

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 253

Representatives Manning, D., O'Brien

Cosponsors: Representatives Seitz, Lipps

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, 3743.60, 3743.61, 3743.63, 3743.65, 3
3743.75, 3743.99, and 5703.21 and to enact 4
sections 3743.22, 3743.26, 3743.27, 3743.28, 5
3743.29, 3743.451, 3743.46, 3743.47, 3743.591, 6
and 3743.67 of the Revised Code to revise the 7
Fireworks Law. 8

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

Section 1. That sections 3743.01, 3743.04, 3743.08, 9
3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 3743.57, 3743.60, 10
3743.61, 3743.63, 3743.65, 3743.75, 3743.99, and 5703.21 be 11
amended and sections 3743.22, 3743.26, 3743.27, 3743.28, 12
3743.29, 3743.451, 3743.46, 3743.47, 3743.591, and 3743.67 of 13
the Revised Code be enacted to read as follows: 14

Sec. 3743.01. As used in this chapter: 15

(A) "Beer" and "intoxicating liquor" have the same 16
meanings as in section 4301.01 of the Revised Code. 17

(B) "Booby trap" means a small tube that has a string 18

protruding from both ends, that has a friction-sensitive 19
composition, and that is ignited by pulling the ends of the 20
string. 21

(C) "Cigarette load" means a small wooden peg that is 22
coated with a small quantity of explosive composition and that 23
is ignited in a cigarette. 24

(D) (1) "1.3G fireworks" means display fireworks consistent 25
with regulations of the United States department of 26
transportation as expressed using the designation "division 1.3" 27
in Title 49, Code of Federal Regulations. 28

(2) "1.4G fireworks" means consumer fireworks consistent 29
with regulations of the United States department of 30
transportation as expressed using the designation "division 1.4" 31
in Title 49, Code of Federal Regulations. 32

(E) "Controlled substance" has the same meaning as in 33
section 3719.01 of the Revised Code. 34

(F) "Fireworks" means any composition or device prepared 35
for the purpose of producing a visible or an audible effect by 36
combustion, deflagration, or detonation, except ordinary matches 37
and except as provided in section 3743.80 of the Revised Code. 38

(G) "Fireworks plant" means all buildings and other 39
structures in which the manufacturing of fireworks, or the 40
storage or sale of manufactured fireworks by a manufacturer, 41
takes place. 42

(H) "Fountain device" means a specific type of 1.4G 43
firework, a ground-based or hand-held sparkler with one or more 44
tubes containing a nonexplosive pyrotechnic mixture that 45
produces a shower of sparks upon ignition and that contains not 46
more than seventy-five grams of this mixture in any individual 47

tube and not more than five hundred grams of this mixture in 48
total. 49

(I) "Highway" means any public street, road, alley, way,
lane, or other public thoroughfare. 50
51

~~(I)~~(J) "Licensed exhibitor of fireworks" or "licensed
exhibitor" means a person licensed pursuant to sections 3743.50 52
to 3743.55 of the Revised Code. 53
54

~~(J)~~(K) "Licensed fountain device retailer" or "licensed
retailer" means a person licensed pursuant to section 3743.26 of 55
the Revised Code. 56
57

(L) "Licensed manufacturer of fireworks" or "licensed
manufacturer" means a person licensed pursuant to sections 58
3743.02 to 3743.08 of the Revised Code. 59
60

~~(K)~~(M) "Licensed wholesaler of fireworks" or "licensed
wholesaler" means a person licensed pursuant to sections 3743.15 61
to 3743.21 of the Revised Code. 62
63

~~(L)~~(N) "List of licensed exhibitors" means the list
required by division (C) of section 3743.51 of the Revised Code. 64
65

~~(M)~~(O) "List of licensed manufacturers" means the list
required by division (C) of section 3743.03 of the Revised Code. 66
67

~~(N)~~(P) "List of licensed wholesalers" means the list
required by division (C) of section 3743.16 of the Revised Code. 68
69

~~(O)~~(Q) "Manufacturing of fireworks" means the making of
fireworks from raw materials, none of which in and of themselves 70
constitute a fireworks, or the processing of fireworks. 71
72

~~(P)~~(R) "Navigable waters" means any body of water
susceptible of being used in its ordinary condition as a highway 73
74

of commerce over which trade and travel is or may be conducted 75
in the customary modes, but does not include a body of water 76
that is not capable of navigation by barges, tugboats, and other 77
large vessels. 78

~~(Q)~~(S) "Novelties and trick noisemakers" include the 79
following items: 80

(1) Devices that produce a small report intended to 81
surprise the user, including, but not limited to, booby traps, 82
cigarette loads, party poppers, and snappers; 83

(2) Snakes or glow worms; 84

(3) Smoke devices; 85

(4) Trick matches. 86

~~(R)~~(T) "Party popper" means a small plastic or paper item 87
that contains not more than sixteen milligrams of friction- 88
sensitive explosive composition, that is ignited by pulling a 89
string protruding from the item, and from which paper streamers 90
are expelled when the item is ignited. 91

~~(S)~~(U) "Processing of fireworks" means the making of 92
fireworks from materials all or part of which in and of 93
themselves constitute a fireworks, but does not include the mere 94
packaging or repackaging of fireworks. 95

~~(T)~~(V) "Railroad" means any railway or railroad that 96
carries freight or passengers for hire, but does not include 97
auxiliary tracks, spurs, and sidings installed and primarily 98
used in serving a mine, quarry, or plant. 99

~~(U)~~(W) "Retail sale" or "sell at retail" means a sale of 100
fireworks to a purchaser who intends to use the fireworks, and 101
not resell them. 102

~~(V)~~ (X) "Smoke device" means a tube or sphere that 103
contains pyrotechnic composition that, upon ignition, produces 104
white or colored smoke as the primary effect. 105

~~(W)~~ (Y) "Snake or glow worm" means a device that consists 106
of a pressed pellet of pyrotechnic composition that produces a 107
large, snake-like ash upon burning, which ash expands in length 108
as the pellet burns. 109

~~(X)~~ (Z) "Snapper" means a small, paper-wrapped item that 110
contains a minute quantity of explosive composition coated on 111
small bits of sand, and that, when dropped, implodes. 112

~~(Y)~~ (AA) "Trick match" means a kitchen or book match that 113
is coated with a small quantity of explosive composition and 114
that, upon ignition, produces a small report or a shower of 115
sparks. 116

~~(Z)~~ (BB) "Wire sparkler" means a sparkler consisting of a 117
wire or stick coated with a nonexplosive pyrotechnic mixture 118
that produces a shower of sparks upon ignition and that contains 119
no more than one hundred grams of this mixture. 120

~~(AA)~~ (CC) "Wholesale sale" or "sell at wholesale" means a 121
sale of fireworks to a purchaser who intends to resell the 122
fireworks so purchased. 123

~~(BB)~~ (DD) "Licensed premises" means the real estate upon 124
which a licensed manufacturer or wholesaler of fireworks 125
conducts business. 126

~~(CC)~~ (EE) "Licensed building" means a building on the 127
licensed premises of a licensed manufacturer or wholesaler of 128
fireworks that is approved for occupancy by the building 129
official having jurisdiction. 130

~~(DD)~~ (FF) "Fireworks incident" means any action or 131
omission that occurs at a fireworks exhibition, that results in 132
injury or death, or a substantial risk of injury or death, to 133
any person, and that involves either of the following: 134

(1) The handling or other use, or the results of the 135
handling or other use, of fireworks or associated equipment or 136
other materials; 137

(2) The failure of any person to comply with any 138
applicable requirement imposed by this chapter or any applicable 139
rule adopted under this chapter. 140

~~(EE)~~ (GG) "Discharge site" means an area immediately 141
surrounding the mortars used to fire aerial shells. 142

~~(FF)~~ (HH) "Fireworks incident site" means a discharge site 143
or other location at a fireworks exhibition where a fireworks 144
incident occurs, a location where an injury or death associated 145
with a fireworks incident occurs, or a location where evidence 146
of a fireworks incident or an injury or death associated with a 147
fireworks incident is found. 148

~~(GG)~~ (II) "Storage location" means a single parcel or 149
contiguous parcels of real estate approved by the fire marshal 150
pursuant to division (I) of section 3743.04 of the Revised Code 151
or division (G) of section 3743.17 of the Revised Code that are 152
separate from a licensed premises containing a retail showroom, 153
and which parcel or parcels a licensed manufacturer or 154
wholesaler of fireworks may use only for the distribution, 155
possession, and storage of fireworks in accordance with this 156
chapter. 157

Sec. 3743.04. (A) The license of a manufacturer of 158
fireworks is effective for one year beginning on the first day 159

of December. The state fire marshal shall issue or renew a 160
license only on that date and at no other time. If a 161
manufacturer of fireworks wishes to continue manufacturing 162
fireworks at the designated fireworks plant after its then 163
effective license expires, it shall apply no later than the 164
first day of October for a new license pursuant to section 165
3743.02 of the Revised Code. The state fire marshal shall send a 166
written notice of the expiration of its license to a licensed 167
manufacturer at least three months before the expiration date. 168

(B) If, during the effective period of its licensure, a 169
licensed manufacturer of fireworks wishes to construct, locate, 170
or relocate any buildings or other structures on the premises of 171
its fireworks plant, to make any structural change or renovation 172
in any building or other structure on the premises of its 173
fireworks plant, or to change the nature of its manufacturing of 174
fireworks so as to include the processing of fireworks, the 175
manufacturer shall notify the state fire marshal in writing. The 176
state fire marshal may require a licensed manufacturer also to 177
submit documentation, including, but not limited to, plans 178
covering the proposed construction, location, relocation, 179
structural change or renovation, or change in manufacturing of 180
fireworks, if the state fire marshal determines the 181
documentation is necessary for evaluation purposes in light of 182
the proposed construction, location, relocation, structural 183
change or renovation, or change in manufacturing of fireworks. 184

Upon receipt of the notification and additional 185
documentation required by the state fire marshal, the state fire 186
marshal shall inspect the premises of the fireworks plant to 187
determine if the proposed construction, location, relocation, 188
structural change or renovation, or change in manufacturing of 189
fireworks conforms to sections 3743.02 to 3743.08 of the Revised 190

Code and the rules adopted by the state fire marshal pursuant to 191
section 3743.05 of the Revised Code. The state fire marshal 192
shall issue a written authorization to the manufacturer for the 193
construction, location, relocation, structural change or 194
renovation, or change in manufacturing of fireworks if the state 195
fire marshal determines, upon the inspection and a review of 196
submitted documentation, that the construction, location, 197
relocation, structural change or renovation, or change in 198
manufacturing of fireworks conforms to those sections and rules. 199
Upon authorizing a change in manufacturing of fireworks to 200
include the processing of fireworks, the state fire marshal 201
shall make notations on the manufacturer's license and in the 202
list of licensed manufacturers in accordance with section 203
3743.03 of the Revised Code. 204

On or before June 1, 1998, a licensed manufacturer shall 205
install, in every licensed building in which fireworks are 206
manufactured, stored, or displayed and to which the public has 207
access, interlinked fire detection, smoke exhaust, and smoke 208
evacuation systems that are approved by the superintendent of 209
industrial compliance, and shall comply with floor plans showing 210
occupancy load limits and internal circulation and egress 211
patterns that are approved by the state fire marshal and 212
superintendent, and that are submitted under seal as required by 213
section 3791.04 of the Revised Code. Notwithstanding section 214
3743.59 of the Revised Code, the construction and safety 215
requirements established in this division are not subject to any 216
variance, waiver, or exclusion. 217

(C) The license of a manufacturer of fireworks authorizes 218
the manufacturer to engage only in the following activities: 219

(1) The manufacturing of fireworks on the premises of the 220

fireworks plant as described in the application for licensure or 221
in the notification submitted under division (B) of this 222
section, except that a licensed manufacturer shall not engage in 223
the processing of fireworks unless authorized to do so by its 224
license. 225

(2) To possess for sale at wholesale and sell at wholesale 226
the fireworks manufactured by the manufacturer, to persons who 227
are licensed wholesalers of fireworks, to ~~out of state residents~~ 228
persons in accordance with ~~section~~ sections 3743.44 of the 229
~~Revised Code, to residents of this state in accordance with~~ 230
~~section 3743.45 to 3743.46~~ of the Revised Code, or to persons 231
located in another state provided the fireworks are shipped 232
directly out of this state to them by the manufacturer. A person 233
who is licensed as a manufacturer of fireworks on June 14, 1988, 234
also may possess for sale and sell pursuant to division (C) (2) 235
of this section fireworks other than those the person 236
manufactures. The possession for sale shall be on the premises 237
of the fireworks plant described in the application for 238
licensure or in the notification submitted under division (B) of 239
this section, and the sale shall be from the inside of a 240
licensed building and from no other structure or device outside 241
a licensed building. At no time shall a licensed manufacturer 242
sell any class of fireworks outside a licensed building. 243

(3) Possess for sale at retail and sell at retail the 244
fireworks manufactured by the manufacturer, other than 1.4G 245
fireworks as designated by the state fire marshal in rules 246
adopted pursuant to division (A) of section 3743.05 of the 247
Revised Code, to licensed exhibitors in accordance with sections 248
3743.50 to 3743.55 of the Revised Code, and possess for sale at 249
retail and sell at retail the fireworks manufactured by the 250
manufacturer, including 1.4G fireworks, to ~~out of state~~ 251

~~residents persons~~ in accordance with ~~section sections~~ 3743.44 ~~of~~ 252
~~the Revised Code, to residents of this state in accordance with~~ 253
~~section 3743.45 to 3743.46~~ of the Revised Code, or to persons 254
located in another state provided the fireworks are shipped 255
directly out of this state to them by the manufacturer. A person 256
who is licensed as a manufacturer of fireworks on June 14, 1988, 257
may also possess for sale and sell pursuant to division (C) (3) 258
of this section fireworks other than those the person 259
manufactures. The possession for sale shall be on the premises 260
of the fireworks plant described in the application for 261
licensure or in the notification submitted under division (B) of 262
this section, and the sale shall be from the inside of a 263
licensed building and from no other structure or device outside 264
a licensed building. At no time shall a licensed manufacturer 265
sell any class of fireworks outside a licensed building. 266

A licensed manufacturer of fireworks shall sell under 267
division (C) of this section only fireworks that meet the 268
standards set by the consumer product safety commission or by 269
the American fireworks standard laboratories or that have 270
received an EX number from the United States department of 271
transportation. 272

(D) The license of a manufacturer of fireworks shall be 273
protected under glass and posted in a conspicuous place on the 274
premises of the fireworks plant. Except as otherwise provided in 275
this division, the license is not transferable or assignable. A 276
license may be transferred to another person for the same 277
fireworks plant for which the license was issued if the assets 278
of the plant are transferred to that person by inheritance or by 279
a sale approved by the state fire marshal. The license is 280
subject to revocation in accordance with section 3743.08 of the 281
Revised Code. 282

(E) The state fire marshal shall not place the license of 283
a manufacturer of fireworks in a temporarily inactive status 284
while the holder of the license is attempting to qualify to 285
retain the license. 286

(F) Each licensed manufacturer of fireworks that possesses 287
fireworks for sale and sells fireworks under division (C) of 288
section 3743.04 of the Revised Code, or a designee of the 289
manufacturer, whose identity is provided to the state fire 290
marshal by the manufacturer, annually shall attend a continuing 291
education program. The state fire marshal shall develop the 292
program and the state fire marshal or a person or public agency 293
approved by the state fire marshal shall conduct it. A licensed 294
manufacturer or the manufacturer's designee who attends a 295
program as required under this division, within one year after 296
attending the program, shall conduct in-service training as 297
approved by the state fire marshal for other employees of the 298
licensed manufacturer regarding the information obtained in the 299
program. A licensed manufacturer shall provide the state fire 300
marshal with notice of the date, time, and place of all in- 301
service training. For any program conducted under this division, 302
the state fire marshal shall, in accordance with rules adopted 303
by the state fire marshal under Chapter 119. of the Revised 304
Code, establish the subjects to be taught, the length of 305
classes, the standards for approval, and time periods for 306
notification by the licensee to the state fire marshal of any 307
in-service training. 308

(G) A licensed manufacturer shall maintain comprehensive 309
general liability insurance coverage in the amount and type 310
specified under division (B) (2) of section 3743.02 of the 311
Revised Code at all times. Each policy of insurance required 312
under this division shall contain a provision requiring the 313

insurer to give not less than fifteen days' prior written notice 314
to the state fire marshal before termination, lapse, or 315
cancellation of the policy, or any change in the policy that 316
reduces the coverage below the minimum required under this 317
division. Prior to canceling or reducing the amount of coverage 318
of any comprehensive general liability insurance coverage 319
required under this division, a licensed manufacturer shall 320
secure supplemental insurance in an amount and type that 321
satisfies the requirements of this division so that no lapse in 322
coverage occurs at any time. A licensed manufacturer who secures 323
supplemental insurance shall file evidence of the supplemental 324
insurance with the state fire marshal prior to canceling or 325
reducing the amount of coverage of any comprehensive general 326
liability insurance coverage required under this division. 327

(H) The state fire marshal shall adopt rules for the 328
expansion or contraction of a licensed premises and for approval 329
of such expansions or contractions. The boundaries of a licensed 330
premises, including any geographic expansion or contraction of 331
those boundaries, shall be approved by the state fire marshal in 332
accordance with rules the state fire marshal adopts. If the 333
licensed premises consists of more than one parcel of real 334
estate, those parcels shall be contiguous unless an exception is 335
allowed pursuant to division (I) of this section. 336

(I) (1) A licensed manufacturer may expand its licensed 337
premises within this state to include not more than two storage 338
locations that are located upon one or more real estate parcels 339
that are noncontiguous to the licensed premises as that licensed 340
premises exists on the date a licensee submits an application as 341
described below, if all of the following apply: 342

(a) The licensee submits an application to the state fire 343

marshal and an application fee of one hundred dollars per 344
storage location for which the licensee is requesting approval. 345

(b) The identity of the holder of the license remains the 346
same at the storage location. 347

(c) The storage location has received a valid certificate 348
of zoning compliance as applicable and a valid certificate of 349
occupancy for each building or structure at the storage location 350
issued by the authority having jurisdiction to issue the 351
certificate for the storage location, and those certificates 352
permit the distribution and storage of fireworks regulated under 353
this chapter at the storage location and in the buildings or 354
structures. The storage location shall be in compliance with all 355
other applicable federal, state, and local laws and regulations. 356

(d) Every building or structure located upon the storage 357
location is separated from occupied residential and 358
nonresidential buildings or structures, railroads, highways, or 359
any other buildings or structures on the licensed premises in 360
accordance with the distances specified in the rules adopted by 361
the state fire marshal pursuant to section 3743.05 of the 362
Revised Code. 363

(e) Neither the licensee nor any person holding, owning, 364
or controlling a five per cent or greater beneficial or equity 365
interest in the licensee has been convicted of or pleaded guilty 366
to a felony under the laws of this state, any other state, or 367
the United States, after September 29, 2005. 368

(f) The state fire marshal approves the application for 369
expansion. 370

(2) The state fire marshal shall approve an application 371
for expansion requested under division (I)(1) of this section if 372

the state fire marshal receives the application fee and proof 373
that the requirements of divisions (I) (1) (b) to (e) of this 374
section are satisfied. The storage location shall be considered 375
part of the original licensed premises and shall use the same 376
distinct number assigned to the original licensed premises with 377
any additional designations as the state fire marshal deems 378
necessary in accordance with section 3743.03 of the Revised 379
Code. 380

(J) (1) A licensee who obtains approval for the use of a 381
storage location in accordance with division (I) of this section 382
shall use the storage location exclusively for the following 383
activities, in accordance with division (C) of this section: 384

(a) The packaging, assembling, or storing of fireworks, 385
which shall only occur in buildings or structures approved for 386
such hazardous uses by the building code official having 387
jurisdiction for the storage location or, for 1.4G fireworks, in 388
containers or trailers approved for such hazardous uses by the 389
state fire marshal if such containers or trailers are not 390
subject to regulation by the building code adopted in accordance 391
with Chapter 3781. of the Revised Code. All such storage shall 392
be in accordance with the rules adopted by the state fire 393
marshal under division (G) of section 3743.05 of the Revised 394
Code for the packaging, assembling, and storage of fireworks. 395

(b) Distributing fireworks to other parcels of real estate 396
located on the manufacturer's licensed premises, to licensed 397
wholesalers or other licensed manufacturers in this state or to 398
similarly licensed persons located in another state or country; 399

(c) Distributing fireworks to a licensed exhibitor of 400
fireworks pursuant to a properly issued permit in accordance 401
with section 3743.54 of the Revised Code. 402

(2) A licensed manufacturer shall not engage in any sales 403
activity, including the retail sale of fireworks otherwise 404
permitted under division (C) (2) or (C) (3) of this section, or 405
pursuant to section 3743.44 or 3743.45 of the Revised Code, at 406
the storage location approved under this section. 407

(3) A storage location may not be relocated for a minimum 408
period of five years after the storage location is approved by 409
the state fire marshal in accordance with division (I) of this 410
section. 411

(K) The licensee shall prohibit public access to the 412
storage location. The state fire marshal shall adopt rules to 413
describe the acceptable measures a manufacturer shall use to 414
prohibit access to the storage site. 415

Sec. 3743.08. (A) The state fire marshal may inspect the 416
premises of a fireworks plant, and the inventory, wholesale 417
sale, and retail sale records, of a licensed manufacturer of 418
fireworks during the manufacturer's period of licensure to 419
determine whether the manufacturer is in compliance with Chapter 420
3743. of the Revised Code and the rules adopted by the state 421
fire marshal pursuant to section 3743.05 or 3743.22 of the 422
Revised Code. 423

(B) If the state fire marshal determines during an 424
inspection conducted pursuant to division (A) of this section 425
that a manufacturer is not in compliance with Chapter 3743. of 426
the Revised Code or the rules adopted by the state fire marshal 427
pursuant to section 3743.05 or 3743.22 of the Revised Code, the 428
state fire marshal may take one or more of the following 429
actions, whichever the state fire marshal considers appropriate 430
under the circumstances: 431

(1) Order, in writing, the manufacturer to eliminate, 432
correct, or otherwise remedy the nonconformities within a 433
specified period of time; 434

(2) Order, in writing, the manufacturer to immediately 435
cease its operations, if a fire or explosion hazard exists that 436
reasonably can be regarded as posing an imminent danger of death 437
or serious physical harm to persons. The order shall be 438
effective until the nonconformities are eliminated, corrected, 439
or otherwise remedied or for a period of seventy-two hours from 440
the time of issuance, whichever first occurs. During the 441
seventy-two hour period, the state fire marshal may obtain from 442
the court of common pleas of Franklin county or of the county in 443
which the fireworks plant is located an injunction restraining 444
the manufacturer from continuing its operations after the 445
seventy-two hour period expires until the nonconformities are 446
eliminated, corrected, or otherwise remedied. 447

(3) Revoke or deny renewal of the license of the 448
manufacturer in accordance with Chapter 119. of the Revised 449
Code; 450

(4) Take action as authorized by section 3743.68 of the 451
Revised Code. 452

(C) This section does not affect the authority conferred 453
by Chapters 3781. and 3791. of the Revised Code to conduct 454
inspections to determine conformity with those chapters or the 455
rules adopted pursuant to them. 456

(D) If the license of a manufacturer of fireworks is 457
revoked or renewal is denied pursuant to division (B) (3) of this 458
section or section 3743.70 of the Revised Code, the manufacturer 459
shall cease its operations immediately. The manufacturer may not 460

reapply for licensure as a manufacturer of fireworks until two 461
years expire from the date of revocation. 462

The state fire marshal shall remove from the list of 463
licensed manufacturers the name of a manufacturer whose license 464
has been revoked, and shall notify the law enforcement 465
authorities for the political subdivision in which the 466
manufacturer's fireworks plant is located, of the revocation or 467
denial of renewal. 468

Sec. 3743.17. (A) The license of a wholesaler of fireworks 469
is effective for one year beginning on the first day of 470
December. The state fire marshal shall issue or renew a license 471
only on that date and at no other time. If a wholesaler of 472
fireworks wishes to continue engaging in the wholesale sale of 473
fireworks at the particular location after its then effective 474
license expires, it shall apply not later than the first day of 475
October for a new license pursuant to section 3743.15 of the 476
Revised Code. The state fire marshal shall send a written notice 477
of the expiration of its license to a licensed wholesaler at 478
least three months before the expiration date. 479

(B) If, during the effective period of its licensure, a 480
licensed wholesaler of fireworks wishes to perform any 481
construction, or make any structural change or renovation, on 482
the premises on which the fireworks are sold, the wholesaler 483
shall notify the state fire marshal in writing. The state fire 484
marshal may require a licensed wholesaler also to submit 485
documentation, including, but not limited to, plans covering the 486
proposed construction or structural change or renovation, if the 487
state fire marshal determines the documentation is necessary for 488
evaluation purposes in light of the proposed construction or 489
structural change or renovation. 490

Upon receipt of the notification and additional 491
documentation required by the state fire marshal, the state fire 492
marshal shall inspect the premises on which the fireworks are 493
sold to determine if the proposed construction or structural 494
change or renovation conforms to sections 3743.15 to 3743.21 of 495
the Revised Code and the rules adopted by the state fire marshal 496
pursuant to section 3743.18 of the Revised Code. The state fire 497
marshal shall issue a written authorization to the wholesaler 498
for the construction or structural change or renovation if the 499
state fire marshal determines, upon the inspection and a review 500
of submitted documentation, that the construction or structural 501
change or renovation conforms to those sections and rules. 502

(C) The license of a wholesaler of fireworks authorizes 503
the wholesaler to engage only in the following activities: 504

(1) Possess for sale at wholesale and sell at wholesale 505
fireworks to persons who are licensed wholesalers of fireworks, 506
to ~~out of state residents~~ persons in accordance with ~~section~~ 507
~~sections~~ 3743.44 of the Revised Code, to residents of this state 508
~~in accordance with section 3743.45 to 3743.46~~ of the Revised 509
Code, or to persons located in another state provided the 510
fireworks are shipped directly out of this state to them by the 511
wholesaler. The possession for sale shall be at the location 512
described in the application for licensure or in the 513
notification submitted under division (B) of this section, and 514
the sale shall be from the inside of a licensed building and 515
from no structure or device outside a licensed building. At no 516
time shall a licensed wholesaler sell any class of fireworks 517
outside a licensed building. 518

(2) Possess for sale at retail and sell at retail 519
fireworks, other than 1.4G fireworks as designated by the state 520

fire marshal in rules adopted pursuant to division (A) of 521
section 3743.05 of the Revised Code, to licensed exhibitors in 522
accordance with sections 3743.50 to 3743.55 of the Revised Code, 523
and possess for sale at retail and sell at retail fireworks, 524
including 1.4G fireworks, to ~~out-of-state residents~~ persons in 525
accordance with ~~section~~ sections 3743.44 of the Revised Code, to 526
~~residents of this state in accordance with section 3743.45 to~~ 527
3743.46 of the Revised Code, or to persons located in another 528
state provided the fireworks are shipped directly out of this 529
state to them by the wholesaler. The possession for sale shall 530
be at the location described in the application for licensure or 531
in the notification submitted under division (B) of this 532
section, and the sale shall be from the inside of the licensed 533
building and from no other structure or device outside this 534
licensed building. At no time shall a licensed wholesaler sell 535
any class of fireworks outside a licensed building. 536

A licensed wholesaler of fireworks shall sell under 537
division (C) of this section only fireworks that meet the 538
standards set by the consumer product safety commission or by 539
the American fireworks standard laboratories or that have 540
received an EX number from the United States department of 541
transportation. 542

(D) The license of a wholesaler of fireworks shall be 543
protected under glass and posted in a conspicuous place at the 544
location described in the application for licensure or in the 545
notification submitted under division (B) of this section. 546
Except as otherwise provided in this section, the license is not 547
transferable or assignable. A license may be transferred to 548
another person for the same location for which the license was 549
issued if the assets of the wholesaler are transferred to that 550
person by inheritance or by a sale approved by the state fire 551

marshal. The license is subject to revocation in accordance with 552
section 3743.21 of the Revised Code. 553

(E) The state fire marshal shall adopt rules for the 554
expansion or contraction of a licensed premises and for the 555
approval of an expansion or contraction. The boundaries of a 556
licensed premises, including any geographic expansion or 557
contraction of those boundaries, shall be approved by the state 558
fire marshal in accordance with rules the state fire marshal 559
adopts. If the licensed premises of a licensed wholesaler from 560
which the wholesaler operates consists of more than one parcel 561
of real estate, those parcels must be contiguous, unless an 562
exception is allowed pursuant to division (G) of this section. 563

(F) (1) Upon application by a licensed wholesaler of 564
fireworks, a wholesaler license may be transferred from one 565
geographic location to another within the same municipal 566
corporation or within the unincorporated area of the same 567
township, ~~but only~~ if all of the following apply: 568

(a) The identity of the holder of the license remains the 569
same in the new location. 570

(b) The former location is closed prior to the opening of 571
the new location and no fireworks business of any kind is 572
conducted at the former location after the transfer of the 573
license. 574

(c) The new location has received a local certificate of 575
zoning compliance and a local certificate of occupancy, and 576
otherwise is in compliance with all local building regulations. 577

(d) Every building or structure at the new location is 578
separated from occupied residential and nonresidential buildings 579
or structures, railroads, highways, or any other buildings or 580

structures located on the licensed premises in accordance with 581
the distances specified in the rules adopted by the state fire 582
marshal pursuant to section 3743.18 of the Revised Code. If the 583
licensee fails to comply with the requirements of division (F) 584
(1)(d) of this section by the licensee's own act, the license at 585
the new location is forfeited. 586

(e) Neither the licensee nor any person holding, owning, 587
or controlling a five per cent or greater beneficial or equity 588
interest in the licensee has been convicted of or has pleaded 589
guilty to a felony under the laws of this state, any other 590
state, or the United States after June 30, 1997. 591

(f) The state fire marshal approves the request for the 592
transfer. 593

(2) The new location shall comply with the requirements 594
specified in divisions (C)(1) and (2) of section 3743.25 of the 595
Revised Code whether or not the fireworks showroom at the new 596
location is constructed, expanded, or first begins operating on 597
and after June 30, 1997. 598

(G)(1) A licensed wholesaler may expand its licensed 599
premises within this state to include not more than two storage 600
locations that are located upon one or more real estate parcels 601
that are noncontiguous to the licensed premises as that licensed 602
premises exists on the date a licensee submits an application as 603
described below, if all of the following apply: 604

(a) The licensee submits an application to the state fire 605
marshal requesting the expansion and an application fee of one 606
hundred dollars per storage location for which the licensee is 607
requesting approval. 608

(b) The identity of the holder of the license remains the 609

same at the storage location. 610

(c) The storage location has received a valid certificate 611
of zoning compliance, as applicable, and a valid certificate of 612
occupancy for each building or structure at the storage location 613
issued by the authority having jurisdiction to issue the 614
certificate for the storage location, and those certificates 615
permit the distribution and storage of fireworks regulated under 616
this chapter at the storage location and in the buildings or 617
structures. The storage location shall be in compliance with all 618
other applicable federal, state, and local laws and regulations. 619

(d) Every building or structure located upon the storage 620
location is separated from occupied residential and 621
nonresidential buildings or structures, railroads, highways, and 622
any other buildings or structures on the licensed premises in 623
accordance with the distances specified in the rules adopted by 624
the state fire marshal pursuant to section 3743.18 of the 625
Revised Code. 626

(e) Neither the licensee nor any person holding, owning, 627
or controlling a five per cent or greater beneficial or equity 628
interest in the licensee has been convicted of or pleaded guilty 629
to a felony under the laws of this state, any other state, or 630
the United States, after September 29, 2005. 631

(f) The state fire marshal approves the application for 632
expansion. 633

(2) The state fire marshal shall approve an application 634
for expansion requested under division (G)(1) of this section if 635
the state fire marshal receives the application fee and proof 636
that the requirements of divisions (G)(1)(b) to (e) of this 637
section are satisfied. The storage location shall be considered 638

part of the original licensed premises and shall use the same 639
distinct number assigned to the original licensed premises with 640
any additional designations as the state fire marshal deems 641
necessary in accordance with section 3743.16 of the Revised 642
Code. 643

(H) (1) A licensee who obtains approval for use of a 644
storage location in accordance with division (G) of this section 645
shall use the site exclusively for the following activities, in 646
accordance with division (C) (1) of this section: 647

(a) Packaging, assembling, or storing fireworks, which 648
shall occur only in buildings or structures approved for such 649
hazardous uses by the building code official having jurisdiction 650
for the storage location or, for 1.4G fireworks, in containers 651
or trailers approved for such hazardous uses by the state fire 652
marshal if such containers or trailers are not subject to 653
regulation by the building code adopted in accordance with 654
Chapter 3781. of the Revised Code. All such storage shall be in 655
accordance with the rules adopted by the state fire marshal 656
under division (B) (4) of section 3743.18 of the Revised Code for 657
the packaging, assembling, and storage of fireworks. 658

(b) Distributing fireworks to other parcels of real estate 659
located on the wholesaler's licensed premises, to licensed 660
manufacturers or other licensed wholesalers in this state or to 661
similarly licensed persons located in another state or country; 662

(c) Distributing fireworks to a licensed exhibitor of 663
fireworks pursuant to a properly issued permit in accordance 664
with section 3743.54 of the Revised Code. 665

(2) A licensed wholesaler shall not engage in any sales 666
activity, including the retail sale of fireworks otherwise 667

permitted under division (C) (2) of this section or pursuant to 668
section 3743.44 or 3743.45 of the Revised Code, at a storage 669
location approved under this section. 670

(3) A storage location may not be relocated for a minimum 671
period of five years after the storage location is approved by 672
the state fire marshal in accordance with division (G) of this 673
section. 674

(I) A licensee shall prohibit public access to all storage 675
locations it uses. The state fire marshal shall adopt rules 676
establishing acceptable measures a wholesaler shall use to 677
prohibit access to storage sites. 678

(J) The state fire marshal shall not place the license of 679
a wholesaler of fireworks in temporarily inactive status while 680
the holder of the license is attempting to qualify to retain the 681
license. 682

(K) Each licensed wholesaler of fireworks or a designee of 683
the wholesaler, whose identity is provided to the state fire 684
marshal by the wholesaler, annually shall attend a continuing 685
education program. The state fire marshal shall develop the 686
program and the state fire marshal or a person or public agency 687
approved by the state fire marshal shall conduct it. A licensed 688
wholesaler or the wholesaler's designee who attends a program as 689
required under this division, within one year after attending 690
the program, shall conduct in-service training as approved by 691
the state fire marshal for other employees of the licensed 692
wholesaler regarding the information obtained in the program. A 693
licensed wholesaler shall provide the state fire marshal with 694
notice of the date, time, and place of all in-service training. 695
For any program conducted under this division, the state fire 696
marshal shall, in accordance with rules adopted by the state 697

fire marshal under Chapter 119. of the Revised Code, establish 698
the subjects to be taught, the length of classes, the standards 699
for approval, and time periods for notification by the licensee 700
to the state fire marshal of any in-service training. 701

(L) A licensed wholesaler shall maintain comprehensive 702
general liability insurance coverage in the amount and type 703
specified under division (B) (2) of section 3743.15 of the 704
Revised Code at all times. Each policy of insurance required 705
under this division shall contain a provision requiring the 706
insurer to give not less than fifteen days' prior written notice 707
to the state fire marshal before termination, lapse, or 708
cancellation of the policy, or any change in the policy that 709
reduces the coverage below the minimum required under this 710
division. Prior to canceling or reducing the amount of coverage 711
of any comprehensive general liability insurance coverage 712
required under this division, a licensed wholesaler shall secure 713
supplemental insurance in an amount and type that satisfies the 714
requirements of this division so that no lapse in coverage 715
occurs at any time. A licensed wholesaler who secures 716
supplemental insurance shall file evidence of the supplemental 717
insurance with the state fire marshal prior to canceling or 718
reducing the amount of coverage of any comprehensive general 719
liability insurance coverage required under this division. 720

Sec. 3743.21. (A) The state fire marshal may inspect the 721
premises, and the inventory, wholesale sale, and retail sale 722
records, of a licensed wholesaler of fireworks during the 723
wholesaler's period of licensure to determine whether the 724
wholesaler is in compliance with Chapter 3743. of the Revised 725
Code and the rules adopted by the state fire marshal pursuant to 726
section 3743.18 or 3743.22 of the Revised Code. 727

(B) If the state fire marshal determines during an 728
inspection conducted pursuant to division (A) of this section 729
that a wholesaler is not in compliance with Chapter 3743. of the 730
Revised Code or the rules adopted by the state fire marshal 731
pursuant to section 3743.18 or 3743.22 of the Revised Code, the 732
state fire marshal may take one or more of the following 733
actions, whichever the state fire marshal considers appropriate 734
under the circumstances: 735

(1) Order, in writing, the wholesaler to eliminate, 736
correct, or otherwise remedy the nonconformities within a 737
specified period of time; 738

(2) Order, in writing, the wholesaler to immediately cease 739
its operations, if a fire or explosion hazard exists that 740
reasonably can be regarded as posing an imminent danger of death 741
or serious physical harm to persons. The order shall be 742
effective until the nonconformities are eliminated, corrected, 743
or otherwise remedied or for a period of seventy-two hours from 744
the time of issuance, whichever first occurs. During the 745
seventy-two hour period, the state fire marshal may obtain from 746
the court of common pleas of Franklin county or of the county in 747
which the premises of the wholesaler are located an injunction 748
restraining the wholesaler from continuing its operations after 749
the seventy-two hour period expires until the nonconformities 750
are eliminated, corrected, or otherwise remedied. 751

(3) Revoke, or deny renewal of, the license of the 752
wholesaler in accordance with Chapter 119. of the Revised Code; 753

(4) Take action as authorized by section 3743.68 of the 754
Revised Code. 755

(C) This section does not affect the authority conferred 756

by Chapters 3781. and 3791. of the Revised Code to conduct 757
inspections to determine conformity with those chapters or the 758
rules adopted pursuant to them. 759

(D) If the license of a wholesaler of fireworks is revoked 760
or renewal is denied pursuant to division (B)(3) of this section 761
or section 3743.70 of the Revised Code, the wholesaler shall 762
cease its operations immediately. The wholesaler may not reapply 763
for licensure as a wholesaler of fireworks until two years 764
expire from the date of revocation. 765

The state fire marshal shall remove from the list of 766
licensed wholesalers the name of a wholesaler whose license has 767
been revoked, and shall notify the law enforcement authorities 768
for the political subdivision in which the wholesaler's premises 769
are located, of the revocation or denial of renewal. 770

Sec. 3743.22. (A) As used in this section: 771

(1) "Fee period" means the period beginning on the first 772
day of October and ending on the thirtieth day of the following 773
September. 774

(2) "Gross receipts" excludes the amount of taxes a 775
licensed retailer, licensed manufacturer, or licensed wholesaler 776
collects from a consumer under Chapter 5739. of the Revised Code 777
on behalf of the state or a political subdivision. 778

(B) For the purpose of providing revenue to fund 779
firefighter training programs and the enforcement and regulation 780
of the fireworks industry, a fee is imposed on licensed 781
retailers, licensed manufacturers, and licensed wholesalers 782
selling 1.4G fireworks in this state. The fee shall equal four 783
per cent of the gross receipts of a licensed manufacturer or 784
licensed wholesaler from retail sales of 1.4G fireworks in this 785

state made on or after January 1, 2020. For the purpose of this 786
section, a retail sale of 1.4G fireworks is made in this state 787
only if the purchaser intends to use the fireworks, and not 788
resell them, and receives the 1.4G fireworks at a location in 789
this state. 790

The fee shall be reported, on a form prescribed by the 791
state fire marshal, and remitted to the state fire marshal on or 792
before the twenty-third day after the last day of each fee 793
period. The amount of the fee due shall be computed on the basis 794
of gross receipts from retail sales made in each fee period. A 795
licensed retailer, licensed manufacturer, or licensed wholesaler 796
whose license is issued, canceled or revoked, or not renewed 797
after expiration during a fee period shall report and remit the 798
fee based on sales of 1.4G fireworks made in that fee period as 799
required under this section. A licensed retailer, licensed 800
manufacturer, or licensed wholesaler may separately or 801
proportionately bill or invoice a fee imposed under this section 802
to another person. 803

(C) All money collected under this section shall be 804
credited to the fireworks fee receipts fund, which is hereby 805
created in the state treasury. Seven-eighths of the money in the 806
fund shall be used by the state fire marshal solely to fund 807
firefighter training programs. Remaining money in the fund shall 808
be used solely to pay expenses of the state fire marshal in 809
performing the duties prescribed by this chapter. 810

(D) If the state fire marshal determines that a licensed 811
retailer, licensed manufacturer, or licensed wholesaler fails to 812
timely report and remit the full amount of the fee as required 813
by this section, the state fire marshal may do either of the 814
following: 815

(1) Order, in writing, the retailer, wholesaler, or 816
manufacturer to report and remit to the state fire marshal, 817
within a specified period of time, any such underpayment; 818

(2) Revoke or deny renewal of the license of the retailer, 819
manufacturer, or wholesaler, which shall subject a manufacturer 820
or wholesaler to the consequences prescribed in division (D) of 821
section 3743.08 of the Revised Code or division (D) of section 822
3743.21 of the Revised Code. 823

(E) The state fire marshal may adopt rules in accordance 824
with Chapter 119. of the Revised Code as necessary to administer 825
and enforce the fee imposed under this section. 826

Sec. 3743.25. (A) (1) Except as described in division (A) 827
(2) of this section, all retail sales of 1.4G fireworks by a 828
licensed manufacturer or wholesaler shall only occur from an 829
approved retail sales showroom on a licensed premises or from a 830
representative sample showroom as described in this section on a 831
licensed premises. For the purposes of this section, a retail 832
sale includes the transfer of the possession of the 1.4G 833
fireworks from the licensed manufacturer or wholesaler to the 834
purchaser of the fireworks. 835

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 836
properly permitted exhibition shall occur in accordance with the 837
provisions of the Revised Code and rules adopted by the state 838
fire marshal under Chapter 119. of the Revised Code. Such rules 839
shall specify, at a minimum, that the licensed exhibitor holds a 840
license under section 3743.51 of the Revised Code, that the 841
exhibitor possesses a valid exhibition permit issued in 842
accordance with section 3743.54 of the Revised Code, and that 843
the fireworks shipped are to be used at the specifically 844
permitted exhibition. 845

(B) All wholesale sales of fireworks by a licensed 846
manufacturer or wholesaler shall only occur from a licensed 847
premises to persons who intend to resell the fireworks purchased 848
at wholesale. A wholesale sale by a licensed manufacturer or 849
wholesaler may occur as follows: 850

(1) The direct sale and shipment of fireworks to a person 851
outside of this state; 852

(2) From an approved retail sales showroom as described in 853
this section; 854

(3) From a representative sample showroom as described in 855
this section; 856

(4) By delivery of wholesale fireworks to a purchaser at a 857
licensed premises outside of a structure or building on that 858
premises. All other portions of the wholesale sales transaction 859
may occur at any location on a licensed premises. 860

(5) Any other method as described in rules adopted by the 861
state fire marshal under Chapter 119. of the Revised Code. 862

(C) A licensed manufacturer or wholesaler shall only sell 863
1.4G fireworks from a representative sample showroom or a retail 864
sales showroom. Each licensed premises shall only contain one 865
sales structure. 866

A representative sample showroom shall consist of a 867
structure constructed and maintained in accordance with the 868
nonresidential building code adopted under Chapter 3781. of the 869
Revised Code and the fire code adopted under section 3737.82 of 870
the Revised Code for a use and occupancy group that permits 871
mercantile sales. A representative sample showroom shall not 872
contain any pyrotechnics, pyrotechnic materials, fireworks, 873
explosives, explosive materials, or any similar hazardous 874

materials or substances. A representative sample showroom shall 875
be used only for the public viewing of fireworks product 876
representations, including paper materials, packaging materials, 877
catalogs, photographs, or other similar product depictions. The 878
delivery of product to a purchaser of fireworks at a licensed 879
premises that has a representative sample structure shall not 880
occur inside any structure on a licensed premises. Such product 881
delivery shall occur on the licensed premises in a manner 882
prescribed by rules adopted by the state fire marshal pursuant 883
to Chapter 119. of the Revised Code. 884

If a manufacturer or wholesaler elects to conduct sales 885
from a retail sales showroom, the showroom structures, to which 886
the public may have any access and in which employees are 887
required to work, on all licensed premises, shall comply with 888
the following safety requirements: 889

(1) A fireworks showroom that is constructed or upon which 890
expansion is undertaken on and after June 30, 1997, shall be 891
equipped with interlinked fire detection, fire suppression, 892
smoke exhaust, and smoke evacuation systems that are approved by 893
the superintendent of industrial compliance in the department of 894
commerce. 895

(2) A fireworks showroom that first begins to operate on 896
or after June 30, 1997, and to which the public has access for 897
retail purposes shall not exceed ~~five~~ten thousand square feet 898
in floor area. 899

(3) A newly constructed or an existing fireworks showroom 900
structure that exists on September 23, 2008, but that, on or 901
after September 23, 2008, is altered or added to in a manner 902
requiring the submission of plans, drawings, specifications, or 903
data pursuant to section 3791.04 of the Revised Code, shall 904

comply with a graphic floor plan layout that is approved by the 905
state fire marshal and superintendent showing width of aisles, 906
parallel arrangement of aisles to exits, number of exits per 907
wall, maximum occupancy load, evacuation plan for occupants, 908
height of storage or display of merchandise, and other 909
information as may be required by the state fire marshal and 910
superintendent. 911

(4) A fireworks showroom structure that exists on June 30, 912
1997, shall be in compliance on or after June 30, 1997, with 913
floor plans showing occupancy load limits and internal 914
circulation and egress patterns that are approved by the state 915
fire marshal and superintendent, and that are submitted under 916
seal as required by section 3791.04 of the Revised Code. 917

(D) The safety requirements established in division (C) of 918
this section are not subject to any variance, waiver, or 919
exclusion pursuant to this chapter or any applicable building 920
code. 921

Sec. 3743.26. (A) (1) Except as provided in division (D) of 922
this section, any person who wishes to be a licensed fountain 923
device retailer in this state shall submit an application for 924
licensure to the state fire marshal before the first day of 925
October. The application shall be on a form prescribed by the 926
state fire marshal. 927

The state fire marshal shall prescribe a form for 928
applications to become a licensed retailer and make a copy of 929
the form available, upon request, to persons who seek a license. 930

(2) An applicant for licensure as a fountain device 931
retailer shall submit all of the following with the application: 932

(a) A license fee in an amount set by the state fire 933

marshal, not to exceed twenty-five dollars; 934

(b) An affidavit affirming that the applicant is in 935
compliance with the national fire protection association 936
standard "NFPA 1124, Code for the Manufacture, Transportation, 937
Storage, and Retail Sales of Fireworks and Pyrotechnic Articles 938
(2006 Edition)," or will be in compliance before engaging in the 939
storage or retail sale of fountain devices; 940

(c) Proof of insurance in an amount and of a type 941
specified by the state fire marshal in rules adopted pursuant to 942
section 3743.28 of the Revised Code. 943

(3) A separate application for licensure as a fountain 944
device retailer shall be submitted for each location at which a 945
person wishes to engage in the retail sale of fountain devices. 946

(B) If a person submits an application to become a 947
licensed fountain device retailer, together with the materials 948
required by division (A) of this section, the state fire marshal 949
shall review the application and accompanying materials and 950
determine if they comply with this section. If the state fire 951
marshal concludes that the application and accompanying matter 952
comply with this section, the state fire marshal shall issue the 953
applicant a license to sell fountain devices at retail. 954

(C) Except as provided in division (E) of this section, a 955
licensed retailer's license is effective for one year beginning 956
on the first day of December, and the state fire marshal shall 957
issue or renew a license only on that date and at no other time. 958
If a licensed retailer wishes to continue engaging in the retail 959
sale of fountain devices at the particular location after the 960
then effective license expires, the licensee shall apply not 961
later than the first day of October for a new license pursuant 962

to this section. The state fire marshal shall send a written 963
notice of the expiration of a license to a licensed retailer at 964
least three months before the expiration date. 965

(D) Any person who wishes to be a licensed retailer of 966
fountain devices in this state beginning on the first day of 967
June 2020 shall submit an application pursuant to divisions (A) 968
(2) and (3) of this section on or before the first day of April 969
2020. 970

(E) The state fire marshal shall issue a license on the 971
first day of June 2020 to any person who submits an application 972
on or before the first day of April 2020 if the state fire 973
marshal determines that the application meets the requirements 974
of this section. A license issued pursuant to this division is 975
effective through the last day of November 2021. 976

Sec. 3743.27. (A) A licensed fountain device retailer is 977
authorized to possess fountain devices and sell fountain devices 978
at retail pursuant to this section: 979

(1) A licensed retailer's possession and storage of 980
fountain devices shall comply with the national fire protection 981
association standard "NFPA 1124, Code for the Manufacture, 982
Transportation, Storage, and Retail Sales of Fireworks and 983
Pyrotechnic Articles (2006 Edition)." 984

(2) A licensed retailer's possession, storage, and sale of 985
fountain devices shall comply with the state fire marshal's 986
rules adopted pursuant to section 3743.28 of the Revised Code. 987

(3) No licensed retailer shall sell fountain devices to a 988
person who is under eighteen years of age. 989

(4) A licensed fountain device retailer shall comply with 990
divisions (B) and (C) of section 3743.47 of the Revised Code. 991

(5) A licensed fountain device retailer shall possess and 992
sell fountain devices only at the location described in the 993
application for licensure and the sale shall be from the inside 994
of a licensed building and from no structure or device outside a 995
licensed building. At no time shall a licensed retailer sell 996
fountain devices outside of a licensed building. 997

(B) No licensed fountain device retailer shall negligently 998
fail to furnish a safety pamphlet to a purchaser of 1.4G 999
fireworks as required by division (B) of section 3743.47 of the 1000
Revised Code. 1001

(C) No licensed wholesaler of fireworks shall negligently 1002
fail to have safety glasses available for sale as required by 1003
division (C) of section 3743.47 of the Revised Code. 1004

Sec. 3743.28. (A) The state fire marshal shall adopt rules 1005
pursuant to Chapter 119. of the Revised Code governing the 1006
storage of fireworks by and the business operations of licensed 1007
fountain device retailers. The rules shall be designed to 1008
promote the safety and security of employees of retailers, 1009
members of the public, and the premises upon which fireworks are 1010
sold. 1011

The state fire marshal shall file the rules required by 1012
this division with the joint committee on agency rule review 1013
pursuant to division (C) of section 119.03 of the Revised Code 1014
not later than March 17, 2020. 1015

(B) The rules shall be consistent with sections 3743.26 to 1016
3743.29 of the Revised Code and the national fire protection 1017
association standard "NFPA 1124, Code for the Manufacture, 1018
Transportation, Storage, and Retail Sales of Fireworks and 1019
Pyrotechnic Articles (2006 Edition)" and shall apply to, but not 1020

be limited to, the following subject matters: 1021

(1) Cleanliness and orderliness in, the heating, lighting, 1022
and use of stoves and flame-producing items in, smoking in, the 1023
prevention of fire and explosion in, the availability of fire 1024
extinguishers or other fire-fighting equipment and their use in, 1025
and emergency procedures relative to the buildings and other 1026
structures on a retailer's premises; 1027

(2) The manner in which fountain devices are to be stored; 1028

(3) Insurance to be maintained by licensed fountain device 1029
retailers. 1030

Sec. 3743.29. (A) The state fire marshal may inspect the 1031
premises, the inventory, and retail sale records, of a licensed 1032
fountain device retailer during the retailer's period of 1033
licensure to determine whether the retailer is in compliance 1034
with Chapter 3743. of the Revised Code and the rules adopted by 1035
the state fire marshal pursuant to section 3743.28 of the 1036
Revised Code. 1037

(B) If the state fire marshal determines during an 1038
inspection conducted pursuant to division (A) of this section 1039
that a wholesaler is not in compliance with Chapter 3743. of the 1040
Revised Code or the rules adopted by the state fire marshal 1041
pursuant to section 3743.28 of the Revised Code, the state fire 1042
marshal may take one or more of the following actions, whichever 1043
the state fire marshal considers appropriate under the 1044
circumstances: 1045

(1) Order, in writing, the retailer to eliminate, correct, 1046
or otherwise remedy the nonconformities within a specified 1047
period of time; 1048

(2) Order, in writing, the wholesaler to immediately cease 1049

the storage and related sale of fountains. 1050

(3) Revoke, or deny renewal of, the license of the 1051
retailers in accordance with Chapter 119. of the Revised Code. 1052

(C) This section does not affect the authority conferred 1053
by Chapters 3781. and 3791. of the Revised Code to conduct 1054
inspections to determine conformity with those chapters or the 1055
rules adopted pursuant to them. 1056

The state fire marshal shall remove from the list of 1057
licensed retailers the name of a retailer whose license has been 1058
revoked, and shall notify the law enforcement authorities for 1059
the political subdivision in which the retailer's premises are 1060
located, of the revocation or denial of renewal. 1061

Sec. 3743.44. (A) Any person who ~~resides in another state~~ 1062
~~and who intends to obtain possession in this state of 1.3G~~ 1063
fireworks purchased in this state shall obtain possession of the 1064
1.3G fireworks only from a licensed manufacturer or licensed 1065
~~wholesaler and only possess the fireworks in this state while in~~ 1066
~~the course of directly transporting them out of this state.~~ 1067

No licensed manufacturer or licensed wholesaler shall sell 1068
1.3G fireworks to a person ~~who resides in another state~~ unless 1069
that person has been issued a license or permit in the state of 1070
the person's residence that authorizes the person to engage in 1071
the manufacture, wholesale sale, or retail sale of 1.3G 1072
fireworks or that authorizes the person to conduct 1.3G 1073
fireworks exhibitions in that state and that person presents a 1074
certified copy of the license. 1075

~~No licensed manufacturer or licensed wholesaler shall sell~~ 1076
~~fireworks to a person who resides in another state unless that~~ 1077
~~person has been issued a license or permit in the state of the~~ 1078

~~person's residence that authorizes the person to engage in the~~ 1079
~~manufacture, wholesale sale, or retail sale of fireworks in that~~ 1080
~~state or that authorizes the person to conduct fireworks~~ 1081
~~exhibitions in that state and that person presents a certified~~ 1082
~~copy of the license, or, if that person does not possess a~~ 1083
~~license or permit of that nature, only if the person presents a~~ 1084
~~current valid motor vehicle operator's license issued to the~~ 1085
~~person in the person's state of residence, or, if that person~~ 1086
~~does not possess a motor vehicle operator's license issued in~~ 1087
~~that state, an identification card issued to the person by a~~ 1088
~~governmental agency in the person's state of residence~~ 1089
~~indicating that the person is a resident of that state. If a~~ 1090
~~person who is required to present a motor vehicle operator's~~ 1091
~~license or other identification card intends to transport the~~ 1092
~~fireworks purchased directly out of this state by a motor~~ 1093
~~vehicle and the person will not also be the operator of that~~ 1094
~~motor vehicle while so transporting the fireworks, the operator~~ 1095
~~of the motor vehicle also shall present the operator's motor~~ 1096
~~vehicle operator's license.~~ 1097

~~(B) Each purchaser of fireworks under this section shall~~ 1098
~~transport the fireworks so purchased directly out of this state~~ 1099
~~within forty eight hours after the time of their purchase.~~ 1100

~~This section regulates wholesale sales and retail sales of~~ 1101
~~fireworks in this state only insofar as purchasers of fireworks~~ 1102
~~are residents of other states and will be obtaining possession~~ 1103
~~in this state of purchased fireworks. This section does not~~ 1104
prohibit licensed manufacturers or wholesalers from selling 1105
fireworks, in accordance with section 3743.04 or sections 1106
3743.17 and 3743.25 of the Revised Code, to a resident of 1107
another state and from shipping the purchased fireworks directly 1108
out of this state to the purchaser. 1109

Sec. 3743.45. (A) Any person who ~~resides in this state and~~ 1110
~~who~~ intends to obtain possession in this state of 1.4G fireworks 1111
purchased in this state shall obtain possession of the 1.4G 1112
fireworks only from a licensed retailer, licensed manufacturer, 1113
or licensed wholesaler and shall be subject to this section. 1114

~~Each purchaser of 1.4G fireworks under this division shall~~ 1115
~~transport the fireworks so purchased directly out of this state~~ 1116
~~within forty eight hours after the time of their purchase.~~ 1117

~~This division does not apply to a person who resides in~~ 1118
~~this state and who is also a licensed manufacturer, licensed~~ 1119
~~wholesaler, or licensed exhibitor of fireworks in this state.~~ 1120

(B) ~~No licensed manufacturer or licensed wholesaler shall~~ 1121
~~sell 1.3G fireworks to a person who resides in this state unless~~ 1122
~~that person is a licensed manufacturer, licensed wholesaler, or~~ 1123
~~licensed exhibitor of fireworks in this state.~~ Any person 1124
authorized under this section to possess 1.4G fireworks in this 1125
state may discharge, ignite, or explode those fireworks in 1126
either of the following locations in this state: 1127

(1) On the property of the person; 1128

(2) On the property of another who has given permission to 1129
the person. 1130

(C) Fireworks discharged, ignited, or exploded pursuant to 1131
this section shall not be considered a public exhibition. 1132

(D) A county, with respect to the unincorporated territory 1133
of the county, a township, with respect to the unincorporated 1134
territory of the township, or a municipal corporation may do 1135
either of the following: 1136

(1) Restrict the dates and times a person may discharge, 1137

ignite, or explode fireworks purchased pursuant to this section. 1138

(2) Ban the discharge, ignition, or explosion of fireworks 1139
purchased pursuant to this section. A resolution adopted by a 1140
board of township trustees under this division prevails over a 1141
conflicting resolution adopted under this division by the board 1142
of county commissioners in the county within which the township 1143
is located. 1144

(E) This section does not limit the enforcement of any 1145
ordinance, resolution, or statute that regulates noise, 1146
disturbance of the peace, or disorderly conduct. 1147

Sec. 3743.451. (A) (1) The state fire marshal shall adopt 1148
rules in accordance with Chapter 119. of the Revised Code 1149
regulating the time, manner, and location of 1.4G fireworks 1150
discharged, ignited, or exploded under section 3743.45 of the 1151
Revised Code. The rules may include provisions requiring that 1152
all fireworks be used only in accordance with manufacturer's 1153
instructions and provisions for all of the following: 1154

(a) The use of aerial fireworks; 1155

(b) Separation distances between the location of fireworks 1156
discharges, ignitions, or explosions and adjacent structures, 1157
roadways, railroads, airports, publicly owned or controlled 1158
places, and places where hazardous materials are manufactured, 1159
used, or stored; 1160

(c) Fireworks usage at common areas of multitenant 1161
properties; 1162

(d) The suspension of fireworks discharges, ignitions, or 1163
explosions during times of drought or similar conditions; 1164

(e) The proximity of fireworks discharges, ignitions, or 1165

explosions to persons under eighteen years of age; 1166

(f) Any other matters similar to those listed in division 1167
(A)(1) of this section. 1168

(2) The state fire marshal shall file the rules required 1169
by this division with the joint committee on agency rule review 1170
pursuant to division (C) of section 119.03 of the Revised Code 1171
not later than March 17, 2020. 1172

(B)(1) Nothing in division (A) of this section shall be 1173
construed to limit the authority of a county, township, or 1174
municipal corporation under division (D) of section 3743.45 of 1175
the Revised Code to restrict the dates and times or ban the 1176
discharge, ignition, or explosion of fireworks purchased under 1177
section 3743.45 of the Revised Code. 1178

(2) Rules adopted pursuant to this section shall permit 1179
consumers, who are at least eighteen years of age, to safely and 1180
responsibly use 1.4G fireworks on their own private property, or 1181
any private property to which they have express consent from the 1182
property owner. 1183

(3) Rules adopted pursuant to this section shall not be 1184
constructed as a de facto ban on the consumer discharge of 1185
fireworks. It is the intent of the general assembly to allow 1186
consumers to discharge 1.4G fireworks in a safe and reasonable 1187
manner. 1188

Sec. 3743.46. (A) Except as otherwise provided in section 1189
3743.44 or 3743.45 of the Revised Code, no licensed manufacturer 1190
or licensed wholesaler shall sell fireworks to a person who 1191
resides in another state unless one of the following applies: 1192

(1) The person has been issued a license or permit in the 1193
state of the person's residence that authorizes the person to 1194

engage in the manufacture, wholesale sale, or retail sale of 1195
fireworks in that state or that authorizes the person to conduct 1196
fireworks exhibitions in that state and that person presents a 1197
certified copy of the license. 1198

(2) If the person does not possess a license or permit 1199
described in division (A) (1) of this section, the person 1200
presents a current, valid motor vehicle operator's license 1201
issued to the person in the person's state of residence. 1202

(3) If the person does not possess a license or permit 1203
issued in that state as described in division (A) (1) or (2) of 1204
this section, the person presents an identification card issued 1205
to the person by a governmental agency in the person's state of 1206
residence indicating that the person is a resident of that 1207
state. 1208

(B) If a person who is required to present a motor vehicle 1209
operator's license or other identification card intends to 1210
transport the fireworks purchased directly out of this state by 1211
a motor vehicle and the person will not also be the operator of 1212
that motor vehicle while so transporting the fireworks, the 1213
operator of the motor vehicle also shall present the operator's 1214
motor vehicle operator's license. 1215

Sec. 3743.47. (A) The state fire marshal shall design a 1216
pamphlet that explains how to use 1.4G fireworks safely. The 1217
state fire marshal shall distribute the pamphlet design to all 1218
licensed retailers, licensed wholesalers, and licensed 1219
manufacturers who sell 1.4G fireworks. 1220

(B) A licensed retailer, licensed manufacturer, or 1221
licensed wholesaler shall furnish a copy of the pamphlet 1222
prepared pursuant to division (A) of this section to each 1223

purchaser of 1.4G fireworks. 1224

(C) A licensed retailer, licensed manufacturer, or 1225
licensed wholesaler selling 1.4G fireworks shall have safety 1226
glasses available for a nominal charge or free at the site of 1227
the 1.4G fireworks purchase. 1228

(D) Divisions (B) and (C) of this section do not apply 1229
when a purchaser is a licensed retailer, licensed manufacturer, 1230
licensed wholesaler, or licensed exhibitor of fireworks in this 1231
state. 1232

Sec. 3743.57. (A) All fees collected by the state fire 1233
marshal for licenses or permits issued pursuant to this chapter, 1234
except the fee imposed under section 3743.22 of the Revised 1235
Code, shall be deposited into the state fire marshal's fund, and 1236
interest earned on the amounts in the fund shall be credited by 1237
the treasurer of state to the fund. 1238

(B) The state fire marshal shall in the state fire 1239
marshal's discretion use amounts in the state fire marshal's 1240
fund for fireworks training and education purposes, including, 1241
but not limited to, the creation of educational and training 1242
programs, attendance by the state fire marshal and the state 1243
fire marshal's employees at conferences and seminars, the 1244
payment of travel and meal expenses associated with such 1245
attendance, participation by the state fire marshal and the 1246
state fire marshal's employees in committee meetings and other 1247
meetings related to pyrotechnic codes, and the payment of travel 1248
and meal expenses associated with such participation. The use of 1249
the fund shall comply with rules of the department of commerce, 1250
policies and procedures established by the director of budget 1251
and management, and all other applicable laws. 1252

Sec. 3743.591. (A) The state fire marshal shall adopt 1253
rules, in consultation with the fireworks industry and other 1254
interested parties, that allow a licensed manufacturer or 1255
licensed wholesaler of fireworks to transfer the manufacturer's 1256
or wholesaler's license from one geographic location to another. 1257

The state fire marshal shall file the rules required by 1258
this division with the joint committee on agency rule review 1259
pursuant to division (C) of section 119.03 of the Revised Code 1260
not later than March 17, 2020. 1261

(B) Upon application by a licensed manufacturer or 1262
licensed wholesaler of fireworks to the state fire marshal, a 1263
manufacturer license or wholesaler license may be transferred 1264
from one geographic location to another if the state fire 1265
marshal determines that the licensed wholesaler or licensed 1266
manufacturer has complied with the rules adopted by the state 1267
fire marshal under division (A) of this section. 1268

(C) A wholesaler license may be transferred from one 1269
geographic location to another if the licensed wholesaler 1270
satisfies the requirements specified in division (F) of section 1271
3743.17 of the Revised Code or the rules adopted under division 1272
(A) of this section. 1273

Sec. 3743.60. (A) No person shall manufacture fireworks in 1274
this state unless it is a licensed manufacturer of fireworks, 1275
and no person shall operate a fireworks plant in this state 1276
unless it has been issued a license as a manufacturer of 1277
fireworks for the particular fireworks plant. 1278

(B) No person shall operate a fireworks plant in this 1279
state after its license as a manufacturer of fireworks for the 1280
particular fireworks plant has expired, been denied renewal, or 1281

been revoked, unless a new license has been obtained. 1282

(C) No licensed manufacturer of fireworks, during the 1283
effective period of its licensure, shall construct, locate, or 1284
relocate any buildings or other structures on the premises of 1285
its fireworks plant, make any structural change or renovation in 1286
any building or other structure on the premises of its fireworks 1287
plant, or change the nature of its manufacturing of fireworks so 1288
as to include the processing of fireworks without first 1289
obtaining a written authorization from the state fire marshal 1290
pursuant to division (B) of section 3743.04 of the Revised Code. 1291

(D) No licensed manufacturer of fireworks shall 1292
manufacture fireworks, possess fireworks for sale at wholesale 1293
or retail, or sell fireworks at wholesale or retail, in a manner 1294
not authorized by division (C) of section 3743.04 of the Revised 1295
Code. 1296

(E) No licensed manufacturer of fireworks shall knowingly 1297
fail to comply with the rules adopted by the state fire marshal 1298
pursuant to section 3743.05 of the Revised Code or the 1299
requirements of section 3743.06 of the Revised Code. 1300

(F) No licensed manufacturer of fireworks shall fail to 1301
maintain complete inventory, wholesale sale, and retail records 1302
as required by section 3743.07 of the Revised Code, or to permit 1303
inspection of these records or the premises of a fireworks plant 1304
pursuant to section 3743.08 of the Revised Code. 1305

(G) No licensed manufacturer of fireworks shall fail to 1306
comply with an order of the state fire marshal issued pursuant 1307
to division (B) (1) of section 3743.08 of the Revised Code, 1308
within the specified period of time. 1309

(H) No licensed manufacturer of fireworks shall fail to 1310

comply with an order of the state fire marshal issued pursuant 1311
to division (B) (2) of section 3743.08 of the Revised Code until 1312
the nonconformities are eliminated, corrected, or otherwise 1313
remedied or the seventy-two hour period specified in that 1314
division has expired, whichever first occurs. 1315

(I) No person shall smoke or shall carry a pipe, 1316
cigarette, or cigar, or a match, lighter, other flame-producing 1317
item, or open flame on, or shall carry a concealed source of 1318
ignition into, the premises of a fireworks plant, except as 1319
smoking is authorized in specified lunchrooms or restrooms by a 1320
manufacturer pursuant to division (C) of section 3743.06 of the 1321
Revised Code. 1322

(J) No person shall have possession or control of, or be 1323
under the influence of, any intoxicating liquor, beer, or 1324
controlled substance, while on the premises of a fireworks 1325
plant. 1326

(K) No licensed manufacturer of fireworks shall 1327
negligently fail to furnish a safety pamphlet to a purchaser of 1328
1.4G fireworks as required by division (B) of section 3743.47 of 1329
the Revised Code. 1330

(L) No licensed manufacturer of fireworks shall 1331
negligently fail to have safety glasses available for sale as 1332
required by division (C) of section 3743.47 of the Revised Code. 1333

Sec. 3743.61. (A) No person, except a licensed 1334
manufacturer of fireworks engaging in the wholesale sale of 1335
fireworks as authorized by division (C) (2) of section 3743.04 of 1336
the Revised Code, shall operate as a wholesaler of fireworks in 1337
this state unless it is a licensed wholesaler of fireworks, or 1338
shall operate as a wholesaler of fireworks at any location in 1339

this state unless it has been issued a license as a wholesaler 1340
of fireworks for the particular location. 1341

(B) No person shall operate as a wholesaler of fireworks 1342
at a particular location in this state after its license as a 1343
wholesaler of fireworks for the particular location has expired, 1344
been denied renewal, or been revoked, unless a new license has 1345
been obtained. 1346

(C) No licensed wholesaler of fireworks, during the 1347
effective period of its licensure, shall perform any 1348
construction, or make any structural change or renovation, on 1349
the premises on which the fireworks are sold without first 1350
obtaining a written authorization from the state fire marshal 1351
pursuant to division (B) of section 3743.17 of the Revised Code. 1352

(D) No licensed wholesaler of fireworks shall possess 1353
fireworks for sale at wholesale or retail, or sell fireworks at 1354
wholesale or retail, in a manner not authorized by division (C) 1355
of section 3743.17 of the Revised Code. 1356

(E) No licensed wholesaler of fireworks shall knowingly 1357
fail to comply with the rules adopted by the state fire marshal 1358
pursuant to section 3743.18 or the requirements of section 1359
3743.19 of the Revised Code. 1360

(F) No licensed wholesaler of fireworks shall fail to 1361
maintain complete inventory, wholesale sale, and retail records 1362
as required by section 3743.20 of the Revised Code, or to permit 1363
inspection of these records or the premises of the wholesaler 1364
pursuant to section 3743.21 of the Revised Code. 1365

(G) No licensed wholesaler of fireworks shall fail to 1366
comply with an order of the state fire marshal issued pursuant 1367
to division (B) (1) of section 3743.21 of the Revised Code, 1368

within the specified period of time. 1369

(H) No licensed wholesaler of fireworks shall fail to 1370
comply with an order of the state fire marshal issued pursuant 1371
to division (B) (2) of section 3743.21 of the Revised Code until 1372
the nonconformities are eliminated, corrected, or otherwise 1373
remedied or the seventy-two hour period specified in that 1374
division has expired, whichever first occurs. 1375

(I) No person shall smoke or shall carry a pipe, 1376
cigarette, or cigar, or a match, lighter, other flame-producing 1377
item, or open flame on, or shall carry a concealed source of 1378
ignition into, the premises of a wholesaler of fireworks, except 1379
as smoking is authorized in specified lunchrooms or restrooms by 1380
a wholesaler pursuant to division (D) of section 3743.19 of the 1381
Revised Code. 1382

(J) No person shall have possession or control of, or be 1383
under the influence of, any intoxicating liquor, beer, or 1384
controlled substance, while on the premises of a wholesaler of 1385
fireworks. 1386

(K) No licensed wholesaler of fireworks shall negligently 1387
fail to furnish a safety pamphlet to a purchaser of 1.4G 1388
fireworks as required by division (B) of section 3743.47 of the 1389
Revised Code. 1390

(L) No licensed wholesaler of fireworks shall negligently 1391
fail to have safety glasses available for sale as required by 1392
division (C) of section 3743.47 of the Revised Code. 1393

Sec. 3743.63. (A) No person who ~~resides in another state~~ 1394
~~and~~ purchases fireworks in this state shall obtain possession of 1395
the fireworks in this state unless the person complies with 1396
~~section~~ sections 3743.44 to 3743.46 of the Revised Code. 1397

(B) ~~No~~ Except for the purchase of 1.4G fireworks made 1398
under section 3743.45 of the Revised Code, no person who resides 1399
in another state and who purchases fireworks in this state shall 1400
obtain possession of fireworks in this state other than from a 1401
licensed manufacturer or wholesaler, or fail, when transporting 1402
1.3G fireworks, to transport them directly out of this state 1403
within seventy-two hours after the time of their purchase. ~~No~~ 1404
~~such person shall give or sell to any other person in this state~~ 1405
~~fireworks that the person has acquired in this state.~~ 1406

~~(C) No person who resides in this state and purchases~~ 1407
~~fireworks in this state shall obtain possession of the fireworks~~ 1408
~~in this state unless the person complies with section 3743.45 of~~ 1409
~~the Revised Code.~~ 1410

~~(D) No person who resides in this state and who purchases~~ 1411
fireworks in this state under section 3743.45 of the Revised 1412
Code shall ~~obtain possession of fireworks in this state other~~ 1413
~~than from a licensed manufacturer or licensed wholesaler, or~~ 1414
~~fail, when transporting the fireworks, to transport them~~ 1415
~~directly out of this state within forty-eight hours after the~~ 1416
~~time of their purchase. No such person shall give or sell to any~~ 1417
other person in this state fireworks that the person has 1418
acquired in this state. 1419

Sec. 3743.65. (A) No person shall possess fireworks in 1420
this state or shall possess for sale or sell fireworks in this 1421
state, except a licensed manufacturer of fireworks as authorized 1422
by sections 3743.02 to 3743.08 of the Revised Code, a licensed 1423
wholesaler of fireworks as authorized by sections 3743.15 to 1424
3743.21 of the Revised Code, a shipping permit holder as 1425
authorized by section 3743.40 of the Revised Code, ~~an out-of-~~ 1426
~~state resident~~ a licensed fountain device retailer as authorized 1427

by section 3743.27 of the Revised Code, a person as authorized 1428
by ~~section sections 3743.44 of the Revised Code, a resident of~~ 1429
~~this state as authorized by section and~~ 3743.45 of the Revised 1430
Code, or a licensed exhibitor of fireworks as authorized by 1431
sections 3743.50 to 3743.55 of the Revised Code, and except as 1432
provided in section 3743.80 of the Revised Code. 1433

(B) Except as provided in ~~section sections~~ 3743.45 and 1434
3743.80 of the Revised Code and except for licensed exhibitors 1435
of fireworks authorized to conduct a fireworks exhibition 1436
pursuant to sections 3743.50 to 3743.55 of the Revised Code, no 1437
person shall discharge, ignite, or explode any fireworks in this 1438
state. 1439

(C) No person shall use in a theater or public hall, what 1440
is technically known as fireworks showers, or a mixture 1441
containing potassium chlorate and sulphur. 1442

(D) No person shall sell fireworks of any kind to a person 1443
under eighteen years of age. No person under eighteen years of 1444
age shall enter a fireworks sales showroom unless that person is 1445
accompanied by a parent, legal guardian, or other responsible 1446
adult. No person under eighteen years of age shall touch or 1447
possess fireworks on a licensed premises without the consent of 1448
the licensee. A licensee may eject any person from a licensed 1449
premises that is in any way disruptive to the safe operation of 1450
the premises. 1451

(E) Except as otherwise provided in section 3743.44 of the 1452
Revised Code, no person, other than a licensed manufacturer, 1453
licensed wholesaler, licensed exhibitor, or shipping permit 1454
holder, shall possess 1.3G fireworks in this state. 1455

(F) Except as otherwise provided in division (J) of 1456

section 3743.06 and division (K) of section 3743.19 of the Revised Code, no person shall knowingly disable a fire suppression system as defined in section 3781.108 of the Revised Code on the premises of a fireworks plant of a licensed manufacturer of fireworks or on the premises of the business operations of a licensed wholesaler of fireworks.

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

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

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

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

(2) Section 3743.45 of the Revised Code relating to the purchase of 1.4G fireworks from licensed manufacturers or wholesalers;

(3) Section 3743.75 of the Revised Code relating to the moratorium on licenses;

(4) State fire marshal rulemaking of building code requirements for 1.3G manufacturing facilities.

(5) Development of a state licensing program pursuant to

section 3743.75 of the Revised Code. 1485

(B) The committee shall meet periodically, with the first 1486
meeting not later than September 30, 2019, and shall submit 1487
their report and recommendations to the state fire marshal by 1488
December 31, 2019. 1489

(C) The committee shall be made up of the following 1490
individuals: 1491

(1) The state fire marshal, or the state fire marshal's 1492
designee; 1493

(2) Four local fire chiefs appointed by the Ohio fire 1494
chiefs' association, or appointed by the association's designee; 1495

(3) A local police chief appointed by the attorney 1496
general, or the attorney general's designee; 1497

(4) Five members of the Ohio state pyrotechnics 1498
association, appointed by the president of the association, one 1499
of whom shall be a licensed wholesaler, one of whom shall be a 1500
licensed exhibitor, and one of whom shall be a licensed 1501
manufacturer; 1502

(5) One member of prevent blindness Ohio, or the 1503
organization's designee; 1504

(6) One member of the Ohio optometric association or the 1505
association's designee; 1506

(7) One member of the Ohio pyrotechnic arts guild or the 1507
organization's designee; 1508

(8) One representative of the Ohio chapter of the American 1509
academy of pediatrics, appointed by the president of the Ohio 1510
chapter; 1511

(9) One member of the Ohio council of retail merchants or 1512
the council's designee. 1513

Sec. 3743.75. (A) (1) During the period beginning on June 1514
29, 2001, and ending on December ~~31~~ 15, 2019 ~~2021~~, the state 1515
fire marshal shall not do ~~any~~ either of the following: 1516

~~(1)~~ (a) Issue a license as a manufacturer of fireworks 1517
under sections 3743.02 and 3743.03 of the Revised Code to a 1518
person for a particular fireworks plant unless that person 1519
possessed such a license for that fireworks plant immediately 1520
prior to June 29, 2001; 1521

~~(2)~~ (b) Issue a license as a wholesaler of fireworks under 1522
sections 3743.15 and 3743.16 of the Revised Code to a person for 1523
a particular location unless that person possessed such a 1524
license for that location immediately prior to June 29, 2001; 1525

~~(3)~~ (2) Except as provided in division (B) of this 1526
section, during the period beginning on June 29, 2001, and 1527
ending on June 1, 2020, the state fire marshal shall not approve 1528
the geographic transfer of a license as a manufacturer or 1529
wholesaler of fireworks issued under this chapter to any 1530
location other than a location for which a license was issued 1531
under this chapter immediately prior to June 29, 2001. 1532

(B) Division (A) ~~(3)~~ (2) of this section does not apply to 1533
a transfer that the state fire marshal approves under division 1534
(F) of section 3743.17 of the Revised Code. 1535

(C) Notwithstanding section 3743.59 of the Revised Code, 1536
the prohibited activities established in ~~divisions~~ division (A) 1537
(1) ~~and (2)~~ of this section, geographic transfers approved 1538
pursuant to division (F) of section 3743.17 of the Revised Code, 1539
and storage locations allowed pursuant to division (I) of 1540

section 3743.04 of the Revised Code or division (G) of section 1541
3743.17 of the Revised Code are not subject to any variance, 1542
waiver, or exclusion. 1543

(D) After December 15, 2021, the state fire marshal may 1544
issue new licenses as a manufacturer or wholesaler of fireworks. 1545
New licenses shall not be approved in such a manner that unduly 1546
burdens the state fire marshal's ability to ensure public 1547
safety. 1548

(E) As used in division (A) of this section: 1549

(1) "Person" includes any person or entity, in whatever 1550
form or name, that acquires possession of a manufacturer or 1551
wholesaler of fireworks license issued pursuant to this chapter 1552
by transfer of possession of a license, whether that transfer 1553
occurs by purchase, assignment, inheritance, bequest, stock 1554
transfer, or any other type of transfer, on the condition that 1555
the transfer is in accordance with division (D) of section 1556
3743.04 of the Revised Code or division (D) of section 3743.17 1557
of the Revised Code and is approved by the state fire marshal. 1558

(2) "Particular location" includes a licensed premises 1559
and, regardless of when approved, any storage location approved 1560
in accordance with section 3743.04 or 3743.17 of the Revised 1561
Code. 1562

(3) "Such a license" includes a wholesaler of fireworks 1563
license that was issued in place of a manufacturer of fireworks 1564
license that existed prior to June 29, 2001, and was requested 1565
to be canceled by the license holder pursuant to division (D) of 1566
section 3743.03 of the Revised Code. 1567

Sec. 3743.99. (A) Whoever violates division (A) or (B) of 1568
section 3743.60 or division (H) of section 3743.64 of the 1569

Revised Code is guilty of a felony of the third degree. 1570

(B) Whoever violates division (C) or (D) of section 1571
3743.60, division (A), (B), (C), or (D) of section 3743.61, or 1572
division (A) or (B) of section 3743.64 of the Revised Code is 1573
guilty of a felony of the fourth degree. 1574

(C) Whoever violates division (E), (F), (G), (H), (I), or 1575
(J) of section 3743.60, division (E), (F), (G), (H), (I), or (J) 1576
of section 3743.61, section 3743.63, division (D), (E), (F), or 1577
(G) of section 3743.64, division (A), (B), (C), (D), or (E) of 1578
section 3743.65, or section 3743.66 of the Revised Code is 1579
guilty of a misdemeanor of the first degree. If the offender 1580
previously has been convicted of or pleaded guilty to a 1581
violation of division (I) of section 3743.60 or 3743.61 of the 1582
Revised Code, a violation of either of these divisions is a 1583
felony of the fifth degree. 1584

(D) Whoever violates division (C) of section 3743.64 of 1585
the Revised Code is guilty of a misdemeanor of the first degree. 1586
In addition to any other penalties that may be imposed on a 1587
licensed exhibitor of fireworks under this division and unless 1588
the third sentence of this division applies, the person's 1589
license as an exhibitor of fireworks or as an assistant 1590
exhibitor of fireworks shall be suspended, and the person is 1591
ineligible to apply for either type of license, for a period of 1592
five years. If the violation of division (C) of section 3743.64 1593
of the Revised Code results in serious physical harm to persons 1594
or serious physical harm to property, the person's license as an 1595
exhibitor of fireworks or as an assistant exhibitor of fireworks 1596
shall be revoked, and that person is ineligible to apply for a 1597
license as or to be licensed as an exhibitor of fireworks or as 1598
an assistant exhibitor of fireworks in this state. 1599

(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 the Revised Code is guilty of a misdemeanor of the first degree. Notwithstanding any other provision of law to the contrary, a person may be convicted at the same trial or proceeding of a violation of division (G) of section 3743.65 of the Revised Code and a violation of division (B) of section 2917.11 of the Revised Code that constitutes the basis of the charge of the violation of division (G) of section 3743.65 of the Revised Code.

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

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

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

(B) (1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to

Chapter 117. of the Revised Code, or an audit, pursuant to that 1629
chapter, the objective of which is to express an opinion on a 1630
financial report or statement prepared or issued pursuant to 1631
division (A) (7) or (9) of section 126.21 of the Revised Code, 1632
the officers and employees of the auditor of state charged with 1633
conducting the audit shall have access to and the right to 1634
examine any state tax returns and state tax return information 1635
in the possession of the department to the extent that the 1636
access and examination are necessary for purposes of the audit. 1637
Any information acquired as the result of that access and 1638
examination shall not be divulged for any purpose other than as 1639
required for the audit or unless the officers and employees are 1640
required to testify in a court or proceeding under compulsion of 1641
legal process. Whoever violates this provision shall thereafter 1642
be disqualified from acting as an officer or employee or in any 1643
other capacity under appointment or employment of the auditor of 1644
state. 1645

(2) For purposes of an internal audit pursuant to section 1646
126.45 of the Revised Code, the officers and employees of the 1647
office of internal audit in the office of budget and management 1648
charged with directing the internal audit shall have access to 1649
and the right to examine any state tax returns and state tax 1650
return information in the possession of the department to the 1651
extent that the access and examination are necessary for 1652
purposes of the internal audit. Any information acquired as the 1653
result of that access and examination shall not be divulged for 1654
any purpose other than as required for the internal audit or 1655
unless the officers and employees are required to testify in a 1656
court or proceeding under compulsion of legal process. Whoever 1657
violates this provision shall thereafter be disqualified from 1658
acting as an officer or employee or in any other capacity under 1659

appointment or employment of the office of internal audit. 1660

(3) As provided by section 6103(d)(2) of the Internal 1661
Revenue Code, any federal tax returns or federal tax information 1662
that the department has acquired from the internal revenue 1663
service, through federal and state statutory authority, may be 1664
disclosed to the auditor of state or the office of internal 1665
audit solely for purposes of an audit of the department. 1666

(4) For purposes of Chapter 3739. of the Revised Code, an 1667
agent of the department of taxation may share information with 1668
the division of state fire marshal that the agent finds during 1669
the course of an investigation. 1670

(C) Division (A) of this section does not prohibit any of 1671
the following: 1672

(1) Divulging information contained in applications, 1673
complaints, and related documents filed with the department 1674
under section 5715.27 of the Revised Code or in applications 1675
filed with the department under section 5715.39 of the Revised 1676
Code; 1677

(2) Providing information to the office of child support 1678
within the department of job and family services pursuant to 1679
section 3125.43 of the Revised Code; 1680

(3) Disclosing to the motor vehicle repair board any 1681
information in the possession of the department that is 1682
necessary for the board to verify the existence of an 1683
applicant's valid vendor's license and current state tax 1684
identification number under section 4775.07 of the Revised Code; 1685

(4) Providing information to the administrator of workers' 1686
compensation pursuant to sections 4123.271 and 4123.591 of the 1687
Revised Code; 1688

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

(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;

(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;

(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;

(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;

(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;

(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	1718
levied under Chapter 4301. or 4305. of the Revised Code;	1719
(12) Disclosing to the department of natural resources	1720
information in the possession of the department of taxation that	1721
is necessary for the department of taxation to verify the	1722
taxpayer's compliance with section 5749.02 of the Revised Code	1723
or to allow the department of natural resources to enforce	1724
Chapter 1509. of the Revised Code;	1725
(13) Disclosing to the department of job and family	1726
services, industrial commission, and bureau of workers'	1727
compensation information in the possession of the department of	1728
taxation solely for the purpose of identifying employers that	1729
misclassify employees as independent contractors or that fail to	1730
properly report and pay employer tax liabilities. The department	1731
of taxation shall disclose only such information that is	1732
necessary to verify employer compliance with law administered by	1733
those agencies.	1734
(14) Disclosing to the Ohio casino control commission	1735
information in the possession of the department of taxation that	1736
is necessary to verify a casino operator's compliance with	1737
section 5747.063 or 5753.02 of the Revised Code and sections	1738
related thereto;	1739
(15) Disclosing to the state lottery commission	1740
information in the possession of the department of taxation that	1741
is necessary to verify a lottery sales agent's compliance with	1742
section 5747.064 of the Revised Code- <u>i</u>	1743
(16) Disclosing to the development services agency	1744
information in the possession of the department of taxation that	1745
is necessary to ensure compliance with the laws of this state	1746

governing taxation and to verify information reported to the 1747
development services agency for the purpose of evaluating 1748
potential tax credits, grants, or loans. Such information shall 1749
not include information received from the internal revenue 1750
service the disclosure of which is prohibited by section 6103 of 1751
the Internal Revenue Code. No officer, employee, or agent of the 1752
development services agency shall disclose any information 1753
provided to the development services agency by the department of 1754
taxation under division (C)(16) of this section except when 1755
disclosure of the information is necessary for, and made solely 1756
for the purpose of facilitating, the evaluation of potential tax 1757
credits, grants, or loans. 1758

(17) Disclosing to the department of insurance information 1759
in the possession of the department of taxation that is 1760
necessary to ensure a taxpayer's compliance with the 1761
requirements with any tax credit administered by the development 1762
services agency and claimed by the taxpayer against any tax 1763
administered by the superintendent of insurance. No officer, 1764
employee, or agent of the department of insurance shall disclose 1765
any information provided to the department of insurance by the 1766
department of taxation under division (C)(17) of this section. 1767

(18) Disclosing to the division of liquor control 1768
information in the possession of the department of taxation that 1769
is necessary for the division and department to comply with the 1770
requirements of sections 4303.26 and 4303.271 of the Revised 1771
Code; 1772

(19) Disclosing to the state fire marshal information in 1773
the possession of the department of taxation that is necessary 1774
for the state fire marshal to verify the compliance of a 1775
licensed manufacturer of fireworks or a licensed wholesaler of 1776

fireworks with section 3743.22 of the Revised Code. No officer, 1777
employee, or agent of the state fire marshal shall disclose any 1778
information provided to the state fire marshal by the department 1779
of taxation under division (C)(19) of this section. 1780

Section 2. That existing sections 3743.01, 3743.04, 1781
3743.08, 3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 3743.57, 1782
3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 3743.99, and 1783
5703.21 of the Revised Code are hereby repealed. 1784

Section 3. The amendment of section 3743.01 and the 1785
enactment of sections 3743.26 to 3743.29 of the Revised Code by 1786
Section 1 of this act take effect on October 2, 2019. The 1787
amendments to sections 3743.04, 3743.08, 3743.17, 3743.21, 1788
3743.44, 3743.45, 3743.57, 3743.60, 3743.61, 3743.63, 3743.65, 1789
3743.99, and 5703.21 of the Revised Code made in Sections 1 and 1790
2 of this act and the enactment of sections 3743.22, 3743.46, 1791
and 3743.47 of the Revised Code by Sections 1 and 2 of this act, 1792
take effect June 1, 2020. The amendments to sections 3743.25 and 1793
3743.75 and the enactment of sections 3743.451, 3743.591, and 1794
3743.67 of the Revised Code in Sections 1 and 2 of this act 1795
shall take effect at the earliest time permitted by law. 1796