 PA 368, MCL
15 333.12401 to 333.12434.

16 (c) The Michigan occupational safety and health act, 1974 PA
17 154, MCL 408.1001 to 408.1094.

18 (d) Article 9 of the skilled trades regulation act, 2016 PA
19 407, MCL 339.5901 to 339.5947.

20 (e) 1967 PA 227, MCL 408.801 to 408.824.

21 (f) 1937 PA 306, MCL 388.851 to 388.855a.

22 (4) A ~~labelled~~**labeled** fire door assembly with a temporary
23 door locking device or system that is installed ~~under~~**in accordance**
24 **with section 4i or** section 1d of 1937 PA 306, MCL 388.851d, does
25 not violate this act.

26 Enacting section 1. This amendatory act does not take effect
27 unless all of the following bills of the 102nd Legislature are
28 enacted into law:

29 (a) Senate Bill No. 907.

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(b) Senate Bill No. 908.