

HOUSE BILL 502

E4

4lr0837

By: **Delegates J. Long, Addison, Allen, Amprey, Boaf, Davis, Foley, Holmes, Lehman, Woods, and Young**

Introduced and read first time: January 24, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Fire Dampers, Smoke Dampers, Combination Fire Smoke**
3 **Dampers, and Smoke Control Systems**

4 FOR the purpose of establishing requirements for the installation, inspection, and testing
5 of fire dampers, smoke dampers, combination fire smoke dampers, and smoke control
6 systems; requiring the State Fire Prevention Commission as part of the State Fire
7 Code to adopt certain regulations relating to the technical specifications for the
8 installation of and the timing and technical specifications for the inspection and
9 testing of fire dampers, smoke dampers, combination fire smoke dampers, and smoke
10 control systems as well as requirements for inspection and testing professionals;
11 prohibiting a person from violating requirements for the installation, inspection, and
12 testing of fire dampers, smoke dampers, combination fire smoke dampers, and smoke
13 control systems; requiring the Department of General Services to conduct a certain
14 study of fire dampers, smoke dampers, and combination fire smoke dampers in
15 State-owned buildings; and generally relating to fire dampers, smoke dampers,
16 combination fire smoke dampers, and smoke control systems.

17 BY renumbering

18 Article – Public Safety

19 Section 9–1001 and the subtitle “Subtitle 10. Miscellaneous Provisions”

20 to be Section 9–1101 and the subtitle “Subtitle 11. Miscellaneous Provisions”

21 Annotated Code of Maryland

22 (2022 Replacement Volume and 2023 Supplement)

23 BY adding to

24 Article – Public Safety

25 Section 9–1001 through 9–1006 to be under the new subtitle “Subtitle 10. Fire
26 Dampers, Smoke Dampers, Combination Fire Smoke Dampers, and Smoke
27 Control Systems”

28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2022 Replacement Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 9–1001 and the subtitle “Subtitle 10. Miscellaneous Provisions” of Article – Public Safety of the Annotated Code of Maryland be renumbered to be Section(s) 9–1101 and the subtitle “Subtitle 11. Miscellaneous Provisions”.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Public Safety

SUBTITLE 10. FIRE DAMPERS, SMOKE DAMPERS, COMBINATION FIRE SMOKE DAMPERS, AND SMOKE CONTROL SYSTEMS.

9–1001.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COMBINATION FIRE SMOKE DAMPER” MEANS A DEVICE INSTALLED IN THE DUCTS AND AIR TRANSFER OPENINGS OF A BUILDING THAT IS DESIGNED TO CLOSE AUTOMATICALLY ON THE DETECTION OF HEAT AND SMOKE AND TO RESIST THE PASSAGE OF FLAME AND THE PASSAGE OF SMOKE.

(C) “FIRE DAMPER” MEANS A DEVICE INSTALLED IN THE DUCTS AND AIR TRANSFER OPENINGS OF A BUILDING THAT IS DESIGNED TO CLOSE AUTOMATICALLY ON THE DETECTION OF HEAT AND RESIST THE PASSAGE OF FLAME.

(D) “HOSPITAL” HAS THE MEANING STATED IN § 19–301 OF THE HEALTH – GENERAL ARTICLE.

(E) (1) “SMOKE CONTROL SYSTEM” MEANS AN ENGINEERED SYSTEM THAT USES METHODS INDIVIDUALLY OR IN COMBINATION TO MODIFY THE MOVEMENT OF SMOKE.

(2) “SMOKE CONTROL SYSTEM” INCLUDES ENGINEERED SYSTEMS THAT USE MECHANICAL FANS TO PRODUCE PRESSURE DIFFERENCES ACROSS SMOKE BARRIERS TO INHIBIT THE MOVEMENT OF SMOKE.

(F) “SMOKE DAMPER” MEANS A DEVICE INSTALLED IN THE DUCTS AND AIR TRANSFER OPENINGS OF A BUILDING THAT IS DESIGNED TO RESIST THE PASSAGE OF SMOKE.

1 **9-1002.**

2 **THE STATE FIRE MARSHAL, A COUNTY OR MUNICIPAL FIRE MARSHAL, A FIRE**
3 **CHIEF, THE BALTIMORE CITY FIRE DEPARTMENT, OR ANY OTHER DESIGNATED**
4 **AUTHORITY HAVING JURISDICTION SHALL ENFORCE THIS SUBTITLE.**

5 **9-1003.**

6 **EACH FIRE DAMPER, SMOKE DAMPER, COMBINATION FIRE SMOKE DAMPER,**
7 **OR SMOKE CONTROL SYSTEM INSTALLED SHALL:**

8 **(1) BE INSTALLED IN ACCORDANCE WITH ACCEPTED ENGINEERING**
9 **PRACTICES THAT MEET STANDARDS FOR THE INSTALLATION OF FIRE DAMPERS,**
10 **SMOKE DAMPERS, COMBINATION FIRE SMOKE DAMPERS, OR SMOKE CONTROL**
11 **SYSTEMS;**

12 **(2) MEET APPLICABLE NATIONAL FIRE PROTECTION ASSOCIATION**
13 **STANDARDS; AND**

14 **(3) BE APPROVED BY THE STATE FIRE MARSHAL OR LOCAL**
15 **AUTHORITY RESPONSIBLE FOR THE ADOPTION OF APPLICABLE FIRE PREVENTION**
16 **CODE STANDARDS.**

17 **9-1004.**

18 **(A) THE OWNER OF A BUILDING THAT IS EQUIPPED WITH FIRE DAMPERS,**
19 **SMOKE DAMPERS, OR COMBINATION FIRE SMOKE DAMPERS SHALL HAVE THE**
20 **DAMPERS INSPECTED AND TESTED:**

21 **(1) FOR A BUILDING WITH DAMPERS INSTALLED BEFORE OCTOBER 1,**
22 **2023, WITHIN 12 MONTHS AFTER OCTOBER 1, 2023;**

23 **(2) FOR A BUILDING WITH DAMPERS INSTALLED ON OR AFTER**
24 **OCTOBER 1, 2023, WITHIN 12 MONTHS AFTER INITIAL INSTALLATION; AND**

25 **(3) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,**
26 **FOLLOWING THE INITIAL INSPECTION AND TESTING UNDER ITEMS (1) AND (2) OF**
27 **THIS SUBSECTION:**

28 **(I) AT LEAST EVERY 4 YEARS FOR A BUILDING OTHER THAN A**
29 **HOSPITAL; AND**

30 **(II) AT LEAST EVERY 6 YEARS FOR A HOSPITAL.**

1 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE
2 OWNER OF A BUILDING THAT IS EQUIPPED WITH A SMOKE CONTROL SYSTEM SHALL
3 HAVE THE SMOKE CONTROL SYSTEM INSPECTED AND TESTED IN ACCORDANCE WITH
4 TIME PERIODS ESTABLISHED IN STANDARDS ADOPTED BY THE NATIONAL FIRE
5 PROTECTION ASSOCIATION.

6 (C) (1) THIS SUBSECTION DOES NOT APPLY TO A HOSPITAL.

7 (2) NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (A) OR
8 (B) OF THIS SECTION, A BUILDING MAY NOT BE REQUIRED TO UNDERGO INSPECTION
9 AND TESTING EARLIER THAN 4 YEARS FOLLOWING AN INITIAL OR A SUBSEQUENT
10 INSPECTION AND TESTING IF THE INDIVIDUAL CONDUCTING THE INSPECTION AND
11 TESTING CERTIFIES IN WRITING THAT SUBSEQUENT INSPECTION AND TESTING IS
12 NOT REQUIRED EARLIER.

13 (D) A BUILDING ENGINEER OR ANOTHER INDIVIDUAL KNOWLEDGEABLE
14 ABOUT THE BUILDING SYSTEM SHALL BE AVAILABLE IN PERSON OR BY PHONE
15 DURING THE INSPECTION AND TESTING REQUIRED UNDER SUBSECTIONS (A) AND (B)
16 OF THIS SECTION IN ORDER TO PROVIDE BUILDING AND SYSTEMS ACCESS
17 INFORMATION.

18 (E) THE OWNER OF A BUILDING THAT IS EQUIPPED WITH FIRE DAMPERS,
19 SMOKE DAMPERS, COMBINATION FIRE SMOKE DAMPERS, OR A SMOKE CONTROL
20 SYSTEM SHALL MAINTAIN FULL INSPECTION AND TESTING REPORTS ON THE
21 PREMISES AND MAKE ANY REPORT AVAILABLE ON REQUEST TO THE STATE FIRE
22 MARSHAL, COUNTY OR MUNICIPAL FIRE MARSHAL, A FIRE CHIEF, THE BALTIMORE
23 CITY FIRE DEPARTMENT, OR ANY OTHER DESIGNATED AUTHORITY HAVING
24 JURISDICTION.

25 (F) THE STATE FIRE PREVENTION COMMISSION SHALL ADOPT, AS PART OF
26 THE STATE FIRE PREVENTION CODE, REGULATIONS ESTABLISHING PROCEDURES
27 FOR THE INSPECTION AND TESTING OF FIRE DAMPERS, SMOKE DAMPERS,
28 COMBINATION FIRE SMOKE DAMPERS, OR SMOKE CONTROL SYSTEMS IN
29 ACCORDANCE WITH APPLICABLE TECHNICAL SPECIFICATIONS REQUIRED BY THE
30 NATIONAL FIRE PROTECTION ASSOCIATION.

31 9-1005.

32 (A) THE INSPECTION AND TESTING OF FIRE DAMPERS, SMOKE DAMPERS,
33 AND COMBINATION FIRE SMOKE DAMPERS REQUIRED UNDER THIS SUBTITLE SHALL
34 BE PERFORMED BY AN INDIVIDUAL LICENSED TO PROVIDE HEATING, VENTILATION,
35 AIR-CONDITIONING, AND REFRIGERATION SERVICES UNDER TITLE 9A, SUBTITLE 3

1 OF THE BUSINESS REGULATION ARTICLE WHO HAS A CURRENT, VALID FIRE AND
2 SMOKE DAMPER TECHNICIAN CERTIFICATION THAT IS ACCREDITED BY:

3 (1) THE AMERICAN NATIONAL STANDARDS INSTITUTE UNDER THE
4 ISO/IEC 17024 STANDARD; OR

5 (2) AN EQUIVALENT ACCREDITED STANDARD UNDER THE ISO/IEC
6 17024 STANDARD.

7 (B) THE INSPECTION AND TESTING OF A SMOKE CONTROL SYSTEM
8 REQUIRED UNDER THIS SUBTITLE SHALL BE PERFORMED BY:

9 (1) A FIRE PROTECTION ENGINEER;

10 (2) A MECHANICAL ENGINEER; OR

11 (3) A CERTIFIED AIR BALANCER THAT POSSESSES A VALID SMOKE
12 CONTROL SYSTEM TECHNICIAN CERTIFICATION THAT IS ACCREDITED BY THE
13 AMERICAN NATIONAL STANDARDS INSTITUTE UNDER THE ISO/IEC 17024
14 STANDARD.

15 (C) THE STATE FIRE PREVENTION COMMISSION SHALL ADOPT
16 REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

17 9-1006.

18 (A) A PERSON MAY NOT KNOWINGLY VIOLATE THIS SUBTITLE.

19 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
20 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 DAYS OR A
21 FINE NOT EXCEEDING \$1,000 OR BOTH.

22 SECTION 3. AND BE IT FURTHER ENACTED, That:

23 (a) The Department of General Services shall conduct a study of buildings owned
24 by the State that are equipped with fire dampers, smoke dampers, or combination fire
25 smoke dampers to:

26 (1) identify those buildings owned by the State with fire dampers, smoke
27 dampers, or combination fire smoke dampers in greatest need of repair or replacement; and

28 (2) make recommendations for achieving the necessary repair and
29 replacement of fire dampers, smoke dampers, or combination fire smoke dampers identified
30 by the Department.

1 (b) On or before December 31, 2025, the Department shall report its findings and
2 recommendations to the Governor and, in accordance with § 2-1257 of the State
3 Government Article, the General Assembly.

4 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2024.