

**As Passed by the Senate**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Sub. H. B. No. 253**

**Representatives Manning, D., O'Brien**

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

**Senators Blessing, Brenner, Coley, Hoagland, Huffman, M., Huffman, S., Johnson,  
McColley, O'Brien, Rulli, Schaffer, Schuring, Wilson**

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**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.

(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.

(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.

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.

**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.

The state fire marshal shall prescribe a form for

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.~~

~~(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:~~

(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.

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

(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.

(d) Every building or structure located upon the storage location is separated from occupied residential and nonresidential buildings or structures, railroads, highways, and

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  
1026  
1027  
1028  
1029

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  
1049

(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 1311  
the council's designee. 1312

**Sec. 3743.75.** (A) During the period beginning on June 29, 1313  
2001, and ending on December ~~31~~<sup>15</sup>, ~~2020~~<sup>2022</sup>, 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 1605  
department obtains under division (J) of section 1346.01 of the 1606  
Revised Code; 1607

(6) Permitting properly authorized officers, employees, or 1608  
agents of a municipal corporation from inspecting reports or 1609  
information pursuant to section 718.84 of the Revised Code or 1610  
rules adopted under section 5745.16 of the Revised Code; 1611

(7) Providing information regarding the name, account 1612  
number, or business address of a holder of a vendor's license 1613  
issued pursuant to section 5739.17 of the Revised Code, a holder 1614  
of a direct payment permit issued pursuant to section 5739.031 1615  
of the Revised Code, or a seller having a use tax account 1616  
maintained pursuant to section 5741.17 of the Revised Code, or 1617  
information regarding the active or inactive status of a 1618  
vendor's license, direct payment permit, or seller's use tax 1619  
account; 1620

(8) Releasing invoices or invoice information furnished 1621  
under section 4301.433 of the Revised Code pursuant to that 1622  
section; 1623

(9) Providing to a county auditor notices or documents 1624  
concerning or affecting the taxable value of property in the 1625  
county auditor's county. Unless authorized by law to disclose 1626  
documents so provided, the county auditor shall not disclose 1627  
such documents; 1628

(10) Providing to a county auditor sales or use tax return 1629  
or audit information under section 333.06 of the Revised Code; 1630

(11) Subject to section 4301.441 of the Revised Code, 1631  
disclosing to the appropriate state agency information in the 1632  
possession of the department of taxation that is necessary to 1633

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