

Senate Executive Departments and Administration Committee

Ben Mickens 271-1403

SB 494-FN, relative to the state fire code, fire incident reporting and investigations, and the duties of the state fire marshal.

Hearing Date: January 14, 2026

Time Opened: 10:21 a.m.

Time Closed: 10:37 a.m.

Members of the Committee Present: Senators Reardon, Pearl, McGough and Gannon

Members of the Committee Absent : Senator Altschiller

Bill Analysis: This bill:

I. Updates the version of the fire code and ratifies all amendments reviewed and approved by the board of fire control as of December 31, 2025.

II. Modifies the procedures for the reporting and investigation of fires.

III. Adds additional duties to the state fire marshal.

IV. Allows the office of professional licensure and certification to share with the fire marshal business contact information for licensees and past licensees of the mechanical safety and licensing board to aid certain inspectors appointed by the fire marshal or department of safety.

This bill is a request of the state fire marshal's office.

Sponsors:

Sen. Pearl

Sen. Gannon

Sen. McGough

Rep. Layon

Rep. Slottje

Rep. Thibault

Rep. Schmidt

Who supports the bill: Senator Howard Pearl, Senator Tim McGough, Sean Toomey (SFMO), Adam Schmidt (NH Association of Fire Chiefs), Steve Rancourt (ECBA), Philip Jasak (NH Home Builders)

Who opposes the bill: Daniel Richardson

Who is neutral on the bill: Nick Frye (OPLC)

Summary of testimony presented in support:

Senator Howard Pearl

- This bill updates fire code, modifies procedures, adds more duties for fire marshall, and OPLC allowances.
- The amendment will help allow for investigators who are being moved from OPLC to Fire Marshall's to continue to do their jobs effectively.

Sean Toomey, State Fire Marshall (DOS)

- This bill contains all the proposed rules, almost all are carryover from current rules with some formatting changes.
- The bill also keeps Fire Code up to date on their three-year renewal cycle. The board tried to address any changes needed for NH not otherwise included.
- One large change had to do with Carbon Monoxide alarm issues as well. This would add apartments, although that requirement also exists in statute.
- Additionally, this addresses instant reporting and investigations. We have launched into a new reporting system coming as a part of a national program. We are working with Fire Chiefs to implement this modernization.
- The amendment helps clarify inspectors procedures and again with reference to carbon monoxide deaths.
- The mechanical inspection fees needed to be update so it was clear those fees flow to the Fire Marshall's office.
- The electrical inspection fees needed to be updated for clarity of authority, and allow us to charge fees when we are needed to come in and inspect when local authorities not available
- On a permanent inspection at the local level, the Fire Marshall can go out and do on behalf of local officials. This could be a help at the local level.
- Information sharing is also a concern. One could log in and get plenty of information on an inspector. It has been hard to get the relevant data. We are relying on google rather than OPLC data bases to get information regarding relevant parties. Similar language exists with DHHS for proper information sharing. The amendment should help with that.

Steven Rancourt, Executive Director (Electrical Contractor's Business Association)

- Mostly here to speak on the amendment.
- Current data access is quite limited for fire marshal and others
- We believed the wording wouldn't get any private information, we do not want it.
- We do only want limited data such as business contacts and identifying factors.
- We are happy to work with OPLC to make everyone happy.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Nick Frey, General Counsel, (OPLC)

- We have no position on the bill overall but wanted to go through some operational questions and concerns on the amendment.
- Largest concern: More refined language is needed regarding the data which is needed, in reference to the amendment. What information is being requested? It is probably too broad currently. Disciplinary actions are retained indefinitely and may get caught by the language as is. OPLC would need to, potentially, go through archives if the language is too broad.

Senator Pearl asked if OPLC had any language for the committee to address these concerns.

Mr. Frey Not at this time. We need more clarity on what the goal is Re: information needed by fire marshals when going through inspections. We also want to be sure confidentiality exists as it does in other places (?) Certain exemptions exists in other places.

Senator Pearl asked if the committee could get all this into specific language so the legislation can move through. The concerns are about specifying about data and procedures?

Mr. Frey Yes. We will get language back quickly.