

As Reported by the House Commerce and Labor Committee

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