

Short Description: RESCORLA SAFETY DRILL ACT
(Written by: Lois Blevins, The National Center for Citizen Safety)

House Sponsors
TBD

Senate Sponsors
Possibly (Sen.Gail Bate)

AN ACT concerning citizen safety.

**Be it enacted by the People of the State of Maryland
(and Nationally) ,**

represented in the General Assembly:

Section 1. Short title. This Act may be cited as the
Rescorla Safety Drill Act

Section 2. Definitions. In this Act:

"First responder" means and includes all fire and police departments and districts, law enforcement agencies and officials, emergency medical responders, and emergency management officials involved in the execution and documentation of the drills administered under this Act.

"Facility" means a public or private infrastructure.

As used in this definition, "facility" means a public or private facility operated by the State, local government or a private citizen, or corporation. As used in this definition, "facility" can also mean any non-profit, or home-based facility, that is all facilities that must comply with applicable state building code requirements and all applicable local, state, and federal agency regulations.

"Rescorla Safety Act" means a mandated pre-planned exercise conducted by a facility in accordance with the drills and requirements set forth in this Act.

Section 3. Purpose. The purpose of this Act is to establish minimum requirements and standards for facilities to follow when conducting safety drills and reviewing emergency and crisis response plans and to encourage facilities and first responders to work together for the safety of all citizens. Communities and facilities may exceed these requirements and standards.

Section 4. Types of drills. Under this Act, the following safety drills shall be instituted by all facilities in this State (that have a minimum of 25 occupants or more):

(1) **Facility evacuation drills**, which shall address and prepare all citizens for situations that occur when conditions outside of a building are safer than inside a building. Evacuation incidents are based on the needs of particular communities and may include without limitation the following:

- (A) fire;
- (B) suspicious items
- (C) incidents involving hazardous materials including, but not limited to, chemical, incendiary, and explosives; and
- (D) active shooter(s)
- (E) bomb threats.

(2) **Law enforcement drills**, which shall address and prepare all citizens for situations calling for the involvement of law enforcement when conditions inside a building are safer than outside of a building and it is necessary to protect building occupants from potential dangers within the building. Law enforcement drills may involve situations that call for the reverse-evacuation or lock-down of a building. Evacuation incidents may include without limitation the following:

- (A) shooting incidents;
- (B) bomb threats;
- (C) suspicious persons;
- (D) active shooter(s); and
- (E) incidents involving hazardous materials.

(3) **Severe weather and shelter-in-place drills,** which shall address and prepare citizens for situations involving severe weather emergencies or the release of external gas or chemicals. Severe weather and shelter-in-place incidents shall be based on the needs and environment of particular communities and may include without limitation the following:

(A) severe weather, including, but not limited to, shear winds, lightning, and earthquakes;

(B) incidents involving hazardous materials, including, but not limited to, chemical, incendiary, and explosives; and

(C) incidents involving weapons of mass destruction, including, but not limited to, biological, chemical, and nuclear weapons.

The Federal Emergency Management Agency (FEMA) and Ready.gov resources should be used by facility managers for guidance and standards on all safety evacuations and drills.

Section 5. Number of drills; incidents covered; local authority participation.

(1) During each calendar year, facilities must conduct a minimum of two evacuation drills to address and prepare all citizens for evacuation, lockdown and shelter-in-place incidents. These drills must meet all of the following criteria:

(A) One of the two evacuation drills shall require the participation of the appropriate local first responders, IF the facility has more than 500 occupants or

is deemed a "high risk" facility by the Fire Marshal. Otherwise, the drill should be conducted by a facility manager in tandem with the designated emergency preparedness personnel.

(B) Each facility manager or his or her designee must contact the responding local first responder no later than September 1 of each calendar year and propose to the first responder official four dates during the upcoming calendar year on which the drill shall occur. The first responder official may choose any of the four available dates, and if he or she does so, the drill shall occur on that date.

(C) The facility manager or his or her designee and the local fire and police official may also, by mutual agreement, set any other date for the drill, including a date outside of the month of October.

(D) If the fire and police official does not select one of the four offered dates in October or set another date by mutual agreement, the requirement that the facility include the local fire and police service in one of its mandatory facility evacuation drills shall be waived. Facilities, however, shall continue to be strongly encouraged to include the fire and police service in a facility evacuation drill at a mutually agreed-upon time.

(E) Upon the participation of the local fire and police service, the appropriate first responder official shall certify that the facility evacuation drill was conducted.

(F) When scheduling the facility evacuation drill, the facility manager or his or her designee and the local fire and police department or fire district may, by mutual agreement on or before September 14, choose to waive the provisions of subparagraphs (B), (C), and (D) of this paragraph (1).

Additional facility evacuation drills may involve the participation of the appropriate local fire and police department or district, IF the facility has more than 500 occupants or is deemed a "high risk" facility by the Fire Marshal. Otherwise, the drill should be conducted by a facility manager in tandem with the designated emergency preparedness personnel.

(2) Facilities may conduct additional evacuation drills to account for other evacuation incidents, including without limitation suspicious items or bomb threats.

(3) All drills shall be conducted at each facility building.

During each calendar year, facilities may conduct first responder drills to address and prepare occupants for incidents, including without limitation reverse evacuations, lock-downs, active shootings, bomb threats, or hazardous materials.

(4) If conducted, a law enforcement drill must meet all of the following criteria:

(A) During each calendar year, the appropriate first responder official shall contact the appropriate facility manager to request to participate in a law enforcement drill and may actively participate on-site in a drill.

(B) Upon the participation of a first responder in a law enforcement drill, the appropriate local law enforcement official shall certify that the law enforcement drill was conducted.

(5) Facilities may conduct additional law enforcement drills at their discretion.

(6) All drills shall be conducted at each facility building that houses occupants.

During each calendar year, facilities must conduct a minimum of one severe weather and shelter-in-place drill to address and prepare occupants and facility personnel for possible tornado incidents and may conduct additional severe weather and shelter-in-place drills to account for other incidents, including without limitation earthquakes or hazardous materials. All drills shall be conducted at each facility building that houses occupants.

Section 6. Annual Review.

(1) Each public and private sector venue, through its facility manager(s) or the designee, shall conduct a minimum of one interoffice annual meeting at which it will review each facility building's emergency and crisis response plans, protocols, and procedures and each building's compliance with the Rescorla Safety Drill Act. The purpose of this annual review shall be to review and update the emergency and crisis response plans, protocols, and procedures and the facility safety drill programs and each of its facility buildings.

(2) Each facility manager or the designee is required to participate in the annual review and to invite each of the following parties to the annual review and provide each party with a minimum of 30 days notice before the date of the annual review:

(A) The principal of each facility within the district or his or her official designee.

(B) Representatives from any other public or private owners/leasees/other, association, or public sector occupants deemed appropriate by the facility manager.

(C) Representatives from all local first responder organizations to participate, advise, and consult in the review process, including, but not limited to:

(a) the appropriate local fire department or district;

(b) the appropriate local law enforcement agency;

(c) the appropriate local emergency medical services agency if the agency is a separate first responder unit; and

(d) any other member of the first responder or emergency management community that has contacted the facility manager or his or her designee during the past year to request involvement in a facility's emergency planning or drill process.

(D) The facility manager or its designee may also choose to invite to the annual review any other persons

whom it believes will aid in the review process, including, but not limited to, any members of any other district managers for the first responder or emergency management community.

Upon the conclusion of the annual review, the facility manager or the manager's designee shall sign a one page report, which may be in either a check-off format or a narrative format, that does the following:

(E) summarizes the review's recommended changes to the existing facility safety plans and drill plans;

(F) lists the parties that participated in the annual review, and includes the annual review's attendance record;

(G) certifies that an effective review of the emergency and crisis response plans, protocols, and procedures and the facility safety drill programs of the facility and each of its facility buildings has occurred;

(H) states that the facility will implement those plans, protocols, procedures, and programs, during the calendar year; and

(I) includes the authorization of the facility manager or the manager's designee.

(a) The facility manager or its designee shall send a copy of the report to each party that participates in the annual review process and to the appropriate facility manager of facility. If any of the participating parties have comments on the certification document, those parties shall submit their comments in writing to the appropriate State of Maryland official. The State of Maryland shall maintain a record of these comments. The certification document may be in a check-off format or narrative format, at the discretion of the district official.

(b) The review must occur at least once during the calendar year, at a specific time chosen at the district official's discretion.

Section 7. Reporting; duties of the State Fire Marshal, regional officials, and the State of Maryland (the State Fire Marshal is the State of Maryland's enforcing body and the repository for all reports and notifications).

(1) The Office of the State Fire Marshal shall accept, directly, a one-page annual review compliance reports from facility. The Office of the State Fire Marshal shall create a mechanism for the reporting and filing of these reports and give notice to the private and public facilities as to how this reporting shall be made. The Office of the State Fire Marshal shall make these records available directly to the State of Maryland and the public.

(2) Each regional (or county) official shall provide an annual facility safety review compliance report to the State of Maryland as a part of its regular annual report, which shall set forth those facility districts that have successfully completed their annual review and those facilities that have failed to complete their annual review. These reports shall be delivered to the State of Maryland on or before October 1 of each calendar year.

(3) The State of Maryland shall file and maintain records of the annual facility safety review compliance reports received from each of the regional (or county) officials.

The State of Maryland shall be responsible for ensuring access to the records by the State Fire Marshal and other State (or Federal) agencies. The State shall provide an annual report to the Office of the Governor and the Office of the State Fire Marshal concerning the compliance of facility infrastructures with the annual facility safety review requirement.

Section 8. Reporting and recording mechanism for drills.

The Office of the State Fire Marshal, in conjunction with the facility managers, shall create a reporting and recording mechanism concerning incidents that occur in facilities located in this State. The recording system shall be based in the Office of the State Fire Marshal.

Section 9. Common rules. The State of Maryland and the Office of the State Fire Marshal shall cooperate together and coordinate with all appropriate public and private facility managers, first responder, and emergency management officials to:

(1) develop and implement one common set of rules to be administered under this Act and

(2) develop clear and definitive guidelines to all officials, private facilities, and first responders as to how to develop facility emergency and crisis response plans, how to exercise and drill based on such plans, and how to incorporate lessons learned from these exercises and drills into facility emergency and crisis response plans.