



State of Maryland
Department of State Police
Government Affairs Unit
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POSITION ON PROPOSED LEGISLATION

DATE: February 13, 2024

BILL NUMBER: House Bill 502 **Position:** Letter of Information

BILL TITLE: Public Safety – Fire Dampers, Smoke Dampers, Combination Fire Smoke Dampers, and Smoke Control Systems

REVIEW AND ANALYSIS:

This legislation seeks to establish requirements for the installation, inspection and testing of fire dampers, combination fire smoke dampers and smoke control systems. The State Fire Marshal or any other designated authority having jurisdiction shall conduct the inspections and enforcement.

House Bill 502 authorizes a certain list of individuals to enforce the provisions provided in the bill. However, this list is not consistent with how the Public Safety Article authorizes enforcement of the Fire Prevention Code or other fire safety requirements. As written, the bill adds in "fire chiefs" which are not part of any code enforcement authorization.

The devices described in the legislation are already required to meet certain specifications in order to comply with existing provisions of the State Fire Prevention Code and other safety codes. Reference was made to specifications stated in National Fire Protection Association (NFPA) 80, Standard for Fire Doors and Other Opening Protectives, for fire dampers; and to NFPA 105, Standard for Smoke Door Assemblies and Other Opening Protectives, for smoke dampers. This legislative requirement has been restated as 9-1003 (3) in the current bill. Consideration also should be given to revising the definition for "combination fire smoke damper stated in 9-1001 (B) to indicate that these devices are designed to close upon activation of fire "or" (not "and") smoke.

The requirements of 9-1004 (F) require the State Fire Prevention Commission adopt regulations establishing procedures for the inspection and testing of fire dampers, smoke dampers, combination fire/smoke dampers or smoke control systems in accordance with applicable technical specifications required by the NFPA. These regulations are unnecessary since provisions of the State Fire Prevention Code already establish these procedures through reference to the same applicable NFPA standards. Specifically, Section 5.4.8 of NFPA 90A, Standard for the Installation of Air-Conditioning and Ventilation Systems, already incorporates such requirements through reference to NFPA 80, Standard for Fire Doors and Other Opening Protectives, for the inspection, testing, and maintenance of fire dampers; and to NFPA 105, Standard for Smoke Door Assemblies and Other Opening Protectives, for the inspection, testing, and maintenance of smoke dampers.

Finally, 9-1002 charges the State Fire Marshal with enforcement of this Section. There is a concern that the Office of the state Fire Marshal is not currently staffed with adequate personnel or administrative means to perform such duties without additional resources.