



North Carolina Department of Health and Human Services  
Division of Public Health

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November 12, 2015

**POSITION STATEMENT:** Carbon Monoxide Alarm Requirement Enforcement Guidance

**PURSUANT TO:** Session Law 2014-120, Section 22, AMEND HOTEL CARBON MONOXIDE ALARM REQUIREMENT

**SOURCE:** Larry D. Michael, REHS, MPH  
Chief, Environmental Health Section

**QUESTION / ISSUE:** What is the role of local health departments and what procedures are to be followed for enforcement of the amended carbon monoxide alarm requirements in Session Law 2014-120?

**BACKGROUND / DISCUSSION:**

Session Law 2014-120 repealed S.L. 2013-413, Section 19(c), and amended the Carbon Monoxide (CO) Detectors Law, thereby, transferring regulation of CO alarms to the Building Code Council. The Section has received several inquiries about the revised CO law. Please review the questions and responses below.

**RESPONSE / INTERPRETATION:**

What is the appropriate response to a non-imminent CO hazard in a permitted lodging establishment and can a *Notice of Intent to Suspend Permit* be issued?

The revised law requires the NC Building Code official to notify the local health director (or the director's designee) of any code violation regarding CO alarms that is not an imminent hazard **and** that is not corrected within three working days of an inspection; **or** if a re-inspection (after the three day correction period) reveals that the previous violation is not corrected. The code official must provide a written report documenting the violation to the local health director (or the director's designee) within three working days from the termination of the correction period or the re-inspection. When a written notice of violation is issued, the local health director or authorized agent must investigate and may take appropriate action. Appropriate action may include issuing a *Notice of Intent to Suspend Permit*.

What is the appropriate response to a CO-related imminent hazard in a permitted lodging establishment?

If an inspection reveals an imminent hazard (e.g., CO levels that are an immediate threat to human life, mechanical violation that is likely to cause an immediate danger of CO poisoning to occupants) that is not corrected during the inspection, the NC Building Code official must **immediately** notify the local health director (or the director's designee) by verbal contact and must also provide a written report of the violation on the next working day. The local health director (or the director's designee) shall **immediately** investigate and take appropriate action not later than one working day of receipt of the written report documenting the violation. In the case of an imminent hazard, an authorized agent from the local health department must issue a *Notice of Immediate Permit Suspension*.

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How should CO-related enforcement be handled at tourist homes or vacation cabins that are exempt?

If an imminent hazard is identified in a lodging establishment that meets an exemption in G.S. 130A-250, the local health director can take action to abate the hazard as set forth in G.S. 130A-20, Abatement of an Imminent Hazard. The NC Building Code official can impose penalties as set forth in the NC Building Code for lodging establishments that are exempt under G.S. 130A-250.

If CO-related hazards are limited to one area, will enforcement (e.g., permit action) apply to the entire facility?

When permit action is deemed necessary, the permit action applies to the entire establishment. Permit actions for failure to meet the CO alarm requirement should be cited as a violation of G.S. 130A-248(g).

Do appeal procedures apply?

Yes. If permit action is taken, the appeal procedures are stated on the *Notice of Intent to Suspend Permit* and the *Notice of Immediate Permit Suspension*.

Please contact me or your Environmental Health Regional Specialist if you have questions or need assistance responding to a CO-related issue.

**REFERENCE:**

Session Law 2014-413

*NOTE: Position statements are policy documents to clarify how to interpret or enforce a law or rule. They are not enforceable on their own, but are intended to promote uniform interpretation and enforcement of the underlying law or rule.*