

**As Reported by the Senate Transportation, Commerce and Workforce
Committee**

133rd General Assembly

**Regular Session
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Sub. H. B. No. 253

Representatives Manning, D., O'Brien

Cosponsors: Representatives Seitz, Lipps, Carruthers, Cutrona, Miller, J.

A BILL

To amend sections 3743.04, 3743.08, 3743.15, 1
3743.17, 3743.21, 3743.44, 3743.45, 3743.57, 2
3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 3
3743.99, and 5703.21 and to enact sections 4
3743.021, 3743.041, 3743.151, 3743.171, 3743.22, 5
3743.451, 3743.46, 3743.47, and 3743.67 of the 6
Revised Code to revise the Fireworks Law and to 7
declare an emergency. 8

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

Section 1. That sections 3743.04, 3743.08, 3743.15, 9
3743.17, 3743.21, 3743.44, 3743.45, 3743.57, 3743.60, 3743.61, 10
3743.63, 3743.65, 3743.75, 3743.99, and 5703.21 be amended and 11
sections 3743.021, 3743.041, 3743.151, 3743.171, 3743.22, 12
3743.451, 3743.46, 3743.47, and 3743.67 of the Revised Code be 13
enacted to read as follows: 14

Sec. 3743.021. Notwithstanding the deadline in division 15
(A) of section 3743.02 of the Revised Code, any person who 16
wishes to be a licensed manufacturer of fireworks in this state 17
at the end of the period described in division (A)(1) of section 18

3743.75 of the Revised Code, and who does not already hold a 19
license as a manufacturer of fireworks that will run through 20
that date, may submit an application for licensure, pursuant to 21
section 3743.02 of the Revised Code, not more than six and not 22
less than two months before the expiration of the period 23
described in division (A) (1) of section 3743.75 of the Revised 24
Code. 25

Sec. 3743.04. (A) The license of a manufacturer of 26
fireworks is effective for one year beginning on the first day 27
of December. ~~The~~, and the state fire marshal shall issue or 28
renew a license only on that date and at no other time. If a 29
manufacturer of fireworks wishes to continue manufacturing 30
fireworks at the designated fireworks plant after its then 31
effective license expires, it shall apply no later than the 32
first day of October for a new license pursuant to section 33
3743.02 of the Revised Code. The state fire marshal shall send a 34
written notice of the expiration of its license to a licensed 35
manufacturer at least three months before the expiration date. 36

(B) If, during the effective period of its licensure, a 37
licensed manufacturer of fireworks wishes to construct, locate, 38
or relocate any buildings or other structures on the premises of 39
its fireworks plant, to make any structural change or renovation 40
in any building or other structure on the premises of its 41
fireworks plant, or to change the nature of its manufacturing of 42
fireworks so as to include the processing of fireworks, the 43
manufacturer shall notify the state fire marshal in writing. The 44
state fire marshal may require a licensed manufacturer also to 45
submit documentation, including, but not limited to, plans 46
covering the proposed construction, location, relocation, 47
structural change or renovation, or change in manufacturing of 48
fireworks, if the state fire marshal determines the 49

documentation is necessary for evaluation purposes in light of 50
the proposed construction, location, relocation, structural 51
change or renovation, or change in manufacturing of fireworks. 52

Upon receipt of the notification and additional 53
documentation required by the state fire marshal, the state fire 54
marshal shall inspect the premises of the fireworks plant to 55
determine if the proposed construction, location, relocation, 56
structural change or renovation, or change in manufacturing of 57
fireworks conforms to sections 3743.02 to 3743.08 of the Revised 58
Code and the rules adopted by the state fire marshal pursuant to 59
section 3743.05 of the Revised Code. The state fire marshal 60
shall issue a written authorization to the manufacturer for the 61
construction, location, relocation, structural change or 62
renovation, or change in manufacturing of fireworks if the state 63
fire marshal determines, upon the inspection and a review of 64
submitted documentation, that the construction, location, 65
relocation, structural change or renovation, or change in 66
manufacturing of fireworks conforms to those sections and rules. 67
Upon authorizing a change in manufacturing of fireworks to 68
include the processing of fireworks, the state fire marshal 69
shall make notations on the manufacturer's license and in the 70
list of licensed manufacturers in accordance with section 71
3743.03 of the Revised Code. 72

On or before June 1, 1998, a licensed manufacturer shall 73
install, in every licensed building in which fireworks are 74
manufactured, stored, or displayed and to which the public has 75
access, interlinked fire detection, smoke exhaust, and smoke 76
evacuation systems that are approved by the superintendent of 77
industrial compliance, and shall comply with floor plans showing 78
occupancy load limits and internal circulation and egress 79
patterns that are approved by the state fire marshal and 80

superintendent, and that are submitted under seal as required by 81
section 3791.04 of the Revised Code. Notwithstanding section 82
3743.59 of the Revised Code, the construction and safety 83
requirements established in this division are not subject to any 84
variance, waiver, or exclusion. 85

(C) The license of a manufacturer of fireworks authorizes 86
the manufacturer to engage only in the following activities: 87

(1) The manufacturing of fireworks on the premises of the 88
fireworks plant as described in the application for licensure or 89
in the notification submitted under division (B) of this 90
section, except that a licensed manufacturer shall not engage in 91
the processing of fireworks unless authorized to do so by its 92
license. 93

(2) To possess for sale at wholesale and sell at wholesale 94
the fireworks manufactured by the manufacturer, to persons who 95
are licensed wholesalers of fireworks, to ~~out of state residents~~ 96
persons in accordance with ~~section sections~~ 3743.44 ~~of the~~ 97
~~Revised Code, to residents of this state in accordance with~~ 98
~~section 3743.45 to 3743.46~~ of the Revised Code, or to persons 99
located in another state provided the fireworks are shipped 100
directly out of this state to them by the manufacturer. A person 101
who is licensed as a manufacturer of fireworks on June 14, 1988, 102
also may possess for sale and sell pursuant to division (C) (2) 103
of this section fireworks other than those the person 104
manufactures. The possession for sale shall be on the premises 105
of the fireworks plant described in the application for 106
licensure or in the notification submitted under division (B) of 107
this section, and the sale shall be from the inside of a 108
licensed building and from no other structure or device outside 109
a licensed building. At no time shall a licensed manufacturer 110

sell any class of fireworks outside a licensed building. 111

(3) Possess for sale at retail and sell at retail the 112
fireworks manufactured by the manufacturer, other than 1.4G 113
fireworks as designated by the state fire marshal in rules 114
adopted pursuant to division (A) of section 3743.05 of the 115
Revised Code, to licensed exhibitors in accordance with sections 116
3743.50 to 3743.55 of the Revised Code, and possess for sale at 117
retail and sell at retail the fireworks manufactured by the 118
manufacturer, including 1.4G fireworks, ~~to out of state~~ 119
~~residents persons~~ in accordance with ~~section sections~~ 3743.44 ~~of~~ 120
~~the Revised Code, to residents of this state in accordance with~~ 121
~~section 3743.45 to 3743.46~~ of the Revised Code, or to persons 122
located in another state provided the fireworks are shipped 123
directly out of this state to them by the manufacturer. A person 124
who is licensed as a manufacturer of fireworks on June 14, 1988, 125
may also possess for sale and sell pursuant to division (C) (3) 126
of this section fireworks other than those the person 127
manufactures. The possession for sale shall be on the premises 128
of the fireworks plant described in the application for 129
licensure or in the notification submitted under division (B) of 130
this section, and the sale shall be from the inside of a 131
licensed building and from no other structure or device outside 132
a licensed building. At no time shall a licensed manufacturer 133
sell any class of fireworks outside a licensed building. 134

A licensed manufacturer of fireworks shall sell under 135
division (C) of this section only fireworks that meet the 136
standards set by the consumer product safety commission or by 137
the American fireworks standard laboratories or that have 138
received an EX number from the United States department of 139
transportation. 140

(D) The license of a manufacturer of fireworks shall be 141
protected under glass and posted in a conspicuous place on the 142
premises of the fireworks plant. Except as otherwise provided in 143
this division, the license is not transferable or assignable. ~~A-~~ 144

(1) The ownership of a manufacturer of fireworks license 145
may be transferred to another person for the same fireworks 146
plant for which the license was issued if the assets of the 147
plant are transferred to that person by inheritance or by a sale 148
approved by the state fire marshal. ~~The-~~ 149

(2) The license of a manufacturer of fireworks may be 150
geographically relocated in accordance with division (E) of 151
section 3743.75 of the Revised Code. 152

(3) The license is subject to revocation in accordance 153
with section 3743.08 of the Revised Code. 154

(E) The state fire marshal shall not place the license of 155
a manufacturer of fireworks in a temporarily inactive status 156
while the holder of the license is attempting to qualify to 157
retain the license. 158

(F) Each licensed manufacturer of fireworks that possesses 159
fireworks for sale and sells fireworks under division (C) of 160
section 3743.04 of the Revised Code, or a designee of the 161
manufacturer, whose identity is provided to the state fire 162
marshal by the manufacturer, annually shall attend a continuing 163
education program. The state fire marshal shall develop the 164
program and the state fire marshal or a person or public agency 165
approved by the state fire marshal shall conduct it. A licensed 166
manufacturer or the manufacturer's designee who attends a 167
program as required under this division, within one year after 168
attending the program, shall conduct in-service training as 169

approved by the state fire marshal for other employees of the 170
licensed manufacturer regarding the information obtained in the 171
program. A licensed manufacturer shall provide the state fire 172
marshal with notice of the date, time, and place of all in- 173
service training. For any program conducted under this division, 174
the state fire marshal shall, in accordance with rules adopted 175
by the state fire marshal under Chapter 119. of the Revised 176
Code, establish the subjects to be taught, the length of 177
classes, the standards for approval, and time periods for 178
notification by the licensee to the state fire marshal of any 179
in-service training. 180

(G) A licensed manufacturer shall maintain comprehensive 181
general liability insurance coverage in the amount and type 182
specified under division (B) (2) of section 3743.02 of the 183
Revised Code at all times. Each policy of insurance required 184
under this division shall contain a provision requiring the 185
insurer to give not less than fifteen days' prior written notice 186
to the state fire marshal before termination, lapse, or 187
cancellation of the policy, or any change in the policy that 188
reduces the coverage below the minimum required under this 189
division. Prior to canceling or reducing the amount of coverage 190
of any comprehensive general liability insurance coverage 191
required under this division, a licensed manufacturer shall 192
secure supplemental insurance in an amount and type that 193
satisfies the requirements of this division so that no lapse in 194
coverage occurs at any time. A licensed manufacturer who secures 195
supplemental insurance shall file evidence of the supplemental 196
insurance with the state fire marshal prior to canceling or 197
reducing the amount of coverage of any comprehensive general 198
liability insurance coverage required under this division. 199

(H) The state fire marshal shall adopt rules for the 200

expansion or contraction of a licensed premises and for approval 201
of such expansions or contractions. The boundaries of a licensed 202
premises, including any geographic expansion or contraction of 203
those boundaries, shall be approved by the state fire marshal in 204
accordance with rules the state fire marshal adopts. If the 205
licensed premises consists of more than one parcel of real 206
estate, those parcels shall be contiguous unless an exception is 207
allowed pursuant to division (I) of this section. 208

(I) (1) A licensed manufacturer may expand its licensed 209
premises within this state to include not more than two storage 210
locations that are located upon one or more real estate parcels 211
that are noncontiguous to the licensed premises as that licensed 212
premises exists on the date a licensee submits an application as 213
described below, if all of the following apply: 214

(a) The licensee submits an application to the state fire 215
marshal and an application fee of one hundred dollars per 216
storage location for which the licensee is requesting approval. 217

(b) The identity of the holder of the license remains the 218
same at the storage location. 219

(c) The storage location has received a valid certificate 220
of zoning compliance as applicable and a valid certificate of 221
occupancy for each building or structure at the storage location 222
issued by the authority having jurisdiction to issue the 223
certificate for the storage location, and those certificates 224
permit the distribution and storage of fireworks regulated under 225
this chapter at the storage location and in the buildings or 226
structures. The storage location shall be in compliance with all 227
other applicable federal, state, and local laws and regulations. 228

(d) Every building or structure located upon the storage 229

location is separated from occupied residential and 230
nonresidential buildings or structures, railroads, highways, or 231
any other buildings or structures on the licensed premises in 232
accordance with the distances specified in the rules adopted by 233
the state fire marshal pursuant to section 3743.05 of the 234
Revised Code. 235

(e) Neither the licensee nor any person holding, owning, 236
or controlling a five per cent or greater beneficial or equity 237
interest in the licensee has been convicted of or pleaded guilty 238
to a felony under the laws of this state, any other state, or 239
the United States, after September 29, 2005. 240

(f) The state fire marshal approves the application for 241
expansion. 242

(2) The state fire marshal shall approve an application 243
for expansion requested under division (I)(1) of this section if 244
the state fire marshal receives the application fee and proof 245
that the requirements of divisions (I)(1)(b) to (e) of this 246
section are satisfied. The storage location shall be considered 247
part of the original licensed premises and shall use the same 248
distinct number assigned to the original licensed premises with 249
any additional designations as the state fire marshal deems 250
necessary in accordance with section 3743.03 of the Revised 251
Code. 252

(J)(1) A licensee who obtains approval for the use of a 253
storage location in accordance with division (I) of this section 254
shall use the storage location exclusively for the following 255
activities, in accordance with division (C) of this section: 256

(a) The packaging, assembling, or storing of fireworks, 257
which shall only occur in buildings or structures approved for 258

such hazardous uses by the building code official having 259
jurisdiction for the storage location or, for 1.4G fireworks, in 260
containers or trailers approved for such hazardous uses by the 261
state fire marshal if such containers or trailers are not 262
subject to regulation by the building code adopted in accordance 263
with Chapter 3781. of the Revised Code. All such storage shall 264
be in accordance with the rules adopted by the state fire 265
marshal under division (G) of section 3743.05 of the Revised 266
Code for the packaging, assembling, and storage of fireworks. 267

(b) Distributing fireworks to other parcels of real estate 268
located on the manufacturer's licensed premises, to licensed 269
wholesalers or other licensed manufacturers in this state or to 270
similarly licensed persons located in another state or country; 271

(c) Distributing fireworks to a licensed exhibitor of 272
fireworks pursuant to a properly issued permit in accordance 273
with section 3743.54 of the Revised Code. 274

(2) A licensed manufacturer shall not engage in any sales 275
activity, including the retail sale of fireworks otherwise 276
permitted under division (C) (2) or (C) (3) of this section, or 277
pursuant to section 3743.44 or 3743.45 of the Revised Code, at 278
the storage location approved under this section. 279

(3) A storage location may not be relocated for a minimum 280
period of five years after the storage location is approved by 281
the state fire marshal in accordance with division (I) of this 282
section. 283

(K) The licensee shall prohibit public access to the 284
storage location. The state fire marshal shall adopt rules to 285
describe the acceptable measures a manufacturer shall use to 286
prohibit access to the storage site. 287

Sec. 3743.041. Notwithstanding the requirements, contained 288
in division (A) of section 3743.04 of the Revised Code, that the 289
state fire marshal only issue the license of a manufacturer of 290
fireworks on the first day of December and that the license is 291
effective for one year: 292

(A) An applicant who applies for licensure pursuant to 293
section 3743.021 of the Revised Code, and who meets the 294
requirements for licensure contained in section 3743.03 of the 295
Revised Code, shall be issued the license of a manufacturer of 296
fireworks at the end of the period described in division (A) (1) 297
of section 3743.75 of the Revised Code. 298

(B) A license issued pursuant to division (A) of this 299
section shall be effective as follows: 300

(1) If the end of the period described in division (A) (1) 301
of section 3743.75 of the Revised Code is in January, February, 302
March, April, or May, a license issued pursuant to division (A) 303
of this section shall be effective through the end of November 304
in the same calendar year. 305

(2) If the end of the period described in division (A) (1) 306
of section 3743.75 of the Revised Code is in June, July, August, 307
September, October, November, or December, a license issued 308
pursuant to division (A) of this section shall be effective 309
through the end of November in the subsequent calendar year. 310

Sec. 3743.08. (A) The state fire marshal may inspect the 311
premises of a fireworks plant, and the inventory, wholesale 312
sale, and retail sale records, of a licensed manufacturer of 313
fireworks during the manufacturer's period of licensure to 314
determine whether the manufacturer is in compliance with Chapter 315
3743. of the Revised Code and the rules adopted by the state 316

fire marshal pursuant to section 3743.05 or 3743.22 of the 317
Revised Code. 318

(B) If the state fire marshal determines during an 319
inspection conducted pursuant to division (A) of this section 320
that a manufacturer is not in compliance with Chapter 3743. of 321
the Revised Code or the rules adopted by the state fire marshal 322
pursuant to section 3743.05 or 3743.22 of the Revised Code, the 323
state fire marshal may take one or more of the following 324
actions, whichever the state fire marshal considers appropriate 325
under the circumstances: 326

(1) Order, in writing, the manufacturer to eliminate, 327
correct, or otherwise remedy the nonconformities within a 328
specified period of time; 329

(2) Order, in writing, the manufacturer to immediately 330
cease its operations, if a fire or explosion hazard exists that 331
reasonably can be regarded as posing an imminent danger of death 332
or serious physical harm to persons. The order shall be 333
effective until the nonconformities are eliminated, corrected, 334
or otherwise remedied or for a period of seventy-two hours from 335
the time of issuance, whichever first occurs. During the 336
seventy-two hour period, the state fire marshal may obtain from 337
the court of common pleas of Franklin county or of the county in 338
which the fireworks plant is located an injunction restraining 339
the manufacturer from continuing its operations after the 340
seventy-two hour period expires until the nonconformities are 341
eliminated, corrected, or otherwise remedied. 342

(3) Revoke or deny renewal of the license of the 343
manufacturer in accordance with Chapter 119. of the Revised 344
Code; 345

(4) Take action as authorized by section 3743.68 of the Revised Code. 346
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(C) This section does not affect the authority conferred by Chapters 3781. and 3791. of the Revised Code to conduct inspections to determine conformity with those chapters or the rules adopted pursuant to them. 348
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(D) If the license of a manufacturer of fireworks is revoked or renewal is denied pursuant to division (B) (3) of this section or section 3743.70 of the Revised Code, the manufacturer shall cease its operations immediately. The manufacturer may not reapply for licensure as a manufacturer of fireworks until two years expire from the date of revocation. 352
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The state fire marshal shall remove from the list of licensed manufacturers the name of a manufacturer whose license has been revoked, and shall notify the law enforcement authorities for the political subdivision in which the manufacturer's fireworks plant is located, of the revocation or denial of renewal. 358
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Sec. 3743.15. (A) Except as provided in division (C) of this section, any person who wishes to be a wholesaler of fireworks in this state shall submit to the state fire marshal an application for licensure as a wholesaler of fireworks before the first day of October of each year. The application shall be submitted prior to commencement of business operations, shall be on a form prescribed by the state fire marshal, shall contain all information requested by the state fire marshal, and shall be accompanied by the license fee, fingerprints, and proof of insurance coverage described in division (B) of this section. 364
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The state fire marshal shall prescribe a form for 374

applications for licensure as a wholesaler of fireworks and make 375
a copy of the form available, upon request, to persons who seek 376
that licensure. 377

(B) An applicant for licensure as a wholesaler of 378
fireworks shall submit with the application all of the 379
following: 380

(1) A license fee of two thousand seven hundred fifty 381
dollars, which the state fire marshal shall use to pay for 382
fireworks safety education, training programs, and inspections. 383
If the applicant has any storage locations approved in 384
accordance with division ~~(G)~~ (F) of section 3743.17 of the 385
Revised Code, the applicant also shall submit a fee of one 386
hundred dollars per storage location for the inspection of each 387
storage location. 388

(2) Proof of comprehensive general liability insurance 389
coverage, specifically including fire and smoke casualty on 390
premises, in an amount not less than one million dollars for 391
each occurrence for bodily injury liability and wrongful death 392
liability at its business location. Proof of such insurance 393
coverage shall be submitted together with proof of coverage for 394
products liability on all inventory located at the business 395
location. All applicants shall submit evidence of comprehensive 396
general liability insurance coverage verified by the insurer and 397
certified as to its provision of the minimum coverage required 398
under this division. 399

(3) One set of the applicant's fingerprints or similar 400
identifying information and a set of fingerprints or similar 401
identifying information of any individual holding, owning, or 402
controlling a five per cent or greater beneficial or equity 403
interest in the applicant for the license. The fire marshal may 404

adopt rules in accordance with Chapter 119. of the Revised Code 405
specifying the method to be used by the applicant to provide the 406
fingerprint or similar identifying information, fees to be 407
assessed by the state fire marshal to conduct such background 408
checks, and the procedures to be used by the fire marshal to 409
verify compliance with this section. Such rules may include 410
provisions establishing the frequency that license renewal 411
applicants must update background check information filed by the 412
applicant with previous license applications and provisions 413
describing alternative forms of background check information 414
that may be accepted by the state fire marshal to verify 415
compliance with this section. 416

(C) A licensed manufacturer of fireworks is not required 417
to apply for and obtain a wholesaler of fireworks license in 418
order to engage in the wholesale sale of fireworks as authorized 419
by division (C) (2) of section 3743.04 of the Revised Code. A 420
business which is not a licensed manufacturer of fireworks may 421
engage in the wholesale and retail sale of fireworks in the same 422
manner as a licensed manufacturer of fireworks is authorized to 423
do under this chapter without the necessity of applying for and 424
obtaining a license pursuant to this section, but only if the 425
business sells the fireworks on the premises of a fireworks 426
plant covered by a license issued under section 3743.03 of the 427
Revised Code and the holder of that license owns at least a 428
majority interest in that business. However, if a licensed 429
manufacturer of fireworks wishes to engage in the wholesale sale 430
of fireworks in this state at a location other than the premises 431
of the fireworks plant described in its application for 432
licensure as a manufacturer or in a notification submitted under 433
division (B) of section 3743.04 of the Revised Code, the 434
manufacturer shall first apply for and obtain a wholesaler of 435

fireworks license before engaging in wholesale sales of 436
fireworks at the other location. 437

(D) A separate application for licensure as a wholesaler 438
of fireworks shall be submitted for each location at which a 439
person wishes to engage in wholesale sales of fireworks. 440

Sec. 3743.151. Notwithstanding the deadline in division 441
(A) of section 3743.15 of the Revised Code, any person who 442
wishes to be a licensed wholesaler of fireworks in this state 443
beginning at the end of the period described in division (A)(1) 444
of section 3743.75 of the Revised Code, and who does not already 445
hold a license as a wholesaler of fireworks that will run 446
through that date, may submit an application for licensure, 447
pursuant to section 3743.15 of the Revised Code, not more than 448
six and not less than two months before the expiration of the 449
period described in division (A)(1) of section 3743.75 of the 450
Revised Code. 451

Sec. 3743.17. (A) The license of a wholesaler of fireworks 452
is effective for one year beginning on the first day of 453
December. ~~The~~, and the state fire marshal shall issue or renew 454
a license only on that date and at no other time. If a 455
wholesaler of fireworks wishes to continue engaging in the 456
wholesale sale of fireworks at the particular location after its 457
then effective license expires, it shall apply not later than 458
the first day of October for a new license pursuant to section 459
3743.15 of the Revised Code. The state fire marshal shall send a 460
written notice of the expiration of its license to a licensed 461
wholesaler at least three months before the expiration date. 462

(B) If, during the effective period of its licensure, a 463
licensed wholesaler of fireworks wishes to perform any 464
construction, or make any structural change or renovation, on 465

the premises on which the fireworks are sold, the wholesaler 466
shall notify the state fire marshal in writing. The state fire 467
marshal may require a licensed wholesaler also to submit 468
documentation, including, but not limited to, plans covering the 469
proposed construction or structural change or renovation, if the 470
state fire marshal determines the documentation is necessary for 471
evaluation purposes in light of the proposed construction or 472
structural change or renovation. 473

Upon receipt of the notification and additional 474
documentation required by the state fire marshal, the state fire 475
marshal shall inspect the premises on which the fireworks are 476
sold to determine if the proposed construction or structural 477
change or renovation conforms to sections 3743.15 to 3743.21 of 478
the Revised Code, divisions (C) (1) and (2) of section 3743.25 of 479
the Revised Code, and the rules adopted by the state fire 480
marshal pursuant to section 3743.18 of the Revised Code. The 481
state fire marshal shall issue a written authorization to the 482
wholesaler for the construction or structural change or 483
renovation if the state fire marshal determines, upon the 484
inspection and a review of submitted documentation, that the 485
construction or structural change or renovation conforms to 486
those sections and rules. 487

(C) The license of a wholesaler of fireworks authorizes 488
the wholesaler to engage only in the following activities: 489

(1) Possess for sale at wholesale and sell at wholesale 490
fireworks to persons who are licensed wholesalers of fireworks, 491
to ~~out-of-state residents~~ persons in accordance with ~~section~~ 492
sections 3743.44 of the Revised Code, to residents of this state 493
~~in accordance with section 3743.45 to 3743.46~~ of the Revised 494
Code, or to persons located in another state provided the 495

fireworks are shipped directly out of this state to them by the 496
wholesaler. The possession for sale shall be at the location 497
described in the application for licensure or in the 498
notification submitted under division (B) of this section, and 499
the sale shall be from the inside of a licensed building and 500
from no structure or device outside a licensed building. At no 501
time shall a licensed wholesaler sell any class of fireworks 502
outside a licensed building. 503

(2) Possess for sale at retail and sell at retail 504
fireworks, other than 1.4G fireworks as designated by the state 505
fire marshal in rules adopted pursuant to division (A) of 506
section 3743.05 of the Revised Code, to licensed exhibitors in 507
accordance with sections 3743.50 to 3743.55 of the Revised Code, 508
and possess for sale at retail and sell at retail fireworks, 509
including 1.4G fireworks, to ~~out-of-state residents~~ persons in 510
accordance with ~~section~~ sections 3743.44 ~~of the Revised Code, to~~ 511
~~residents of this state in accordance with section 3743.45 to~~ 512
3743.46 of the Revised Code, or to persons located in another 513
state provided the fireworks are shipped directly out of this 514
state to them by the wholesaler. The possession for sale shall 515
be at the location described in the application for licensure or 516
in the notification submitted under division (B) of this 517
section, and the sale shall be from the inside of the licensed 518
building and from no other structure or device outside this 519
licensed building. At no time shall a licensed wholesaler sell 520
any class of fireworks outside a licensed building. 521

A licensed wholesaler of fireworks shall sell under 522
division (C) of this section only fireworks that meet the 523
standards set by the consumer product safety commission or by 524
the American fireworks standard laboratories or that have 525
received an EX number from the United States department of 526

transportation. 527

(D) The license of a wholesaler of fireworks shall be 528
protected under glass and posted in a conspicuous place at the 529
location described in the application for licensure or in the 530
notification submitted under division (B) of this section. 531
Except as otherwise provided in this section, the license is not 532
transferable or assignable. ~~A~~ 533

(1) The ownership of a wholesaler of fireworks license may 534
be transferred to another person for the same location for which 535
the license was issued if the assets of the wholesaler are 536
transferred to that person by inheritance or by a sale approved 537
by the state fire marshal. ~~The~~ 538

(2) The license of a wholesaler of fireworks may be 539
geographically relocated in accordance with division (E) of 540
section 3743.75 of the Revised Code. 541

(3) The license is subject to revocation in accordance 542
with section 3743.21 of the Revised Code. 543

(E) The state fire marshal shall adopt rules for the 544
expansion or contraction of a licensed premises and for the 545
approval of an expansion or contraction. The boundaries of a 546
licensed premises, including any geographic expansion or 547
contraction of those boundaries, shall be approved by the state 548
fire marshal in accordance with rules the state fire marshal 549
adopts. If the licensed premises of a licensed wholesaler from 550
which the wholesaler operates consists of more than one parcel 551
of real estate, those parcels must be contiguous, unless an 552
exception is allowed pursuant to division ~~(G)~~ (F) of this 553
section. 554

~~(F) (1) Upon application by a licensed wholesaler of~~ 555

~~fireworks, a wholesaler license may be transferred from one- 556
geographic location to another within the same municipal- 557
corporation or within the unincorporated area of the same- 558
township, but only if all of the following apply: 559~~

~~(a) The identity of the holder of the license remains the- 560
same in the new location. 561~~

~~(b) The former location is closed prior to the opening of- 562
the new location and no fireworks business of any kind is- 563
conducted at the former location after the transfer of the- 564
license. 565~~

~~(c) The new location has received a local certificate of- 566
zoning compliance and a local certificate of occupancy, and- 567
otherwise is in compliance with all local building regulations. 568~~

~~(d) Every building or structure at the new location is- 569
separated from occupied residential and nonresidential buildings- 570
or structures, railroads, highways, or any other buildings or- 571
structures located on the licensed premises in accordance with- 572
the distances specified in the rules adopted by the fire marshal- 573
pursuant to section 3743.18 of the Revised Code. If the licensee- 574
fails to comply with the requirements of division (F) (1) (d) of- 575
this section by the licensee's own act, the license at the new- 576
location is forfeited. 577~~

~~(e) Neither the licensee nor any person holding, owning,- 578
or controlling a five per cent or greater beneficial or equity- 579
interest in the licensee has been convicted of or has pleaded- 580
guilty to a felony under the laws of this state, any other- 581
state, or the United States after June 30, 1997. 582~~

~~(f) The fire marshal approves the request for the- 583
transfer. 584~~

~~(2) The new location shall comply with the requirements specified in divisions (C) (1) and (2) of section 3743.25 of the Revised Code whether or not the fireworks showroom at the new location is constructed, expanded, or first begins operating on and after June 30, 1997.~~ 585
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~~(G) (1)~~ A licensed wholesaler may expand its licensed premises within this state to include not more than two storage locations that are located upon one or more real estate parcels that are noncontiguous to the licensed premises as that licensed premises exists on the date a licensee submits an application as described below, if all of the following apply: 590
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(a) The licensee submits an application to the state fire marshal requesting the expansion and an application fee of one hundred dollars per storage location for which the licensee is requesting approval. 596
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(b) The identity of the holder of the license remains the same at the storage location. 600
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(c) The storage location has received a valid certificate of zoning compliance, as applicable, and a valid certificate of occupancy for each building or structure at the storage location issued by the authority having jurisdiction to issue the certificate for the storage location, and those certificates permit the distribution and storage of fireworks regulated under this chapter at the storage location and in the buildings or structures. The storage location shall be in compliance with all other applicable federal, state, and local laws and regulations. 602
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(d) Every building or structure located upon the storage location is separated from occupied residential and nonresidential buildings or structures, railroads, highways, and 611
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any other buildings or structures on the licensed premises in 614
accordance with the distances specified in the rules adopted by 615
the state fire marshal pursuant to section 3743.18 of the 616
Revised Code. 617

(e) Neither the licensee nor any person holding, owning, 618
or controlling a five per cent or greater beneficial or equity 619
interest in the licensee has been convicted of or pleaded guilty 620
to a felony under the laws of this state, any other state, or 621
the United States, after September 29, 2005. 622

(f) The state fire marshal approves the application for 623
expansion. 624

(2) The state fire marshal shall approve an application 625
for expansion requested under division ~~(G)(1)~~ (F)(1) of this 626
section if the state fire marshal receives the application fee 627
and proof that the requirements of divisions ~~(G)(1)(b) to (e)~~ 628
(F)(1)(b) to (e) of this section are satisfied. The storage 629
location shall be considered part of the original licensed 630
premises and shall use the same distinct number assigned to the 631
original licensed premises with any additional designations as 632
the fire marshal deems necessary in accordance with section 633
3743.16 of the Revised Code. 634

~~(H)(1)~~ (G)(1) A licensee who obtains approval for use of a 635
storage location in accordance with division ~~(G)~~ (F) of this 636
section shall use the site exclusively for the following 637
activities, in accordance with division (C)(1) of this section: 638

(a) Packaging, assembling, or storing fireworks, which 639
shall occur only in buildings or structures approved for such 640
hazardous uses by the building code official having jurisdiction 641
for the storage location or, for 1.4G fireworks, in containers 642

or trailers approved for such hazardous uses by the state fire marshal if such containers or trailers are not subject to regulation by the building code adopted in accordance with Chapter 3781. of the Revised Code. All such storage shall be in accordance with the rules adopted by the state fire marshal under division (B) (4) of section 3743.18 of the Revised Code for the packaging, assembling, and storage of fireworks.

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

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

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

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

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

~~(J)~~ (I) The state fire marshal shall not place the license of a wholesaler of fireworks in temporarily inactive status

while the holder of the license is attempting to qualify to 672
retain the license. 673

~~(K)~~ (J) Each licensed wholesaler of fireworks or a 674
designee of the wholesaler, whose identity is provided to the 675
fire marshal by the wholesaler, annually shall attend a 676
continuing education program. The state fire marshal shall 677
develop the program and the state fire marshal or a person or 678
public agency approved by the state fire marshal shall conduct 679
it. A licensed wholesaler or the wholesaler's designee who 680
attends a program as required under this division, within one 681
year after attending the program, shall conduct in-service 682
training as approved by the state fire marshal for other 683
employees of the licensed wholesaler regarding the information 684
obtained in the program. A licensed wholesaler shall provide the 685
state fire marshal with notice of the date, time, and place of 686
all in-service training. For any program conducted under this 687
division, the state fire marshal shall, in accordance with rules 688
adopted by the state fire marshal under Chapter 119. of the 689
Revised Code, establish the subjects to be taught, the length of 690
classes, the standards for approval, and time periods for 691
notification by the licensee to the state state fire marshal of 692
any in-service training. 693

~~(L)~~ (K) A licensed wholesaler shall maintain comprehensive 694
general liability insurance coverage in the amount and type 695
specified under division (B) (2) of section 3743.15 of the 696
Revised Code at all times. Each policy of insurance required 697
under this division shall contain a provision requiring the 698
insurer to give not less than fifteen days' prior written notice 699
to the state fire marshal before termination, lapse, or 700
cancellation of the policy, or any change in the policy that 701
reduces the coverage below the minimum required under this 702

division. Prior to canceling or reducing the amount of coverage 703
of any comprehensive general liability insurance coverage 704
required under this division, a licensed wholesaler shall secure 705
supplemental insurance in an amount and type that satisfies the 706
requirements of this division so that no lapse in coverage 707
occurs at any time. A licensed wholesaler who secures 708
supplemental insurance shall file evidence of the supplemental 709
insurance with the state fire marshal prior to canceling or 710
reducing the amount of coverage of any comprehensive general 711
liability insurance coverage required under this division. 712

Sec. 3743.171. Notwithstanding the requirements, contained 713
in division (A) of section 3743.17 of the Revised Code, that the 714
state fire marshal only issue the license of a wholesaler of 715
fireworks on the first day of December and that the license is 716
effective for one year: 717

(A) An applicant who applies pursuant to section 3743.151 718
of the Revised Code, and who meets the requirements for 719
licensure contained in section 3743.16 of the Revised Code, 720
shall be issued the license of a wholesaler of fireworks at the 721
end of the period described in division (A) (1) of section 722
3743.75 of the Revised Code. 723

(B) A license issued pursuant to division (A) of this 724
section shall be effective as follows: 725

(1) If the end of the period described in division (A) (1) 726
of section 3743.75 of the Revised Code is in January, February, 727
March, April, or May, a license issued pursuant to division (A) 728
of this section shall be effective through the end of November 729
in the same calendar year. 730

(2) If the end of the period described in division (A) (1) 731

of section 3743.75 of the Revised Code is in June, July, August, 732
September, October, November, or December, a license issued 733
pursuant to division (A) of this section shall be effective 734
through the end of November in the subsequent calendar year. 735

Sec. 3743.21. (A) The state fire marshal may inspect the 736
premises, and the inventory, wholesale sale, and retail sale 737
records, of a licensed wholesaler of fireworks during the 738
wholesaler's period of licensure to determine whether the 739
wholesaler is in compliance with Chapter 3743. of the Revised 740
Code and the rules adopted by the state fire marshal pursuant to 741
section 3743.18 or 3743.22 of the Revised Code. 742

(B) If the state fire marshal determines during an 743
inspection conducted pursuant to division (A) of this section 744
that a wholesaler is not in compliance with Chapter 3743. of the 745
Revised Code or the rules adopted by the state fire marshal 746
pursuant to section 3743.18 or 3743.22 of the Revised Code, the 747
state fire marshal may take one or more of the following 748
actions, whichever the state fire marshal considers appropriate 749
under the circumstances: 750

(1) Order, in writing, the wholesaler to eliminate, 751
correct, or otherwise remedy the nonconformities within a 752
specified period of time; 753

(2) Order, in writing, the wholesaler to immediately cease 754
its operations, if a fire or explosion hazard exists that 755
reasonably can be regarded as posing an imminent danger of death 756
or serious physical harm to persons. The order shall be 757
effective until the nonconformities are eliminated, corrected, 758
or otherwise remedied or for a period of seventy-two hours from 759
the time of issuance, whichever first occurs. During the 760
seventy-two hour period, the state fire marshal may obtain from 761

the court of common pleas of Franklin county or of the county in 762
which the premises of the wholesaler are located an injunction 763
restraining the wholesaler from continuing its operations after 764
the seventy-two hour period expires until the nonconformities 765
are eliminated, corrected, or otherwise remedied. 766

(3) Revoke, or deny renewal of, the license of the 767
wholesaler in accordance with Chapter 119. of the Revised Code; 768

(4) Take action as authorized by section 3743.68 of the 769
Revised Code. 770

(C) This section does not affect the authority conferred 771
by Chapters 3781. and 3791. of the Revised Code to conduct 772
inspections to determine conformity with those chapters or the 773
rules adopted pursuant to them. 774

(D) If the license of a wholesaler of fireworks is revoked 775
or renewal is denied pursuant to division (B) (3) of this section 776
or section 3743.70 of the Revised Code, the wholesaler shall 777
cease its operations immediately. The wholesaler may not reapply 778
for licensure as a wholesaler of fireworks until two years 779
expire from the date of revocation. 780

The state fire marshal shall remove from the list of 781
licensed wholesalers the name of a wholesaler whose license has 782
been revoked, and shall notify the law enforcement authorities 783
for the political subdivision in which the wholesaler's premises 784
are located, of the revocation or denial of renewal. 785

Sec. 3743.22. (A) As used in this section: 786

(1) "Fee period" means the period beginning on the first 787
day of October and ending on the thirtieth day of the following 788
September. 789

(2) "Gross receipts" excludes the amount of taxes a 790
licensed manufacturer or licensed wholesaler collects from a 791
consumer under Chapter 5739. of the Revised Code on behalf of 792
the state or a political subdivision. 793

(B) For the purpose of providing revenue to fund 794
firefighter training programs and the enforcement and regulation 795
of the fireworks industry, a fee is imposed on licensed 796
manufacturers and licensed wholesalers selling 1.4G fireworks in 797
this state. The fee shall equal four per cent of the gross 798
receipts of a licensed manufacturer or licensed wholesaler from 799
retail sales of 1.4G fireworks in this state made one hundred or 800
more days after the effective date of this section. For the 801
purpose of this section, a retail sale of 1.4G fireworks is made 802
in this state only if the purchaser intends to use the 803
fireworks, and not resell them, and receives the 1.4G fireworks 804
at a location in this state. 805

The fee shall be reported, on a form prescribed by the 806
state fire marshal, and remitted to the state fire marshal on or 807
before the twenty-third day after the last day of each fee 808
period. The amount of the fee due shall be computed on the basis 809
of gross receipts from retail sales made in each fee period. A 810
licensed manufacturer or licensed wholesaler whose license is 811
issued, canceled or revoked, or not renewed after expiration 812
during a fee period shall report and remit the fee based on 813
sales of 1.4G fireworks made in that fee period as required 814
under this section. A licensed manufacturer or licensed 815
wholesaler may separately or proportionately bill or invoice a 816
fee imposed under this section to another person. 817

(C) All money collected under this section shall be 818
credited to the fireworks fee receipts fund, which is hereby 819

created in the state treasury. Seven-eighths of the money in the 820
fund shall be used by the state fire marshal solely to fund 821
firefighter training programs. Remaining money in the fund shall 822
be used solely to pay expenses of the state fire marshal in 823
performing the duties prescribed by this chapter. 824

(D) If the state fire marshal determines that a licensed 825
manufacturer or licensed wholesaler fails to timely report and 826
remit the full amount of the fee as required by this section, 827
the state fire marshal may do either of the following: 828

(1) Order, in writing, the wholesaler or manufacturer to 829
report and remit to the state fire marshal, within a specified 830
period of time, any such underpayment; 831

(2) Revoke or deny renewal of the license of the 832
manufacturer or wholesaler, which shall subject a manufacturer 833
or wholesaler to the consequences prescribed in division (D) of 834
section 3743.08 of the Revised Code or division (D) of section 835
3743.21 of the Revised Code. 836

(E) The state fire marshal may adopt rules in accordance 837
with Chapter 119. of the Revised Code as necessary to administer 838
and enforce the fee imposed under this section. 839

Sec. 3743.44. ~~(A) Any person who resides in another state~~ 840
~~and who~~ intends to obtain possession in this state of 1.3G 841
fireworks purchased in this state shall obtain possession of the 842
1.3G fireworks only from a licensed manufacturer or licensed 843
~~wholesaler and only possess the fireworks in this state while in~~ 844
~~the course of directly transporting them out of this state. If~~ 845
the location where the 1.3G fireworks are to be used is within 846
the state of Ohio, the person acquiring such fireworks shall be 847
a licensed exhibitor of fireworks and possess a valid public 848

display exhibition permit issued in accordance with section 849
3743.54 of the Revised Code. Other than while in transit 850
directly to the permitted display site, such possession of 851
fireworks under this section shall only be at the locations and 852
for the time periods specified in the permit and as otherwise 853
required by this chapter. 854

A licensed exhibitor with a display permit issued under 855
section 3743.54 of the Revised Code may use that permit to 856
acquire and use 1.4G fireworks under this section. The 857
possession, transportation, usage and storage of such fireworks 858
must comply with rules the state fire marshal adopts for the 859
usage of 1.4G fireworks in public displays. 860

No licensed manufacturer or licensed wholesaler shall sell 861
1.3G fireworks to a person ~~who resides in another state~~ unless 862
that person has been issued a license or permit in the state of 863
the person's residence that authorizes the person to engage in 864
the manufacture, wholesale sale, or retail sale of 1.3G 865
fireworks or that authorizes the person to possess 1.3G 866
fireworks and conduct 1.3G fireworks exhibitions in that state 867
and that person presents a certified copy of the license. For a 868
purchaser that intends to discharge, ignite or explode 1.3G 869
fireworks in this state, no licensed manufacturer or licensed 870
wholesaler shall sell 1.3G fireworks to such persons unless they 871
are verified to be a licensed exhibitor in this state and 872
possess a valid public display exhibition permit issued in 873
accordance with section 3743.54 of the Revised Code. 874

~~No licensed manufacturer or licensed wholesaler shall sell~~ 875
~~fireworks to a person who resides in another state unless that~~ 876
~~person has been issued a license or permit in the state of the~~ 877
~~person's residence that authorizes the person to engage in the~~ 878

~~manufacture, wholesale sale, or retail sale of fireworks in that~~ 879
~~state or that authorizes the person to conduct fireworks~~ 880
~~exhibitions in that state and that person presents a certified~~ 881
~~copy of the license, or, if that person does not possess a~~ 882
~~license or permit of that nature, only if the person presents a~~ 883
~~current valid motor vehicle operator's license issued to the~~ 884
~~person in the person's state of residence, or, if that person~~ 885
~~does not possess a motor vehicle operator's license issued in~~ 886
~~that state, an identification card issued to the person by a~~ 887
~~governmental agency in the person's state of residence~~ 888
~~indicating that the person is a resident of that state. If a~~ 889
~~person who is required to present a motor vehicle operator's~~ 890
~~license or other identification card intends to transport the~~ 891
~~fireworks purchased directly out of this state by a motor~~ 892
~~vehicle and the person will not also be the operator of that~~ 893
~~motor vehicle while so transporting the fireworks, the operator~~ 894
~~of the motor vehicle also shall present the operator's motor~~ 895
~~vehicle operator's license.~~ 896

~~(B) Each purchaser of fireworks under this section shall~~ 897
~~transport the fireworks so purchased directly out of this state~~ 898
~~within forty eight hours after the time of their purchase.~~ 899

~~This section regulates wholesale sales and retail sales of~~ 900
~~fireworks in this state only insofar as purchasers of fireworks~~ 901
~~are residents of other states and will be obtaining possession~~ 902
~~in this state of purchased fireworks. This section does not~~ 903
prohibit licensed manufacturers or wholesalers from selling 904
fireworks, in accordance with section 3743.04 or sections 905
3743.17 and 3743.25 of the Revised Code, to a resident of 906
another state and from shipping the purchased fireworks directly 907
out of this state to the purchaser. 908

Sec. 3743.45. (A) Any person who ~~resides in this state and~~ 909
~~who~~ intends to obtain possession in this state of 1.4G fireworks 910
purchased in this state shall obtain possession of the 1.4G 911
fireworks only from a licensed manufacturer or licensed 912
wholesaler and shall be subject to this section. 913

~~Each purchaser of 1.4G fireworks under this division shall~~ 914
~~transport the fireworks so purchased directly out of this state~~ 915
~~within forty eight hours after the time of their purchase.~~ 916

~~This division does not apply to a person who resides in~~ 917
~~this state and who is also a licensed manufacturer, licensed~~ 918
~~wholesaler, or licensed exhibitor of fireworks in this state.~~ 919

~~(B) No licensed manufacturer or licensed wholesaler shall~~ 920
~~sell 1.3G fireworks to a person who resides in this state unless~~ 921
~~that person is a licensed manufacturer, licensed wholesaler, or~~ 922
~~licensed exhibitor of fireworks in this state.~~ Any person 923
authorized under this section to possess 1.4G fireworks in this 924
state may discharge, ignite, or explode those fireworks if both 925
of the following conditions are met: 926

(1) The discharge, ignition, or explosion occurs on the 927
property of the person, or on the property of another who has 928
given permission to the person, in a county, township, or 929
municipal corporation that has authorized the discharge, 930
ignition, or explosion pursuant to division (D) of this section; 931

(2) The discharge, ignition, or explosion occurs during 932
the times authorized by the county, township, or municipal 933
corporation pursuant to division (D) of this section. 934

(C) Fireworks discharged, ignited, or exploded pursuant to 935
this section shall not be considered a public exhibition. 936

(D) A county, with respect to the unincorporated territory 937

of the county, a township, with respect to the unincorporated 938
territory of the township, or a municipal corporation may, by 939
resolution, authorize the discharge, ignition, or explosion of 940
fireworks obtained pursuant to this section on the third, 941
fourth, and fifth day of July, or any part of those days, in any 942
year. A resolution adopted by a board of township trustees under 943
this division prevails over a conflicting resolution adopted 944
under this division by the board of county commissioners in the 945
county within which the township is located. 946

(E) This section does not limit the enforcement of any 947
ordinance, resolution, or statute that regulates noise, 948
disturbance of the peace, or disorderly conduct. 949

Sec. 3743.451. (A) (1) The state fire marshal shall adopt 950
rules in accordance with Chapter 119. of the Revised Code 951
regulating the time, manner, and location of 1.4G fireworks 952
discharged, ignited, or exploded under section 3743.45 of the 953
Revised Code. The rules may include provisions requiring that 954
all fireworks be used only in accordance with manufacturer's 955
instructions and provisions for all of the following: 956

(a) The use of aerial fireworks; 957

(b) Separation distances between the location of fireworks 958
discharges, ignitions, or explosions and adjacent structures, 959
roadways, railroads, airports, publicly owned or controlled 960
places, and places where hazardous materials are manufactured, 961
used, or stored; 962

(c) Fireworks usage at common areas of multitenant 963
properties; 964

(d) The suspension of fireworks discharges, ignitions, or 965
explosions during times of drought or similar conditions; 966

(e) The proximity of fireworks discharges, ignitions, or 967
explosions to persons under eighteen years of age; 968

(f) Any other matters similar to those listed in division 969
(A)(1) of this section. 970

(2) The state fire marshal shall file the rules required 971
by this division with the joint committee on agency rule review 972
pursuant to division (C) of section 119.03 of the Revised Code 973
not later than February 28, 2022. 974

(B)(1) Nothing in division (A) of this section shall be 975
construed to limit the authority of a county, township, or 976
municipal corporation under division (D) of section 3743.45 of 977
the Revised Code to restrict the dates and times or ban the 978
discharge, ignition, or explosion of fireworks purchased under 979
section 3743.45 of the Revised Code. 980

(2) Rules adopted pursuant to this section shall permit 981
consumers, who are at least eighteen years of age, to safely and 982
responsibly use 1.4G fireworks on their own private property, or 983
any private property to which they have express consent from the 984
property owner. 985

(3) Rules adopted pursuant to this section shall not be 986
constructed as a de facto ban on the consumer discharge of 987
fireworks. It is the intent of the general assembly to allow 988
consumers to discharge 1.4G fireworks in a safe and reasonable 989
manner. 990

Sec. 3743.46. (A) Except as otherwise provided in section 991
3743.44 or 3743.45 of the Revised Code, no licensed manufacturer 992
or licensed wholesaler shall sell fireworks to a person who 993
resides in another state unless one of the following applies: 994

(1) The person has been issued a license or permit in the 995

state of the person's residence that authorizes the person to 996
engage in the manufacture, wholesale sale, or retail sale of 997
fireworks in that state or that authorizes the person to conduct 998
fireworks exhibitions in that state and that person presents a 999
certified copy of the license. 1000

(2) If the person does not possess a license or permit 1001
described in division (A)(1) of this section, the person 1002
presents a current, valid motor vehicle operator's license 1003
issued to the person in the person's state of residence. 1004

(3) If the person does not possess a license or permit 1005
issued in that state as described in division (A)(1) or (2) of 1006
this section, the person presents an identification card issued 1007
to the person by a governmental agency in the person's state of 1008
residence indicating that the person is a resident of that 1009
state. 1010

(B) If a person who is required to present a motor vehicle 1011
operator's license or other identification card intends to 1012
transport the fireworks purchased directly out of this state by 1013
a motor vehicle and the person will not also be the operator of 1014
that motor vehicle while so transporting the fireworks, the 1015
operator of the motor vehicle also shall present the operator's 1016
motor vehicle operator's license. 1017

Sec. 3743.47. (A) A licensed manufacturer or licensed 1018
wholesaler shall furnish a copy of a safety pamphlet to each 1019
purchaser of 1.4G fireworks. In addition to any safety 1020
information the licensed wholesaler or licensed manufacturer 1021
wishes to include, the pamphlet shall include all of the 1022
following statements, or substantially similar statements: 1023

"Do not allow children to play with fireworks. Sparklers, 1024

a firework often considered by many to be the ideal "safe" device for children, burn at very high temperatures and should not be handled by children. Children may not understand the danger involved with fireworks and may not act appropriately while using the devices or in case of emergency. 1025
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Set off fireworks outdoors in a clear area, away from houses, dry leaves, or grass and other flammable materials. 1030
1031

Keep a bucket of water nearby for emergencies and for pouring on fireworks that fail to ignite or explode. 1032
1033

Do not try to relight or handle malfunctioning fireworks. Soak them with water and throw them away. 1034
1035

Be sure other people are out of range before lighting fireworks. 1036
1037

Never light fireworks in a container, especially a glass or metal container. 1038
1039

Keep unused fireworks away from firing areas. 1040

Store fireworks in a cool, dry place. 1041

Check instructions for special storage directions. 1042

Observe state and local law. 1043

Never have any portion of your body directly over a firework while lighting. 1044
1045

Do not experiment with homemade fireworks." 1046

(B) A licensed manufacturer or licensed wholesaler selling 1.4G fireworks shall have safety glasses available for a nominal charge or free at the site of the 1.4G fireworks purchase. 1047
1048
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(C) Divisions (A) and (B) of this section do not apply 1050

when a purchaser is a licensed manufacturer, licensed 1051
wholesaler, or licensed exhibitor of fireworks in this state. 1052

Sec. 3743.57. (A) All fees collected by the state fire 1053
marshal for licenses or permits issued pursuant to this chapter, 1054
except the fee imposed under section 3743.22 of the Revised 1055
Code, shall be deposited into the state fire marshal's fund, and 1056
interest earned on the amounts in the fund shall be credited by 1057
the treasurer of state to the fund. 1058

(B) The state fire marshal shall in the state fire 1059
marshal's discretion use amounts in the state fire marshal's 1060
fund for fireworks training and education purposes, including, 1061
but not limited to, the creation of educational and training 1062
programs, attendance by the state fire marshal and the state 1063
fire marshal's employees at conferences and seminars, the 1064
payment of travel and meal expenses associated with such 1065
attendance, participation by the state fire marshal and the 1066
state fire marshal's employees in committee meetings and other 1067
meetings related to pyrotechnic codes, and the payment of travel 1068
and meal expenses associated with such participation. The use of 1069
the fund shall comply with rules of the department of commerce, 1070
policies and procedures established by the director of budget 1071
and management, and all other applicable laws. 1072

Sec. 3743.60. (A) No person shall manufacture fireworks in 1073
this state unless it is a licensed manufacturer of fireworks, 1074
and no person shall operate a fireworks plant in this state 1075
unless it has been issued a license as a manufacturer of 1076
fireworks for the particular fireworks plant. 1077

(B) No person shall operate a fireworks plant in this 1078
state after its license as a manufacturer of fireworks for the 1079
particular fireworks plant has expired, been denied renewal, or 1080

been revoked, unless a new license has been obtained. 1081

(C) No licensed manufacturer of fireworks, during the 1082
effective period of its licensure, shall construct, locate, or 1083
relocate any buildings or other structures on the premises of 1084
its fireworks plant, make any structural change or renovation in 1085
any building or other structure on the premises of its fireworks 1086
plant, or change the nature of its manufacturing of fireworks so 1087
as to include the processing of fireworks without first 1088
obtaining a written authorization from the state fire marshal 1089
pursuant to division (B) of section 3743.04 of the Revised Code. 1090

(D) No licensed manufacturer of fireworks shall 1091
manufacture fireworks, possess fireworks for sale at wholesale 1092
or retail, or sell fireworks at wholesale or retail, in a manner 1093
not authorized by division (C) of section 3743.04 of the Revised 1094
Code. 1095

(E) No licensed manufacturer of fireworks shall knowingly 1096
fail to comply with the rules adopted by the state fire marshal 1097
pursuant to section 3743.05 of the Revised Code or the 1098
requirements of section 3743.06 of the Revised Code. 1099

(F) No licensed manufacturer of fireworks shall fail to 1100
maintain complete inventory, wholesale sale, and retail records 1101
as required by section 3743.07 of the Revised Code, or to permit 1102
inspection of these records or the premises of a fireworks plant 1103
pursuant to section 3743.08 of the Revised Code. 1104

(G) No licensed manufacturer of fireworks shall fail to 1105
comply with an order of the state fire marshal issued pursuant 1106
to division (B) (1) of section 3743.08 of the Revised Code, 1107
within the specified period of time. 1108

(H) No licensed manufacturer of fireworks shall fail to 1109

comply with an order of the state fire marshal issued pursuant 1110
to division (B) (2) of section 3743.08 of the Revised Code until 1111
the nonconformities are eliminated, corrected, or otherwise 1112
remedied or the seventy-two hour period specified in that 1113
division has expired, whichever first occurs. 1114

(I) No person shall smoke or shall carry a pipe, 1115
cigarette, or cigar, or a match, lighter, other flame-producing 1116
item, or open flame on, or shall carry a concealed source of 1117
ignition into, the premises of a fireworks plant, except as 1118
smoking is authorized in specified lunchrooms or restrooms by a 1119
manufacturer pursuant to division (C) of section 3743.06 of the 1120
Revised Code. 1121

(J) No person shall have possession or control of, or be 1122
under the influence of, any intoxicating liquor, beer, or 1123
controlled substance, while on the premises of a fireworks 1124
plant. 1125

(K) No licensed manufacturer of fireworks shall 1126
negligently fail to furnish a safety pamphlet to a purchaser of 1127
1.4G fireworks as required by division (A) of section 3743.47 of 1128
the Revised Code. 1129

(L) No licensed manufacturer of fireworks shall 1130
negligently fail to have safety glasses available for sale as 1131
required by division (B) of section 3743.47 of the Revised Code. 1132

Sec. 3743.61. (A) No person, except a licensed 1133
manufacturer of fireworks engaging in the wholesale sale of 1134
fireworks as authorized by division (C) (2) of section 3743.04 of 1135
the Revised Code, shall operate as a wholesaler of fireworks in 1136
this state unless it is a licensed wholesaler of fireworks, or 1137
shall operate as a wholesaler of fireworks at any location in 1138

this state unless it has been issued a license as a wholesaler 1139
of fireworks for the particular location. 1140

(B) No person shall operate as a wholesaler of fireworks 1141
at a particular location in this state after its license as a 1142
wholesaler of fireworks for the particular location has expired, 1143
been denied renewal, or been revoked, unless a new license has 1144
been obtained. 1145

(C) No licensed wholesaler of fireworks, during the 1146
effective period of its licensure, shall perform any 1147
construction, or make any structural change or renovation, on 1148
the premises on which the fireworks are sold without first 1149
obtaining a written authorization from the state fire marshal 1150
pursuant to division (B) of section 3743.17 of the Revised Code. 1151

(D) No licensed wholesaler of fireworks shall possess 1152
fireworks for sale at wholesale or retail, or sell fireworks at 1153
wholesale or retail, in a manner not authorized by division (C) 1154
of section 3743.17 of the Revised Code. 1155

(E) No licensed wholesaler of fireworks shall knowingly 1156
fail to comply with the rules adopted by the state fire marshal 1157
pursuant to section 3743.18 or the requirements of section 1158
3743.19 of the Revised Code. 1159

(F) No licensed wholesaler of fireworks shall fail to 1160
maintain complete inventory, wholesale sale, and retail records 1161
as required by section 3743.20 of the Revised Code, or to permit 1162
inspection of these records or the premises of the wholesaler 1163
pursuant to section 3743.21 of the Revised Code. 1164

(G) No licensed wholesaler of fireworks shall fail to 1165
comply with an order of the state fire marshal issued pursuant 1166
to division (B) (1) of section 3743.21 of the Revised Code, 1167

within the specified period of time. 1168

(H) No licensed wholesaler of fireworks shall fail to 1169
comply with an order of the state fire marshal issued pursuant 1170
to division (B) (2) of section 3743.21 of the Revised Code until 1171
the nonconformities are eliminated, corrected, or otherwise 1172
remedied or the seventy-two hour period specified in that 1173
division has expired, whichever first occurs. 1174

(I) No person shall smoke or shall carry a pipe, 1175
cigarette, or cigar, or a match, lighter, other flame-producing 1176
item, or open flame on, or shall carry a concealed source of 1177
ignition into, the premises of a wholesaler of fireworks, except 1178
as smoking is authorized in specified lunchrooms or restrooms by 1179
a wholesaler pursuant to division (D) of section 3743.19 of the 1180
Revised Code. 1181

(J) No person shall have possession or control of, or be 1182
under the influence of, any intoxicating liquor, beer, or 1183
controlled substance, while on the premises of a wholesaler of 1184
fireworks. 1185

(K) No licensed wholesaler of fireworks shall negligently 1186
fail to furnish a safety pamphlet to a purchaser of 1.4G 1187
fireworks as required by division (A) of section 3743.47 of the 1188
Revised Code. 1189

(L) No licensed wholesaler of fireworks shall negligently 1190
fail to have safety glasses available for sale as required by 1191
division (B) of section 3743.47 of the Revised Code. 1192

Sec. 3743.63. (A) No person who ~~resides in another state~~ 1193
~~and~~ purchases fireworks in this state shall obtain possession of 1194
the fireworks in this state unless the person complies with 1195
~~section~~ sections 3743.44 to 3743.46 of the Revised Code. 1196

(B) ~~No~~ Except for the purchase of 1.4G fireworks made 1197
under section 3743.45 of the Revised Code, no person who resides 1198
in another state and who purchases fireworks in this state shall 1199
obtain possession of fireworks in this state other than from a 1200
licensed manufacturer or wholesaler, or fail, when transporting 1201
1.3G fireworks, to transport them directly out of this state 1202
within seventy-two hours after the time of their purchase. ~~No~~ 1203
~~such person shall give or sell to any other person in this state~~ 1204
~~fireworks that the person has acquired in this state.~~ 1205

(C) ~~No person who resides in this state and purchases~~ 1206
~~fireworks in this state shall obtain possession of the fireworks~~ 1207
~~in this state unless the person complies with section 3743.45 of~~ 1208
~~the Revised Code.~~ 1209

(D) ~~No person who resides in this state and who purchases~~ 1210
fireworks in this state under section 3743.45 of the Revised 1211
Code shall ~~obtain possession of fireworks in this state other~~ 1212
~~than from a licensed manufacturer or licensed wholesaler, or~~ 1213
~~fail, when transporting the fireworks, to transport them~~ 1214
~~directly out of this state within forty-eight hours after the~~ 1215
~~time of their purchase. No such person shall give or sell to any~~ 1216
other person in this state fireworks that the person has 1217
acquired in this state. 1218

Sec. 3743.65. (A) No person shall possess fireworks in 1219
this state or shall possess for sale or sell fireworks in this 1220
state, except a licensed manufacturer of fireworks as authorized 1221
by sections 3743.02 to 3743.08 of the Revised Code, a licensed 1222
wholesaler of fireworks as authorized by sections 3743.15 to 1223
3743.21 of the Revised Code, a shipping permit holder as 1224
authorized by section 3743.40 of the Revised Code, ~~an out-of-~~ 1225
~~state resident~~ a person as authorized by ~~section~~ sections 1226

3743.44 ~~of the Revised Code, a resident of this state as~~ 1227
~~authorized by section and~~ 3743.45 of the Revised Code, or a 1228
licensed exhibitor of fireworks as authorized by sections 1229
3743.50 to 3743.55 of the Revised Code, and except as provided 1230
in section 3743.80 of the Revised Code. 1231

(B) Except as provided in ~~section~~ sections 3743.45 and 1232
3743.80 of the Revised Code and except for licensed exhibitors 1233
of fireworks authorized to conduct a fireworks exhibition 1234
pursuant to sections 3743.50 to 3743.55 of the Revised Code, no 1235
person shall discharge, ignite, or explode any fireworks in this 1236
state. 1237

(C) No person shall use in a theater or public hall, what 1238
is technically known as fireworks showers, or a mixture 1239
containing potassium chlorate and sulphur. 1240

(D) No person shall sell fireworks of any kind to a person 1241
under eighteen years of age. No person under eighteen years of 1242
age shall enter a fireworks sales showroom unless that person is 1243
accompanied by a parent, legal guardian, or other responsible 1244
adult. No person under eighteen years of age shall touch or 1245
possess fireworks on a licensed premises without the consent of 1246
the licensee. A licensee may eject any person from a licensed 1247
premises that is in any way disruptive to the safe operation of 1248
the premises. 1249

(E) Except as otherwise provided in section 3743.44 of the 1250
Revised Code, no person, other than a licensed manufacturer, 1251
licensed wholesaler, licensed exhibitor, or shipping permit 1252
holder, shall possess 1.3G fireworks in this state. 1253

(F) Except as otherwise provided in division (J) of 1254
section 3743.06 and division (K) of section 3743.19 of the 1255

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.

(B) The committee shall meet periodically, with the first 1284
meeting not later than ten days after the effective date of this 1285
section, and shall submit its report and recommendations to the 1286
state fire marshal not later than one hundred days after the 1287
effective date of this section. 1288

(C) The committee shall be made up of the following 1289
individuals: 1290

(1) The state fire marshal, or the state fire marshal's 1291
designee; 1292

(2) Four local fire chiefs appointed by the Ohio fire 1293
chiefs' association, or appointed by the association's designee; 1294

(3) A local police chief appointed by the attorney 1295
general, or the attorney general's designee; 1296

(4) Five members of the Ohio state pyrotechnics 1297
association, appointed by the president of the association, one 1298
of whom shall be a licensed wholesaler, one of whom shall be a 1299
licensed exhibitor, and one of whom shall be a licensed 1300
manufacturer; 1301

(5) One member of prevent blindness Ohio, or the 1302
organization's designee; 1303

(6) One member of the Ohio optometric association or the 1304
association's designee; 1305

(7) One member of the Ohio pyrotechnic arts guild or the 1306
organization's designee; 1307

(8) One representative of the Ohio chapter of the American 1308
academy of pediatrics, appointed by the president of the Ohio 1309
chapter; 1310

(9) One member of the Ohio council of retail merchants or
the council's designee. 1311
1312

Sec. 3743.75. (A) During the period beginning on June 29, 1313
2001, and ending on December ~~31~~¹⁵, ~~2020~~²⁰²², except as provided 1314
in division (B) of this section, the state fire marshal shall 1315
not do any of the following: 1316

(1) Issue a license as a manufacturer of fireworks under 1317
sections 3743.02 and 3743.03 of the Revised Code to a person for 1318
a particular fireworks plant unless that person possessed such a 1319
license for that fireworks plant immediately prior to June 29, 1320
2001; 1321

(2) Issue a license as a wholesaler of fireworks under 1322
sections 3743.15 and 3743.16 of the Revised Code to a person for 1323
a particular location unless that person possessed such a 1324
license for that location immediately prior to June 29, 2001; 1325

(3) ~~Except as provided in division (B) of this section,~~ 1326
~~approve~~ Approve the geographic transfer of a license as a 1327
manufacturer or wholesaler of fireworks issued under this 1328
chapter to any location other than a location for which a 1329
license was issued under this chapter immediately prior to June 1330
29, 2001. 1331

(B) Division (A) ~~(3)~~ of this section does not apply to a 1332
either of the following: 1333

(1) An ownership transfer that the state fire marshal 1334
approves under division (D) of section 3743.04 or division (D) 1335
of section 3743.17 of the Revised Code that is consistent with 1336
division (F) of this section; 1337

(2) A geographic transfer that the state fire marshal 1338
approves under division ~~(F)~~ (E) of this section ~~3743.17 of the~~ 1339

~~Revised Code.~~ 1340

(C) Notwithstanding section 3743.59 of the Revised Code, 1341
the prohibited activities established in ~~divisions~~ division (A) 1342
(1) and (2) of this section, geographic transfers approved 1343
pursuant to division ~~(F)~~ (E) of this section 3743.17 of the 1344
~~Revised Code~~, and nonconstruction-related matters at storage 1345
locations allowed pursuant to division (I) of section 3743.04 of 1346
the Revised Code or division ~~(G)~~ (F) of section 3743.17 of the 1347
Revised Code are not subject to any variance, waiver, or 1348
exclusion. 1349

(D) After the end of the period described in division (A) 1350
of this section, the state fire marshal may issue new licenses 1351
as a manufacturer or wholesaler of fireworks. New licenses shall 1352
not be approved in such a manner that unduly burdens the state 1353
fire marshal's ability to ensure public safety. 1354

(E) (1) A licensed manufacturer of fireworks or a licensed 1355
wholesaler of fireworks may apply, on or after the effective 1356
date of this amendment, to geographically relocate the license 1357
to any location in the state if the license is in good standing, 1358
as defined in division (E) (6) of this section. 1359

(2) Notwithstanding any other provisions of this chapter, 1360
the state fire marshal shall approve the transfer if all of the 1361
following conditions are met: 1362

(a) The identity of the holder of the license remains the 1363
same in the new location; 1364

(b) The former licensed premises associated with the 1365
transferred license is closed prior to the opening of the new 1366
location and no fireworks business of any kind is conducted at 1367
the former licensed premises associated with the transferred 1368

license after the transfer of the license unless a separate 1369
fireworks manufacturer or wholesaler license is or has been 1370
issued for such location; 1371

(c) The new location has received a local certificate of 1372
zoning compliance and all structures on the new licensed 1373
location receive a valid certificate of occupancy, and are 1374
otherwise in compliance with all applicable laws, rules and 1375
regulations, including the building code and fire code and this 1376
chapter; 1377

(d) Every building or structure at the new location is 1378
separated from occupied residential and nonresidential buildings 1379
or structures, railroads, highways, or any other buildings or 1380
structures located on the licensed premises in accordance with 1381
the distances specified in the rules adopted by the state fire 1382
marshal pursuant to sections 3743.05 and 3743.18 of the Revised 1383
Code. If the licensee fails to comply with the requirements of 1384
division (E)(1)(d) of this section by the licensee's own act, 1385
the license at the new location is forfeited; 1386

(e) Neither the licensee nor any person holding, owning, 1387
or controlling a five per cent or greater beneficial or equity 1388
interest in the licensee has been convicted of or has pleaded 1389
guilty to a felony under the laws of this state, any other 1390
state, or the United States after June 30, 1997. 1391

(f) The subject license is in active status and does not 1392
have any pending proceedings or final orders of revocation or 1393
denial under sections 3743.08 or 3743.21 of the Revised Code; 1394

(g) The state fire marshal approves the request for the 1395
transfer; 1396

(h) All sales structures at the new location comply with 1397

the requirements specified in division (C) of section 3743.25 of 1398
the Revised Code. Each licensed premises may only contain one 1399
sales structure. A sales structure on any licensed premises may 1400
be converted from a representative sample showroom to a retail 1401
sales showroom or from a retail sales showroom to a 1402
representative sample showroom at any time in accordance with 1403
rules established by the state fire marshal under this chapter; 1404

(i) A completed geographic transfer application, including 1405
the designation of the new location, is received by the state 1406
fire marshal on or after the effective date of this amendment 1407
but not later than December 31, 2021. 1408

(3) All construction at the new location shall be 1409
authorized by the state fire marshal in writing before 1410
initiation and shall be completed not later than December 31, 1411
2022. The state fire marshal shall issue preliminary 1412
construction approvals and may set conditions thereon. The state 1413
fire marshal may authorize extensions of dates specified in this 1414
section upon a finding of good cause based upon evidence 1415
submitted by the applicant. Any final approvals of a geographic 1416
transfer shall occur only after full compliance with this 1417
section. 1418

(4) The filing of an application to geographically 1419
relocate a license and any conditional approvals issued under 1420
this section do not vest in the applicant any rights to the 1421
transfer. 1422

(5) A licensed premises subject to this section may be 1423
granted only one geographic transfer pursuant to this section 1424
prior to December 31, 2022. After that date, any existing 1425
license subject to this section may be geographically 1426
transferred to any location within this state upon application 1427

to the state fire marshal and compliance with divisions (E) (2) 1428
(a) to (E) (2) (h) of this section. 1429

(6) Notwithstanding any other section of the Revised Code, 1430
the license of a licensed manufacturer of fireworks or a 1431
licensed wholesaler of fireworks shall be deemed in good 1432
standing for purposes of a geographic transfer if any of the 1433
following apply to the license: 1434

(a) The license existed immediately prior to June 29, 1435
2001, and the owner of the license, including a license approved 1436
for transfers of ownership subsequent to June 29, 2001, was an 1437
active corporation in good standing as recognized by the 1438
secretary of state of the state where the company is 1439
incorporated as of December 1, 2019, or was a person, as defined 1440
by section 1.59 of the Revised Code, as of December 1, 2019; 1441

(b) The license existed on December 1, 1995, and the owner 1442
of the license, including a license approved for changes or 1443
transfers of ownership subsequent to December 1, 1995, was an 1444
active corporation in good standing as recognized by the 1445
secretary of state of the state where the company is 1446
incorporated as of December 1, 2019, or was a person, as defined 1447
by section 1.59 of the Revised Code, as of December 1, 2019; 1448

(c) For transfers requested after December 31, 2022, the 1449
owner of the license, including a license approved for transfers 1450
of ownership subsequent to June 29, 2001, is an active 1451
corporation in good standing as recognized by the secretary of 1452
state of the state where the company is incorporated as of the 1453
date of the application, or was a person, as defined by section 1454
1.59 of the Revised Code, as of the date of application. 1455

If, between December 1, 1995, and the effective date of 1456

this amendment, a licensee, holding a license that has been 1457
deemed to be in good standing under division (D) (6) of this 1458
section, either converted the license type from a manufacturer 1459
to a wholesaler or has otherwise ceased operations at its 1460
licensed premises for any reason, the state fire marshal may 1461
geographically transfer under this section and reissue the 1462
license at the new location after full compliance with division 1463
(E) (2) of this section without first issuing a license at the 1464
premises where the license last existed. 1465

(F) As used in division (A) of this section: 1466

(1) "Person" includes any person or entity, in whatever 1467
form or name, that acquires possession of a manufacturer or 1468
wholesaler of fireworks license issued pursuant to this chapter 1469
by transfer of possession of a license, whether that transfer 1470
occurs by purchase, assignment, inheritance, bequest, stock 1471
transfer, or any other type of transfer, on the condition that 1472
the transfer is in accordance with division (D) of section 1473
3743.04 of the Revised Code or division (D) of section 3743.17 1474
of the Revised Code and is approved by the state fire marshal. 1475

(2) "Particular location" includes a licensed premises 1476
and, regardless of when approved, any storage location approved 1477
in accordance with section 3743.04 or 3743.17 of the Revised 1478
Code. 1479

(3) "Such a license" includes a wholesaler of fireworks 1480
license that was issued in place of a manufacturer of fireworks 1481
license that existed prior to June 29, 2001, and was requested 1482
to be canceled by the license holder pursuant to division (D) of 1483
section 3743.03 of the Revised Code. 1484

Sec. 3743.99. (A) Whoever violates division (A) or (B) of 1485

section 3743.60 or division (H) of section 3743.64 of the Revised Code is guilty of a felony of the third degree.

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

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

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

an assistant exhibitor of fireworks in this state. 1516

(E) Whoever violates division (F) of section 3743.65 of 1517
the Revised Code is guilty of a felony of the fifth degree. 1518

(F) Whoever violates division (G) of section 3743.65 of 1519
the Revised Code is guilty of a misdemeanor of the first degree. 1520
Notwithstanding any other provision of law to the contrary, a 1521
person may be convicted at the same trial or proceeding of a 1522
violation of division (G) of section 3743.65 of the Revised Code 1523
and a violation of division (B) of section 2917.11 of the 1524
Revised Code that constitutes the basis of the charge of the 1525
violation of division (G) of section 3743.65 of the Revised 1526
Code. 1527

(G) Whoever violates division (K) or (L) of section 1528
3743.60 or division (K) or (L) of section 3743.61 of the Revised 1529
Code is guilty of a misdemeanor of the second degree. 1530

(H) Whoever violates division (H) of section 3743.65 of 1531
the Revised Code is guilty of a minor misdemeanor. 1532

Sec. 5703.21. (A) Except as provided in divisions (B) and 1533
(C) of this section, no agent of the department of taxation, 1534
except in the agent's report to the department or when called on 1535
to testify in any court or proceeding, shall divulge any 1536
information acquired by the agent as to the transactions, 1537
property, or business of any person while acting or claiming to 1538
act under orders of the department. Whoever violates this 1539
provision shall thereafter be disqualified from acting as an 1540
officer or employee or in any other capacity under appointment 1541
or employment of the department. 1542

(B) (1) For purposes of an audit pursuant to section 117.15 1543
of the Revised Code, or an audit of the department pursuant to 1544

Chapter 117. of the Revised Code, or an audit, pursuant to that 1545
chapter, the objective of which is to express an opinion on a 1546
financial report or statement prepared or issued pursuant to 1547
division (A) (7) or (9) of section 126.21 of the Revised Code, 1548
the officers and employees of the auditor of state charged with 1549
conducting the audit shall have access to and the right to 1550
examine any state tax returns and state tax return information 1551
in the possession of the department to the extent that the 1552
access and examination are necessary for purposes of the audit. 1553
Any information acquired as the result of that access and 1554
examination shall not be divulged for any purpose other than as 1555
required for the audit or unless the officers and employees are 1556
required to testify in a court or proceeding under compulsion of 1557
legal process. Whoever violates this provision shall thereafter 1558
be disqualified from acting as an officer or employee or in any 1559
other capacity under appointment or employment of the auditor of 1560
state. 1561

(2) For purposes of an internal audit pursuant to section 1562
126.45 of the Revised Code, the officers and employees of the 1563
office of internal audit in the office of budget and management 1564
charged with directing the internal audit shall have access to 1565
and the right to examine any state tax returns and state tax 1566
return information in the possession of the department to the 1567
extent that the access and examination are necessary for 1568
purposes of the internal audit. Any information acquired as the 1569
result of that access and examination shall not be divulged for 1570
any purpose other than as required for the internal audit or 1571
unless the officers and employees are required to testify in a 1572
court or proceeding under compulsion of legal process. Whoever 1573
violates this provision shall thereafter be disqualified from 1574
acting as an officer or employee or in any other capacity under 1575

appointment or employment of the office of internal audit.	1576
(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state or the office of internal audit solely for purposes of an audit of the department.	1577 1578 1579 1580 1581 1582
(4) For purposes of Chapter 3739. of the Revised Code, an agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.	1583 1584 1585 1586
(C) Division (A) of this section does not prohibit any of the following:	1587 1588
(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;	1589 1590 1591 1592 1593
(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;	1594 1595 1596
(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;	1597 1598 1599 1600 1601
(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;	1602 1603 1604

(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 1634
levied under Chapter 4301. or 4305. of the Revised Code; 1635

(12) Disclosing to the department of natural resources 1636
information in the possession of the department of taxation that 1637
is necessary for the department of taxation to verify the 1638
taxpayer's compliance with section 5749.02 of the Revised Code 1639
or to allow the department of natural resources to enforce 1640
Chapter 1509. of the Revised Code; 1641

(13) Disclosing to the department of job and family 1642
services, industrial commission, and bureau of workers' 1643
compensation information in the possession of the department of 1644
taxation solely for the purpose of identifying employers that 1645
misclassify employees as independent contractors or that fail to 1646
properly report and pay employer tax liabilities. The department 1647
of taxation shall disclose only such information that is 1648
necessary to verify employer compliance with law administered by 1649
those agencies. 1650

(14) Disclosing to the Ohio casino control commission 1651
information in the possession of the department of taxation that 1652
is necessary to verify a casino operator's compliance with 1653
section 5747.063 or 5753.02 of the Revised Code and sections 1654
related thereto; 1655

(15) Disclosing to the state lottery commission 1656
information in the possession of the department of taxation that 1657
is necessary to verify a lottery sales agent's compliance with 1658
section 5747.064 of the Revised Code-i 1659

(16) Disclosing to the development services agency 1660
information in the possession of the department of taxation that 1661
is necessary to ensure compliance with the laws of this state 1662

governing taxation and to verify information reported to the 1663
development services agency for the purpose of evaluating 1664
potential tax credits, grants, or loans. Such information shall 1665
not include information received from the internal revenue 1666
service the disclosure of which is prohibited by section 6103 of 1667
the Internal Revenue Code. No officer, employee, or agent of the 1668
development services agency shall disclose any information 1669
provided to the development services agency by the department of 1670
taxation under division (C)(16) of this section except when 1671
disclosure of the information is necessary for, and made solely 1672
for the purpose of facilitating, the evaluation of potential tax 1673
credits, grants, or loans. 1674

(17) Disclosing to the department of insurance information 1675
in the possession of the department of taxation that is 1676
necessary to ensure a taxpayer's compliance with the 1677
requirements with any tax credit administered by the development 1678
services agency and claimed by the taxpayer against any tax 1679
administered by the superintendent of insurance. No officer, 1680
employee, or agent of the department of insurance shall disclose 1681
any information provided to the department of insurance by the 1682
department of taxation under division (C)(17) of this section. 1683

(18) Disclosing to the division of liquor control 1684
information in the possession of the department of taxation that 1685
is necessary for the division and department to comply with the 1686
requirements of sections 4303.26 and 4303.271 of the Revised 1687
Code; 1688

(19) Disclosing to the state fire marshal information in 1689
the possession of the department of taxation that is necessary 1690
for the state fire marshal to verify the compliance of a 1691
licensed manufacturer of fireworks or a licensed wholesaler of 1692

fireworks with section 3743.22 of the Revised Code. No officer, 1693
employee, or agent of the state fire marshal shall disclose any 1694
information provided to the state fire marshal by the department 1695
of taxation under division (C) (19) of this section. 1696

Section 2. That existing sections 3743.04, 3743.08, 1697
3743.15, 3743.17, 3743.21, 3743.44, 3743.45, 3743.57, 3743.60, 1698
3743.61, 3743.63, 3743.65, 3743.75, 3743.99, and 5703.21 of the 1699
Revised Code are hereby repealed. 1700

Section 3. The amendments to sections 3743.08, 3743.21, 1701
3743.44, 3743.45, 3743.57, 3743.59, 3743.60, 3743.61, 3743.63, 1702
3743.65, 3743.99, and 5703.21 Revised Code made in Sections 1 1703
and 2 of this act and the enactment of sections 3743.46, and 1704
3743.47 of the Revised Code by Sections 1 and 2 of this act, 1705
take effect two hundred sixty days after the effective date of 1706
this section. The amendments to sections 3743.04, 3743.15, 1707
3743.17, 3743.22, 3743.25, and 3743.75 and the enactment of 1708
sections 3743.451 and 3743.67 of the Revised Code in Sections 1 1709
and 2 of this act shall take effect at the earliest time 1710
permitted by law. 1711

Section 4. The amendment of section 3743.75 of the Revised 1712
Code by this act is hereby declared to be an emergency measure 1713
necessary for the immediate preservation of the public peace, 1714
health, and safety. The reason for such necessity is that the 1715
current moratorium on the geographic transfer of existing, and 1716
issuance of new, fireworks manufacturer and wholesaler licenses 1717
is set to expire in fewer than ninety days. Therefore, section 1718
3743.75 of the Revised Code, as amended by this act, shall go 1719
into immediate effect. 1720