

AN ACT

To amend sections 3737.42 and 3737.51 and to enact section 3737.07 of the Revised Code to require school buildings to comply with national life safety standards and to name this act the Ohio Childhood Safety Act.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3737.42 and 3737.51 be amended and section 3737.07 of the Revised Code be enacted to read as follows:

Sec. 3737.07. (A) As used in this section:

(1) "Authority having jurisdiction" means an organization, office, agency, or individual responsible for enforcing the requirements under this section.

(2) "NFPA 101" means the standards for life safety code published by the national fire protection association, which includes the NFPA 80 standards for fire doors and other opening protectives.

(3) "Protective door assembly" or "protective door assemblies" means any of the following:

(a) Doors with panic hardware or fire exit hardware;

(b) Door assemblies in exit enclosures;

(c) Electricity controlled egress doors;

(d) Door assemblies with special locking arrangements, such as delayed egress, sensor release egress doors, and elevator lobby doors.

(4) "Qualified inspector" means a person, who by possession of a recognized degree, certificate, professional standing, or skill, and who, by knowledge, training, and experience, has demonstrated the ability to deal with the subject matter, the work, or the project.

(5) "School building" means a structure used for the instruction of students by a school governing authority.

(6) "School governing authority" means any of the following:

(a) The board of education of a school district;

(b) The governing authority of a chartered nonpublic school;

(c) The governing authority of a community school established under Chapter 3314. of the Revised Code;

(d) The governing body of a STEM school established under Chapter 3328. of the Revised Code;

(e) The board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(B) Each school governing authority in this state shall do both of the following:

(1) Cause all protective door assemblies in school buildings used by the school governing authority for instruction of students to be inspected and tested every twelve months in accordance with division (C) of this section:

(2) Verify that such protective door assemblies are in compliance with the following standards:

(a) If the protective door assembly was installed in 2015 or after, the 2015 NFPA 101, or other standards required by the board of building standards;

(b) If the protective door assembly was installed prior to 2015, the NFPA 101 that was in effect on the date the protective door assembly was installed or, if the protective door assembly was installed before the NFPA 101 was published and in effect, the building code standards in effect at the time of installation.

(C)(1) A school governing authority shall cause all of the protective door assemblies in school buildings used for the instruction of students to be inspected and tested every twelve months by a qualified inspector to confirm proper operation and full closure.

(2) If a protective door assembly is not in compliance with the applicable standards described in division (B)(2) of this section, then the school governing authority shall take all steps necessary to make the protective door assembly compliant.

(D) After the inspection of a protective door assembly in a school building, the qualified inspector shall provide a report to the school governing authority indicating any of the following:

(1) That the protective door assembly is in compliance with the applicable standards described in division (B)(2) of this section and no further inspection is required respecting that protective door assembly for the next twelve months;

(2) That the protective door assembly is not in compliance with the applicable standards;

(3) That the protective door assembly is not in compliance with the applicable standards and there is a serious risk for fire or life safety hazard.

(E) Each school governing authority shall maintain records verifying annual inspections.

(F) If one or more protective door assemblies in a school building are not in compliance with the applicable standards described in division (B)(2) of this section, as indicated in a report under division (D)(2), (D)(3), (G)(2), or (G)(3) of this section, then the school governing authority shall do both of the following:

(1) Take all steps necessary to make each such protective door assembly compliant with the applicable standards;

(2) Cause another inspection of each such protective door assembly immediately after completing those steps.

(G) After each inspection of a protective door assembly in the school building under division (F)(2) of this section has been completed, the qualified inspector shall provide a report to the school governing authority indicating any of the following:

(1) That the protective door assembly is in compliance with the applicable standards described in division (B)(2) of this section and no further inspection is required respecting that protective door assembly for the next twelve months;

(2) That the protective door assembly is not in compliance with the applicable standards;

(3) That the protective door assembly is not in compliance with the applicable standards and there is a serious risk for fire or life safety hazard.

(H)(1) Beginning eighteen months after the effective date of this section, the authority having jurisdiction shall annually cause an inspection of the records retained by each school governing authority under division (E) of this section. If a protective door assembly in a school building is not fully compliant with the applicable standards within eighteen months after a report issued under division (D)(2) of this section, or within one hundred eighty days after a report issued under division (D)(3) of this section, and the school governing authority is not actively taking steps to achieve compliance, then the authority having jurisdiction shall issue a citation pursuant to section 3737.42 of the Revised Code. Each protective door assembly that is not in compliance with the applicable standards, and which the respecting school governing authority is not actively taking steps to achieve compliance with those standards, is a separate violation and is subject to an additional citation.

(2) If a citation is issued under division (H)(1) of this section and section 3737.42 of the Revised Code, the school governing authority shall post the citation issued concerning the protective door assembly on a public web site managed by the school governing authority. The school governing authority may remove the citation posted under this division once the protective door assembly is made compliant with the applicable standards and an inspection confirms such compliance.

(I) No authority having jurisdiction shall do either of the following:

(1) Issue a citation pursuant to this section and section 3737.42 of the Revised Code to a school governing authority that is actively taking steps to reach compliance with the applicable standards, regardless of whether full compliance is reached for all protective door assemblies in the school building;

(2) Assess a civil penalty or any fine associated with a citation issued pursuant to this section.

(J) A qualified inspector that inspects more than one protective door assembly under division (D) or (G) of this section in the same school building may combine the results of such inspections into one report, so long as the report clearly indicates which protective door assemblies are in compliance with the applicable standards and which are not.

(K)(1) The fire marshal shall adopt rules, in accordance with Chapter 119. of the Revised Code, that are necessary to implement the requirements of this section.

(2) The fire marshal shall work in conjunction with the board of building standards to implement such requirements.

(3) The rules shall require that protective door assemblies are inspected in accordance with this section and that the protective door assemblies continue to meet the compliance standards required at the time of installation.

(L) Notwithstanding any provision of this section, a temporary door-locking device in compliance with the rules adopted by the fire marshal is not in conflict with this section.

(M) Any citation issued pursuant to this section may be appealed under section 3737.43 of the Revised Code.

Sec. 3737.42. (A) As used in this section, "authority having jurisdiction" and "school governing authority" have the same meanings as in section 3737.07 of the Revised Code.

(B) If, upon inspection or investigation, the fire marshal, an assistant fire marshal, or a certified fire safety inspector believes that the state fire code or an associated order has been violated, or if an authority having jurisdiction believes that section 3737.07 of the Revised Code has been violated and that the school governing authority is not actively taking steps to achieve compliance within the time prescribed by division (H)(1) of that section, the fire marshal, assistant fire marshal, or certified fire safety inspector, or authority having jurisdiction shall, with reasonable promptness, issue a citation to the responsible person. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the state fire code or associated order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. When the citation is issued by a certified fire safety inspector or an assistant fire marshal, or an authority having jurisdiction other than the fire marshal, a copy of the citation shall be furnished to the fire marshal.

~~(B)~~(C) The fire marshal may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations that have no direct or immediate relationship to safety or health. A notice in lieu of a citation shall not be issued with respect to a violation of section 3737.07 of the Revised Code.

~~(C)~~(D) Except as provided in section 3737.07 of the Revised Code, each citation issued under this section, or a copy or copies of the citation, shall be prominently posted by the responsible person, as prescribed in the state fire code, at or near each place a violation referred to in the citation occurs.

Sec. 3737.51. (A) No person shall knowingly violate any provision of the state fire code or any order made pursuant to it.

(B) Any Except as provided in section 3737.07 of the Revised Code, any person who has received a citation for a serious violation of the fire code or any order issued pursuant to it, shall be assessed a civil penalty of not more than one thousand dollars for each such violation.

(C) Any Except as provided in section 3737.07 of the Revised Code, any person who has received a citation for a violation of the fire code or any order issued pursuant to it, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of not more than one thousand dollars for each such violation.

(D) ~~Any~~ Except as provided in section 3737.07 of the Revised Code, any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars for each day during which such failure or violation continues.

(E) ~~Any~~ Except as provided in section 3737.07 of the Revised Code, any person who violates any of the posting requirements, as prescribed by division ~~(C)~~(D) of section 3737.42 of the Revised Code, shall be assessed a civil penalty of not more than one thousand dollars for each violation.

(F) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, and the history of previous violations shall be given whenever a penalty is assessed under this chapter.

(G) For purposes of this section, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, unless the person did not and could not with the exercise of reasonable diligence, know of the presence of the violation.

(H) Civil penalties imposed by this chapter shall be paid to the fire marshal for deposit into the general revenue fund. Such penalties may be recovered in a civil action in the name of the state brought in the court of common pleas of the county where the violation is alleged to have occurred.

SECTION 2. That existing sections 3737.42 and 3737.51 of the Revised Code are hereby repealed.

SECTION 3. This act shall be known as the Ohio Childhood Safety Act.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. S. B. No. 112

135th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____