Agency Name: Division of Labor - Department of Labor, Licensing and Regulation

Statutory Authority: 23-9-60

Document Number: 3215

Proposed in State Register Volume and Issue: 32/4

House Committee: Labor, Commerce and Industry Committee

Senate Committee: Labor, Commerce and Industry Committee

120 Day Review Expiration Date for Automatic Approval: 04/22/2009

Final in State Register Volume and Issue: 33/5

Status: Final

Subject: Fire Prevention and Life Safety for Special Occupancies

History: 3215

By Date Action Description Jt. Res. No. Expiration Date

- 04/25/2008 Proposed Reg Published in SR

- 06/05/2008 Received by Lt. Gov & Speaker 05/12/2009

H 06/05/2008 Referred to Committee

S 06/05/2008 Referred to Committee

- 06/25/2008 Revised 120 Day Review Expiration Date

for Automatic Approval 04/22/2009

S 03/03/2009 Resolution Introduced to Approve 500

- 04/22/2009 Approved by: Expiration Date

- 05/22/2009 Effective Date unless otherwise

provided for in the Regulation

Document No. 3215

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**

**office of state fire marshal**

Chapter 71

Statutory Authority: 1976 Code Section 23-9-60

71-8301. Fire Prevention and Life Safety for Special Occupancies

**Synopsis:**

The Office of State Fire Marshal is deleting 71-8301 Use of Hazardous Substances (71-8301.1 through 71-8301.6) and replacing with 71-8301 Fire Prevention and Life Safety for Special Occupancies (71-8301.1 through 71-8301.3). The new SCRR 71-8301 will use a standardized format, simplify wording, remove obsolete language and requirements, and consolidate the requirements for existing daycares and all foster homes from the previous regulations.

**Instructions**:

Delete 71-8301 Use of Hazardous Substances (71-8301.1 through 71-8301.6) and replace with 71-8301 Fire Prevention and Life Safety for Special Occupancies (71-8301.1 through 71-8301.3).

**Text:**

SUBARTICLE 2

FIRE PREVENTION AND LIFE SAFETY FOR SPECIAL OCCUPANCIES

71-8301 Fire Prevention and Life Safety for Special Occupancies.

71-8301.1. General.

A. The purpose of this regulation is to clarify the application of current codes and retroactive application of the regulations to existing licensed special occupancies covered by these regulations.

B. This regulation shall apply to:

1. Existing day care facilities and

2. New or existing foster homes.

C. This regulation shall not apply to new daycare facilities. New daycare facilities shall comply with SCRR 71-8300.

71-8301.2. Codes and Standards.

A. All references to ICC Codes found in these regulations refer to the editions adopted in SCRR 71-8300.2. The building code shall define occupancy classifications referenced in these regulations.

B. All references to NFPA standards found in these regulations refer to the editions adopted in SCRR 71-8300.2 and are modified by the following regulations as shown below.

71-8301.3. Requirements for Special Occupancies.

A. All Child Day Care Facilities shall comply with the following:

1. All Child Day Care Facilities keeping children first grade and younger shall be located on the floor of exit discharge. Second grade children shall not be located more than one (1) story above or below the floor of exit discharge. This restriction does not apply to structures equipped throughout with an NFPA 13 sprinkler system.

a. All facilities with fire alarm systems shall be designed, installed, and maintained per NFPA 72.

b. Each Child Day Care Center serving more than one hundred clients shall have a fire alarm system to provide off-premise notification to the fire department per NFPA 72.

c. All facilities licensed after 1999 shall have a listed smoke detector installed and maintained per NFPA 72 in every room occupied by clients, excluding bathrooms and closets.

d. All facilities continuously licensed before 1999 may use hard-wired single station smoke detectors with battery backup.

2. New Child Day Care Facilities and closed facilities that reopen caring for 6 or more children will be classified as Group E occupancy. These facilities must comply with the codes in effect at the time of licensure.

3. An existing Child Day Care Facility that has been continuously licensed may continue operation under the codes to which it was initially licensed. These facilities shall also meet the following standards:

a. Facilities providing care, maintenance, and supervision for thirteen (13) or more clients for less than twenty-four (24) hours but more than four (4) hours per day shall be classified as Group E occupancy.

b. Special protective covers for electrical receptacles shall be installed on all receptacles located in areas occupied by clients.

c. Emergency evacuation drills shall include complete evacuation of all persons from the building.

d. The owner shall maintain records of emergency evacuation drills for at least three (3) years.

e. Facilities shall provide a copy of their Fire Evacuation Plan to the responding fire department. The plan must note the rooms keeping children under twenty-four (24) months of age.

f. Facilities with six (6) or more children under twenty-four (24) months of age shall comply with the regulations for "Facilities with Children Under 24 Months of Age" (S.C. Reg. 71-8301(B)).

4. The State Fire Marshal has authority to approve alternate methods of compliance within the intent of the regulations for existing facilities.

B. Existing "Facilities with Children Under 24 Months of Age"

1. Facilities caring for four or more children under twenty-four (24) months of age unattended by a parent or guardian shall provide the following safeguards:

a. Rooms shall have a one (1) hour fire rated separation. No fire rated separation is required between adjacent rooms caring for children less than twenty-four (24) months of age.

b. Rooms shall have a direct exit to the outside. Exit door(s) from infant rooms shall swing in the direction of egress and the door leaf shall be at least thirty-six (36) inches wide.

c. Rooms shall be limited to twelve (12) children per direct exit. There shall be no more than twenty-four (24) children per room. Older children kept in the room shall be counted as part of the total for direct exits and room occupancy considerations.

d. Rooms shall not have any type of open flame appliances.

e. Rooms shall have smoke detectors installed and maintained per NFPA 72 inside the room and in the adjacent area of the facility near the protected room's entrance.

f. Doors in the required one-hour separation partitions shall be twenty (20) minute labeled doors equipped with door closures or a smoke actuated hold-open device.

g. Facilities shall develop a fire safety and evacuation plan complying with the requirements for Group E occupancies in the IFC.

h. Facilities shall provide a copy of their fire safety and evacuation plan to the local fire authorities. The plan must note the rooms keeping children under twenty-four (24) months of age.

i. Emergency evacuation drills shall comply with the requirements for Group E occupancies in the IFC. The owner shall maintain records per the IFC of emergency evacuation drills for at least three (3) years.

j. Portable unvented fuel-fired heating equipment shall be prohibited in all infant rooms and daycares.

C. Existing Child Group Day Care

1. Facilities providing care, maintenance, and supervision for seven (7) to twelve (12) children for less than twenty-four (24) hours but more than four (4) hours per day shall be classified as Group R-3 occupancy.

a. Group day care facilities shall be separated from other type occupancies (excluding owner residence) by a one (1) hour fire barrier constructed per the IBC.

b. Group day care facilities located in R-2 occupancies shall be located on the floor of exit discharge.

c. Each group day care facility occupied by clients shall have at least two (2) independent means of escape as defined in NFPA 101.

d. The doorway between the level of exit discharge and any floor below shall be equipped with a self-closing 1 1/2" solid core wood door or a labeled fire rated door with a twenty (20) minute or higher rating.

e. Group day care is prohibited in manufactured housing (mobile homes).

f. A fire plan describing what actions are to be taken by the staff in the event of a fire must be developed, posted, and copies made available to staff members and the local fire department. This plan shall note the location of all crib children under twenty-four (24) months of age.

g. A fire drill shall be conducted per the IFC for educational occupancies. Records of drills shall be maintained for a period of three (3) years and report the date, time, description, and evaluation of each drill.

h. At least one (1) portable fire extinguisher with a minimum classification of 2A:10BC shall be installed in cooking areas. The fire extinguishers shall be installed and maintained per NFPA 10.

i. All heating devices must be selected, used, and installed per the IFC, the manufacturer’s recommendations, and listing conditions set by an approved testing laboratory.

j. Unvented gas heaters shall have an operating oxygen depletion device, an operating safety shutoff device, and means to protect clients from burns.

k. Fireplaces shall be equipped with fire screens, partitions, or other means to protect clients from burns.

l. Facilities with six (6) or more children under twenty-four (24) months of age shall comply with S.C. Reg. 71-8301.3(B) for "Facilities with Children Under 24 Months of Age."

m. Portable unvented fuel-fired heating equipment shall be prohibited in all group day cares.

D. Existing Child Family Day Care Facilities

1. Facilities providing care, maintenance, and supervision for six (6) or less children for less than twenty-four (24) hours but more than four (4) hours per day shall be classified as Group R-3 occupancy.

a. Family day care facilities shall be separated from other type occupancies (excluding owner residence) by a one-hour fire barrier constructed per the IBC.

b. Family day care facilities located in R-2 occupancies shall be located on the floor of exit discharge.

c. Each family day care facility occupied by clients shall have at least two (2) independent means of escape as defined in NFPA 101.

d. The doorway between the level of exit discharge and any floor below shall be equipped with a self-closing 1 1/2" solid core wood door or a labeled fire rated door with a twenty (20) minute or higher rating.

e. A fire plan describing what actions are to be taken by the staff in the event of a fire must be developed, posted, and copies made available to staff members and the local fire department. This plan shall note the location of all crib children under twenty-four (24) months of age.

f. A fire drill shall be conducted per the IFC for educational occupancies. Records of drills shall be maintained for a period of three (3) years and report the date, time, description, and evaluation of each drill.

g. The interior finish in occupied spaces and exits in family day care facilities shall be a minimum of Class C.

h. At least one (1) portable fire extinguisher with a minimum classification of 2A:10BC shall be installed in cooking areas. The fire extinguishers shall be installed and maintained per NFPA 10.

i. All heating devices must be selected, used, and installed per the IFC, the manufacturer’s recommendations, and listing conditions set by an approved testing laboratory.

j. Unvented gas heaters shall have an operating oxygen depletion device, an operating safety shutoff device, and means to protect clients from burns.

k. Fireplaces shall be equipped with fire screens, partitions, or other means to protect clients from burns.

l. Facilities with six (6) or more children under twenty-four (24) months of age shall comply with the regulations for "Facilities with Children Under 24 Months of Age" (S.C. Reg. 71-8301(B)).

m. Portable unvented fuel-fired heating equipment shall be prohibited in all family day cares.

E. All Foster Care Facilities

1. Foster homes providing care, maintenance, and supervision for no more than six (6) children, including the natural or adopted children of the foster parent, shall be considered a Group R-3 occupancy.

a. A listed smoke detector shall be installed and maintained per NFPA 72.

b. At least one (1) portable fire extinguisher with a minimum classification of 2A:10BC shall be installed in cooking areas. The fire extinguishers shall be installed and maintained per NFPA 10.

c. Each facility housing foster children shall have two (2) independent means of escape as defined in NFPA 101.

d. All resident bedrooms shall have emergency egress openings per the IBC.

e. All heating devices must be selected, used, and installed per the IFC, the manufacturer’s recommendations, and listing conditions set by an approved testing laboratory.

f. Unvented gas heaters shall have an operating oxygen depletion device, an operating safety shutoff device, and shall be located or guarded to prevent burn injuries.

g. Fireplaces shall be equipped with fire screens, partitions, or other means to protect clients from burns.

h. A fire plan describing what actions are to be taken by the family in the event of a fire must be developed, posted, and copies made available to the local fire department.

i. A fire drill shall be conducted every three (3) months.

j. Records of the drills shall be maintained on the premises for three (3) years. The records shall give the date, time, and weather conditions during the drill, number evacuated, description, and evaluation of the fire drill. Fire drills shall include complete evacuation of all persons from the building.

k. A fire drill shall be conducted within twenty-four (24) hours of the arrival of each new foster child.

l. Portable unvented fuel-fired heating equipment shall be prohibited in all foster homes.

**Fiscal Impact Statement:**

There will be no additional cost incurred by the State or any political subdivision.

**Statement of Rationale:**

The guidelines for Fire Prevention and Life Safety for Special Occupancies are amended to conform with national guidelines in order to ensure public safety.