

As Introduced

136th General Assembly

Regular Session

2025-2026

S. B. No. 264

Senator Weinstein

Cosponsors: Senators Craig, Smith, DeMora, Ingram, Hicks-Hudson

To amend sections 3781.03 and 3781.99 and to enact
section 3781.113 of the Revised Code to require
a separate by-pass lane adjacent to specified
drive-through lanes and to name this act as the
Megan's Way Out Act.

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

Section 1. That sections 3781.03 and 3781.99 be amended
and section 3781.113 of the Revised Code be enacted to read as
follows:

Sec. 3781.03. (A) The state fire marshal, the fire chief
of a municipal corporation that has a fire department, or the
fire chief of a township that has a fire department shall
enforce the provisions of this chapter and Chapter 3791. of the
Revised Code that relate to fire prevention.

(B) The superintendent of industrial compliance, or the
building inspector or commissioner of buildings in a municipal
corporation, county, or township in which the building
department is certified by the board of building standards under
section 3781.10 of the Revised Code shall enforce in the
jurisdiction of each entity all the provisions in this chapter

and Chapter 3791. of the Revised Code and any rules adopted 20
pursuant to those chapters that relate to the construction, 21
arrangement, and erection of all buildings or parts of 22
buildings, as defined in section 3781.06 of the Revised Code, 23
including the sanitary condition of those buildings in relation 24
to heating and ventilation, and the construction and design of 25
drive-through lanes, as specified in section 3781.113 of the 26
Revised Code. 27

(C) The division of industrial compliance in the 28
department of commerce, boards of health of health districts, 29
certified departments of building inspection of municipal 30
corporations, and county building departments that have 31
authority to perform inspections pursuant to a contract under 32
division (C)(1) of section 3703.01 of the Revised Code, subject 33
to Chapter 3703. of the Revised Code, shall enforce this chapter 34
and Chapter 3791. of the Revised Code and the rules adopted 35
pursuant to those chapters that relate to plumbing. Building 36
drains are considered plumbing for the purposes of enforcement 37
of those chapters. 38

(D)(1) In accordance with Chapter 3703. of the Revised 39
Code, the department of the city engineer, in cities having such 40
departments, the boards of health of health districts, or the 41
sewer purveyor, as appropriate, shall have complete authority to 42
supervise and regulate the entire sewerage and drainage system 43
in the jurisdiction in which it is exercising the authority 44
described in this division, including the building sewer and all 45
laterals draining into the street sewers. 46

(2) In accordance with Chapter 3703. of the Revised Code, 47
the department of the city engineer, the boards of health of 48
health districts, or the sewer purveyor, as appropriate, shall 49

control and supervise the installation and construction of all 50
drains and sewers that become a part of the sewerage system and 51
shall issue all the necessary permits and licenses for the 52
construction and installation of all building sewers and of all 53
other lateral drains that empty into the main sewers. The 54
department of the city engineer, the boards of health of health 55
districts, and the sewer purveyor, as appropriate, shall keep a 56
permanent record of the installation and location of every drain 57
and sewer of the drainage and sewerage system of the 58
jurisdiction in which it has exercised the authority described 59
in this division. 60

(E) This section does not exempt any officer or department 61
from the obligation to enforce this chapter and Chapter 3791. of 62
the Revised Code. 63

Sec. 3781.113. (A) As used in this section: 64

(1) "Drive-through financial institution" means a 65
financial institution that has one or more driving lanes on the 66
exterior of its permanent building site that allow a customer to 67
conduct financial transactions from inside the customer's 68
vehicle rather than conducting those transactions inside the 69
building. 70

(2) "Drive-through pharmacy" means a pharmacy that has one 71
or more driving lanes on the exterior of its permanent building 72
site that allow a customer to drop off or pick up prescriptions 73
while remaining inside the customer's vehicle rather than 74
conducting those transactions inside the building. 75

(3) "Drive-through restaurant" means a food service 76
operation or retail food establishment, as those terms are 77
defined in section 3717.01 of the Revised Code, that has one or 78

more driving lanes on the exterior of its permanent building 79
site that allow a customer to order, pay for, and pick up food 80
or beverages while remaining inside the customer's vehicle 81
rather than conducting those transactions inside the building. 82

(4) "Drive-through facility" means a drive-through 83
financial institution, a drive-through pharmacy, and a drive- 84
through restaurant. 85

(5) "Financial institution" has the same meaning as in 86
section 122.39 of the Revised Code. 87

(6) "Pharmacy" has the same meaning as in section 4729.01 88
of the Revised Code. 89

(7) "Vehicle" and "public safety vehicle" have the same 90
meanings as in section 4511.01 of the Revised Code. 91

(B) (1) Except as provided in division (D) of this section, 92
on and after the effective date of this section, all new 93
construction of a drive-through facility shall meet the minimum 94
requirements specified in division (C) of this section. 95

(2) Except as provided in division (D) of this section, 96
any business with a drive-through facility that undergoes major 97
renovations, expansion, or redevelopment to either its permanent 98
building or to its parking areas on and after the effective date 99
of this section shall meet the minimum requirements specified in 100
division (C) of this section. 101

(C) (1) In accordance with division (B) of this section, 102
the owner of a drive-through facility shall ensure that any 103
drive-through lane serving the facility's customers has an 104
adjacent by-pass lane that allows for both of the following: 105

(a) The operator of a vehicle in the drive-through lane to 106

drive the vehicle out of the drive-through lane and into the by- 107
pass lane in order to exit the property; 108

(b) The operator of a public safety vehicle to drive 109
alongside or close to any vehicle in the drive-through lane in 110
order to respond to an emergency related to an operator or 111
passenger of that vehicle. 112

(2) A by-pass lane shall meet the following minimum 113
standards: 114

(a) Be not less than ten feet wide without obstructions; 115

(b) Contain adequate vertical and horizontal clearance for 116
standard passenger vehicles and public safety vehicles; 117

(c) Include clear, visible signage to alert vehicle 118
operators to the presence and direction of the by-pass lane; 119

(d) Be designed so as to not obstruct pedestrian pathways, 120
fire lanes, public safety vehicle access to the permanent 121
building, or accessible parking spaces or routes for persons 122
with disabilities. 123

(D) Divisions (B) and (C) of this section do not apply to 124
either of the following: 125

(1) A drive-through facility built prior to the effective 126
date of this section to which either of the following apply: 127

(a) There is insufficient space adjacent to the drive- 128
through lane to create a by-pass lane on the property on which 129
the drive-through facility is located. 130

(b) Compliance with this section would force the owner of 131
the drive-through facility to close or relocate the business at 132
which the drive-through facility is located. 133

(2) A drive-through facility where the drive-through lane 134
passes through the physical permanent structure, including a 135
facility that has been issued either a C-1, C-2, or C-2x permit 136
under Chapter 4303. of the Revised Code. 137

(E) Nothing in this section shall be interpreted as an 138
exemption from the requirements of the "Americans with 139
Disabilities Act of 1990," 42 U.S.C.A. 12101. 140

Sec. 3781.99. (A) Whoever violates division (E) of section 141
3781.111 of the Revised Code shall be issued a warning for a 142
first offense. On each subsequent offense, the person shall be 143
fined twenty-five dollars for each parking location that is not 144
properly marked or whose markings are not properly maintained. 145

(B) Whoever violates this chapter or any rule adopted or 146
order issued pursuant to it that relates to the construction, 147
alteration, or repair of any building or the construction and 148
design of drive-through lanes under section 3781.113 of the 149
Revised Code, and the violation is not detrimental to the 150
health, safety, or welfare of any person shall be fined not more 151
than one hundred dollars. 152

(C) Whoever violates this chapter or any rule adopted or 153
order issued pursuant to it that relates to the construction, 154
alteration, or repair of any building or the construction and 155
design of drive-through lanes under section 3781.113 of the 156
Revised Code, and the violation is detrimental to the health, 157
safety, or welfare of any person, is guilty of a minor 158
misdemeanor. 159

Section 2. That existing sections 3781.03 and 3781.99 of 160
the Revised Code are hereby repealed. 161

Section 3. The act shall be known as the Megan's Way Out 162

Act .

163