

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 65

Representatives Callender, Fowler Arthur

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 19
charged for such certificates. A certificate shall be granted, 20
renewed, or revoked according to rules the fire marshal shall 21
adopt. 22

(D) Establish minimum standards of flammability for 23
consumer goods in any case where the federal government or any 24
department or agency thereof has established, or may from time 25
to time establish standards of flammability for consumer goods. 26
The standards established by the fire marshal shall be identical 27
to the minimum federal standards. 28

In any case where the federal government or any department 29
or agency thereof, establishes standards of flammability for 30
consumer goods subsequent to the adoption of a flammability 31
standard by the fire marshal, standards previously adopted by 32
the fire marshal shall not continue in effect to the extent such 33
standards are not identical to the minimum federal standards. 34

With respect to the adoption of minimum standards of 35
flammability, this division shall supersede any authority 36
granted a political subdivision by any other section of the 37
Revised Code. 38

(E) Establish minimum standards pursuant to section 39
5104.05 of the Revised Code for fire prevention and fire safety 40
in child day-care centers and in type A family day-care homes, 41
as defined in section 5104.01 of the Revised Code. 42

(F) Establish minimum standards for fire prevention and 43
safety in a residential facility licensed under section 5119.34 44
of the Revised Code that provides accommodations, supervision, 45
and personal care services for three to sixteen unrelated 46
adults. The fire marshal shall adopt the rules under this 47

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