

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 65**

**Representatives Callender, Fowler Arthur**

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**A BILL**

To amend section 3737.83 and to enact section 1  
3781.062 of the Revised Code relating to the 2  
State Fire Code and Building Code and to amend 3  
the version of section 3737.83 of the Revised 4  
Code that is scheduled to take effect December 5  
29, 2023, to continue the provisions of this act 6  
on and after that effective date. 7

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

**Section 1.** That section 3737.83 be amended and section 8  
3781.062 of the Revised Code be enacted to read as follows: 9

**Sec. 3737.83.** The fire marshal shall, as part of the state 10  
fire code, adopt rules to: 11

(A) Establish minimum standards of performance for fire 12  
protection equipment and fire fighting equipment; 13

(B) Establish minimum standards of training, fix minimum 14  
qualifications, and require certificates for all persons who 15  
engage in the business for profit of installing, testing, 16  
repairing, or maintaining fire protection equipment; 17

(C) Provide for the issuance of certificates required 18

under division (B) of this section and establish the fees to be charged for such certificates. A certificate shall be granted, renewed, or revoked according to rules the fire marshal shall adopt.

(D) Establish minimum standards of flammability for consumer goods in any case where the federal government or any department or agency thereof has established, or may from time to time establish standards of flammability for consumer goods. The standards established by the fire marshal shall be identical to the minimum federal standards.

In any case where the federal government or any department or agency thereof, establishes standards of flammability for consumer goods subsequent to the adoption of a flammability standard by the fire marshal, standards previously adopted by the fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards.

With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code.

(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in child day-care centers and in type A family day-care homes, as defined in section 5104.01 of the Revised Code.

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The fire marshal shall adopt the rules under this

division in consultation with the director of mental health and 48  
addiction services and interested parties designated by the 49  
director of mental health and addiction services. 50

(G)(1) Establish that occupant load shall not include an 51  
exterior patio that has a means of egress on at least three 52  
sides and in which each means of egress is compliant with the 53  
"Americans with Disabilities Act of 1990," 42 U.S.C. 12102, et 54  
seq. 55

(2) Notwithstanding any provision of section 121.95 of the 56  
Revised Code to the contrary, a regulatory restriction contained 57  
in a rule adopted under division (G)(1) of this section is not 58  
subject to sections 121.95 to 121.953 of the Revised Code. 59

Sec. 3781.062. The director of commerce, in collaboration 60  
with the state fire marshal, the board of building standards, 61  
and representatives of local building departments, shall develop 62  
guidelines for the enforcement of the Ohio building code and 63  
state fire code in a coordinated manner, including the 64  
interaction of exemptions from one code with the requirements of 65  
the other code. 66

**Section 2.** That existing section 3737.83 of the Revised 67  
Code is hereby repealed. 68

**Section 3.** That the version of section 3737.83 of the 69  
Revised Code that is scheduled to take effect December 29, 2023, 70  
be amended to read as follows: 71

**Sec. 3737.83.** The state fire marshal shall, as part of the 72  
state fire code, adopt rules to: 73

(A) Establish minimum standards of performance for fire 74  
protection equipment and fire fighting equipment; 75

(B) Establish minimum standards of training, fix minimum 76  
qualifications, and require certificates for all persons who 77  
engage in the business for profit of installing, testing, 78  
repairing, or maintaining fire protection equipment; 79

(C) Provide for the issuance of certificates required 80  
under division (B) of this section and establish the fees to be 81  
charged for such certificates. A certificate shall be granted, 82  
renewed, or revoked according to rules the state fire marshal 83  
shall adopt, except that the state fire marshal shall grant a 84  
certificate in accordance with Chapter 4796. of the Revised Code 85  
to an applicant if either of the following applies: 86

(1) The applicant holds a license or certificate in 87  
another state. 88

(2) The applicant has satisfactory work experience, a 89  
government certification, or a private certification as 90  
described in that chapter as a person engaged in the business of 91  
installing, testing, repairing, or maintaining fire protection 92  
equipment in a state that does not issue that certificate. 93

(D) Establish minimum standards of flammability for 94  
consumer goods in any case where the federal government or any 95  
department or agency thereof has established, or may from time 96  
to time establish standards of flammability for consumer goods. 97  
The standards established by the state fire marshal shall be 98  
identical to the minimum federal standards. 99

In any case where the federal government or any department 100  
or agency thereof, establishes standards of flammability for 101  
consumer goods subsequent to the adoption of a flammability 102  
standard by the state fire marshal, standards previously adopted 103  
by the state fire marshal shall not continue in effect to the 104

extent such standards are not identical to the minimum federal 105  
standards. 106

With respect to the adoption of minimum standards of 107  
flammability, this division shall supersede any authority 108  
granted a political subdivision by any other section of the 109  
Revised Code. 110

(E) Establish minimum standards pursuant to section 111  
5104.05 of the Revised Code for fire prevention and fire safety 112  
in child day-care centers and in type A family day-care homes, 113  
as defined in section 5104.01 of the Revised Code. 114

(F) Establish minimum standards for fire prevention and 115  
safety in a residential facility licensed under section 5119.34 116  
of the Revised Code that provides accommodations, supervision, 117  
and personal care services for three to sixteen unrelated 118  
adults. The state fire marshal shall adopt the rules under this 119  
division in consultation with the director of mental health and 120  
addiction services and interested parties designated by the 121  
director of mental health and addiction services. 122

(G) (1) Establish that occupant load shall not include an 123  
exterior patio that has a means of egress on at least three 124  
sides and in which each means of egress is compliant with the 125  
"Americans with Disabilities Act of 1990," 42 U.S.C. 12102, et 126  
seq. 127

(2) Notwithstanding any provision of section 121.95 of the 128  
Revised Code to the contrary, a regulatory restriction contained 129  
in a rule adopted under division (G) (1) of this section is not 130  
subject to sections 121.95 to 121.953 of the Revised Code. 131

**Section 4.** That the existing version of section 3737.83 of 132  
the Revised Code that is scheduled to take effect December 29, 133

2023, is hereby repealed. 134

**Section 5.** Sections 3 and 4 of this act shall take effect 135  
December 29, 2023. 136