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H.B. 304
134th General Assembly

Bill Analysis

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Version: As Passed by the House

Primary Sponsor: Rep. Baldrige

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SUMMARY

- Requires the State Fire Marshal and Board of Building Standards to adopt rules requiring installation of sealed battery smoke alarms, with a ten-year battery life, in residential buildings upon certain events.
- Requires the rules to provide exceptions allowing other specified devices to be used in place of sealed battery smoke alarms.

DETAILED ANALYSIS

The bill requires the State Fire Marshal and the Board of Building Standards to adopt rules requiring installation of sealed battery smoke alarms in residential buildings after particular events occur. A “**sealed battery smoke alarm**” is a smoke alarm with a tamper resistant housing that is powered by a nonreplaceable and nonremovable energy source capable of powering the device for at least ten years. A “**smoke alarm**” is an assembly that combines both a “**smoke detector**,” which senses combustion and alerts another device to sound an alarm, and the alarm that sounds after receiving a signal from the smoke detector.¹

The rules required by the bill must be included in the State Fire Code, the Nonresidential Building Code, and the Residential Building Code and apply to residential buildings that rely on battery operated, as opposed to hard-wired, smoke detectors to meet the State Fire Code’s standards. Those rules must require sealed battery smoke detectors upon any of the following events:

- Ten years pass from an existing smoke alarm’s date of manufacture;
- An existing smoke alarm malfunctions or fails to respond to a function test;

¹ R.C. 3737.82(E) and 3781.21(A).

- Ownership of owner-occupied residential premises changes, and sealed battery smoke alarms that are less than ten years old are not already installed;
- A new tenant is scheduled to take possession of premises pursuant to a rental agreement subject to the Ohio Landlord-Tenant Act and sealed battery smoke alarms that are less than ten years old are not already installed;
- Alterations or repairs requiring plan approval are made and smoke alarms that are hard-wired into the building's electrical supply are not required as a result of those alterations or repairs.²

The bill also requires the State Fire Marshal and Board of Building Standards to include exceptions for specified types of smoke alarms or detectors. Those exceptions must allow:

- Smoke alarms that receive power from the electrical system of a building;
- Smoke alarms, smoke detectors, and ancillary components that:
 - Are electronically connected as part of a fire alarm system;
 - Use low-power radio frequency wireless communication signals; or
 - 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.³

Once adopted, the rules imposing those new standards will be enforced through the normal enforcement procedures under continuing law for the Ohio Fire Code and the Residential and Nonresidential Building Codes. Actions taken with respect to the Ohio Fire Code may include the issuance of citations or notices to remedy in lieu of citations, orders to vacate the premises, actions for injunctions, stop work orders, civil penalties of up to \$1,000, and misdemeanor convictions for knowing violations. With respect to the building codes, enforcement actions may include stop work orders, denial of certificates of occupancy, fines of up to \$500, and misdemeanor convictions.⁴

The bill also voids, starting June 30, 2022, the existing regulation adopted by the Board of Building Standards regarding the type of smoke alarm technology required. This rule generally requires smoke alarms utilizing photoelectric and ionization technologies to be installed.⁵

² R.C. 3737.82(B)(1) and (C) and 3781.21(B)(1) and (C).

³ R.C. 3737.82(B)(2) and 3781.21(B)(2).

⁴ R.C. 3737.42, 3737.43, 3737.51, 3737.99, 3791.04, and 3791.99 and Ohio Administrative Code (O.A.C.) 1301:7-7-01, 4101:1-1-01, and 4101:8-1-01, not in the bill.

⁵ R.C. 3781.21(D); O.A.C. 4101:8-3-01, Section 314.1.2.

HISTORY

Action	Date
Introduced	05-11-21
Reported, H. Commerce and Labor	02-01-22
Passed, House (79-14)	02-09-22
