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CODE OUTREACH PROGRAM

Issue 2019-03

Code Outreach Program – General Business Law § 399-ccc Smoke Detecting Devices

This edition of the Code Outreach Program is intended to dispel misconceptions about the impact that General Business Law § 399-ccc (“The Law”) has on the Uniform Code. The Law titled “Smoke Detecting Devices,” which becomes effective on April 1, 2019, pertains to battery-operated smoke detecting alarm devices. The text of The Law is provided [here](#).

Requirements found in General Business Law § 399-ccc will not be part of the Uniform Code and will not affect any existing provisions of the Uniform Code. The Uniform Code has long required smoke detecting devices in buildings. In general, solely battery-operated devices are only allowed in (1) buildings constructed before the first Uniform Code smoke detecting device requirement took effect and (2) buildings that do not have commercial electric power. The Uniform Code does not currently require solely battery-operated devices to be powered by a non-removable, non-replaceable ten-year battery.

General Business Law § 399 Smoke Detecting Devices

The Law states in part *“It shall be unlawful for any person or entity to distribute, sell, offer for sale, or import any solely battery operated smoke detecting alarm device powered by a replaceable, removable battery. All solely battery operated smoke detecting alarm devices that are distributed, sold, offered for sale, or imported, shall employ a non-removable, non-replaceable battery that powers the device for a minimum of ten years.”*

The Law will apply only to *“solely battery operated”* devices and not to *“smoke detecting alarm devices that receive their power from the electrical system of the building”* or to *“fire alarm systems with smoke detectors, fire alarm devices that connect to a panel, [or] devices that use a low-power radio frequency wireless communication signal.”*

After General Business Law § 399-ccc becomes effective, retailers will be able to sell any remaining solely battery-operated smoke detecting alarm devices powered by a replaceable, removable battery that they have ordered prior to the effective date of The Law, or that they have in inventory on that effective date. It appears that the intent of The Law is to phase out the availability of solely battery-operated smoke detecting devices powered by replaceable, removable batteries.

Impact on Uniform Code Provisions

Neither General Business Law § 399-ccc nor the Uniform Code will require the removal and/or replacement of any solely battery-operated smoke detecting alarm device powered by a replaceable, removable battery which has already been installed and which was legal under the Uniform Code at the time of installation. However, the Uniform Code does require building owners to maintain smoke detecting devices and replace them when they cease to operate or as recommended by the manufacturer. After the General Business Law § 399-ccc becomes effective, and once those devices with a replaceable battery that were ordered or in stock by the effective date have been exhausted, a building owner who needs to replace a solely battery-operated device will only be able to purchase devices with a non-removable, non-replaceable ten-year battery.

Code users are reminded that the Division of Building Standards and Codes cannot provide legal advice. This document is not a legal opinion regarding General Business Law § 399-ccc, but is intended merely to provide information that may be useful to Code users and their attorneys.

The DBSC periodically posts new or updated technical documents applicable to the current code cycle.

Technical Bulletins can be found at www.dos.ny.gov/DCEA/tech_bull2016.html

Code Interpretations can be found at www.dos.ny.gov/DCEA/code_interpretation.html

Previous issues of the **Code Outreach Program** can be found at www.dos.ny.gov/DCEA/code_outreach_program.html

Please look for our next edition of the Code Outreach Program at the beginning of next month.

In-Service Training

How to check In-Service Training credits: <https://www.dos.ny.gov/DCEA/pdf/Check%20training%20credits.pdf>

How to View Your Training Credits in SLMS: <https://youtu.be/jgMPIQtV17c>

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If you have questions pertaining to the Code Outreach Program, email us at COP.codes@dos.ny.gov

If you have questions pertaining to the Uniform Code or Energy Code, email our technical support group at: codes@dos.ny.gov.

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