

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 304**

**Representative Baldrige**

**Cosponsors: Representatives Young, T., Seitz, Bird, Sheehy, Jones, Stephens**



**A BILL**

To amend section 3737.82 and to enact section 1  
3781.21 of the Revised Code to amend the law 2  
regarding smoke alarms in residential premises. 3

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

**Section 1.** That section 3737.82 be amended and section 4  
3781.21 of the Revised Code be enacted to read as follows: 5

**Sec. 3737.82.** (A) The state fire marshal shall adopt a 6  
state fire code which shall consist of rules relating to all 7  
aspects of fire safety. The rules shall be the minimum standards 8  
for safeguarding life and property from fire and explosion, and 9  
the state fire marshal may, in adopting these rules, incorporate 10  
by reference existing published standards as well as amendments 11  
thereto subsequently published by the same authority. The state 12  
fire code shall include, but not be limited to, rules relating 13  
to the movable contents of any building, or class of buildings, 14  
the transportation, storage, location, and use of flammable or 15  
explosive materials, the procedures to be employed by persons in 16  
the event of fire, the installation and location of fire 17  
protection equipment, and other similar matters. 18

(B) (1) The state fire marshal shall adopt rules in the 19  
state fire code that include the requirements stated in division 20  
(C) of this section. 21

(2) The rules shall include exceptions that allow any of 22  
the following in place of sealed battery smoke alarms: 23

(a) Smoke alarms that receive power from the electrical 24  
system of a building; 25

(b) Smoke detectors, smoke alarms, and ancillary 26  
components that are electronically connected as part of a fire 27  
alarm system; 28

(c) Smoke detectors, smoke alarms, and ancillary 29  
components that use low-power radio frequency wireless 30  
communication signals; 31

(d) Smoke detectors, smoke alarms, and ancillary 32  
components that use wi-fi or other wireless local area 33  
networking capability to send and receive notifications to and 34  
from the internet, such as early low battery warnings before a 35  
critical low power level. 36

(C) Subject to the exceptions adopted pursuant to division 37  
(B) of this section, existing smoke alarms that do not receive 38  
power primarily from their building's electrical system and that 39  
are installed in residential occupancies to meet the state fire 40  
code's requirements shall be replaced with sealed battery smoke 41  
alarms when any of the following occurs: 42

(1) Ten years pass after an existing smoke alarm's date of 43  
manufacture or when an existing smoke alarm malfunctions or 44  
fails to respond to function tests. 45

(2) Ownership of owner-occupied residential premises 46

changes, and sealed battery smoke alarms that are within ten 47  
years of their date of manufacture are not already installed. 48

(3) A new tenant is scheduled to take possession of 49  
residential premises pursuant to a rental agreement, that is 50  
subject to Chapter 5321. of the Revised Code, and sealed battery 51  
smoke alarms that are within ten years of their date of 52  
manufacture are not already installed. 53

(4) Alterations or repairs requiring plan approval are 54  
made, and smoke alarms that receive power primarily from the 55  
building's electrical system are not required as a result of 56  
those alterations or repairs. 57

(D) The state fire code may contain rules applicable to 58  
particular classes of existing buildings or structures as the 59  
use and occupancy of such buildings or structures suggest are 60  
necessary. The fire marshal may amend, modify, or repeal any 61  
rule of the state fire code. 62

(E) As used in this section, "sealed battery smoke alarm" 63  
and "smoke alarm" have the same meanings as in section 3781.21 64  
of the Revised Code. 65

**Sec. 3781.21.** (A) As used in this section: 66

(1) "Sealed battery smoke alarm" means a smoke alarm with 67  
a tamper resistant housing that is powered by a nonreplaceable, 68  
nonremovable energy source capable of powering the device for a 69  
minimum of ten years from the date of manufacture listed on the 70  
device. 71

(2) "Smoke alarm" means an assembly that contains a smoke 72  
detector and an alarm-sounding device that activates after the 73  
incorporated smoke detector senses particles of combustion. 74

(3) "Smoke detector" means a device that senses visible or invisible particles of combustion and that alerts another device to sound an alarm. 75  
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(B)(1) The board of building standards shall adopt rules in the nonresidential building code and residential building code that include the requirements stated in division (C) of this section. 78  
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(2) The rules shall include exceptions that allow any of the following in place of sealed battery smoke alarms: 82  
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(a) Smoke alarms that receive power from the electrical system of a building. 84  
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(b) Smoke detectors, smoke alarms, and ancillary components that are electronically connected as part of a fire alarm system. 86  
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(c) Smoke detectors, smoke alarms, and ancillary components that use low-power radio frequency wireless communication signals; 89  
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(d) Smoke detectors, smoke alarms, and ancillary components that use wi-fi or other wireless local area networking capability to send and receive notifications to and from the internet, such as early low battery warnings before a critical low power level. 92  
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(C) Existing smoke alarms that do not receive power primarily from their building's wiring and that are installed in residential occupancies to meet the nonresidential building code's and residential building code's requirements shall be replaced with sealed battery smoke alarms when any of the following occurs: 97  
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(1) Ten years pass after an existing smoke alarm's date of 103  
manufacture or when an existing smoke alarm malfunctions or 104  
fails to respond to function tests. 105

(2) Ownership of owner-occupied residential premises 106  
changes, and sealed battery smoke alarms that are within ten 107  
years of their date of manufacture are not already installed. 108

(3) A new tenant is scheduled to take possession of 109  
residential premises pursuant to a rental agreement, that is 110  
subject to Chapter 5321. of the Revised Code, and sealed battery 111  
smoke alarms that are within ten years of their date of 112  
manufacture are not already installed. 113

(4) Alterations or repairs requiring plan approval are 114  
made, and smoke alarms that receive power primarily from the 115  
building's wiring are not required as a result of those 116  
alterations or repairs. 117

(D) Section 314.1.2 of rule 4101:8-3-01 of the 118  
Administrative Code is void, effective June 30, 2022. 119

**Section 2.** That existing section 3737.82 of the Revised 120  
Code is hereby repealed. 121