

As Reported by the Senate Veterans and Public Safety Committee

134th General Assembly

Regular Session

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Sub. H. B. No. 172

Representatives Baldrige, O'Brien

Cosponsors: Representatives Seitz, Riedel, Click, Kick, Lipps, Miller, J., Cutrona, Bird, Carruthers, Lepore-Hagan, Loychik, McClain, Miller, A., Roemer, Stewart, Speaker Cupp

A BILL

To amend sections 3743.01, 3743.04, 3743.08, 1
3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 2
3743.57, 3743.59, 3743.60, 3743.61, 3743.63, 3
3743.65, 3743.75, 3743.80, 3743.99, and 5703.21 4
and to enact sections 3743.021, 3743.041, 5
3743.151, 3743.171, 3743.22, 3743.26, 3743.27, 6
3743.28, 3743.29, 3743.451, 3743.46, 3743.47, 7
and 3743.67 of the Revised Code to revise the 8
Fireworks Law and to declare an emergency. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3743.01, 3743.04, 3743.08, 10
3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 3743.57, 3743.59, 11
3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 3743.80, 3743.99, 12
and 5703.21 be amended and sections 3743.021, 3743.041, 13
3743.151, 3743.171, 3743.22, 3743.26, 3743.27, 3743.28, 3743.29, 14
3743.451, 3743.46, 3743.47, and 3743.67 of the Revised Code be 15
enacted to read as follows: 16

Sec. 3743.01. As used in this chapter: 17

(A) "Beer" and "intoxicating liquor" have the same	18
meanings as in section 4301.01 of the Revised Code.	19
(B) "Booby trap" means a small tube that has a string	20
protruding from both ends, that has a friction-sensitive	21
composition, and that is ignited by pulling the ends of the	22
string.	23
(C) "Cigarette load" means a small wooden peg that is	24
coated with a small quantity of explosive composition and that	25
is ignited in a cigarette.	26
(D) (1) "1.3G fireworks" means display fireworks consistent	27
with regulations of the United States department of	28
transportation as expressed using the designation "division 1.3"	29
in Title 49, Code of Federal Regulations.	30
(2) "1.4G fireworks" means consumer fireworks consistent	31
with regulations of the United States department of	32
transportation as expressed using the designation "division 1.4"	33
in Title 49, Code of Federal Regulations.	34
(E) "Controlled substance" has the same meaning as in	35
section 3719.01 of the Revised Code.	36
(F) "Fireworks" means any composition or device prepared	37
for the purpose of producing a visible or an audible effect by	38
combustion, deflagration, or detonation, except ordinary matches	39
and except as provided in section 3743.80 of the Revised Code.	40
(G) "Fireworks plant" means all buildings and other	41
structures in which the manufacturing of fireworks, or the	42
storage or sale of manufactured fireworks by a manufacturer,	43
takes place.	44
(H) <u>"Fountain device" means a specific type of 1.4G</u>	45

<u>firework that meets all of the following criteria:</u>	46
<u>(1) It is nonaerial and nonreport producing.</u>	47
<u>(2) It is recognized and manufactured in accordance with sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition).</u>	48 49
<u>(3) It is a ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke.</u>	50 51 52 53 54
<u>(4) It contains not more than seventy-five grams of the nonexplosive pyrotechnic mixture in any individual tube and not more than five hundred grams or less for multiple tubes.</u>	55 56 57
<u>(I) "Highway" means any public street, road, alley, way, lane, or other public thoroughfare.</u>	58 59
(I) <u>(J) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to sections 3743.50 to 3743.55 of the Revised Code.</u>	60 61 62
(J) <u>(K) "Licensed fountain device retailer" or "licensed retailer" means a person licensed pursuant to section 3743.26 of the Revised Code.</u>	63 64 65
<u>(L) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to sections 3743.02 to 3743.08 of the Revised Code.</u>	66 67 68
(K) <u>(M) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to sections 3743.15 to 3743.21 of the Revised Code.</u>	69 70 71
(L) <u>(N) "List of licensed exhibitors" means the list</u>	72

required by division (C) of section 3743.51 of the Revised Code.	73
(M) <u>(O)</u> "List of licensed manufacturers" means the list	74
required by division (C) of section 3743.03 of the Revised Code.	75
(N) <u>(P)</u> "List of licensed wholesalers" means the list	76
required by division (C) of section 3743.16 of the Revised Code.	77
(O) <u>(Q)</u> "Manufacturing of fireworks" means the making of	78
fireworks from raw materials, none of which in and of themselves	79
constitute a fireworks, or the processing of fireworks.	80
(P) <u>(R)</u> "Navigable waters" means any body of water	81
susceptible of being used in its ordinary condition as a highway	82
of commerce over which trade and travel is or may be conducted	83
in the customary modes, but does not include a body of water	84
that is not capable of navigation by barges, tugboats, and other	85
large vessels.	86
(Q) <u>(S)</u> "Novelties and trick noisemakers" include the	87
following items:	88
(1) Devices that produce a small report intended to	89
surprise the user, including, but not limited to, booby traps,	90
cigarette loads, party poppers, and snappers;	91
(2) Snakes or glow worms;	92
(3) Smoke devices;	93
(4) Trick matches.	94
(R) <u>(T)</u> "Party popper" means a small plastic or paper item	95
that contains not more than sixteen milligrams of friction-	96
sensitive explosive composition, that is ignited by pulling a	97
string protruding from the item, and from which paper streamers	98
are expelled when the item is ignited.	99

~~(S)~~ (U) "Processing of fireworks" means the making of 100
fireworks from materials all or part of which in and of 101
themselves constitute a fireworks, but does not include the mere 102
packaging or repackaging of fireworks. 103

~~(T)~~ (V) "Railroad" means any railway or railroad that 104
carries freight or passengers for hire, but does not include 105
auxiliary tracks, spurs, and sidings installed and primarily 106
used in serving a mine, quarry, or plant. 107

~~(U)~~ (W) "Retail sale" or "sell at retail" means a sale of 108
fireworks to a purchaser who intends to use the fireworks, and 109
not resell them. 110

~~(V)~~ (X) "Smoke device" means a tube or sphere that 111
contains pyrotechnic composition that, upon ignition, produces 112
white or colored smoke as the primary effect. 113

~~(W)~~ (Y) "Snake or glow worm" means a device that consists 114
of a pressed pellet of pyrotechnic composition that produces a 115
large, snake-like ash upon burning, which ash expands in length 116
as the pellet burns. 117

~~(X)~~ (Z) "Snapper" means a small, paper-wrapped item that 118
contains a minute quantity of explosive composition coated on 119
small bits of sand, and that, when dropped, implodes. 120

~~(Y)~~ (AA) "Trick match" means a kitchen or book match that 121
is coated with a small quantity of explosive composition and 122
that, upon ignition, produces a small report or a shower of 123
sparks. 124

~~(Z)~~ (BB) "Wire sparkler" means a sparkler consisting of a 125
wire or stick coated with a nonexplosive pyrotechnic mixture 126
that produces a shower of sparks upon ignition and that contains 127
no more than one hundred grams of this mixture. 128

(AA) <u>(CC)</u> "Wholesale sale" or "sell at wholesale" means a	129
sale of fireworks to a purchaser who intends to resell the	130
fireworks so purchased.	131
(BB) <u>(DD)</u> "Licensed premises" means the real estate upon	132
which a licensed manufacturer or wholesaler of fireworks	133
conducts business.	134
(CC) <u>(EE)</u> "Licensed building" means a building on the	135
licensed premises of a licensed manufacturer or wholesaler of	136
fireworks that is approved for occupancy by the building	137
official having jurisdiction.	138
(DD) <u>(FF)</u> "Fireworks incident" means any action or	139
omission that occurs at a fireworks exhibition, that results in	140
injury or death, or a substantial risk of injury or death, to	141
any person, and that involves either of the following:	142
(1) The handling or other use, or the results of the	143
handling or other use, of fireworks or associated equipment or	144
other materials;	145
(2) The failure of any person to comply with any	146
applicable requirement imposed by this chapter or any applicable	147
rule adopted under this chapter.	148
(EE) <u>(GG)</u> "Discharge site" means an area immediately	149
surrounding the mortars used to fire aerial shells.	150
(FF) <u>(HH)</u> "Fireworks incident site" means a discharge site	151
or other location at a fireworks exhibition where a fireworks	152
incident occurs, a location where an injury or death associated	153
with a fireworks incident occurs, or a location where evidence	154
of a fireworks incident or an injury or death associated with a	155
fireworks incident is found.	156

~~(GG)~~ (II) "Storage location" means a single parcel or 157
contiguous parcels of real estate approved by the state fire 158
marshal pursuant to division (I) of section 3743.04 of the 159
Revised Code or division (F) of section 3743.17 of the Revised 160
Code that are separate from a licensed premises containing a 161
retail showroom, and which parcel or parcels a licensed 162
manufacturer or wholesaler of fireworks may use only for the 163
distribution, possession, and storage of fireworks in accordance 164
with this chapter. 165

Sec. 3743.021. Notwithstanding the deadline in division 166
(A) of section 3743.02 of the Revised Code, any person who 167
wishes to be a licensed manufacturer of fireworks in this state 168
on January 1, 2023, and who does not already hold a license as a 169
manufacturer of fireworks that will run through that date, may 170
submit an application for licensure, pursuant to section 3743.02 171
of the Revised Code, not later than November 1, 2022. 172

Sec. 3743.04. (A) The license of a manufacturer of 173
fireworks is effective for one year beginning on the first day 174
of December, and the state fire marshal shall issue or renew a 175
license only on that date and at no other time. If a 176
manufacturer of fireworks wishes to continue manufacturing 177
fireworks at the designated fireworks plant after its then 178
effective license expires, it shall apply no later than the 179
first day of October for a new license pursuant to section 180
3743.02 of the Revised Code. The state fire marshal shall send a 181
written notice of the expiration of its license to a licensed 182
manufacturer at least three months before the expiration date. 183

(B) If, during the effective period of its licensure, a 184
licensed manufacturer of fireworks wishes to construct, locate, 185
or relocate any buildings or other structures on the premises of 186

its fireworks plant, to make any structural change or renovation 187
in any building or other structure on the premises of its 188
fireworks plant, to change the nature of its manufacturing of 189
fireworks so as to include the processing of fireworks, or to 190
relocate its fireworks plant to a new licensed premises, the 191
manufacturer shall notify the state fire marshal in writing. The 192
state fire marshal may require a licensed manufacturer also to 193
submit documentation, including, but not limited to, plans 194
covering the proposed construction, location, relocation, 195
structural change or renovation, change in manufacturing of 196
fireworks, or new licensed premises, if the state fire marshal 197
determines the documentation is necessary for evaluation 198
purposes in light of the proposed construction, location, 199
relocation, structural change or renovation, change in 200
manufacturing of fireworks, or new licensed premises. 201

Upon receipt of the notification and additional 202
documentation required by the state fire marshal, the state fire 203
marshal shall inspect the existing premises of the fireworks 204
plant, or proposed new licensed premises, to determine if the 205
proposed construction, location, relocation, structural change 206
or renovation, change in manufacturing of fireworks, or new 207
licensed premises conform to sections 3743.02 to 3743.08 of the 208
Revised Code and the rules adopted by the state fire marshal 209
pursuant to section 3743.05 of the Revised Code. The state fire 210
marshal shall issue a written authorization to the manufacturer 211
for the construction, location, relocation, structural change or 212
renovation, change in manufacturing of fireworks, or new 213
licensed premises, if the state fire marshal determines, upon 214
the inspection and a review of submitted documentation, that the 215
construction, location, relocation, structural change or 216
renovation, change in manufacturing of fireworks, or new 217

licensed premises conform to those sections and rules. Upon 218
authorizing a change in manufacturing of fireworks to include 219
the processing of fireworks, the state fire marshal shall make 220
notations on the manufacturer's license and in the list of 221
licensed manufacturers in accordance with section 3743.03 of the 222
Revised Code. 223

On or before June 1, 1998, a licensed manufacturer shall 224
install, in every licensed building in which fireworks are 225
manufactured, stored, or displayed and to which the public has 226
access, interlinked fire detection, smoke exhaust, and smoke 227
evacuation systems that are approved by the superintendent of 228
industrial compliance, and shall comply with floor plans showing 229
occupancy load limits and internal circulation and egress 230
patterns that are approved by the state fire marshal and 231
superintendent, and that are submitted under seal as required by 232
section 3791.04 of the Revised Code. Notwithstanding section 233
3743.59 of the Revised Code, the construction and safety 234
requirements established in this division are not subject to any 235
variance, waiver, or exclusion. 236

(C) The license of a manufacturer of fireworks authorizes 237
the manufacturer to engage only in the following activities: 238

(1) The manufacturing of fireworks on the premises of the 239
fireworks plant as described in the application for licensure or 240
in the notification submitted under division (B) of this 241
section, except that a licensed manufacturer shall not engage in 242
the processing of fireworks unless authorized to do so by its 243
license. 244

(2) To possess for sale at wholesale and sell at wholesale 245
the fireworks manufactured by the manufacturer, to persons who 246
are licensed wholesalers of fireworks, to ~~out-of-state residents~~ 247

~~persons~~ in accordance with ~~section-sections~~ 3743.44 ~~of the~~ 248
~~Revised Code, to residents of this state in accordance with~~ 249
~~section 3743.45 to 3743.46~~ of the Revised Code, or to persons 250
located in another state provided the fireworks are shipped 251
directly out of this state to them by the manufacturer. A person 252
who is licensed as a manufacturer of fireworks on June 14, 1988, 253
also may possess for sale and sell pursuant to division (C) (2) 254
of this section fireworks other than those the person 255
manufactures. The possession for sale shall be on the premises 256
of the fireworks plant described in the application for 257
licensure or in the notification submitted under division (B) of 258
this section, and the sale shall be from the inside of a 259
licensed building and from no other structure or device outside 260
a licensed building. At no time shall a licensed manufacturer 261
sell any class of fireworks outside a licensed building. 262

(3) Possess for sale at retail and sell at retail the 263
fireworks manufactured by the manufacturer, other than 1.4G 264
fireworks as designated by the state fire marshal in rules 265
adopted pursuant to division (A) of section 3743.05 of the 266
Revised Code, to licensed exhibitors in accordance with sections 267
3743.50 to 3743.55 of the Revised Code, and possess for sale at 268
retail and sell at retail the fireworks manufactured by the 269
manufacturer, including 1.4G fireworks, to ~~out of state~~ 270
~~residents~~ persons in accordance with ~~section-sections~~ 3743.44 ~~of~~ 271
~~the Revised Code, to residents of this state in accordance with~~ 272
~~section 3743.45 to 3743.46~~ of the Revised Code, or to persons 273
located in another state provided the fireworks are shipped 274
directly out of this state to them by the manufacturer. A person 275
who is licensed as a manufacturer of fireworks on June 14, 1988, 276
may also possess for sale and sell pursuant to division (C) (3) 277
of this section fireworks other than those the person 278

manufactures. The possession for sale shall be on the premises 279
of the fireworks plant described in the application for 280
licensure or in the notification submitted under division (B) of 281
this section, and the sale shall be from the inside of a 282
licensed building and from no other structure or device outside 283
a licensed building. At no time shall a licensed manufacturer 284
sell any class of fireworks outside a licensed building. 285

A licensed manufacturer of fireworks shall sell under 286
division (C) of this section only fireworks that meet the 287
standards set by the consumer product safety commission or by 288
the American fireworks standard laboratories or that have 289
received an EX number from the United States department of 290
transportation. 291

(D) The license of a manufacturer of fireworks shall be 292
protected under glass and posted in a conspicuous place on the 293
premises of the fireworks plant. Except as otherwise provided in 294
this division, the license is not transferable or assignable. 295

(1) The ownership of a manufacturer of fireworks license 296
may be transferred to another person for the same fireworks 297
plant for which the license was issued, or approved pursuant to 298
division (B) of this section, if the assets of the plant are 299
transferred to that person by inheritance or by a sale approved 300
by the state fire marshal. 301

(2) The license of a manufacturer of fireworks may be 302
geographically relocated in accordance with division (D) of 303
section 3743.75 of the Revised Code. 304

(3) The license is subject to revocation in accordance 305
with section 3743.08 of the Revised Code. 306

(E) The state fire marshal shall not place the license of 307

a manufacturer of fireworks in a temporarily inactive status 308
while the holder of the license is attempting to qualify to 309
retain the license. 310

(F) Each licensed manufacturer of fireworks that possesses 311
fireworks for sale and sells fireworks under division (C) of 312
section 3743.04 of the Revised Code, or a designee of the 313
manufacturer, whose identity is provided to the state fire 314
marshal by the manufacturer, annually shall attend a continuing 315
education program. The state fire marshal shall develop the 316
program and the state fire marshal or a person or public agency 317
approved by the state fire marshal shall conduct it. A licensed 318
manufacturer or the manufacturer's designee who attends a 319
program as required under this division, within one year after 320
attending the program, shall conduct in-service training as 321
approved by the state fire marshal for other employees of the 322
licensed manufacturer regarding the information obtained in the 323
program. A licensed manufacturer shall provide the state fire 324
marshal with notice of the date, time, and place of all in- 325
service training. For any program conducted under this division, 326
the state fire marshal shall, in accordance with rules adopted 327
by the state fire marshal under Chapter 119. of the Revised 328
Code, establish the subjects to be taught, the length of 329
classes, the standards for approval, and time periods for 330
notification by the licensee to the state fire marshal of any 331
in-service training. 332

(G) A licensed manufacturer shall maintain comprehensive 333
general liability insurance coverage in the amount and type 334
specified under division (B) (2) of section 3743.02 of the 335
Revised Code at all times. Each policy of insurance required 336
under this division shall contain a provision requiring the 337
insurer to give not less than fifteen days' prior written notice 338

to the state fire marshal before termination, lapse, or 339
cancellation of the policy, or any change in the policy that 340
reduces the coverage below the minimum required under this 341
division. Prior to canceling or reducing the amount of coverage 342
of any comprehensive general liability insurance coverage 343
required under this division, a licensed manufacturer shall 344
secure supplemental insurance in an amount and type that 345
satisfies the requirements of this division so that no lapse in 346
coverage occurs at any time. A licensed manufacturer who secures 347
supplemental insurance shall file evidence of the supplemental 348
insurance with the state fire marshal prior to canceling or 349
reducing the amount of coverage of any comprehensive general 350
liability insurance coverage required under this division. 351

(H) The state fire marshal shall adopt rules for the 352
expansion or contraction of a licensed premises and for approval 353
of such expansions or contractions. The boundaries of a licensed 354
premises, including any geographic expansion or contraction of 355
those boundaries, shall be approved by the state fire marshal in 356
accordance with rules the state fire marshal adopts. If the 357
licensed premises consists of more than one parcel of real 358
estate, those parcels shall be contiguous unless an exception is 359
allowed pursuant to division (I) of this section. 360

(I) (1) A licensed manufacturer may expand its licensed 361
premises within this state to include not more than two storage 362
locations that are located upon one or more real estate parcels 363
that are noncontiguous to the licensed premises as that licensed 364
premises exists on the date a licensee submits an application as 365
described below, if all of the following apply: 366

(a) The licensee submits an application to the state fire 367
marshal and an application fee of one hundred dollars per 368

storage location for which the licensee is requesting approval.	369
(b) The identity of the holder of the license remains the same at the storage location.	370 371
(c) The storage location has received a valid certificate of zoning compliance as applicable and a valid certificate of occupancy for each building or structure at the storage location issued by the authority having jurisdiction to issue the certificate for the storage location, and those certificates permit the distribution and storage of fireworks regulated under this chapter at the storage location and in the buildings or structures. The storage location shall be in compliance with all other applicable federal, state, and local laws and regulations.	372 373 374 375 376 377 378 379 380
(d) Every building or structure located upon the storage location is separated from occupied residential and nonresidential buildings or structures, railroads, highways, or any other buildings or structures on the licensed premises in accordance with the distances specified in the rules adopted by the state fire marshal pursuant to section 3743.05 of the Revised Code.	381 382 383 384 385 386 387
(e) Neither the licensee nor any person holding, owning, or controlling a five per cent or greater beneficial or equity interest in the licensee has been convicted of or pleaded guilty to a felony under the laws of this state, any other state, or the United States, after September 29, 2005.	388 389 390 391 392
(f) The state fire marshal approves the application for expansion.	393 394
(2) The state fire marshal shall approve an application for expansion requested under division (I)(1) of this section if the state fire marshal receives the application fee and proof	395 396 397

that the requirements of divisions (I) (1) (b) to (e) of this 398
section are satisfied. The storage location shall be considered 399
part of the original licensed premises and shall use the same 400
distinct number assigned to the original licensed premises with 401
any additional designations as the state fire marshal deems 402
necessary in accordance with section 3743.03 of the Revised 403
Code. 404

(J) (1) A licensee who obtains approval for the use of a 405
storage location in accordance with division (I) of this section 406
shall use the storage location exclusively for the following 407
activities, in accordance with division (C) of this section: 408

(a) The packaging, assembling, or storing of fireworks, 409
which shall only occur in buildings or structures approved for 410
such hazardous uses by the building code official having 411
jurisdiction for the storage location or, for 1.4G fireworks, in 412
containers or trailers approved for such hazardous uses by the 413
state fire marshal if such containers or trailers are not 414
subject to regulation by the building code adopted in accordance 415
with Chapter 3781. of the Revised Code. All such storage shall 416
be in accordance with the rules adopted by the state fire 417
marshal under division (G) of section 3743.05 of the Revised 418
Code for the packaging, assembling, and storage of fireworks. 419

(b) Distributing fireworks to other parcels of real estate 420
located on the manufacturer's licensed premises, to licensed 421
wholesalers or other licensed manufacturers in this state or to 422
similarly licensed persons located in another state or country; 423

(c) Distributing fireworks to a licensed exhibitor of 424
fireworks pursuant to a properly issued permit in accordance 425
with section 3743.54 of the Revised Code. 426

(2) A licensed manufacturer shall not engage in any sales 427
activity, including the retail sale of fireworks otherwise 428
permitted under division (C) (2) or (C) (3) of this section, or 429
pursuant to section 3743.44 or 3743.45 of the Revised Code, at 430
the storage location approved under this section. 431

(3) A storage location may not be relocated for a minimum 432
period of five years after the storage location is approved by 433
the state fire marshal in accordance with division (I) of this 434
section. 435

(K) The licensee shall prohibit public access to the 436
storage location. The state fire marshal shall adopt rules to 437
describe the acceptable measures a manufacturer shall use to 438
prohibit access to the storage site. 439

Sec. 3743.041. (A) Notwithstanding the requirements, 440
contained in division (A) of section 3743.04 of the Revised 441
Code, that the state fire marshal only issue the license of a 442
manufacturer of fireworks on the first day of December and that 443
the license is effective for one year, an applicant who applies 444
for licensure pursuant to section 3743.021 of the Revised Code, 445
and who meets the requirements for licensure contained in 446
section 3743.03 of the Revised Code, shall be issued the license 447
of a manufacturer of fireworks on January 1, 2023. 448

(B) A license issued pursuant to division (A) of this 449
section shall be effective through November 30, 2023. 450

Sec. 3743.08. (A) The state fire marshal may inspect the 451
premises of a fireworks plant, and the inventory, wholesale 452
sale, and retail sale records, of a licensed manufacturer of 453
fireworks during the manufacturer's period of licensure to 454
determine whether the manufacturer is in compliance with Chapter 455

3743. of the Revised Code and the rules adopted by the state 456
fire marshal pursuant to section 3743.05 or 3743.22 of the 457
Revised Code. 458

(B) If the state fire marshal determines during an 459
inspection conducted pursuant to division (A) of this section 460
that a manufacturer is not in compliance with Chapter 3743. of 461
the Revised Code or the rules adopted by the state fire marshal 462
pursuant to section 3743.05 or 3743.22 of the Revised Code, the 463
state fire marshal may take one or more of the following 464
actions, whichever the state fire marshal considers appropriate 465
under the circumstances: 466

(1) Order, in writing, the manufacturer to eliminate, 467
correct, or otherwise remedy the nonconformities within a 468
specified period of time; 469

(2) Order, in writing, the manufacturer to immediately 470
cease its operations, if a fire or explosion hazard exists that 471
reasonably can be regarded as posing an imminent danger of death 472
or serious physical harm to persons. The order shall be 473
effective until the nonconformities are eliminated, corrected, 474
or otherwise remedied or for a period of seventy-two hours from 475
the time of issuance, whichever first occurs. During the 476
seventy-two hour period, the state fire marshal may obtain from 477
the court of common pleas of Franklin county or of the county in 478
which the fireworks plant is located an injunction restraining 479
the manufacturer from continuing its operations after the 480
seventy-two hour period expires until the nonconformities are 481
eliminated, corrected, or otherwise remedied. 482

(3) ~~Revoke~~ Suspend, revoke, or deny renewal of the license 483
of the manufacturer in accordance with Chapter 119. of the 484
Revised Code; 485

(4) Take action as authorized by section 3743.68 of the Revised Code. 486
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(C) This section does not affect the authority conferred by Chapters 3781. and 3791. of the Revised Code to conduct inspections to determine conformity with those chapters or the rules adopted pursuant to them. 488
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(D) If the license of a manufacturer of fireworks is suspended or revoked or if renewal is denied pursuant to division (B) (3) of this section or section 3743.70 of the Revised Code, the manufacturer shall cease its operations immediately. The manufacturer may not reapply for licensure as a manufacturer of fireworks until two years expire from the date of revocation. 492
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The state fire marshal shall remove from the list of licensed manufacturers the name of a manufacturer whose license has been revoked, and shall notify the law enforcement authorities for the political subdivision in which the manufacturer's fireworks plant is located, of the suspension, revocation, or denial of renewal. 499
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Sec. 3743.151. Notwithstanding the deadline in division (A) of section 3743.15 of the Revised Code, any person who wishes to be a licensed wholesaler of fireworks in this state beginning on January 1, 2023, and who does not already hold a license as a wholesaler of fireworks that will run through that date, may submit an application for licensure, pursuant to section 3743.15 of the Revised Code, not later than November 1, 2022. 505
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Sec. 3743.17. (A) The license of a wholesaler of fireworks is effective for one year beginning on the first day of 513
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December, and the state fire marshal shall issue or renew a 515
license only on that date and at no other time. If a wholesaler 516
of fireworks wishes to continue engaging in the wholesale sale 517
of fireworks at the particular location after its then effective 518
license expires, it shall apply not later than the first day of 519
October for a new license pursuant to section 3743.15 of the 520
Revised Code. The state fire marshal shall send a written notice 521
of the expiration of its license to a licensed wholesaler at 522
least three months before the expiration date. 523

(B) If, during the effective period of its licensure, a 524
licensed wholesaler of fireworks wishes to perform any 525
construction, or make any structural change or renovation, on 526
the premises on which the fireworks are sold, or to relocate its 527
sales operations to a new licensed premises, the wholesaler 528
shall notify the state fire marshal in writing. The state fire 529
marshal may require a licensed wholesaler also to submit 530
documentation, including, but not limited to, plans covering the 531
proposed construction or structural change or renovation, or 532
proposed new licensed premises, if the state fire marshal 533
determines the documentation is necessary for evaluation 534
purposes in light of the proposed construction, structural 535
change or renovation, or relocation. 536

Upon receipt of the notification and additional 537
documentation required by the state fire marshal, the state fire 538
marshal shall inspect the premises on which the fireworks are 539
sold, or the proposed new licensed premises, to determine if the 540
proposed construction, structural change or renovation, or 541
relocation conforms to sections 3743.15 to 3743.21 of the 542
Revised Code, divisions (C) (1) and (2) of section 3743.25 of the 543
Revised Code, and the rules adopted by the state fire marshal 544
pursuant to section 3743.18 of the Revised Code. The state fire 545

marshal shall issue a written authorization to the wholesaler 546
for the construction, structural change or renovation, or new 547
licensed premises if the state fire marshal determines, upon the 548
inspection and a review of submitted documentation, that the 549
construction, structural change or renovation, or new licensed 550
premises conform to those sections and rules. 551

(C) The license of a wholesaler of fireworks authorizes 552
the wholesaler to engage only in the following activities: 553

(1) Possess for sale at wholesale and sell at wholesale 554
fireworks to persons who are licensed wholesalers of fireworks, 555
to ~~out-of-state residents persons~~ in accordance with ~~section~~ 556
~~sections~~ 3743.44 of the Revised Code, to residents of this state 557
~~in accordance with section 3743.45 to 3743.46~~ of the Revised 558
Code, or to persons located in another state provided the 559
fireworks are shipped directly out of this state to them by the 560
wholesaler. The possession for sale shall be at the location 561
described in the application for licensure or in the 562
notification submitted under division (B) of this section, and 563
the sale shall be from the inside of a licensed building and 564
from no structure or device outside a licensed building. At no 565
time shall a licensed wholesaler sell any class of fireworks 566
outside a licensed building. 567

(2) Possess for sale at retail and sell at retail 568
fireworks, other than 1.4G fireworks as designated by the state 569
fire marshal in rules adopted pursuant to division (A) of 570
section 3743.05 of the Revised Code, to licensed exhibitors in 571
accordance with sections 3743.50 to 3743.55 of the Revised Code, 572
and possess for sale at retail and sell at retail fireworks, 573
including 1.4G fireworks, to ~~out-of-state residents persons~~ in 574
accordance with ~~section sections~~ 3743.44 of the Revised Code, to 575

~~residents of this state in accordance with section 3743.45 to~~ 576
3743.46 of the Revised Code, or to persons located in another 577
state provided the fireworks are shipped directly out of this 578
state to them by the wholesaler. The possession for sale shall 579
be at the location described in the application for licensure or 580
in the notification submitted under division (B) of this 581
section, and the sale shall be from the inside of the licensed 582
building and from no other structure or device outside this 583
licensed building. At no time shall a licensed wholesaler sell 584
any class of fireworks outside a licensed building. 585

A licensed wholesaler of fireworks shall sell under 586
division (C) of this section only fireworks that meet the 587
standards set by the consumer product safety commission or by 588
the American fireworks standard laboratories or that have 589
received an EX number from the United States department of 590
transportation. 591

(D) The license of a wholesaler of fireworks shall be 592
protected under glass and posted in a conspicuous place at the 593
location described in the application for licensure or in the 594
notification submitted under division (B) of this section. 595
Except as otherwise provided in this section, the license is not 596
transferable or assignable. 597

(1) The ownership of a wholesaler of fireworks license may 598
be transferred to another person for the same location for which 599
the license was issued, or approved pursuant to division (B) of 600
this section, if the assets of the wholesaler are transferred to 601
that person by inheritance or by a sale approved by the state 602
fire marshal. 603

(2) The license of a wholesaler of fireworks may be 604
geographically relocated in accordance with division (D) of 605

section 3743.75 of the Revised Code. 606

(3) The license is subject to revocation in accordance 607
with section 3743.21 of the Revised Code. 608

(E) The state fire marshal shall adopt rules for the 609
expansion or contraction of a licensed premises and for the 610
approval of an expansion or contraction. The boundaries of a 611
licensed premises, including any geographic expansion or 612
contraction of those boundaries, shall be approved by the state 613
fire marshal in accordance with rules the state fire marshal 614
adopts. If the licensed premises of a licensed wholesaler from 615
which the wholesaler operates consists of more than one parcel 616
of real estate, those parcels must be contiguous, unless an 617
exception is allowed pursuant to division (F) of this section. 618

(F) (1) A licensed wholesaler may expand its licensed 619
premises within this state to include not more than two storage 620
locations that are located upon one or more real estate parcels 621
that are noncontiguous to the licensed premises as that licensed 622
premises exists on the date a licensee submits an application as 623
described below, if all of the following apply: 624

(a) The licensee submits an application to the state fire 625
marshal requesting the expansion and an application fee of one 626
hundred dollars per storage location for which the licensee is 627
requesting approval. 628

(b) The identity of the holder of the license remains the 629
same at the storage location. 630

(c) The storage location has received a valid certificate 631
of zoning compliance, as applicable, and a valid certificate of 632
occupancy for each building or structure at the storage location 633
issued by the authority having jurisdiction to issue the 634

certificate for the storage location, and those certificates 635
permit the distribution and storage of fireworks regulated under 636
this chapter at the storage location and in the buildings or 637
structures. The storage location shall be in compliance with all 638
other applicable federal, state, and local laws and regulations. 639

(d) Every building or structure located upon the storage 640
location is separated from occupied residential and 641
nonresidential buildings or structures, railroads, highways, and 642
any other buildings or structures on the licensed premises in 643
accordance with the distances specified in the rules adopted by 644
the state fire marshal pursuant to section 3743.18 of the 645
Revised Code. 646

(e) Neither the licensee nor any person holding, owning, 647
or controlling a five per cent or greater beneficial or equity 648
interest in the licensee has been convicted of or pleaded guilty 649
to a felony under the laws of this state, any other state, or 650
the United States, after September 29, 2005. 651

(f) The state fire marshal approves the application for 652
expansion. 653

(2) The state fire marshal shall approve an application 654
for expansion requested under division (F)(1) of this section if 655
the state fire marshal receives the application fee and proof 656
that the requirements of divisions (F)(1)(b) to (e) of this 657
section are satisfied. The storage location shall be considered 658
part of the original licensed premises and shall use the same 659
distinct number assigned to the original licensed premises with 660
any additional designations as the state fire marshal deems 661
necessary in accordance with section 3743.16 of the Revised 662
Code. 663

(G) (1) A licensee who obtains approval for use of a 664
storage location in accordance with division (F) of this section 665
shall use the site exclusively for the following activities, in 666
accordance with division (C) (1) of this section: 667

(a) Packaging, assembling, or storing fireworks, which 668
shall occur only in buildings or structures approved for such 669
hazardous uses by the building code official having jurisdiction 670
for the storage location or, for 1.4G fireworks, in containers 671
or trailers approved for such hazardous uses by the state fire 672
marshal if such containers or trailers are not subject to 673
regulation by the building code adopted in accordance with 674
Chapter 3781. of the Revised Code. All such storage shall be in 675
accordance with the rules adopted by the state fire marshal 676
under division (B) (4) of section 3743.18 of the Revised Code for 677
the packaging, assembling, and storage of fireworks. 678

(b) Distributing fireworks to other parcels of real estate 679
located on the wholesaler's licensed premises, to licensed 680
manufacturers or other licensed wholesalers in this state or to 681
similarly licensed persons located in another state or country; 682

(c) Distributing fireworks to a licensed exhibitor of 683
fireworks pursuant to a properly issued permit in accordance 684
with section 3743.54 of the Revised Code. 685

(2) A licensed wholesaler shall not engage in any sales 686
activity, including the retail sale of fireworks otherwise 687
permitted under division (C) (2) of this section or pursuant to 688
section 3743.44 or 3743.45 of the Revised Code, at a storage 689
location approved under this section. 690

(3) A storage location may not be relocated for a minimum 691
period of five years after the storage location is approved by 692

the state fire marshal in accordance with division (F) of this section. 693
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(H) A licensee shall prohibit public access to all storage locations it uses. The state fire marshal shall adopt rules establishing acceptable measures a wholesaler shall use to prohibit access to storage sites. 695
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(I) The state fire marshal shall not place the license of a wholesaler of fireworks in temporarily inactive status while the holder of the license is attempting to qualify to retain the license. 699
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(J) Each licensed wholesaler of fireworks or a designee of the wholesaler, whose identity is provided to the state fire marshal by the wholesaler, annually shall attend a continuing education program. The state fire marshal shall develop the program and the state fire marshal or a person or public agency approved by the state fire marshal shall conduct it. A licensed wholesaler or the wholesaler's designee who attends a program as required under this division, within one year after attending the program, shall conduct in-service training as approved by the state fire marshal for other employees of the licensed wholesaler regarding the information obtained in the program. A licensed wholesaler shall provide the state fire marshal with notice of the date, time, and place of all in-service training. For any program conducted under this division, the state fire marshal shall, in accordance with rules adopted by the state fire marshal under Chapter 119. of the Revised Code, establish the subjects to be taught, the length of classes, the standards for approval, and time periods for notification by the licensee to the state fire marshal of any in-service training. 703
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(K) A licensed wholesaler shall maintain comprehensive 722

general liability insurance coverage in the amount and type 723
specified under division (B) (2) of section 3743.15 of the 724
Revised Code at all times. Each policy of insurance required 725
under this division shall contain a provision requiring the 726
insurer to give not less than fifteen days' prior written notice 727
to the state fire marshal before termination, lapse, or 728
cancellation of the policy, or any change in the policy that 729
reduces the coverage below the minimum required under this 730
division. Prior to canceling or reducing the amount of coverage 731
of any comprehensive general liability insurance coverage 732
required under this division, a licensed wholesaler shall secure 733
supplemental insurance in an amount and type that satisfies the 734
requirements of this division so that no lapse in coverage 735
occurs at any time. A licensed wholesaler who secures 736
supplemental insurance shall file evidence of the supplemental 737
insurance with the state fire marshal prior to canceling or 738
reducing the amount of coverage of any comprehensive general 739
liability insurance coverage required under this division. 740

Sec. 3743.171. (A) Notwithstanding the requirements, 741
contained in division (A) of section 3743.17 of the Revised 742
Code, that the state fire marshal only issue the license of a 743
wholesaler of fireworks on the first day of December and that 744
the license is effective for one year, an applicant who applies 745
pursuant to section 3743.151 of the Revised Code, and who meets 746
the requirements for licensure contained in section 3743.16 of 747
the Revised Code, shall be issued the license of a wholesaler of 748
fireworks on January 1, 2023. 749

(B) A license issued pursuant to division (A) of this 750
section shall be effective through November 30, 2023. 751

Sec. 3743.21. (A) The state fire marshal may inspect the 752

premises, and the inventory, wholesale sale, and retail sale 753
records, of a licensed wholesaler of fireworks during the 754
wholesaler's period of licensure to determine whether the 755
wholesaler is in compliance with Chapter 3743. of the Revised 756
Code and the rules adopted by the state fire marshal pursuant to 757
section 3743.18 or 3743.22 of the Revised Code. 758

(B) If the state fire marshal determines during an 759
inspection conducted pursuant to division (A) of this section 760
that a wholesaler is not in compliance with Chapter 3743. of the 761
Revised Code or the rules adopted by the state fire marshal 762
pursuant to section 3743.18 or 3743.22 of the Revised Code, the 763
state fire marshal may take one or more of the following 764
actions, whichever the state fire marshal considers appropriate 765
under the circumstances: 766

(1) Order, in writing, the wholesaler to eliminate, 767
correct, or otherwise remedy the nonconformities within a 768
specified period of time; 769

(2) Order, in writing, the wholesaler to immediately cease 770
its operations, if a fire or explosion hazard exists that 771
reasonably can be regarded as posing an imminent danger of death 772
or serious physical harm to persons. The order shall be 773
effective until the nonconformities are eliminated, corrected, 774
or otherwise remedied or for a period of seventy-two hours from 775
the time of issuance, whichever first occurs. During the 776
seventy-two hour period, the state fire marshal may obtain from 777
the court of common pleas of Franklin county or of the county in 778
which the premises of the wholesaler are located an injunction 779
restraining the wholesaler from continuing its operations after 780
the seventy-two hour period expires until the nonconformities 781
are eliminated, corrected, or otherwise remedied. 782

(3) ~~Revoke~~Suspend, revoke, or deny renewal of, the license 783
of the wholesaler in accordance with Chapter 119. of the Revised 784
Code; 785

(4) Take action as authorized by section 3743.68 of the 786
Revised Code. 787

(C) This section does not affect the authority conferred 788
by Chapters 3781. and 3791. of the Revised Code to conduct 789
inspections to determine conformity with those chapters or the 790
rules adopted pursuant to them. 791

(D) If the license of a wholesaler of fireworks is 792
suspended or revoked or if renewal is denied pursuant to 793
division (B) (3) of this section or section 3743.70 of the 794
Revised Code, the wholesaler shall cease its operations 795
immediately. The wholesaler may not reapply for licensure as a 796
wholesaler of fireworks until two years expire from the date of 797
revocation. 798

The state fire marshal shall remove from the list of 799
licensed wholesalers the name of a wholesaler whose license has 800
been revoked, and shall notify the law enforcement authorities 801
for the political subdivision in which the wholesaler's premises 802
are located, of the suspension, revocation, or denial of 803
renewal. 804

Sec. 3743.22. (A) As used in this section: 805

(1) "Fee period" means the period beginning on the first 806
day of October and ending on the thirtieth day of the following 807
September. 808

(2) "Gross receipts" excludes the amount of taxes a 809
licensed retailer, licensed manufacturer, or licensed wholesaler 810
collects from a consumer under Chapter 5739. of the Revised Code 811

on behalf of the state or a political subdivision. 812

(B) For the purpose of providing revenue to fund 813
firefighter training programs and the enforcement and regulation 814
of the fireworks industry, a fee is imposed on licensed 815
retailers, licensed manufacturers, and licensed wholesalers 816
selling 1.4G fireworks in this state. The fee shall equal four 817
per cent of the gross receipts of a licensed manufacturer or 818
licensed wholesaler from retail sales of 1.4G fireworks in this 819
state made one hundred or more days after the effective date of 820
this section. For the purpose of this section, a retail sale of 821
1.4G fireworks is made in this state only if the purchaser 822
intends to use the fireworks, and not resell them, and receives 823
the 1.4G fireworks at a location in this state. 824

The fee shall be reported, on a form prescribed by the 825
state fire marshal, and remitted to the state fire marshal on or 826
before the twenty-third day after the last day of each fee 827
period. The amount of the fee due shall be computed on the basis 828
of gross receipts from retail sales made in each fee period. A 829
licensed retailer, licensed manufacturer, or licensed wholesaler 830
whose license is issued, canceled or revoked, or not renewed 831
after expiration during a fee period shall report and remit the 832
fee based on sales of 1.4G fireworks made in that fee period as 833
required under this section. A licensed retailer, licensed 834
manufacturer, or licensed wholesaler may separately or 835
proportionately bill or invoice a fee imposed under this section 836
to another person. 837

(C) All money collected under this section shall be 838
credited to the fireworks fee receipts fund, which is hereby 839
created in the state treasury. Seven-eighths of the money in the 840
fund shall be used by the state fire marshal solely to fund 841

firefighter training programs. Remaining money in the fund shall 842
be used solely to pay expenses of the state fire marshal in 843
performing the duties prescribed by this chapter. 844

(D) If the state fire marshal determines that a licensed 845
retailer, licensed manufacturer, or licensed wholesaler fails to 846
timely report and remit the full amount of the fee as required 847
by this section, the state fire marshal may do either of the 848
following: 849

(1) Order, in writing, the retailer, wholesaler, or 850
manufacturer to report and remit to the state fire marshal, 851
within a specified period of time, any such underpayment; 852

(2) Revoke or deny renewal of the license of the retailer, 853
manufacturer, or wholesaler, which shall subject a manufacturer 854
or wholesaler to the consequences prescribed in division (D) of 855
section 3743.08 of the Revised Code or division (D) of section 856
3743.21 of the Revised Code. 857

(E) The state fire marshal may adopt rules in accordance 858
with Chapter 119. of the Revised Code as necessary to administer 859
and enforce the fee imposed under this section. 860

Sec. 3743.25. (A) (1) Except as described in division (A) 861
(2) of this section, all retail sales of 1.4G fireworks by a 862
licensed manufacturer or wholesaler shall only occur from an 863
approved retail sales showroom on a licensed premises or from a 864
representative sample showroom as described in this section on a 865
licensed premises. For the purposes of this section, a retail 866
sale includes the transfer of the possession of the 1.4G 867
fireworks from the licensed manufacturer or wholesaler to the 868
purchaser of the fireworks. 869

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 870

properly permitted exhibition shall occur in accordance with the 871
provisions of the Revised Code and rules adopted by the state 872
fire marshal under Chapter 119. of the Revised Code. Such rules 873
shall specify, at a minimum, that the licensed exhibitor holds a 874
license under section 3743.51 of the Revised Code, that the 875
exhibitor possesses a valid exhibition permit issued in 876
accordance with section 3743.54 of the Revised Code, and that 877
the fireworks shipped are to be used at the specifically 878
permitted exhibition. 879

(B) All wholesale sales of fireworks by a licensed 880
manufacturer or wholesaler shall only occur from a licensed 881
premises to persons who intend to resell the fireworks purchased 882
at wholesale. A wholesale sale by a licensed manufacturer or 883
wholesaler may occur as follows: 884

(1) The direct sale and shipment of fireworks to a person 885
outside of this state; 886

(2) From an approved retail sales showroom as described in 887
this section; 888

(3) From a representative sample showroom as described in 889
this section; 890

(4) By delivery of wholesale fireworks to a purchaser at a 891
licensed premises outside of a structure or building on that 892
premises. All other portions of the wholesale sales transaction 893
may occur at any location on a licensed premises. 894

(5) Any other method as described in rules adopted by the 895
state fire marshal under Chapter 119. of the Revised Code. 896

(C) A licensed manufacturer or wholesaler shall only sell 897
1.4G fireworks from a representative sample showroom or a retail 898
sales showroom. Each licensed premises shall only contain one 899

sales structure. 900

A representative sample showroom shall consist of a 901
structure constructed and maintained in accordance with the 902
nonresidential building code adopted under Chapter 3781. of the 903
Revised Code and the fire code adopted under section 3737.82 of 904
the Revised Code for a use and occupancy group that permits 905
mercantile sales. A representative sample showroom shall not 906
contain any pyrotechnics, pyrotechnic materials, fireworks, 907
explosives, explosive materials, or any similar hazardous 908
materials or substances. A representative sample showroom shall 909
be used only for the public viewing of fireworks product 910
representations, including paper materials, packaging materials, 911
catalogs, photographs, or other similar product depictions. The 912
delivery of product to a purchaser of fireworks at a licensed 913
premises that has a representative sample structure shall not 914
occur inside any structure on a licensed premises. Such product 915
delivery shall occur on the licensed premises in a manner 916
prescribed by rules adopted by the state fire marshal pursuant 917
to Chapter 119. of the Revised Code. 918

If a manufacturer or wholesaler elects to conduct sales 919
from a retail sales showroom, the showroom structures, to which 920
the public may have any access and in which employees are 921
required to work, on all licensed premises, shall comply with 922
the following safety requirements: 923

(1) A fireworks showroom that is constructed or upon which 924
expansion is undertaken on and after June 30, 1997, shall be 925
equipped with interlinked fire detection, fire suppression, 926
smoke exhaust, and smoke evacuation systems that are approved by 927
the superintendent of industrial compliance in the department of 928
commerce. 929

~~(2)~~ (2)(a) A fireworks showroom that first begins to 930
operate on or after June 30, 1997, or that resumes operations at 931
any time after a period of inactive status of licensure greater 932
than one year, and to which the public has access for retail 933
purposes shall not exceed ~~five~~ seven thousand five hundred 934
square feet in floor area. 935

(b) A fireworks showroom that, through construction of a 936
new showroom, expansion of an existing showroom, or similar 937
means, first exceeds five thousand square feet, to which the 938
public has access for retail purposes, after the effective date 939
of this amendment shall be equipped with a sprinkler system that 940
meets the criteria for sprinkler systems in extra hazard (group 941
2) occupancies under "NFPA 13, Standard for the Installation of 942
Sprinkler Systems (2019 Edition)." 943

(c) Notwithstanding division (D) of this section, the 944
state fire marshal may provide a variance to the requirements of 945
division (C)(2)(b) of this section pursuant to section 3743.59 946
of the Revised Code for a sprinkler system that matches or 947
exceeds the degree of safety provided by a sprinkler system that 948
meets the criteria for sprinkler systems in extra hazard (group 949
2) occupancies under "NFPA 13, Standard for the Installation of 950
Sprinkler Systems (2019 Edition)." 951

(3) A newly constructed or an existing fireworks showroom 952
structure that exists on September 23, 2008, but that, on or 953
after September 23, 2008, is altered or added to in a manner 954
requiring the submission of plans, drawings, specifications, or 955
data pursuant to section 3791.04 of the Revised Code, shall 956
comply with a graphic floor plan layout that is approved by the 957
state fire marshal and superintendent showing width of aisles, 958
parallel arrangement of aisles to exits, number of exits per 959

wall, maximum occupancy load, evacuation plan for occupants, 960
height of storage or display of merchandise, and other 961
information as may be required by the state fire marshal and 962
superintendent. 963

(4) A fireworks showroom structure that exists on June 30, 964
1997, shall be in compliance on or after June 30, 1997, with 965
floor plans showing occupancy load limits and internal 966
circulation and egress patterns that are approved by the state 967
fire marshal and superintendent, and that are submitted under 968
seal as required by section 3791.04 of the Revised Code. 969

(D) The safety requirements established in division (C) of 970
this section are not subject to any variance, waiver, or 971
exclusion pursuant to this chapter or any applicable building 972
code. 973

Sec. 3743.26. (A) (1) Except as provided in divisions (C) 974
and (D) of this section, in a given year, any person who wishes 975
to be a licensed fountain device retailer in this state shall 976
submit an application for licensure to the state fire marshal 977
before the first day of October. The application shall be on a 978
form prescribed by the state fire marshal. 979

The state fire marshal shall prescribe a form for 980
applications to become a licensed retailer and make a copy of 981
the form available, upon request, to persons who seek a license. 982

(2) An applicant for licensure as a fountain device 983
retailer shall submit all of the following with the application: 984

(a) A license fee in an amount set by the state fire 985
marshal, not to exceed twenty-five dollars; 986

(b) An affidavit affirming that the applicant is in 987
compliance with the national fire protection association 988

standard "NFPA 1124, Code for the Manufacture, Transportation, 989
Storage, and Retail Sales of Fireworks and Pyrotechnic Articles 990
(2006 Edition)," or will be in compliance before engaging in the 991
storage or retail sale of fountain devices; 992

(c) Proof of insurance in an amount and of a type 993
specified by the state fire marshal in rules adopted pursuant to 994
section 3743.28 of the Revised Code. 995

(3) A separate application for licensure as a fountain 996
device retailer shall be submitted for each location at which a 997
person wishes to engage in the retail sale of fountain devices. 998

(B) (1) If a person submits a timely application to become 999
a licensed fountain device retailer, together with the materials 1000
required by division (A) (2) of this section, the state fire 1001
marshal shall review the application and accompanying materials 1002
and determine if they comply with this section. If the state 1003
fire marshal concludes that the application and accompanying 1004
matter comply with this section, the state fire marshal shall, 1005
on the first day of December and, except as provided in 1006
divisions (C) and (D) of this section, at no other time, issue 1007
the applicant a license to sell fountain devices at retail. 1008

(2) Except as provided in divisions (C) and (D) of this 1009
section, a licensed retailer's license is effective for one year 1010
beginning on the first day of December. If a licensed retailer 1011
wishes to continue engaging in the retail sale of fountain 1012
devices at the particular location after the then effective 1013
license expires, the licensee shall apply before the first day 1014
of October for a new license pursuant to this section. The state 1015
fire marshal shall send a written notice of the expiration of a 1016
license to a licensed retailer not later than the first day of 1017
September. 1018

(C) (1) Any person who wishes to be a licensed retailer of fountain devices in this state who was not yet open for business, at the location the person seeks to be licensed, before the first day of the preceding October may submit an application pursuant to divisions (A) (2) and (3) of this section at any time after the person opens for business but before the first day of the following October. 1019
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(2) If the state fire marshal determines that an application submitted pursuant to division (C) (1) of this section meets the requirements of this section, the state fire marshal shall issue the applicant a license as follows: 1026
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(a) If the application was submitted between the first day of October and the last day of November, not earlier than the first day of December but not later than two months after receiving the application; 1030
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(b) If division (D) (2) (a) of this section does not apply, not later than two months after receiving the application. 1034
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(3) A license issued pursuant to division (C) (2) of this section is effective through the last day of the following November. 1036
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(D) (1) Any person who wishes to be a licensed retailer of fountain devices in this state beginning two hundred sixty days after the effective date of this section, shall submit an application pursuant to divisions (A) (2) and (3) of this section not later than one hundred ninety days after the effective date of this section. 1039
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(2) The state fire marshal shall issue a license two hundred sixty days after the effective date of this section, to any person who submits an application pursuant to division (D) 1045
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(1) of this section if the state fire marshal determines that 1048
the application meets the requirements of this section. A 1049
license issued pursuant to this division is effective as 1050
follows: 1051

(a) If the two hundred sixtieth day after the effective 1052
date of this section is in January, February, March, April, or 1053
May, a license issued pursuant to division (D)(2) of this 1054
section shall be effective through the end of November in the 1055
same calendar year. 1056

(b) If the two hundred sixtieth day after the effective 1057
date of this section is in June, July, August, September, 1058
October, November, or December, a license issued pursuant to 1059
division (D)(2) of this section shall be effective through the 1060
end of November in the subsequent calendar year. 1061

Sec. 3743.27. (A) A licensed fountain device retailer is 1062
authorized to possess fountain devices and sell fountain devices 1063
at retail pursuant to this section: 1064

(1) A licensed retailer's displays for fountain devices 1065
shall be limited to three hundred square feet. No single 1066
fountain device display shall exceed one hundred fifty square 1067
feet, and each display must be placed at least twenty-five feet 1068
from any other highly flammable materials. 1069

(2) A licensed retailer's possession and storage of 1070
fountain devices shall comply with the national fire protection 1071
association standard "NFPA 1124, Code for the Manufacture, 1072
Transportation, Storage, and Retail Sales of Fireworks and 1073
Pyrotechnic Articles (2006 Edition)." 1074

(3) A licensed retailer shall only possess and sell 1075
fountain devices as packaged merchandise with covered fuses. 1076

(4) A licensed retailer's fountain devices that are 1077
displayed for sale shall be under the visual supervision of an 1078
employee of the licensed retailer or other responsible party 1079
while the licensed retail location is open to the public. 1080

(5) A licensed retailer's possession, storage, and sale of 1081
fountain devices shall comply with the state fire marshal's 1082
rules adopted pursuant to section 3743.28 of the Revised Code. 1083

(6) No licensed retailer shall sell fountain devices to a 1084
person who is under eighteen years of age. 1085

(7) No licensed retailer shall knowingly sell fountain 1086
devices to a person who is obviously under the influence of 1087
alcohol or a drug of abuse, as defined in section 4506.01 of the 1088
Revised Code. 1089

(8) A licensed retailer shall comply with divisions (A) 1090
and (B) of section 3743.47 of the Revised Code. 1091

(9) A licensed retailer shall possess and sell fountain 1092
devices only at the location described in the application for 1093
licensure and the sale shall be from the inside of a licensed 1094
building and from no structure or device outside a licensed 1095
building. At no time shall a licensed retailer sell fountain 1096
devices outside of a licensed building. 1097

(10) A licensed retailer shall prohibit smoking in the 1098
licensed location. 1099

(B) No licensed fountain device retailer shall negligently 1100
fail to furnish a safety pamphlet to a purchaser of 1.4G 1101
fireworks as required by division (A) of section 3743.47 of the 1102
Revised Code. 1103

(C) No licensed fountain device retailer shall negligently 1104

fail to have safety glasses available for sale as required by 1105
division (B) of section 3743.47 of the Revised Code. 1106

Sec. 3743.28. (A) The state fire marshal shall adopt rules 1107
pursuant to Chapter 119. of the Revised Code governing the 1108
storage of fireworks by and the business operations of licensed 1109
fountain device retailers. The rules shall be designed to 1110
promote the safety and security of employees of retailers, 1111
members of the public, and the premises upon which fireworks are 1112
sold. 1113

The state fire marshal shall file the rules required by 1114
this division with the joint committee on agency rule review 1115
pursuant to division (C) of section 119.03 of the Revised Code 1116
not later than one hundred eighty days after the effective date 1117
of this section. 1118

(B) The rules shall be consistent with sections 3743.26 to 1119
3743.29 of the Revised Code and the national fire protection 1120
association standard "NFPA 1124, Code for the Manufacture, 1121
Transportation, Storage, and Retail Sales of Fireworks and 1122
Pyrotechnic Articles (2006 Edition)" and shall apply to, but not 1123
be limited to, the following subject matters: 1124

(1) Cleanliness and orderliness in, the heating, lighting, 1125
and use of stoves and flame-producing items in, smoking in, the 1126
prevention of fire and explosion in, the availability of fire 1127
extinguishers or other fire-fighting equipment and their use in, 1128
and emergency procedures relative to the buildings and other 1129
structures on a retailer's premises; 1130

(2) The manner in which fountain devices are to be stored; 1131

(3) Insurance to be maintained by licensed fountain device 1132
retailers. 1133

Sec. 3743.29. (A) The state fire marshal may inspect the 1134
premises, the inventory, and retail sale records, of a licensed 1135
fountain device retailer during the retailer's period of 1136
licensure to determine whether the retailer is in compliance 1137
with Chapter 3743. of the Revised Code and the rules adopted by 1138
the state fire marshal pursuant to section 3743.28 of the 1139
Revised Code. 1140

(B) If the state fire marshal determines during an 1141
inspection conducted pursuant to division (A) of this section 1142
that a licensed fountain device retailer is not in compliance 1143
with Chapter 3743. of the Revised Code or the rules adopted by 1144
the state fire marshal pursuant to section 3743.28 of the 1145
Revised Code, the state fire marshal may take one or more of the 1146
following actions, whichever the state fire marshal considers 1147
appropriate under the circumstances: 1148

(1) Order, in writing, the retailer to eliminate, correct, 1149
or otherwise remedy the nonconformities within a specified 1150
period of time; 1151

(2) Order, in writing, the retailer to immediately cease 1152
the storage and related sale of fountains. 1153

(3) Revoke, or deny renewal of, the license of the 1154
retailers in accordance with Chapter 119. of the Revised Code. 1155

(C) This section does not affect the authority conferred 1156
by Chapters 3781. and 3791. of the Revised Code to conduct 1157
inspections to determine conformity with those chapters or the 1158
rules adopted pursuant to them. 1159

The state fire marshal shall remove from the list of 1160
licensed retailers the name of a retailer whose license has been 1161
revoked, and shall notify the law enforcement authorities for 1162

the political subdivision in which the retailer's premises are 1163
located, of the revocation or denial of renewal. 1164

Sec. 3743.44. (A) Any person who ~~resides in another state~~ 1165
~~and who~~ intends to obtain possession in this state of 1.3G 1166
fireworks purchased in this state shall obtain possession of the 1167
1.3G fireworks only from a licensed manufacturer or licensed 1168
~~wholesaler and only possess the fireworks in this state while in~~ 1169
~~the course of directly transporting them out of this state.~~ 1170

No licensed manufacturer or licensed wholesaler shall sell 1171
1.3G fireworks to a person ~~who resides in another state~~ unless 1172
that person has been issued a license or permit in the state of 1173
the person's residence that authorizes the person to engage in 1174
the manufacture, wholesale sale, or retail sale of 1.3G 1175
fireworks or that authorizes the person to conduct 1.3G 1176
fireworks exhibitions in that state and that person presents a 1177
certified copy of the license. 1178

~~No licensed manufacturer or licensed wholesaler shall sell~~ 1179
~~fireworks to a person who resides in another state unless that~~ 1180
~~person has been issued a license or permit in the state of the~~ 1181
~~person's residence that authorizes the person to engage in the~~ 1182
~~manufacture, wholesale sale, or retail sale of fireworks in that~~ 1183
~~state or that authorizes the person to conduct fireworks~~ 1184
~~exhibitions in that state and that person presents a certified~~ 1185
~~copy of the license, or, if that person does not possess a~~ 1186
~~license or permit of that nature, only if the person presents a~~ 1187
~~current valid motor vehicle operator's license issued to the~~ 1188
~~person in the person's state of residence, or, if that person~~ 1189
~~does not possess a motor vehicle operator's license issued in~~ 1190
~~that state, an identification card issued to the person by a~~ 1191
~~governmental agency in the person's state of residence~~ 1192

~~indicating that the person is a resident of that state. If a
person who is required to present a motor vehicle operator's
license or other identification card intends to transport the
fireworks purchased directly out of this state by a motor
vehicle and the person will not also be the operator of that
motor vehicle while so transporting the fireworks, the operator
of the motor vehicle also shall present the operator's motor
vehicle operator's license.~~ 1193
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~~(B) Each purchaser of fireworks under this section shall
transport the fireworks so purchased directly out of this state
within forty eight hours after the time of their purchase.~~ 1201
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~~This section regulates wholesale sales and retail sales of
fireworks in this state only insofar as purchasers of fireworks
are residents of other states and will be obtaining possession
in this state of purchased fireworks. This section does not
prohibit licensed manufacturers or wholesalers from selling
fireworks, in accordance with section 3743.04 or sections
3743.17 and 3743.25 of the Revised Code, to a resident of
another state and from shipping the purchased fireworks directly
out of this state to the purchaser.~~ 1204
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Sec. 3743.45. ~~(A) Any person who resides in this state and
who intends to obtain possession in this state of 1.4G fireworks
purchased in this state shall obtain possession of the 1.4G
fireworks only from a licensed retailer, licensed manufacturer,
or licensed wholesaler and shall be subject to this section.~~ 1213
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~~Each purchaser of 1.4G fireworks under this division shall
transport the fireworks so purchased directly out of this state
within forty eight hours after the time of their purchase.~~ 1218
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~~This division does not apply to a person who resides in~~ 1221

~~this state and who is also a licensed manufacturer, licensed
wholesaler, or licensed exhibitor of fireworks in this state.~~ 1222
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~~(B) No licensed manufacturer or licensed wholesaler shall
sell 1.3G fireworks to a person who resides in this state unless
that person is a licensed manufacturer, licensed wholesaler, or
licensed exhibitor of fireworks in this state. Any person
authorized under this section to possess 1.4G fireworks in this
state may discharge, ignite, or explode those fireworks on
private property, with authorization from the property owner, on
the following days each year:~~ 1224
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(1) The first day of January; 1232

(2) Chinese new year's day; 1233

(3) The fifth day of May; 1234

(4) The last Monday in May, and the Saturday and Sunday
immediately preceding that day; 1235
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(5) The nineteenth day of June; 1237

(6) The third, fourth, and fifth days of July; 1238

(7) The first Friday, Saturday, and Sunday before and
after the fourth day of July; 1239
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(8) The first Monday of September, and the Saturday and
Sunday immediately preceding that day; 1241
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(9) Diwali; 1243

(10) The thirty-first day of December. 1244

(C) Fireworks discharged, ignited, or exploded pursuant to
this section shall not be considered a public exhibition. 1245
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(D) A county, with respect to the unincorporated territory 1247

of the county, a township, with respect to the unincorporated 1248
territory of the township, or a municipal corporation may do 1249
either of the following: 1250

(1) Restrict the dates and times a person may discharge, 1251
ignite, or explode fireworks purchased pursuant to this section. 1252

(2) Ban the discharge, ignition, or explosion of fireworks 1253
purchased pursuant to this section. A resolution adopted by a 1254
board of township trustees under this division prevails over a 1255
conflicting resolution adopted under this division by the board 1256
of county commissioners in the county within which the township 1257
is located. 1258

(E) This section does not limit the enforcement of any 1259
ordinance, resolution, or statute that regulates noise, 1260
disturbance of the peace, or disorderly conduct. 1261

Sec. 3743.451. (A) (1) The state fire marshal shall adopt 1262
rules in accordance with Chapter 119. of the Revised Code 1263
regulating the time, manner, and location of 1.4G fireworks 1264
discharged, ignited, or exploded under section 3743.45 of the 1265
Revised Code. The rules may include provisions requiring that 1266
all fireworks be used only in accordance with manufacturer's 1267
instructions and provisions for all of the following: 1268

(a) The use of aerial fireworks; 1269

(b) Separation distances between the location of fireworks 1270
discharges, ignitions, or explosions and adjacent structures, 1271
roadways, railroads, airports, publicly owned or controlled 1272
places, and places where hazardous materials are manufactured, 1273
used, or stored; 1274

(c) Fireworks usage at common areas of multitenant 1275
properties; 1276

<u>(d) The suspension of fireworks discharges, ignitions, or explosions during times of drought or similar conditions;</u>	1277
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<u>(e) The proximity of fireworks discharges, ignitions, or explosions to persons under eighteen years of age;</u>	1279
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<u>(f) Any other matters similar to those listed in division (A) (1) of this section.</u>	1281
	1282
<u>(2) The state fire marshal shall file the rules required by this division with the joint committee on agency rule review pursuant to division (C) of section 119.03 of the Revised Code not later than one hundred eighty days after the effective date of this section.</u>	1283
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<u>(B) (1) Nothing in division (A) of this section shall be construed to limit the authority of a county, township, or municipal corporation under division (D) of section 3743.45 of the Revised Code to restrict the dates and times or ban the discharge, ignition, or explosion of fireworks purchased under section 3743.45 of the Revised Code.</u>	1288
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<u>(2) Rules adopted pursuant to this section shall permit consumers, who are at least eighteen years of age, to safely and responsibly use 1.4G fireworks on their own private property, or any private property to which they have express consent from the property owner.</u>	1294
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<u>(3) Rules adopted pursuant to this section shall not be constructed as a de facto ban on the consumer discharge of fireworks. It is the intent of the general assembly to allow consumers to discharge 1.4G fireworks in a safe and reasonable manner.</u>	1299
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<u>Sec. 3743.46. (A) Except as otherwise provided in section 3743.44 or 3743.45 of the Revised Code, no licensed manufacturer</u>	1304
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or licensed wholesaler shall sell fireworks to a person who 1306
resides in another state unless one of the following applies: 1307

(1) The person has been issued a license or permit in the 1308
state of the person's residence that authorizes the person to 1309
engage in the manufacture, wholesale sale, or retail sale of 1310
fireworks in that state or that authorizes the person to conduct 1311
fireworks exhibitions in that state and that person presents a 1312
certified copy of the license. 1313

(2) If the person does not possess a license or permit 1314
described in division (A)(1) of this section, the person 1315
presents a current, valid motor vehicle operator's license 1316
issued to the person in the person's state of residence. 1317

(3) If the person does not possess a license or permit 1318
issued in that state as described in division (A)(1) or (2) of 1319
this section, the person presents an identification card issued 1320
to the person by a governmental agency in the person's state of 1321
residence indicating that the person is a resident of that 1322
state. 1323

(B) If a person who is required to present a motor vehicle 1324
operator's license or other identification card intends to 1325
transport the fireworks purchased directly out of this state by 1326
a motor vehicle and the person will not also be the operator of 1327
that motor vehicle while so transporting the fireworks, the 1328
operator of the motor vehicle also shall present the operator's 1329
motor vehicle operator's license. 1330

Sec. 3743.47. (A) A licensed retailer, licensed 1331
manufacturer, or licensed wholesaler shall furnish a copy of a 1332
safety pamphlet to each purchaser of 1.4G fireworks. In addition 1333
to any safety information the licensed retailer, licensed 1334

wholesaler, or licensed manufacturer wishes to include, the 1335
pamphlet shall include all of the following statements, or 1336
substantially similar statements: 1337

"Do not allow children to play with fireworks. Sparklers, 1338
a firework often considered by many to be the ideal "safe" 1339
device for children, burn at very high temperatures and should 1340
not be handled by children. Children may not understand the 1341
danger involved with fireworks and may not act appropriately 1342
while using the devices or in case of emergency. 1343

Set off fireworks outdoors in a clear area, away from 1344
houses, dry leaves, or grass and other flammable materials. 1345

Keep a bucket of water nearby for emergencies and for 1346
pouring on fireworks that fail to ignite or explode. 1347

Do not try to relight or handle malfunctioning fireworks. 1348
Soak them with water and throw them away. 1349

Be sure other people are out of range before lighting 1350
fireworks. 1351

Never light fireworks in a container, especially a glass 1352
or metal container. 1353

Keep unused fireworks away from firing areas. 1354

Store fireworks in a cool, dry place. 1355

Check instructions for special storage directions. 1356

Observe state and local law. 1357

Never have any portion of your body directly over a 1358
firework while lighting. 1359

Do not experiment with homemade fireworks." 1360

(B) A licensed retailer, licensed manufacturer, or licensed wholesaler selling 1.4G fireworks shall have safety glasses available for a nominal charge or free at the site of the 1.4G fireworks purchase. 1361
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(C) Divisions (A) and (B) of this section do not apply when a purchaser is a licensed retailer, licensed manufacturer, licensed wholesaler, or licensed exhibitor of fireworks in this state. 1365
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Sec. 3743.57. (A) All fees collected by the state fire marshal for licenses or permits issued pursuant to this chapter, except the fee imposed under section 3743.22 of the Revised Code, shall be deposited into the state fire marshal's fund, and interest earned on the amounts in the fund shall be credited by the treasurer of state to the fund. 1369
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(B) The state fire marshal shall in the state fire marshal's discretion use amounts in the state fire marshal's fund for fireworks training and education purposes, including, but not limited to, the creation of educational and training programs, attendance by the state fire marshal and the state fire marshal's employees at conferences and seminars, the payment of travel and meal expenses associated with such attendance, participation by the state fire marshal and the state fire marshal's employees in committee meetings and other meetings related to pyrotechnic codes, and the payment of travel and meal expenses associated with such participation. The use of the fund shall comply with rules of the department of commerce, policies and procedures established by the director of budget and management, and all other applicable laws. 1375
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Sec. 3743.59. (A) As used in this section, "hobbyist activities" means the manufacture, possession, and use of 1389
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individual items, each of which meets the definition of either a 1391
1.3G firework or 1.4G firework. 1392

(B) Upon application by an affected party, the fire 1393
marshal may grant variances from the requirements of this 1394
chapter or from the requirements of rules adopted pursuant to 1395
this chapter if the fire marshal determines that a literal 1396
enforcement of the requirement will result in practical 1397
difficulty in complying with the requirements of this chapter or 1398
the rules adopted pursuant to this chapter and that the variance 1399
will not be contrary to the public health, safety, or welfare. 1400
~~A~~Except as provided in division (C) (2) (c) of section 3743.25 of 1401
the Revised Code, a variance shall not be granted to a person 1402
who is initially licensed as a manufacturer or wholesaler of 1403
fireworks after June 14, 1988. 1404

~~(B)~~(C) The fire marshal may authorize a variance from the 1405
prohibitions in this chapter against the possession and use of 1406
pyrotechnic compounds to a person who submits proof that the 1407
person is certified and in good standing with the Ohio state 1408
board of education, provided that the pyrotechnic compounds are 1409
used for educational purposes only, or are used only at an 1410
authorized educational function approved by the governing board 1411
that exercises authority over the educational function. 1412

~~(C)~~ ~~The~~ (D) (1) Subject to division (D) (2) of this section, 1413
the state fire marshal may authorize a variance from the 1414
prohibitions in this chapter ~~against the possession and use of~~ 1415
~~pyrotechnic compounds to~~ allow a person ~~who possesses and uses~~ 1416
~~the pyrotechnic compounds for personal and noncommercial~~ 1417
~~purposes as a hobby~~ to engage in hobbyist activities. 1418

(2) (a) A variance allowing hobbyist activities does not at 1419
any time permit a person to possess more than five pounds, in 1420

total, of explosives, pyrotechnics, or similar raw materials 1421
for, and finished 1.3G and 1.4G fireworks manufactured during, 1422
hobbyist activities. 1423

(b) A variance allowing hobbyist activities does not 1424
affect a person's obligation to comply with federal, state, or 1425
local law or regulation outside of this chapter. 1426

(c) The state fire marshal shall not issue a variance 1427
allowing hobbyist activities to a person unless the person does 1428
all of the following: 1429

(i) Demonstrates that the person has experience, 1430
education, and training in pyrotechnics necessary to protect 1431
public safety when engaging in hobbyist activities; 1432

(ii) Demonstrates that the person has, compliant with all 1433
applicable federal, state, and local laws, proper methods and 1434
locations to safely acquire, store, and use explosives, 1435
pyrotechnics, or similar raw materials for the manufacture of 1436
1.3G fireworks and 1.4G fireworks; 1437

(iii) Provides any other information or records the state 1438
fire marshal considers necessary to protect public safety during 1439
the person's hobbyist activities. 1440

(2) The state fire marshal shall not unreasonably withhold 1441
a variance allowing hobbyist activities that the state fire 1442
marshal may authorize pursuant to division (D)(1) of this 1443
section. 1444

(3) The state fire marshal may rescind a variance 1445
authorized authorizing hobbyist activities under this division 1446
(D)(1) of this section for cause at any time, exclusively at the 1447
fire marshal's discretion. 1448

Sec. 3743.60. (A) No person shall manufacture fireworks in 1449
this state unless it is a licensed manufacturer of fireworks, 1450
and no person shall operate a fireworks plant in this state 1451
unless it has been issued a license as a manufacturer of 1452
fireworks for the particular fireworks plant. 1453

(B) No person shall operate a fireworks plant in this 1454
state after its license as a manufacturer of fireworks for the 1455
particular fireworks plant has expired, is suspended, has been 1456
denied renewal, or has been revoked, unless a new license has 1457
been obtained or the suspension lifted. 1458

(C) No licensed manufacturer of fireworks, during the 1459
effective period of its licensure, shall construct, locate, or 1460
relocate any buildings or other structures on the premises of 1461
its fireworks plant, make any structural change or renovation in 1462
any building or other structure on the premises of its fireworks 1463
plant, or change the nature of its manufacturing of fireworks so 1464
as to include the processing of fireworks without first 1465
obtaining a written authorization from the state fire marshal 1466
pursuant to division (B) of section 3743.04 of the Revised Code. 1467

(D) No licensed manufacturer of fireworks shall 1468
manufacture fireworks, possess fireworks for sale at wholesale 1469
or retail, or sell fireworks at wholesale or retail, in a manner 1470
not authorized by division (C) of section 3743.04 of the Revised 1471
Code. 1472

(E) No licensed manufacturer of fireworks shall knowingly 1473
fail to comply with the rules adopted by the state fire marshal 1474
pursuant to section 3743.05 of the Revised Code or the 1475
requirements of section 3743.06 of the Revised Code. 1476

(F) No licensed manufacturer of fireworks shall fail to 1477

maintain complete inventory, wholesale sale, and retail records 1478
as required by section 3743.07 of the Revised Code, or to permit 1479
inspection of these records or the premises of a fireworks plant 1480
pursuant to section 3743.08 of the Revised Code. 1481

(G) No licensed manufacturer of fireworks shall fail to 1482
comply with an order of the state fire marshal issued pursuant 1483
to division (B)(1) of section 3743.08 of the Revised Code, 1484
within the specified period of time. 1485

(H) No licensed manufacturer of fireworks shall fail to 1486
comply with an order of the state fire marshal issued pursuant 1487
to division (B)(2) of section 3743.08 of the Revised Code until 1488
the nonconformities are eliminated, corrected, or otherwise 1489
remedied or the seventy-two hour period specified in that 1490
division has expired, whichever first occurs. 1491

(I) No person shall smoke or shall carry a pipe, 1492
cigarette, or cigar, or a match, lighter, other flame-producing 1493
item, or open flame on, or shall carry a concealed source of 1494
ignition into, the premises of a fireworks plant, except as 1495
smoking is authorized in specified lunchrooms or restrooms by a 1496
manufacturer pursuant to division (C) of section 3743.06 of the 1497
Revised Code. 1498

(J) No person shall have possession or control of, or be 1499
under the influence of, any intoxicating liquor, beer, or 1500
controlled substance, while on the premises of a fireworks 1501
plant. 1502

(K) No licensed manufacturer of fireworks shall 1503
negligently fail to furnish a safety pamphlet to a purchaser of 1504
1.4G fireworks as required by division (A) of section 3743.47 of 1505
the Revised Code. 1506

(L) No licensed manufacturer of fireworks shall 1507
negligently fail to have safety glasses available for sale as 1508
required by division (B) of section 3743.47 of the Revised Code. 1509

Sec. 3743.61. (A) No person, except a licensed 1510
manufacturer of fireworks engaging in the wholesale sale of 1511
fireworks as authorized by division (C) (2) of section 3743.04 of 1512
the Revised Code, shall operate as a wholesaler of fireworks in 1513
this state unless it is a licensed wholesaler of fireworks, or 1514
shall operate as a wholesaler of fireworks at any location in 1515
this state unless it has been issued a license as a wholesaler 1516
of fireworks for the particular location. 1517

(B) No person shall operate as a wholesaler of fireworks 1518
at a particular location in this state after its license as a 1519
wholesaler of fireworks for the particular location has expired, 1520
is suspended, has been denied renewal, or has been revoked, 1521
unless a new license has been obtained or the suspension lifted. 1522

(C) No licensed wholesaler of fireworks, during the 1523
effective period of its licensure, shall perform any 1524
construction, or make any structural change or renovation, on 1525
the premises on which the fireworks are sold without first 1526
obtaining a written authorization from the state fire marshal 1527
pursuant to division (B) of section 3743.17 of the Revised Code. 1528

(D) No licensed wholesaler of fireworks shall possess 1529
fireworks for sale at wholesale or retail, or sell fireworks at 1530
wholesale or retail, in a manner not authorized by division (C) 1531
of section 3743.17 of the Revised Code. 1532

(E) No licensed wholesaler of fireworks shall knowingly 1533
fail to comply with the rules adopted by the state fire marshal 1534
pursuant to section 3743.18 or the requirements of section 1535

3743.19 of the Revised Code. 1536

(F) No licensed wholesaler of fireworks shall fail to 1537
maintain complete inventory, wholesale sale, and retail records 1538
as required by section 3743.20 of the Revised Code, or to permit 1539
inspection of these records or the premises of the wholesaler 1540
pursuant to section 3743.21 of the Revised Code. 1541

(G) No licensed wholesaler of fireworks shall fail to 1542
comply with an order of the state fire marshal issued pursuant 1543
to division (B) (1) of section 3743.21 of the Revised Code, 1544
within the specified period of time. 1545

(H) No licensed wholesaler of fireworks shall fail to 1546
comply with an order of the state fire marshal issued pursuant 1547
to division (B) (2) of section 3743.21 of the Revised Code until 1548
the nonconformities are eliminated, corrected, or otherwise 1549
remedied or the seventy-two hour period specified in that 1550
division has expired, whichever first occurs. 1551

(I) No person shall smoke or shall carry a pipe, 1552
cigarette, or cigar, or a match, lighter, other flame-producing 1553
item, or open flame on, or shall carry a concealed source of 1554
ignition into, the premises of a wholesaler of fireworks, except 1555
as smoking is authorized in specified lunchrooms or restrooms by 1556
a wholesaler pursuant to division (D) of section 3743.19 of the 1557
Revised Code. 1558

(J) No person shall have possession or control of, or be 1559
under the influence of, any intoxicating liquor, beer, or 1560
controlled substance, while on the premises of a wholesaler of 1561
fireworks. 1562

(K) No licensed wholesaler of fireworks shall negligently 1563
fail to furnish a safety pamphlet to a purchaser of 1.4G 1564

fireworks as required by division (A) of section 3743.47 of the 1565
Revised Code. 1566

(L) No licensed wholesaler of fireworks shall negligently 1567
fail to have safety glasses available for sale as required by 1568
division (B) of section 3743.47 of the Revised Code. 1569

Sec. 3743.63. (A) No person who ~~resides in another state~~ 1570
~~and~~ purchases fireworks in this state shall obtain possession of 1571
the fireworks in this state unless the person complies with 1572
~~section~~ sections 3743.44 to 3743.46 of the Revised Code. 1573

(B) ~~No~~ Except for the purchase of 1.4G fireworks made 1574
under section 3743.45 of the Revised Code, no person who resides 1575
in another state and who purchases fireworks in this state shall 1576
obtain possession of fireworks in this state other than from a 1577
licensed manufacturer or wholesaler, or fail, when transporting 1578
1.3G fireworks, to transport them directly out of this state 1579
within seventy-two hours after the time of their purchase. ~~No~~ 1580
~~such person shall give or sell to any other person in this state~~ 1581
~~fireworks that the person has acquired in this state.~~ 1582

(C) ~~No person who resides in this state and purchases~~ 1583
~~fireworks in this state shall obtain possession of the fireworks~~ 1584
~~in this state unless the person complies with section 3743.45 of~~ 1585
~~the Revised Code.~~ 1586

~~(D) No person who resides in this state and who purchases~~ 1587
fireworks in this state under section 3743.45 of the Revised 1588
Code shall ~~obtain possession of fireworks in this state other~~ 1589
~~than from a licensed manufacturer or licensed wholesaler, or~~ 1590
~~fail, when transporting the fireworks, to transport them~~ 1591
~~directly out of this state within forty-eight hours after the~~ 1592
~~time of their purchase. No such person shall give or sell to any~~ 1593

other person in this state fireworks that the person has 1594
acquired in this state. 1595

Sec. 3743.65. (A) No person shall possess fireworks in 1596
this state or shall possess for sale or sell fireworks in this 1597
state, except a licensed manufacturer of fireworks as authorized 1598
by sections 3743.02 to 3743.08 of the Revised Code, a licensed 1599
wholesaler of fireworks as authorized by sections 3743.15 to 1600
3743.21 of the Revised Code, a shipping permit holder as 1601
authorized by section 3743.40 of the Revised Code, ~~an out-of-~~ 1602
~~state resident~~ a licensed fountain device retailer as authorized 1603
by section 3743.27 of the Revised Code, a person as authorized 1604
~~by section sections 3743.44 of the Revised Code, a resident of-~~ 1605
~~this state as authorized by section and 3743.45 of the Revised~~ 1606
Code, or a licensed exhibitor of fireworks as authorized by 1607
sections 3743.50 to 3743.55 of the Revised Code, and except as 1608
provided in section 3743.80 of the Revised Code. 1609

(B) Except as provided in ~~section sections 3743.45 and~~ 1610
3743.80 of the Revised Code and except for licensed exhibitors 1611
of fireworks authorized to conduct a fireworks exhibition 1612
pursuant to sections 3743.50 to 3743.55 of the Revised Code, no 1613
person shall discharge, ignite, or explode any fireworks in this 1614
state. 1615

(C) No person shall use in a theater or public hall, what 1616
is technically known as fireworks showers, or a mixture 1617
containing potassium chlorate and sulphur. 1618

(D) No person shall sell fireworks of any kind to a person 1619
under eighteen years of age. No person under eighteen years of 1620
age shall enter a fireworks sales showroom unless that person is 1621
accompanied by a parent, legal guardian, or other responsible 1622
adult. No person under eighteen years of age shall touch or 1623

possess fireworks on a licensed premises without the consent of 1624
the licensee. A licensee may eject any person from a licensed 1625
premises that is in any way disruptive to the safe operation of 1626
the premises. 1627

(E) Except as otherwise provided in section 3743.44 of the 1628
Revised Code, no person, other than a licensed manufacturer, 1629
licensed wholesaler, licensed exhibitor, or shipping permit 1630
holder, shall possess 1.3G fireworks in this state. 1631

(F) Except as otherwise provided in division (J) of 1632
section 3743.06 and division (K) of section 3743.19 of the 1633
Revised Code, no person shall knowingly disable a fire 1634
suppression system as defined in section 3781.108 of the Revised 1635
Code on the premises of a fireworks plant of a licensed 1636
manufacturer of fireworks or on the premises of the business 1637
operations of a licensed wholesaler of fireworks. 1638

(G) No person shall negligently discharge, ignite, or 1639
explode fireworks while in possession or control of, or under 1640
the influence of, any intoxicating liquor, beer, or controlled 1641
substance. 1642

(H) No person shall negligently discharge, ignite, or 1643
explode fireworks on the property of another person without that 1644
person's permission to use fireworks on that property. 1645

Sec. 3743.67. (A) The Ohio fire code rule recommendation 1646
committee is hereby created to review Chapter 3743. of the 1647
Revised Code and make a recommendation to the state fire 1648
marshal. At a minimum, the committee shall make a recommendation 1649
to the state fire marshal relating to all of the following: 1650

(1) Sections 3743.02, 3743.03, 3743.04, 3743.06, 3743.15, 1651
3743.16, 3743.17, 3743.18, and 3743.19 of the Revised Code; 1652

<u>(2) Section 3743.45 of the Revised Code relating to the</u>	1653
<u>purchase of 1.4G fireworks from licensed manufacturers or</u>	1654
<u>wholesalers;</u>	1655
<u>(3) Section 3743.75 of the Revised Code relating to the</u>	1656
<u>moratorium on licenses;</u>	1657
<u>(4) State fire marshal rulemaking of building code</u>	1658
<u>requirements for 1.3G manufacturing facilities.</u>	1659
<u>(5) Development of a state licensing program pursuant to</u>	1660
<u>section 3743.75 of the Revised Code.</u>	1661
<u>(B) The committee shall meet periodically, with the first</u>	1662
<u>meeting not later than ten days after the effective date of this</u>	1663
<u>section, and shall submit its report and recommendations to the</u>	1664
<u>state fire marshal not later than one hundred days after the</u>	1665
<u>effective date of this section.</u>	1666
<u>(C) The committee shall be made up of the following</u>	1667
<u>individuals:</u>	1668
<u>(1) The state fire marshal, or the state fire marshal's</u>	1669
<u>designee;</u>	1670
<u>(2) Four local fire chiefs appointed by the Ohio fire</u>	1671
<u>chiefs' association, or appointed by the association's designee;</u>	1672
<u>(3) A local police chief appointed by the attorney</u>	1673
<u>general, or the attorney general's designee;</u>	1674
<u>(4) Five members of the Ohio state pyrotechnics</u>	1675
<u>association, appointed by the president of the association, one</u>	1676
<u>of whom shall be a licensed wholesaler, one of whom shall be a</u>	1677
<u>licensed exhibitor, and one of whom shall be a licensed</u>	1678
<u>manufacturer;</u>	1679

<u>(5) One member of prevent blindness Ohio, or the</u>	1680
<u>organization's designee;</u>	1681
<u>(6) One member of the Ohio optometric association or the</u>	1682
<u>association's designee;</u>	1683
<u>(7) One member of the Ohio pyrotechnic arts guild or the</u>	1684
<u>organization's designee;</u>	1685
<u>(8) One representative of the Ohio chapter of the American</u>	1686
<u>academy of pediatrics, appointed by the president of the Ohio</u>	1687
<u>chapter;</u>	1688
<u>(9) One member of the Ohio council of retail merchants or</u>	1689
<u>the council's designee.</u>	1690
Sec. 3743.75. (A) Except as provided in division (B) of	1691
this section, during the period beginning on June 29, 2001, and	1692
ending on December 31, 2021 <u>December 31, 2022</u> , the state fire	1693
marshal shall not do any of the following:	1694
(1) Issue a license as a manufacturer of fireworks under	1695
sections 3743.02 and 3743.03 of the Revised Code to a person for	1696
a particular fireworks plant unless that person possessed such a	1697
license for that fireworks plant immediately prior to June 29,	1698
2001, <u>or pursuant to a transfer authorized under division (D) of</u>	1699
<u>this section;</u>	1700
(2) Issue a license as a wholesaler of fireworks under	1701
sections 3743.15 and 3743.16 of the Revised Code to a person for	1702
a particular location unless that person possessed such a	1703
license for that location immediately prior to June 29, 2001, <u>or</u>	1704
<u>pursuant to a transfer authorized under division (D) of this</u>	1705
<u>section;</u>	1706
(3) Approve the geographic transfer of a license as a	1707

manufacturer or wholesaler of fireworks issued under this 1708
chapter to any location other than a location for which a 1709
license was issued under this chapter immediately prior to June 1710
29, 2001. 1711

(B) Division (A) of this section does not apply to either 1712
of the following: 1713

(1) An ownership transfer that the state fire marshal 1714
approves under division (D) of section 3743.04 or division (D) 1715
of section 3743.17 of the Revised Code that is consistent with 1716
division ~~(E)~~(F) of this section; 1717

(2) A geographic transfer that the state fire marshal 1718
approves under division (D) of this section. 1719

(C) Notwithstanding section 3743.59 of the Revised Code, 1720
the prohibited activities established in divisions (A) (1) and 1721
(2) of this section, geographic transfers approved pursuant to 1722
division (D) of this section, and nonconstruction-related 1723
matters at storage locations allowed pursuant to division (I) of 1724
section 3743.04 of the Revised Code or division (F) of section 1725
3743.17 of the Revised Code are not subject to any variance, 1726
waiver, or exclusion. 1727

(D) (1) A licensed manufacturer of fireworks or a licensed 1728
wholesaler of fireworks may apply, on or after ~~the effective~~ 1729
~~date of this amendment~~ June 30, 2021, to geographically relocate 1730
the license to any location in the state if the license is in 1731
good standing, as defined in division (D) (6) of this section. 1732

(2) Notwithstanding any other provisions of this chapter, 1733
the state fire marshal shall approve the transfer if all of the 1734
following conditions are met: 1735

(a) The identity of the holder of the license remains the 1736

same in the new location. 1737

(b) The former licensed premises associated with the 1738
transferred license is closed prior to the opening of the new 1739
location and no fireworks business of any kind is conducted at 1740
the former licensed premises associated with the transferred 1741
license after the transfer of the license unless a separate 1742
fireworks manufacturer or wholesaler license is or has been 1743
issued for such location. 1744

(c) The new location has received a local certificate of 1745
zoning compliance and all structures on the new licensed 1746
location receive a valid certificate of occupancy, and are 1747
otherwise in compliance with all applicable laws, rules, and 1748
regulations, including the building code and fire code and this 1749
chapter. 1750

(d) Every building or structure at the new location is 1751
separated from occupied residential and nonresidential buildings 1752
or structures, railroads, highways, or any other buildings or 1753
structures located on the licensed premises in accordance with 1754
the distances specified in the rules adopted by the state fire 1755
marshal pursuant to sections 3743.05 and 3743.18 of the Revised 1756
Code. If the licensee fails to comply with the requirements of 1757
division (D) (2) (d) of this section by the licensee's own act, 1758
the license at the new location is forfeited. 1759

(e) Neither the licensee nor any person holding, owning, 1760
or controlling a five per cent or greater beneficial or equity 1761
interest in the licensee has been convicted of or has pleaded 1762
guilty to a felony under the laws of this state, any other 1763
state, or the United States after June 30, 1997. 1764

(f) The subject license is in active status and does not 1765

have any pending proceedings or final orders of revocation or 1766
denial under section 3743.08 or 3743.21 of the Revised Code. 1767

(g) The state fire marshal approves the request for the 1768
transfer. 1769

(h) All sales structures at the new location comply with 1770
the requirements specified in division (C) of section 3743.25 of 1771
the Revised Code. Each licensed premises may only contain one 1772
sales structure. A sales structure on any licensed premises may 1773
be converted from a representative sample showroom to a retail 1774
sales showroom or from a retail sales showroom to a 1775
representative sample showroom at any time in accordance with 1776
rules established by the state fire marshal under this chapter. 1777

(i) A completed geographic transfer application, including 1778
the designation of the new location, is received by the state 1779
fire marshal on or after ~~the effective date of this amendment~~ 1780
June 30, 2021, but not later than December 31, 2021~~December 31,~~ 1781
2022. 1782

(3) All construction at the new location shall be 1783
authorized by the state fire marshal in writing before 1784
initiation and shall be completed not later than ~~December 31,~~ 1785
2022~~December 31, 2023~~. The state fire marshal shall issue 1786
preliminary construction approvals and may set conditions 1787
thereon. The state fire marshal may authorize extensions of 1788
dates specified in this section upon a finding of good cause 1789
based upon evidence submitted by the applicant. Any final 1790
approvals of a geographic transfer shall occur only after full 1791
compliance with this section. 1792

(4) The filing of an application to geographically 1793
relocate a license and any conditional approvals issued under 1794

this section do not vest in the applicant any rights to the 1795
transfer. 1796

(5) A licensed premises subject to this section may be 1797
granted only one geographic transfer pursuant to this section 1798
prior to ~~December 31, 2021~~December 31, 2022. After that date, 1799
any existing license subject to this section may be 1800
geographically transferred to any location within this state 1801
upon application to the state fire marshal and compliance with 1802
divisions (D) (2) (a) to (h) of this section. 1803

(6) Notwithstanding any other section of the Revised Code, 1804
the license of a licensed manufacturer of fireworks or a 1805
licensed wholesaler of fireworks shall be deemed in good 1806
standing for purposes of a geographic transfer if any of the 1807
following applies to the license: 1808

(a) The license existed immediately prior to June 29, 1809
2001, and the owner of the license, including a license approved 1810
for transfers of ownership subsequent to June 29, 2001, was an 1811
active corporation in good standing as recognized by the 1812
secretary of state of the state where the company is 1813
incorporated as of December 1, 2019, or was a person, as defined 1814
by section 1.59 of the Revised Code, as of December 1, 2019. 1815

(b) The license existed on December 1, 1995, and the owner 1816
of the license, including a license approved for changes or 1817
transfers of ownership subsequent to December 1, 1995, was an 1818
active corporation in good standing as recognized by the 1819
secretary of state of the state where the company is 1820
incorporated as of December 1, 2019, or was a person, as defined 1821
by section 1.59 of the Revised Code, as of December 1, 2019. 1822

(c) For transfers requested after ~~December 31,~~ 1823

~~2021~~December 31, 2022, the owner of the license, including a 1824
license approved for transfers of ownership subsequent to June 1825
29, 2001, is an active corporation in good standing as 1826
recognized by the secretary of state of the state where the 1827
company is incorporated as of the date of the application, or is 1828
a person, as defined by section 1.59 of the Revised Code, as of 1829
the date of application. 1830

If, between December 1, 1995, and ~~the effective date of~~ 1831
~~this amendment~~June 30, 2021, a licensee, holding a license that 1832
has been deemed to be in good standing under division (D) (6) of 1833
this section, either converted the license type from a 1834
manufacturer to a wholesaler or has otherwise ceased operations 1835
at its licensed premises for any reason, the state fire marshal 1836
may geographically transfer under this section and reissue the 1837
license at the new location after full compliance with division 1838
(D) (2) of this section without first issuing a license at the 1839
premises where the license last existed. 1840

(E) After the end of the period described in division (A) 1841
of this section, the state fire marshal may issue new licenses 1842
as a manufacturer or wholesaler of fireworks. New licenses shall 1843
not be approved in such a manner that unduly burdens the state 1844
fire marshal's ability to ensure public safety. 1845

(F) As used in division (A) of this section: 1846

(1) "Person" includes any person or entity, in whatever 1847
form or name, that acquires possession of a manufacturer or 1848
wholesaler of fireworks license issued pursuant to this chapter 1849
by transfer of possession of a license, whether that transfer 1850
occurs by purchase, assignment, inheritance, bequest, stock 1851
transfer, or any other type of transfer, on the condition that 1852
the transfer is in accordance with division (D) of section 1853

3743.04 of the Revised Code or division (D) of section 3743.17 1854
of the Revised Code and is approved by the state fire marshal. 1855

(2) "Particular location" includes a licensed premises 1856
and, regardless of when approved, any storage location approved 1857
in accordance with section 3743.04 or 3743.17 of the Revised 1858
Code. 1859

(3) "Such a license" includes a wholesaler of fireworks 1860
license that was issued in place of a manufacturer of fireworks 1861
license that existed prior to June 29, 2001, and was requested 1862
to be canceled by the license holder pursuant to division (D) of 1863
section 3743.03 of the Revised Code. 1864

Sec. 3743.80. This chapter does not prohibit or apply to 1865
the following: 1866

(A) The manufacture, sale, possession, transportation, 1867
storage, or use in emergency situations, of pyrotechnic 1868
signaling devices and distress signals for marine, aviation, or 1869
highway use; 1870

(B) The manufacture, sale, possession, transportation, 1871
storage, or use of fusees, torpedoes, or other signals necessary 1872
for the safe operation of railroads; 1873

(C) The manufacture, sale, possession, transportation, 1874
storage, or use of blank cartridges in connection with theaters 1875
or shows, or in connection with athletics as signals or for 1876
ceremonial purposes; 1877

(D) The manufacture for, the transportation, storage, 1878
possession, or use by, or sale to the armed forces of the United 1879
States and the militia of this state, as recognized by the 1880
adjutant general of Ohio, of pyrotechnic devices; 1881

(E) The manufacture, sale, possession, transportation,	1882
storage, or use of toy pistols, toy canes, toy guns, or other	1883
devices in which paper or plastic caps containing twenty-five	1884
hundredths grains or less of explosive material are used,	1885
provided that they are constructed so that a hand cannot come	1886
into contact with a cap when it is in place for explosion, or	1887
apply to the manufacture, sale, possession, transportation,	1888
storage, or use of those caps;	1889
(F) The manufacture, sale, possession, transportation,	1890
storage, or use of novelties and trick noisemakers, auto burglar	1891
alarms, or model rockets and model rocket motors designed, sold,	1892
and used for the purpose of propelling recoverable aero models;	1893
(G) The manufacture, sale, possession, transportation,	1894
storage, or use of wire sparklers.	1895
(H) The conduct of radio-controlled special effect	1896
exhibitions that use an explosive black powder charge of not	1897
more than one-quarter pound per charge, and that are not	1898
connected in any manner to propellant charges, provided that the	1899
exhibition complies with all of following:	1900
(1) No explosive aerial display is conducted in the	1901
exhibition;	1902
(2) The exhibition is separated from spectators by not	1903
less than two hundred feet;	1904
(3) The person conducting the exhibition complies with	1905
regulations of the bureau of alcohol, tobacco, and firearms of	1906
the United States department of the treasury and the United	1907
States department of transportation with respect to the storage	1908
and transport of the explosive black powder used in the	1909
exhibition.	1910

Sec. 3743.99. (A) Whoever violates division (A) or (B) of section 3743.60 or division (H) of section 3743.64 of the Revised Code is guilty of a felony of the third degree.

(B) Whoever violates division (C) or (D) of section 3743.60, division (A), (B), (C), or (D) of section 3743.61, or division (A) or (B) of section 3743.64 of the Revised Code is guilty of a felony of the fourth degree.

(C) Whoever violates division (E), (F), (G), (H), (I), or (J) of section 3743.60, division (E), (F), (G), (H), (I), or (J) of section 3743.61, section 3743.63, division (D), (E), (F), or (G) of section 3743.64, division (A), (B), (C), (D), or (E) of section 3743.65, or section 3743.66 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (I) of section 3743.60 or 3743.61 of the Revised Code, a violation of either of these divisions is a felony of the fifth degree.

(D) Whoever violates division (C) of section 3743.64 of the Revised Code is guilty of a misdemeanor of the first degree. In addition to any other penalties that may be imposed on a licensed exhibitor of fireworks under this division and unless the third sentence of this division applies, the person's license as an exhibitor of fireworks or as an assistant exhibitor of fireworks shall be suspended. If the violation of division (C) of section 3743.64 of the Revised Code results in serious physical harm to persons or serious physical harm to property, the person's license as an exhibitor of fireworks or as an assistant exhibitor of fireworks shall be revoked.

(E) Whoever violates division (F) of section 3743.65 of the Revised Code is guilty of a felony of the fifth degree.

(F) Whoever violates division (G) of section 3743.65 of 1941
the Revised Code is guilty of a misdemeanor of the first degree. 1942
Notwithstanding any other provision of law to the contrary, a 1943
person may be convicted at the same trial or proceeding of a 1944
violation of division (G) of section 3743.65 of the Revised Code 1945
and a violation of division (B) of section 2917.11 of the 1946
Revised Code that constitutes the basis of the charge of the 1947
violation of division (G) of section 3743.65 of the Revised 1948
Code. 1949

(G) Whoever violates division (B) or (C) of section 1950
3743.27 or division (K) or (L) of section 3743.60 or division 1951
(K) or (L) of section 3743.61 of the Revised Code is guilty of a 1952
misdemeanor of the second degree. 1953

(H) Whoever violates division (H) of section 3743.65 of 1954
the Revised Code is guilty of a minor misdemeanor. 1955

Sec. 5703.21. (A) Except as provided in divisions (B) and 1956
(C) of this section, no agent of the department of taxation, 1957
except in the agent's report to the department or when called on 1958
to testify in any court or proceeding, shall divulge any 1959
information acquired by the agent as to the transactions, 1960
property, or business of any person while acting or claiming to 1961
act under orders of the department. Whoever violates this 1962
provision shall thereafter be disqualified from acting as an 1963
officer or employee or in any other capacity under appointment 1964
or employment of the department. 1965

(B) (1) For purposes of an audit pursuant to section 117.15 1966
of the Revised Code, or an audit of the department pursuant to 1967
Chapter 117. of the Revised Code, or an audit, pursuant to that 1968
chapter, the objective of which is to express an opinion on a 1969
financial report or statement prepared or issued pursuant to 1970

division (A) (7) or (9) of section 126.21 of the Revised Code, 1971
the officers and employees of the auditor of state charged with 1972
conducting the audit shall have access to and the right to 1973
examine any state tax returns and state tax return information 1974
in the possession of the department to the extent that the 1975
access and examination are necessary for purposes of the audit. 1976
Any information acquired as the result of that access and 1977
examination shall not be divulged for any purpose other than as 1978
required for the audit or unless the officers and employees are 1979
required to testify in a court or proceeding under compulsion of 1980
legal process. Whoever violates this provision shall thereafter 1981
be disqualified from acting as an officer or employee or in any 1982
other capacity under appointment or employment of the auditor of 1983
state. 1984

(2) For purposes of an internal audit pursuant to section 1985
126.45 of the Revised Code, the officers and employees of the 1986
office of internal audit in the office of budget and management 1987
charged with directing the internal audit shall have access to 1988
and the right to examine any state tax returns and state tax 1989
return information in the possession of the department to the 1990
extent that the access and examination are necessary for 1991
purposes of the internal audit. Any information acquired as the 1992
result of that access and examination shall not be divulged for 1993
any purpose other than as required for the internal audit or 1994
unless the officers and employees are required to testify in a 1995
court or proceeding under compulsion of legal process. Whoever 1996
violates this provision shall thereafter be disqualified from 1997
acting as an officer or employee or in any other capacity under 1998
appointment or employment of the office of internal audit. 1999

(3) As provided by section 6103(d) (2) of the Internal 2000
Revenue Code, any federal tax returns or federal tax information 2001

that the department has acquired from the internal revenue 2002
service, through federal and state statutory authority, may be 2003
disclosed to the auditor of state or the office of internal 2004
audit solely for purposes of an audit of the department. 2005

(4) For purposes of Chapter 3739. of the Revised Code, an 2006
agent of the department of taxation may share information with 2007
the division of state fire marshal that the agent finds during 2008
the course of an investigation. 2009

(C) Division (A) of this section does not prohibit any of 2010
the following: 2011

(1) Divulging information contained in applications, 2012
complaints, and related documents filed with the department 2013
under section 5715.27 of the Revised Code or in applications 2014
filed with the department under section 5715.39 of the Revised 2015
Code; 2016

(2) Providing information to the office of child support 2017
within the department of job and family services pursuant to 2018
section 3125.43 of the Revised Code; 2019

(3) Disclosing to the motor vehicle repair board any 2020
information in the possession of the department that is 2021
necessary for the board to verify the existence of an 2022
applicant's valid vendor's license and current state tax 2023
identification number under section 4775.07 of the Revised Code; 2024

(4) Providing information to the administrator of workers' 2025
compensation pursuant to sections 4123.271 and 4123.591 of the 2026
Revised Code; 2027

(5) Providing to the attorney general information the 2028
department obtains under division (J) of section 1346.01 of the 2029
Revised Code; 2030

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code;	2031 2032 2033 2034
(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;	2035 2036 2037 2038 2039 2040 2041 2042 2043
(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;	2044 2045 2046
(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;	2047 2048 2049 2050 2051
(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;	2052 2053
(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code;	2054 2055 2056 2057 2058
(12) Disclosing to the department of natural resources	2059

information in the possession of the department of taxation that 2060
is necessary for the department of taxation to verify the 2061
taxpayer's compliance with section 5749.02 of the Revised Code 2062
or to allow the department of natural resources to enforce 2063
Chapter 1509. of the Revised Code; 2064

(13) Disclosing to the department of job and family 2065
services, industrial commission, and bureau of workers' 2066
compensation information in the possession of the department of 2067
taxation solely for the purpose of identifying employers that 2068
misclassify employees as independent contractors or that fail to 2069
properly report and pay employer tax liabilities. The department 2070
of taxation shall disclose only such information that is 2071
necessary to verify employer compliance with law administered by 2072
those agencies. 2073

(14) Disclosing to the Ohio casino control commission 2074
information in the possession of the department of taxation that 2075
is necessary to verify a casino operator's compliance with 2076
section 5747.063 or 5753.02 of the Revised Code and sections 2077
related thereto; 2078

(15) Disclosing to the state lottery commission 2079
information in the possession of the department of taxation that 2080
is necessary to verify a lottery sales agent's compliance with 2081
section 5747.064 of the Revised Code; 2082

(16) Disclosing to the development services agency 2083
information in the possession of the department of taxation that 2084
is necessary to ensure compliance with the laws of this state 2085
governing taxation and to verify information reported to the 2086
development services agency for the purpose of evaluating 2087
potential tax credits, grants, or loans. Such information shall 2088
not include information received from the internal revenue 2089

service the disclosure of which is prohibited by section 6103 of 2090
the Internal Revenue Code. No officer, employee, or agent of the 2091
development services agency shall disclose any information 2092
provided to the development services agency by the department of 2093
taxation under division (C)(16) of this section except when 2094
disclosure of the information is necessary for, and made solely 2095
for the purpose of facilitating, the evaluation of potential tax 2096
credits, grants, or loans. 2097

(17) Disclosing to the department of insurance information 2098
in the possession of the department of taxation that is 2099
necessary to ensure a taxpayer's compliance with the 2100
requirements with any tax credit administered by the development 2101
services agency and claimed by the taxpayer against any tax 2102
administered by the superintendent of insurance. No officer, 2103
employee, or agent of the department of insurance shall disclose 2104
any information provided to the department of insurance by the 2105
department of taxation under division (C)(17) of this section. 2106

(18) Disclosing to the division of liquor control 2107
information in the possession of the department of taxation that 2108
is necessary for the division and department to comply with the 2109
requirements of sections 4303.26 and 4303.271 of the Revised 2110
Code; 2111

(19) Disclosing to the state fire marshal information in 2112
the possession of the department of taxation that is necessary 2113
for the state fire marshal to verify the compliance of a 2114
licensed manufacturer of fireworks or a licensed wholesaler of 2115
fireworks with section 3743.22 of the Revised Code. No officer, 2116
employee, or agent of the state fire marshal shall disclose any 2117
information provided to the state fire marshal by the department 2118
of taxation under division (C)(19) of this section. 2119

Section 2. That existing sections 3743.01, 3743.04, 2120
3743.08, 3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 3743.57, 2121
3743.59, 3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 3743.80, 2122
3743.99, and 5703.21 of the Revised Code are hereby repealed. 2123

Section 3. The amendments to sections 3743.08, 3743.21, 2124
3743.44, 3743.45, 3743.57, 3743.59, 3743.60, 3743.61, 3743.63, 2125
3743.65, and 3743.99 of the Revised Code made in Sections 1 and 2126
2 of this act and the enactment of sections 3743.46 and 3743.47 2127
of the Revised Code by Sections 1 and 2 of this act, take effect 2128
on July 1, 2022. The amendments to sections 3743.01, 3743.04, 2129
3743.17, 3743.25, 3743.75, 3743.80, and 5703.21 and the 2130
enactment of sections 3743.021, 3743.041, 3743.151, 3743.171, 2131
3743.22, 3743.26 to 3743.29, 3743.451, and 3743.67 of the 2132
Revised Code in Sections 1 and 2 of this act shall take effect 2133
at the earliest time permitted by law. 2134

Section 4. Notwithstanding divisions (A) and (B) of 2135
section 3743.26 of the Revised Code, as enacted by this act, the 2136
State Fire Marshal shall not issue any licenses to sell fountain 2137
devices at retail in 2021. 2138

Section 5. The amendments to section 3743.75 and enactment 2139
of sections 3743.021, 3743.041, 3743.151, and 3743.171 of the 2140
Revised Code by this act are hereby declared to be emergency 2141
measures necessary for the immediate preservation of the public 2142
peace, health, and safety. The reason for such necessity is the 2143
time needed for the State Fire Marshal to prepare for the end of 2144
a moratorium on the issuance of new fireworks manufacturer and 2145
wholesaler licenses and the geographic transfer of existing 2146
licenses. Therefore, the amendments to section 3743.75 and 2147
enactment of sections 3743.021, 3743.041, 3743.151, and 3743.171 2148
of the Revised Code by this act shall go into immediate effect. 2149