

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**H. B. No. 271**

**Representative Baldrige**

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**A BILL**

To amend section 3737.82 and to enact section 1  
3781.21 of the Revised Code to amend the law 2  
regarding smoke detectors in residential 3  
premises. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3737.82 be amended and section 5  
3781.21 of the Revised Code be enacted to read as follows: 6

**Sec. 3737.82.** (A) The state fire marshal shall adopt a 7  
state fire code which shall consist of rules relating to all 8  
aspects of fire safety. The rules shall be the minimum standards 9  
for safeguarding life and property from fire and explosion, and 10  
the state fire marshal may, in adopting these rules, incorporate 11  
by reference existing published standards as well as amendments 12  
thereto subsequently published by the same authority. The state 13  
fire code shall include, but not be limited to, rules relating 14  
to the movable contents of any building, or class of buildings, 15  
the transportation, storage, location, and use of flammable or 16  
explosive materials, the procedures to be employed by persons in 17  
the event of fire, the installation and location of fire 18  
protection equipment, and other similar matters. 19

(B) The state fire marshal shall adopt rules in the state fire code that include the requirements stated in division (C) of this section. 20  
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(C) Existing smoke detectors that do not receive power primarily from their building's wiring and that are permitted in residential occupancies to meet the state fire code's requirements shall be replaced with sealed battery smoke detectors when any of the following occurs: 23  
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(1) Ten years pass after an existing smoke detector's date of manufacture or when an existing smoke detector malfunctions or fails to respond to function tests. 28  
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(2) Ownership of owner-occupied residential premises changes, and sealed battery smoke detectors that are within ten years of their date of manufacture are not already installed. 31  
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(3) A new tenant is scheduled to take possession of residential premises pursuant to a rental agreement, that is subject to Chapter 5321. of the Revised Code, and sealed battery smoke detectors that are within ten years of their date of manufacture are not already installed. 34  
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(4) Alterations or repairs requiring plan approval are made, and smoke detectors that receive power primarily from the building's wiring are not required as a result of those alterations or repairs. 39  
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(D) The state fire code may contain rules applicable to particular classes of existing buildings or structures as the use and occupancy of such buildings or structures suggest are necessary. The fire marshal may amend, modify, or repeal any rule of the state fire code. 43  
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(E) As used in this section: 48

(1) "Sealed battery smoke detector" has the same meaning 49  
as in section 3781.21 of the Revised Code. 50

(2) "Smoke detector" has the same meaning as in section 51  
3781.104 of the Revised Code. 52

**Sec. 3781.21. (A) As used in this section:** 53

(1) "Sealed battery smoke detector" means a smoke detector 54  
with a tamper resistant housing that is powered by a 55  
nonreplaceable, nonremovable energy source capable of powering 56  
the device for a minimum of ten years from the date of 57  
manufacture listed on the device. 58

(2) "Smoke detector" has the same meaning as in section 59  
3781.104 of the Revised Code. 60

(B) The board of building standards shall adopt rules in 61  
the nonresidential building code and residential building code 62  
that include the requirements stated in division (C) of this 63  
section. 64

(C) Existing smoke detectors that do not receive power 65  
primarily from their building's wiring and that are permitted in 66  
residential occupancies to meet the state fire code's 67  
requirements shall be replaced with sealed battery smoke 68  
detectors when any of the following occurs: 69

(1) Ten years pass after an existing smoke detector's date 70  
of manufacture or when an existing smoke detector malfunctions 71  
or fails to respond to function tests. 72

(2) Ownership of owner-occupied residential premises 73  
changes, and sealed battery smoke detectors that are within ten 74  
years of their date of manufacture are not already installed. 75

(3) A new tenant is scheduled to take possession of 76

residential premises pursuant to a rental agreement, that is 77  
subject to Chapter 5321. of the Revised Code, and sealed battery 78  
smoke detectors that are within ten years of their date of 79  
manufacture are not already installed. 80

(4) Alterations or repairs requiring plan approval are 81  
made, and smoke detectors that receive power primarily from the 82  
building's wiring are not required as a result of those 83  
alterations or repairs. 84

**Section 2.** That existing section 3737.82 of the Revised 85  
Code is hereby repealed. 86