

1 provided in this Section, except as provided in ~~Paragraph~~ Paragraphs (4) and (5) of
2 this Subsection.

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4 (4)(a) The fire marshal shall remain responsible for all institutional
5 occupancies requiring a state or federal license, detention, colleges, universities,
6 state-owned and state-leased buildings, and schools, including early learning centers
7 and child day care centers as defined in R.S. 17:407.33, where applicable, and the
8 applicable federal and state life safety codes shall be the codes applying to these
9 facilities. Nothing contained herein shall limit the right of the local fire department
10 to consult with the fire marshal or otherwise restrict the authority of the local fire
11 department to conduct fire preplanning for any occupancy within its jurisdiction.

12 (b) The state fire marshal shall enforce only those fire safety requirements
13 expressly provided for in adopted state or federal fire and life safety codes and shall
14 not impose additional requirements through policy, guidance, or interpretation.

15 (c) Any fire safety requirement imposed on an early learning center or child
16 day care center shall be proportional to the size, occupancy, and risk level of that
17 facility, and shall not be applied in a manner consistent with a commercial or
18 industrial occupancy unless expressly required by the applicable code.

19 (d) The use of standard residential appliances, including but not limited to
20 microwaves, coffee makers, and similar devices, shall not require commercial
21 ventilation or fire suppression systems unless expressly required by applicable code.

22 (e) The state fire marshal shall provide written notice of a determination of
23 any violation or of required corrective action, including citation to the specific
24 applicable code provision.

25 (f)(i) Any person aggrieved by a determination of the state fire marshal
26 regarding fire safety requirements for an early learning center or child day care
27 center may appeal that determination to the division of administrative law within
28 fifteen days of receipt of written notice.

2. Clarify that the fire marshal enforces only those fire safety requirements expressly provided for in adopted state or federal codes and will not impose any additional requirements through policy, guidance, or interpretation.
3. Provide that fire safety requirements for early learning or child day care centers are proportional to the size and occupancy of those facilities and are not applied consistent with a commercial or industrial occupancy unless required.
4. Provide that the use of standard residential appliances do not require commercial ventilation or fire suppression systems.
5. Provide that any person aggrieved by a determination of the fire marshal regarding fire safety requirements may appeal to the division of administrative law with 15 days and that enforcement actions or penalties shall be stayed pending appeals.
6. Provide that, in enforcement actions, that the fire marshal has the burden of proof to demonstrate that a particular requirement is expressly authorized by applicable life safety codes.