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Senate Bill 72
Senate Transportation, Commerce, and Workforce Committee
Chairman McColley
Sponsor Testimony - Senator Dave Burke
May 8, 2019

Chairman McColley, Vice Chair Uecker, Ranking Member Antonio, and members of the Senate Transportation, Commerce, and Workforce Committee, thank you for allowing me to provide sponsor testimony for Senate Bill 72. This bill would legalize the discharge of consumer grade fireworks in Ohio.

Every year, the 4th of July is marked with family picnics and parades as a way to celebrate our nation's birthday and the many freedoms we enjoy as Americans. Even with all of this, I am disappointed each and every year when I cannot legally and honestly discharge fireworks as a means of celebrating with my family, friends, and neighbors. Therefore, I have introduced this legislation that would allow Ohioans to purchase and use 1.4G fireworks here in the state.

I also recognize that there are important safety measures that must be taken when using fireworks. However, current law and policy does not provide the state with enough resources to educate Ohioans on proper safety practices. While consumer grade 1.4G fireworks are currently illegal to use in Ohio, we find every year that this law is largely ignored. Working with the State Fire Marshal's office and local officials across the state we could make our state safer, while allowing our citizens to express their national pride and joy in a safe and responsible manner.

Current law requires consumer grade fireworks bought in the state to be transported out within 48 hours of purchase and prohibits an individual from using 1.4G fireworks in Ohio. This bill changes that and other provisions as they relate to the fireworks law.

As states across the country have loosened their firework laws, we have found that an increase in use of fireworks across the country in recent decades has not correlated to a statistically significant increase in firework related injuries. Statistics show that firework consumption in the United States has risen from 29 million pounds in 1976 to 254.4 million pounds in 2017, a 777 percent increase. According to the U.S. Consumer Product Safety Commission's 2017 Fireworks

Annual Report, during that period of time the estimated number of firework related injuries per year has mildly fluctuated, with an average of approximately 9,900 incidents per year. Despite the steep increase in fireworks consumption, in 1976 the number of fireworks related injuries was approximately 11,100 incidents, and in 2017, that number has only risen to approximately 12,900. The use of illegal “homemade” fireworks and improper use of fireworks has historically been a consistent factor in firework related injuries, and a problem this bill will hope to resolve.

One section of this bill establishes the Ohio Fire Code Rule Recommendation Committee. This committee will be made up of the State Fire Marshal, local fire chiefs, a local police chief, members of the Ohio State Pyrotechnics Association, a member of Prevent Blindness Ohio, a member of the Ohio Optometric Association, a member of the Ohio Pyrotechnic Arts Guild, and a representative of the Ohio Chapter of the American Academy of Pediatrics. The purpose of this committee is to advise the State Fire Marshal regarding rulemaking, including those surrounding firework usage, sale, manufacturing licensing, and wholesaler licensing.

This bill will also enact a four percent Firework Safety Fee on the gross sale of all fireworks in the State to provide adequate resources to the State Fire Marshal to design firework safety material, increase enforcement and regulation on the firework industry, and help supplement the cost of firefighter training classes for local fire departments. The Fire Marshal’s office will be required to design a Firework Safety Pamphlet to be distributed by retailers to the consumers at the point of sale to educate the consumer on proper safety precautions to take when using the fireworks. With increased enforcement and regulation the Fire Marshal’s office will be able to protect consumers from fraudulent retailers and ensure all fireworks sold in the state meet high standards. The bill will also now require all firework retailers to have safety glasses available for purchase at the point of sale. This will place a gentle reminder to consumers on the importance of wearing safety glasses when using fireworks and will hopefully decrease the number of firework related eye injuries.

While the intent is to allow for consumer purchase and use of these consumer grade fireworks, this bill respects the right of local municipalities to restrict and/or ban the use of fireworks in their communities. Special attention was also placed on violations of the fireworks law, whereby an individual can be convicted for use of fireworks while in possession of, or under the influence of, alcohol or controlled substances, disturbance of the peace, or use of fireworks on unauthorized property.

Additionally, today we are introducing a substitute bill which addresses several issues that have arisen as a result of interested party input. This substitute bill creates a new section of code regarding “fountain devices”, requires that the four percent firework safety fee also applies to fountain devices, adjusts some of the dates in the bill, and adds a member of the Ohio Retail Merchants Council to the Ohio Fire Code Rule Recommendation Committee.

Thank you again for your time and consideration of Senate Bill 72. I would be happy to answer any questions you may have at this time.