

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 125**

**Senators LaRose, Hottinger  
Cosponsors: Senators Hughes, Balderson, Cafaro**

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**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 terminal or bulk plant into a motor vehicle that is transporting petroleum products or equipment essential to the operation of the terminal or bulk plant, provided that the motor vehicle is owned or leased by or operated under a contract with a person who has been issued a motor fuel dealer's license under section 5735.02 of the Revised Code;

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

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

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

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

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 the school 78  
that prevents both ingress and egress through a door in a school 79  
building, for a finite period of time, in an emergency 80  
situation. The rules shall provide that the use of a device is 81  
permissible only if the device requires minimal steps to remove 82  
after it is engaged. 83

The rules may require that the device be visible from the 84  
exterior of the door. 85

(B) The device described in division (A) of this section 86  
shall not be permanently mounted to the door. 87

(C) Each public and private school and educational 88  
institution shall provide its staff members in-service training 89  
on the use of the device described in division (A) of this 90  
section. The school or institution shall maintain a record 91  
verifying this training on file. 92

(D) In consultation with the state board of education, the 93  
board shall determine and include in the rules a definition of 94  
"emergency situation." These rules shall apply to both existing 95  
and new school buildings. 96

(E) As used in this section, "school building" means a 97  
structure used for the instruction of students by a public or 98  
private school or educational institution. 99

**Section 2.** That existing section 3737.84 of the Revised 100  
Code is hereby repealed. 101

**Section 3.** The Board of Building Standards shall adopt 102  
rules pursuant to section 3781.106 of the Revised Code, as 103  
enacted by this act, not later than one hundred eighty days 104

after the effective date of this act. 105

**Section 4.** Any provision of the State Fire Code that is in 106  
conflict with section 3737.84 of the Revised Code, as amended by 107  
this act, shall be unenforceable. 108