

# HOUSE BILL 769

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CF SB 614

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By: **Delegates J. Long, Boafo, Charles, Foley, Guyton, Harris, Holmes, Pruski,  
Schmidt, Toles, Wells, Williams, and Woods**

Introduced and read first time: February 8, 2023

Assigned to: Environment and Transportation

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## 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 to adopt certain  
7 regulations relating to the technical specifications for the installation of and the  
8 timing and technical specifications for the inspection and testing of fire dampers,  
9 smoke dampers, combination fire smoke dampers, and smoke control systems as well  
10 as requirements for inspection and testing professionals; prohibiting a person from  
11 violating requirements for the installation, inspection, and testing of fire dampers,  
12 smoke dampers, combination fire smoke dampers, and smoke control systems; and  
13 generally relating to fire dampers, smoke dampers, combination fire smoke dampers,  
14 and smoke control systems.

15 BY renumbering

16 Article – Public Safety  
17 Section 9–1001 and the subtitle “Subtitle 10. Miscellaneous Provisions”  
18 to be Section 9–1101 and the subtitle “Subtitle 11. Miscellaneous Provisions”  
19 Annotated Code of Maryland  
20 (2022 Replacement Volume)

21 BY adding to

22 Article – Public Safety  
23 Section 9–1001 through 9–1006 to be under the new subtitle “Subtitle 10. Fire  
24 Dampers, Smoke Dampers, Combination Fire Smoke Dampers, and Smoke  
25 Control Systems”  
26 Annotated Code of Maryland  
27 (2022 Replacement Volume)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

7 **Article – Public Safety**

8 **SUBTITLE 10. FIRE DAMPERS, SMOKE DAMPERS, COMBINATION FIRE SMOKE**  
9 **DAMPERS, AND SMOKE CONTROL SYSTEMS.**

10 **9–1001.**

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

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

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

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

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

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

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

31 **9–1002.**

1           **THE STATE FIRE MARSHAL MAY ENFORCE THIS SUBTITLE.**

2   **9-1003.**

3           **EACH FIRE DAMPER, SMOKE DAMPER, COMBINATION FIRE SMOKE DAMPER,**  
4 **OR SMOKE CONTROL SYSTEM INSTALLED SHALL:**

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

9           **(2) MEET APPLICABLE NATIONAL FIRE PROTECTION ASSOCIATION**  
10 **STANDARDS; AND**

11           **(3) BE APPROVED BY THE STATE FIRE MARSHAL.**

12   **9-1004.**

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

16           **(1) FOR A BUILDING WITH DAMPERS INSTALLED BEFORE OCTOBER 1,**  
17 **2023, WITHIN 12 MONTHS AFTER OCTOBER 1, 2023;**

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

20           **(3) FOLLOWING THE INITIAL INSPECTION AND TESTING UNDER ITEMS**  
21 **(1) AND (2) OF THIS SUBSECTION:**

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

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

25           **(B) THE OWNER OF A BUILDING THAT IS EQUIPPED WITH A SMOKE CONTROL**  
26 **SYSTEM SHALL HAVE THE SMOKE CONTROL SYSTEM INSPECTED AND TESTED IN**  
27 **ACCORDANCE WITH TIME PERIODS ESTABLISHED IN STANDARDS ADOPTED BY THE**  
28 **NATIONAL FIRE PROTECTION ASSOCIATION.**

1           (C) A BUILDING ENGINEER OR ANOTHER INDIVIDUAL KNOWLEDGEABLE  
2 ABOUT THE BUILDING SYSTEM SHALL BE AVAILABLE IN PERSON OR BY PHONE  
3 DURING THE INSPECTION AND TESTING REQUIRED UNDER SUBSECTIONS (A) AND (B)  
4 OF THIS SECTION IN ORDER TO PROVIDE BUILDING AND SYSTEMS ACCESS  
5 INFORMATION.

6           (D) THE OWNER OF A BUILDING THAT IS EQUIPPED WITH FIRE DAMPERS,  
7 SMOKE DAMPERS, COMBINATION FIRE SMOKE DAMPERS, OR A SMOKE CONTROL  
8 SYSTEM SHALL MAINTAIN FULL INSPECTION AND TESTING REPORTS ON THE  
9 PREMISES AND MAKE ANY REPORT AVAILABLE ON REQUEST TO THE STATE FIRE  
10 MARSHAL.

11           (E) THE STATE FIRE PREVENTION COMMISSION SHALL ADOPT  
12 REGULATIONS TO ESTABLISH PROCEDURES FOR THE INSPECTION AND TESTING OF  
13 FIRE DAMPERS, SMOKE DAMPERS, COMBINATION FIRE SMOKE DAMPERS, OR SMOKE  
14 CONTROL SYSTEMS IN ACCORDANCE WITH APPLICABLE TECHNICAL  
15 SPECIFICATIONS AND TIME PERIODS REQUIRED BY THE NATIONAL FIRE  
16 PROTECTION ASSOCIATION.

17 **9-1005.**

18           (A) THE INSPECTION AND TESTING OF FIRE DAMPERS, SMOKE DAMPERS,  
19 AND COMBINATION FIRE SMOKE DAMPERS REQUIRED UNDER THIS SUBTITLE SHALL  
20 BE PERFORMED BY AN INDIVIDUAL LICENSED TO PROVIDE HEATING, VENTILATION,  
21 AIR-CONDITIONING, AND REFRIGERATION SERVICES UNDER TITLE 9A, SUBTITLE 3  
22 OF THE BUSINESS REGULATION ARTICLE WHO HAS A CURRENT, VALID FIRE AND  
23 SMOKE DAMPER TECHNICIAN CERTIFICATION THAT IS ACCREDITED BY:

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

26                   (2) AN EQUIVALENT ACCREDITED STANDARD UNDER THE ISO/IEC  
27 17024 STANDARD.

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

30                   (1) A FIRE PROTECTION ENGINEER;

31                   (2) A MECHANICAL ENGINEER; OR

32                   (3) A CERTIFIED AIR BALANCER THAT POSSESSES A VALID SMOKE  
33 CONTROL SYSTEM TECHNICIAN CERTIFICATION THAT IS ACCREDITED BY THE

1 AMERICAN NATIONAL STANDARDS INSTITUTE UNDER THE ISO/IEC 17024  
2 STANDARD.

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

5 9-1006.

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

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

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2023.