
DIGEST

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HB 565 Engrossed

2026 Regular Session

McMakin

Abstract: Provides relative to fire safety provisions for day care centers

Present law provides that the fire marshal is responsible for the conduct and supervision of fire safety inspections of all institutional occupancies requiring a state or federal license, including early learning centers and child day care centers as defined in present law.

Proposed law amends present law to clarify that the fire marshal is responsible for the conduct and supervision of fire safety inspections of early learning centers and child day care centers.

Proposed law provides that the fire marshal enforces only those fire safety requirements expressly provided for in adopted state or federal codes and does not impose any additional requirements through policy, guidance, or interpretation.

Proposed law establishes 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.

Proposed law provides that the use of standard residential appliances do not require commercial ventilation or fire suppression systems.

Proposed law requires the fire marshal to provide written notice of any violation or required corrective action including a citation to the applicable code provision, and 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, with enforcement actions or penalties to be stayed pending appeals.

Proposed law provides that the fire marshal bears the burden of proof that the requirement is expressly authorized by the applicable life safety codes.

(Amends R.S. 40:1563(C)(1) and (4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.

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.