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S.B. 112  
135<sup>th</sup> General Assembly

## Bill Analysis

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**Version:** As Passed by Senate

**Primary Sponsor:** Sen. Rulli

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### SUMMARY

- Requires protective door assemblies in certain school buildings to comply with the standards of the 2015 National Life Safety Code (NFPA 101) developed by the National Fire Protection Association, or similar standards in effect at the time the protective door assembly was installed.
- Requires school governing authorities to verify compliance of those protective door assemblies by causing an annual inspection to be conducted by a qualified inspector.
- Requires school governing authorities to maintain records of those inspections.
- Requires the authority having jurisdiction to annually inspect those records to monitor compliance with the bill's requirements.
- Requires the authority having jurisdiction to issue a citation to a school governing authority if a protective door assembly in a school building remains noncompliant with the applicable standards more than 18 months after the first failed inspection, or more than 180 days following a subsequent failed inspection, and the school governing authority is not actively taking steps to achieve compliance.
- Prohibits the authority having jurisdiction from assessing a civil penalty or fine with the citation but requires the school governing authority to post the citation on its website.
- Allows a school governing authority to appeal a citation under the bill in the same manner as other Ohio Fire Code citations and penalties.
- Specifies that a temporary door-locking device in compliance with rules adopted by the Fire Marshal is compliant for the purposes of the inspections, regardless of any contrary standards of NFPA 101.
- Requires the State Fire Marshal to adopt rules necessary to implement the bill's requirements.
- Names the bill the "Ohio Childhood Safety Act."

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## DETAILED ANALYSIS

### Overview

The bill requires all protective door assemblies in school buildings to comply with the National Life Safety Code (NFPA 101) developed by the National Fire Protection Association or other similar standards. If the protective door assembly was installed in 2015 or after, it must comply with the 2015 NFPA 101 or other standards required by the Ohio Building Code (OBC). If the protective door assembly was installed prior to 2015, it must comply with the NFPA 101 that was in effect on the date the protective door assembly was installed. If the protective door assembly was installed before the NFPA 101 was published and in effect, it must comply with the OBC in effect at the time of installation.<sup>1</sup>

According to the Department of Commerce, the NFPA 101 is not referenced in, or incorporated into the OBC or Ohio Fire Code (OFC) for new school buildings, except for a life safety evaluation that is required for certain assembly occupancies. Therefore, while there may be some overlap between NFPA 101 and the existing OBC and OFC, the bill mandates a new standard for compliance for protective door assemblies in school buildings.

The bill defines “protective door assemblies” as:

- Doors with panic hardware or fire exit hardware;
- Door assemblies in exit enclosures;
- Electricity controlled egress doors; and
- Door assemblies with special locking arrangements, such as delayed egress, sensor release egress doors, and elevator lobby doors.<sup>2</sup>

The bill requires annual inspections of those protective door assemblies and requires the authority having jurisdiction to issue a citation to school governing authorities that do not, within a specified time after a failed inspection, either achieve compliance with the applicable standards or demonstrate active steps towards achieving compliance.<sup>3</sup>

### School buildings

The bill applies to structures used by a school governing authority for the instruction of students (“school buildings”). Under the bill, a “school governing authority” is the board of education of a school district, the governing authority of a chartered nonpublic school, the governing authority of a community school, the governing body of a STEM school, or the board of trustees of a college-preparatory boarding school.<sup>4</sup>

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<sup>1</sup> R.C. 3737.07(B)(2).

<sup>2</sup> R.C. 3737.07(A)(2) and (3).

<sup>3</sup> R.C. 3737.07(B), (H), and (I).

<sup>4</sup> R.C. 3737.07(A)(5) and (6).

## Inspections

The bill requires all school governing authorities to have each protective door assembly in their school buildings inspected every 12 months by a qualified inspector. The bill defines “qualified inspector” as a person with the requisite degree, certification, professional standing, skill, knowledge, training, and experience to evaluate compliance of a particular protective door assembly with NFPA 101 or other applicable standards. Following the inspection, the inspector must provide a report to the school governing authority that indicates whether the protective door assembly is in compliance with those standards and, if not, whether such noncompliance poses a serious risk of a fire or life safety hazard.

If the protective door assembly is compliant, the school governing authority need not take further action until the next inspection. If the protective door assembly is not compliant, the school governing authority must take all necessary steps to achieve compliance. After completing those steps, the school governing authority must cause another inspection of the protective door assembly. If the protective door assembly fails the subsequent inspection, the process repeats until the protective door assembly is fully compliant with the applicable standards.<sup>5</sup>

Depending on the size of the school building, the areas of expertise of an inspector, scheduling, and numerous other factors, a school governing authority may hire one qualified inspector to inspect all protective door assemblies in the school building or it may divide the work among multiple qualified inspectors. The bill specifies that a qualified inspector who inspects more than one protective door assembly in the same school building may combine the results of the inspections into one report. However, the report must clearly indicate which protective door assemblies are in compliance with the applicable standards and which, if any, are not.<sup>6</sup>

## Records

The bill requires school governing authorities to maintain records that verify the protective door assembly inspections required by the bill. Annually, beginning 18 months after the bill’s effective date, the authority having jurisdiction must inspect those records to assess the school governing authority’s compliance with the bill and, if merited, issue citations.<sup>7</sup>

## Citations

The bill requires the authority having jurisdiction to issue a citation if it determines, based on the records of a school governing authority, that a protective door assembly in a school building is not fully compliant with the applicable standards within 18 months after the first failed inspection, or within 180 days after a subsequent failed inspection, and the school governing authority is not actively taking steps to achieve compliance. Each noncompliant

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<sup>5</sup> R.C. 3737.07(A)(4), (B), (C), (D), (F), and (G).

<sup>6</sup> R.C. 3737.07(J).

<sup>7</sup> R.C. 3737.07(E) and (H)(1).

protective door assembly that meets those criteria is a separate violation and subject to an additional citation. However, the bill explicitly requires that no citation be issued to a school governing authority that is actively taking steps towards compliance, regardless of whether the protective door assemblies in the school building have actually achieved compliance. Furthermore, the bill prohibits any civil penalty or fine from being assessed with the citation.<sup>8</sup>

A school governing authority that receives a citation for a noncompliant protective door assembly must post the citation on its public website. The school governing authority may remove the posting once the protective door assembly is made compliant and this is confirmed by an inspection.<sup>9</sup> The bill prohibits the authority having jurisdiction from issuing a notice in lieu of citation. A notice in lieu of citation is an option available to the Fire Marshal under continuing law for de minimis violations that have no direct or immediate relationship to safety or health.<sup>10</sup>

## Appeals

Under continuing law, a person may appeal a citation or penalty issued by the Fire Marshal, an assistant Fire Marshal, or a certified fire safety inspector to the State Board of Building Appeals within 30 days after receiving notice of the citation. If the person does not receive a favorable outcome under the appeal with the Board of Building Appeals, then the person can appeal the order of the Board to the Court of Common Pleas within 30 days of the Board's decision. Under the bill, a school governing authority may appeal a citation issued by the authority having jurisdiction in this same manner.<sup>11</sup>

## Authority having jurisdiction

The bill defines "authority having jurisdiction" as "the organization, office, agency, or individual responsible for enforcing [the bill's] requirements." This seems to include the Fire Marshal, an assistant Fire Marshal, or a fire safety inspector.<sup>12</sup>

## Temporary door-locking device

The bill specifies that a temporary door-locking device in compliance with rules adopted by the Fire Marshal is compliant for the purposes of the inspections, regardless of any contrary standards of NFPA 101 or other applicable standards.<sup>13</sup>

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<sup>8</sup> R.C. 3737.07(H)(1) and (I), 3737.42, and 3737.51.

<sup>9</sup> R.C. 3737.07(H)(2).

<sup>10</sup> R.C. 3737.42(C).

<sup>11</sup> R.C. 3737.07(M); R.C. 3737.43, not in the bill.

<sup>12</sup> R.C. 3737.07(A)(1); R.C. 3737.01, not in the bill.

<sup>13</sup> R.C. 3737.07(L).

## Rules

The bill requires the State Fire Marshal to develop guidelines for the enforcement of NFPA 101, including the annual inspection of protective door assemblies within school buildings. The Fire Marshal must work in conjunction with the board of building standards to implement such requirements<sup>14</sup>

## Name

The bill names itself the “Ohio Childhood Safety Act.”<sup>15</sup>

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## HISTORY

Action	Date
Introduced	04-25-23
Reported, S. Education	06-12-24
Passed Senate (32-1)	06-12-24

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<sup>14</sup> R.C. 3737.07(K).

<sup>15</sup> Section 3 of the bill.