

As Reported by the House State Government Committee

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Sub. H. B. No. 114

Representatives Roegner, Bishoff

Cosponsors: Representatives Rogers, Terhar, Hood, Fedor, Becker, Butler, Buchy, Hall, Patterson, Retherford, Young, O'Brien, S., Lepore-Hagan, Kunze, Grossman, Hackett, Huffman, LaTourette, Perales

A BILL

To amend section 3737.84 and to enact section 1
3781.106 of the Revised Code to require the 2
Board of Building Standards to adopt rules for 3
the use of a barricade device on a school door 4
in an emergency situation and to prohibit the 5
State Fire Code from prohibiting the use of the 6
device in such a situation. 7

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

Section 1. That section 3737.84 be amended and section 8
3781.106 of the Revised Code be enacted to read as follows: 9

Sec. 3737.84. (A) The state fire code adopted pursuant to 10
sections 3737.82 and 3737.83 of the Revised Code shall not 11
contain any provision as follows: 12

(1) Relating to the organization or structure of a 13
municipal or township fire department; 14

(2) Relating to structural building requirements covered 15
by the Ohio building code; 16

(3) That would cause an employer, in complying with it, to 17
be in violation of the "Occupational Safety and Health Act of 18
1970," 84 Stat. 1590, 29 U.S.C.A. 651, or the "Consumer Product 19
Safety Act of 1972," 86 Stat. 1207, 15 U.S.C.A. 2051; 20

(4) Regulating manufacturers or manufacturing facilities 21
with respect to occupational hazards where they are subject to 22
regulation by the federal occupational safety and health 23
administration; 24

(5) That is inconsistent with, or in conflict with, 25
regulations of the federal occupational safety and health 26
administration or the hazardous materials regulations of the 27
hazardous materials regulations board of the federal highway 28
administration, United States department of transportation, or 29
the public utilities commission; 30

(6) That establishes a minimum standard of flammability 31
for consumer goods in any area where the "Flammable Fabrics 32
Act," 81 Stat. 568 (1967), 15 U.S.C. 1191 authorizes the federal 33
government or any department or agency of the federal government 34
to establish national standards of flammability for consumer 35
goods; 36

(7) That establishes a health or safety standard for the 37
use of explosives in mining, for which the federal government 38
through its authorized agency sets health or safety standards 39
pursuant to section 6 of the "Federal Metal and Nonmetallic Mine 40
Safety Act of 1966," 80 Stat. 772, 30 U.S.C. 725, or section 101 41
of the "Federal Coal Mine Health and Safety Act of 1969," 83 42
Stat. 745, 30 U.S.C.A. 811; 43

(8) That is inconsistent with, or in conflict with, 44
section 3737.73 or Chapter 3743. of the Revised Code, or the 45

rules adopted pursuant to that chapter; 46

(9) (a) Restricting the dispensing of diesel fuel at a 47
terminal or bulk plant into a motor vehicle that is transporting 48
petroleum products or equipment essential to the operation of 49
the terminal or bulk plant, provided that the motor vehicle is 50
owned or leased by or operated under a contract with a person 51
who has been issued a motor fuel dealer's license under section 52
5735.02 of the Revised Code; 53

(b) Authorizing the dispensing of any petroleum products 54
at a terminal or bulk plant from an ~~above ground~~ aboveground 55
storage tank at the terminal or bulk plant to a motor vehicle 56
other than a motor vehicle that is described in division (A) (9) 57
(a) of this section or to a member of the general public. 58

As used in division (A) (9) of this section, "terminal or 59
bulk plant" means that portion of a property where petroleum 60
products are received by tank vessels, pipelines, tank cars, or 61
tank vehicles and are stored or blended in bulk for the purpose 62
of distributing the petroleum products via tank vessel, 63
pipeline, tank car, tank vehicle, portable tank, or container. 64

(10) That prohibits the use of a device described in 65
section 3781.106 of the Revised Code and used in accordance with 66
rules adopted pursuant to that section. 67

(B) No penalty shall be imposed by the fire marshal on any 68
person for a violation of the state fire code if a penalty has 69
been imposed or an order issued by the federal government for a 70
violation of a similar provision contained in or adopted 71
pursuant to the federal acts referred to in this section, where 72
the facts that constitute the violation of the state fire code 73
are the same as those that constitute the violation or alleged 74

violation of the federal act. 75

Sec. 3781.106. (A) The board of building standards shall 76
adopt rules, in accordance with Chapter 119. of the Revised 77
Code, for the use of a device by a staff member of a public or 78
private school or an institution of higher education that 79
prevents both ingress and egress through a door in a school 80
building, for a finite period of time, in an emergency 81
situation, and during active shooter drills. The rules shall 82
provide that the use of a device is permissible only if the 83
device requires minimal steps to remove it after it is engaged. 84

The rules may require that the device be visible from the 85
exterior of the door. 86

(B) The device described in division (A) of this section 87
shall not be permanently mounted to the door. 88

(C) Each public and private school and institution of 89
higher education shall provide its staff members in-service 90
training on the use of the device described in division (A) of 91
this section. The school or institution shall maintain a record 92
verifying this training on file. 93

(D) In consultation with the state board of education and 94
the Ohio board of regents, the board shall determine and include 95
in the rules a definition of "emergency situation." These rules 96
shall apply to both existing and new school buildings. 97

(E) As used in this section: 98

(1) "Institution of higher education" means a state 99
institution of higher education as defined in section 3345.011 100
of the Revised Code, a private nonprofit college or university 101
located in this state that possesses a certificate of 102
authorization issued by the Ohio board of regents pursuant to 103

Chapter 1713. of the Revised Code, or a school located in this 104
state that possesses a certificate of registration and one or 105
more program authorizations issued by the state board of career 106
colleges and schools under Chapter 3332. of the Revised Code. 107

(2) "Private school" means a chartered nonpublic school or 108
a nonchartered nonpublic school. 109

(3) "Public school" means any school operated by a school 110
district board of education, any community school established 111
under Chapter 3314. of the Revised Code, any STEM school 112
established under Chapter 3326. of the Revised Code, and any 113
college-preparatory boarding school established under Chapter 114
3328. of the Revised Code. 115

(4) "School building" means a structure used for the 116
instruction of students by a public or private school or 117
institution of higher education. 118

Section 2. That existing section 3737.84 of the Revised 119
Code is hereby repealed. 120

Section 3. The Board of Building Standards shall adopt 121
rules pursuant to section 3781.106 of the Revised Code, as 122
enacted by this act, not later than one hundred eighty days 123
after the effective date of this act. 124

Section 4. Any provision of the State Fire Code that is in 125
conflict with section 3737.84 of the Revised Code, as amended by 126
this act, shall be unenforceable. 127