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# State of New Hampshire

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2020-04	Law Changes Impacting Fire Code Enforcement			January 27, 2020
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## Informational Bulletin 2020-04 Law Changes Impacting Fire Code Enforcement

### Scope:

This bulletin consists of a synopsis of legislation enacted by the recent 2019 session of the NH Legislature and enacted by signature of the Governor. It consists only of new laws that will be of particular interest to fire code enforcement.

Each bill has an Effective Date, which we have included, below. You cannot enforce any law prior to its effective date!

The descriptions listed with the laws are not necessarily a direct quote of the legal language in the Bill but capture the meaning of the particular statute and changes from the prior law. You should familiarize yourself with the exact language, and you can do so by researching the applicable statute by using the following link which provides a table of contents for NH Statutes:

<http://www.gencourt.state.nh.us/rsa/html/nhtoc.htm>

### Summary of Changes:

#### Emergency Response Plans in Schools.

Amends RSA 189:64, I, to require chartered public schools as well as public schools to develop and file these plans, and increases from 2 to 4 the number of a school's annual fire drills to be emergency all-hazard drills, one of which must test emergency response to an armed assailant. That drill may be discussion-based. (a) The types of drills and exercises and how they take place must be determined by the school in conjunction with local public safety, emergency management, and public health officials. (b) The school may include students and first responders in drills and activities as appropriate. (c) The first drill must be conducted within one year of the plan's completion. (d) The School Board may submit a schematic diagram of the school facility to the Department of Safety's Division of Homeland Security and Emergency Management at its option. Effective Date: July 14, 2019.

#### Building Code Violations.

Amends RSA 153:14 and 155-A: 7. Any notice of violation issued by the State Fire Marshal or his representative shall include the relevant section of the State or Local fire code. Any notice of violation by an enforcement authority shall include such relevant section. Effective Date: August 4, 2019.

#### Relative to the State Fire Code.

Amends RSA 153:1, VI-a and enacts Chapter Law 186:2, laws of 2019. Updates the State Fire Code to include the 2015 edition of the Uniform Fire Code NFPA-1. Ratifies certain amendments to the State Fire Code made by the State Fire Marshal and the State Board of Fire Control, as provided in administrative rules Saf-C 6000. Effective Date: September 8, 2019.

### **State Building Code.**

Amends RSA 155-A, I and RSA 155-A: 10. Updates the definition of the State Building Code to include the 2015 editions of the International Building Code, the International Existing Building Code, the International Energy Conservation Code, and the International Residential Code. Adds the International Swimming Pool and Spa Code to the definition of the State Building Code. Ratifies certain amendments to the State Building Code adopted by the State Building Code Review Board. Did not ratify certain Building Code Review Board exhibits. Effective Date: September 15, 2019.

### **Adoption of Building Code and Fire Code Amendments.**

Amends RSA 155-A: 10, inserts a new section RSA 155-A: 11-b, and amends RSA 674:34. Allows appointment of alternate members of the Building Code Review Board. Revises the procedure for amending the State Building Code. Requires the BCRB to maintain a publicly accessible list of applicable building codes and amendments. Provides for an appeal to the BCRB from decisions of local building code appeals boards. Effective Date: August 11, 2019.

### **Mechanical Licensing Board.**

Amends RSA 153:27. Defines a fuel gas fitter as a hearth system installation and service technician, a domestic appliance technician, a fuel gas installation technician, a fuel gas service technician, or a fuel gas piping installer regulated by RSA 153:27. A fuel gas installation technician is a person engaged in the installation of inside and outside piping from the outlet of the gas meter or first stage regulator or residential and non-residential fuel gas appliances and equipment, including but not limited to heating equipment systems or water heating systems using LPG gas or natural gas. "Fuel gas trainee" is redefined to someone working under *direct* supervision of a licensed fuel gas fitter and includes the installation and repair of fuel gas appliances and equipment including but not limited to heating equipment systems, water heater systems, domestic appliances, or hearth equipment system using LPG or natural gas. Requires that a "plumbing apprentice" must comply with both RSA 278 and the rules of the Board. Firms engaging in plumbing and fuel gas fitting or installation must be properly licensed. Where a licensed domestic appliance technician, hearth system installation and service technician, fuel gas piping installer, fuel gas installation technician, gas service technician or master plumber is the sole holder of the business entity's license, no fee is required for the additional license(s). Any person licensed under RSA 319-C: 3 may perform work governed by their license on a gas appliance including the service shutoff valve. Any electrician licensed under RSA 153:27-38 may perform work governed by their license including final disconnecting means at the equipment or appliance. Effective Date: September 17, 2019.

### **Prohibiting the Sale of Certain Furniture and Carpeting with Flame Retardant Materials.**

Inserts a new RSA Chapter 359-Q. This is a concept that on the national level, the National Association of Fire Marshals has backed for a number of years. It defines a flame-retardant chemical as a chemical or compound for which a functional use is to resist or inhibit the spread of fire. (a) It includes but is not limited to halogenated, phosphorous-based, and nitrogen-based and nano-scale flame retardants and any chemical or compound for which "flame retardant" appears on the substance safety data sheet. (b) "Upholstered furniture" means for residential indoor use in a home or dwelling for residential occupancy consisting in whole or in part of resilient cushioning materials enclosed with a covering of fabric or related materials. (c) No person shall sell, offer for sale, or distribute for promotional purposes, import for sale or sell to a customer in NH, or manufacture for sale in NH, upholstered furniture if the fabric contains materials of more than 0.1% of a flame-retardant chemical or of a mixture that includes flame-retardant chemicals. (d) Violations are an unfair or deceptive act or practice within the consumer protection laws, and will be enforced accordingly. (e) The following are exempted from this law: Used or antique upholstered furniture; upholstered furniture purchased for public use in public facilities such as schools, jails and hospitals required by fire codes to meet specific flammability standards which cannot be met with the use of flame retardants, and furniture used or imported into NH for sale or distribution here prior to 1/1/2021. Effective Date: January 1, 2020.