

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**S. B. No. 113**

**Senators Rulli, Johnson**

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**A BILL**

To amend sections 3743.01, 3743.04, 3743.08, 1  
3743.15, 3743.17, 3743.21, 3743.25, 3743.44, 2  
3743.45, 3743.57, 3743.59, 3743.60, 3743.61, 3  
3743.63, 3743.65, 3743.75, 3743.99, and 5703.21 4  
and to enact sections 3743.021, 3743.041, 5  
3743.151, 3743.171, 3743.22, 3743.26, 3743.27, 6  
3743.28, 3743.29, 3743.451, 3743.46, 3743.47, 7  
and 3743.67 of the Revised Code to revise the 8  
Fireworks Law. 9

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

**Section 1.** That sections 3743.01, 3743.04, 3743.08, 10  
3743.15, 3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 3743.57, 11  
3743.59, 3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 3743.99, 12  
and 5703.21 be amended and sections 3743.021, 3743.041, 13  
3743.151, 3743.171, 3743.22, 3743.26, 3743.27, 3743.28, 3743.29, 14  
3743.451, 3743.46, 3743.47, and 3743.67 of the Revised Code be 15  
enacted to read as follows: 16

**Sec. 3743.01.** As used in this chapter: 17

(A) "Beer" and "intoxicating liquor" have the same 18  
meanings as in section 4301.01 of the Revised Code. 19

(B) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition, and that is ignited by pulling the ends of the string.

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

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

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

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

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

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

(H) "Fountain device" means a specific type of 1.4G firework, a ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains not

more than seventy-five grams of this mixture in any individual 49  
tube and not more than five hundred grams of this mixture in 50  
total. 51

(I) "Highway" means any public street, road, alley, way,  
lane, or other public thoroughfare. 52  
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~~(I)~~(J) "Licensed exhibitor of fireworks" or "licensed  
exhibitor" means a person licensed pursuant to sections 3743.50 54  
to 3743.55 of the Revised Code. 55  
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~~(J)~~(K) "Licensed fountain device retailer" or "licensed  
retailer" means a person licensed pursuant to section 3743.26 of 57  
the Revised Code. 58  
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(L) "Licensed manufacturer of fireworks" or "licensed  
manufacturer" means a person licensed pursuant to sections 60  
3743.02 to 3743.08 of the Revised Code. 61  
62

~~(K)~~(M) "Licensed wholesaler of fireworks" or "licensed  
wholesaler" means a person licensed pursuant to sections 3743.15 63  
to 3743.21 of the Revised Code. 64  
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~~(I)~~(N) "List of licensed exhibitors" means the list 66  
required by division (C) of section 3743.51 of the Revised Code. 67

~~(M)~~(O) "List of licensed manufacturers" means the list 68  
required by division (C) of section 3743.03 of the Revised Code. 69

~~(N)~~(P) "List of licensed wholesalers" means the list 70  
required by division (C) of section 3743.16 of the Revised Code. 71

~~(O)~~(Q) "Manufacturing of fireworks" means the making of 72  
fireworks from raw materials, none of which in and of themselves 73  
constitute a fireworks, or the processing of fireworks. 74

~~(P)~~(R) "Navigable waters" means any body of water 75

susceptible of being used in its ordinary condition as a highway 76  
of commerce over which trade and travel is or may be conducted 77  
in the customary modes, but does not include a body of water 78  
that is not capable of navigation by barges, tugboats, and other 79  
large vessels. 80

~~(Q)~~ (S) "Novelties and trick noisemakers" include the 81  
following items: 82

(1) Devices that produce a small report intended to 83  
surprise the user, including, but not limited to, booby traps, 84  
cigarette loads, party poppers, and snappers; 85

(2) Snakes or glow worms; 86

(3) Smoke devices; 87

(4) Trick matches. 88

~~(R)~~ (T) "Party popper" means a small plastic or paper item 89  
that contains not more than sixteen milligrams of friction- 90  
sensitive explosive composition, that is ignited by pulling a 91  
string protruding from the item, and from which paper streamers 92  
are expelled when the item is ignited. 93

~~(S)~~ (U) "Processing of fireworks" means the making of 94  
fireworks from materials all or part of which in and of 95  
themselves constitute a fireworks, but does not include the mere 96  
packaging or repackaging of fireworks. 97

~~(T)~~ (V) "Railroad" means any railway or railroad that 98  
carries freight or passengers for hire, but does not include 99  
auxiliary tracks, spurs, and sidings installed and primarily 100  
used in serving a mine, quarry, or plant. 101

~~(U)~~ (W) "Retail sale" or "sell at retail" means a sale of 102  
fireworks to a purchaser who intends to use the fireworks, and 103

not resell them.	104
<del>(V)</del> <u>(X)</u> "Smoke device" means a tube or sphere that	105
contains pyrotechnic composition that, upon ignition, produces	106
white or colored smoke as the primary effect.	107
<del>(W)</del> <u>(Y)</u> "Snake or glow worm" means a device that consists	108
of a pressed pellet of pyrotechnic composition that produces a	109
large, snake-like ash upon burning, which ash expands in length	110
as the pellet burns.	111
<del>(X)</del> <u>(Z)</u> "Snapper" means a small, paper-wrapped item that	112
contains a minute quantity of explosive composition coated on	113
small bits of sand, and that, when dropped, implodes.	114
<del>(Y)</del> <u>(AA)</u> "Trick match" means a kitchen or book match that	115
is coated with a small quantity of explosive composition and	116
that, upon ignition, produces a small report or a shower of	117
sparks.	118
<del>(Z)</del> <u>(BB)</u> "Wire sparkler" means a sparkler consisting of a	119
wire or stick coated with a nonexplosive pyrotechnic mixture	120
that produces a shower of sparks upon ignition and that contains	121
no more than one hundred grams of this mixture.	122
<del>(AA)</del> <u>(CC)</u> "Wholesale sale" or "sell at wholesale" means a	123
sale of fireworks to a purchaser who intends to resell the	124
fireworks so purchased.	125
<del>(BB)</del> <u>(DD)</u> "Licensed premises" means the real estate upon	126
which a licensed manufacturer or wholesaler of fireworks	127
conducts business.	128
<del>(CC)</del> <u>(EE)</u> "Licensed building" means a building on the	129
licensed premises of a licensed manufacturer or wholesaler of	130
fireworks that is approved for occupancy by the building	131

official having jurisdiction.	132
<del>(DD)</del> <u>(FF)</u> "Fireworks incident" means any action or	133
omission that occurs at a fireworks exhibition, that results in	134
injury or death, or a substantial risk of injury or death, to	135
any person, and that involves either of the following:	136
(1) The handling or other use, or the results of the	137
handling or other use, of fireworks or associated equipment or	138
other materials;	139
(2) The failure of any person to comply with any	140
applicable requirement imposed by this chapter or any applicable	141
rule adopted under this chapter.	142
<del>(EE)</del> <u>(GG)</u> "Discharge site" means an area immediately	143
surrounding the mortars used to fire aerial shells.	144
<del>(FF)</del> <u>(HH)</u> "Fireworks incident site" means a discharge site	145
or other location at a fireworks exhibition where a fireworks	146
incident occurs, a location where an injury or death associated	147
with a fireworks incident occurs, or a location where evidence	148
of a fireworks incident or an injury or death associated with a	149
fireworks incident is found.	150
<del>(GG)</del> <u>(II)</u> "Storage location" means a single parcel or	151
contiguous parcels of real estate approved by the fire marshal	152
pursuant to division (I) of section 3743.04 of the Revised Code	153
or division <del>(G)</del> <u>(F)</u> of section 3743.17 of the Revised Code that	154
are separate from a licensed premises containing a retail	155
showroom, and which parcel or parcels a licensed manufacturer or	156
wholesaler of fireworks may use only for the distribution,	157
possession, and storage of fireworks in accordance with this	158
chapter.	159
<b><u>Sec. 3743.021.</u></b> Notwithstanding the deadline in division	160

(A) of section 3743.02 of the Revised Code, any person who 161  
wishes to be a licensed manufacturer of fireworks in this state 162  
at the end of the period described in division (A) (1) of section 163  
3743.75 of the Revised Code, and who does not already hold a 164  
license as a manufacturer of fireworks that will run through 165  
that date, may submit an application for licensure, pursuant to 166  
section 3743.02 of the Revised Code, not less than two months 167  
before the expiration of the period described in division (A) (1) 168  
of section 3743.75 of the Revised Code. 169

**Sec. 3743.04.** (A) The license of a manufacturer of 170  
fireworks is effective for one year beginning on the first day 171  
of December. ~~The,~~ and the state fire marshal shall issue or 172  
renew a license only on that date and at no other time. If a 173  
manufacturer of fireworks wishes to continue manufacturing 174  
fireworks at the designated fireworks plant after its then 175  
effective license expires, it shall apply no later than the 176  
first day of October for a new license pursuant to section 177  
3743.02 of the Revised Code. The state fire marshal shall send a 178  
written notice of the expiration of its license to a licensed 179  
manufacturer at least three months before the expiration date. 180

(B) If, during the effective period of its licensure, a 181  
licensed manufacturer of fireworks wishes to construct, locate, 182  
or relocate any buildings or other structures on the premises of 183  
its fireworks plant, to make any structural change or renovation 184  
in any building or other structure on the premises of its 185  
fireworks plant, ~~or~~ to change the nature of its manufacturing of 186  
fireworks so as to include the processing of fireworks, or to 187  
relocate its fireworks plant to a new licensed premises, the 188  
manufacturer shall notify the state fire marshal in writing. The 189  
state fire marshal may require a licensed manufacturer also to 190  
submit documentation, including, but not limited to, plans 191

covering the proposed construction, location, relocation, 192  
structural change or renovation, ~~or~~ change in manufacturing of 193  
fireworks, or new licensed premises, if the state fire marshal 194  
determines the documentation is necessary for evaluation 195  
purposes in light of the proposed construction, location, 196  
relocation, structural change or renovation, ~~or~~ change in 197  
manufacturing of fireworks, or new licensed premises. 198

Upon receipt of the notification and additional 199  
documentation required by the state fire marshal, the state fire 200  
marshal shall inspect the existing premises of the fireworks 201  
plant, or proposed new licensed premises, to determine if the 202  
proposed construction, location, relocation, structural change 203  
or renovation, ~~or~~ change in manufacturing of fireworks ~~conforms,~~ 204  
or new licensed premises conform to sections 3743.02 to 3743.08 205  
of the Revised Code and the rules adopted by the state fire 206  
marshal pursuant to section 3743.05 of the Revised Code. The 207  
state fire marshal shall issue a written authorization to the 208  
manufacturer for the construction, location, relocation, 209  
structural change or renovation, ~~or~~ change in manufacturing of 210  
fireworks, or new licensed premises, if the state fire marshal 211  
determines, upon the inspection and a review of submitted 212  
documentation, that the construction, location, relocation, 213  
structural change or renovation, ~~or~~ change in manufacturing of 214  
fireworks ~~conforms,~~ or new licensed premises conform to those 215  
sections and rules. Upon authorizing a change in manufacturing 216  
of fireworks to include the processing of fireworks, the state 217  
fire marshal shall make notations on the manufacturer's license 218  
and in the list of licensed manufacturers in accordance with 219  
section 3743.03 of the Revised Code. 220

On or before June 1, 1998, a licensed manufacturer shall 221  
install, in every licensed building in which fireworks are 222



manufactured, stored, or displayed and to which the public has 223  
access, interlinked fire detection, smoke exhaust, and smoke 224  
evacuation systems that are approved by the superintendent of 225  
industrial compliance, and shall comply with floor plans showing 226  
occupancy load limits and internal circulation and egress 227  
patterns that are approved by the state fire marshal and 228  
superintendent, and that are submitted under seal as required by 229  
section 3791.04 of the Revised Code. Notwithstanding section 230  
3743.59 of the Revised Code, the construction and safety 231  
requirements established in this division are not subject to any 232  
variance, waiver, or exclusion. 233

(C) The license of a manufacturer of fireworks authorizes 234  
the manufacturer to engage only in the following activities: 235

(1) The manufacturing of fireworks on the premises of the 236  
fireworks plant as described in the application for licensure or 237  
in the notification submitted under division (B) of this 238  
section, except that a licensed manufacturer shall not engage in 239  
the processing of fireworks unless authorized to do so by its 240  
license. 241

(2) To possess for sale at wholesale and sell at wholesale 242  
the fireworks manufactured by the manufacturer, to persons who 243  
are licensed wholesalers of fireworks, to ~~out-of-state residents~~ 244  
persons in accordance with ~~section-sections~~ 3743.44 of the 245  
~~Revised Code, to residents of this state in accordance with~~ 246  
~~section 3743.45 to 3743.46~~ of the Revised Code, or to persons 247  
located in another state provided the fireworks are shipped 248  
directly out of this state to them by the manufacturer. A person 249  
who is licensed as a manufacturer of fireworks on June 14, 1988, 250  
also may possess for sale and sell pursuant to division (C) (2) 251  
of this section fireworks other than those the person 252

manufactures. The possession for sale shall be on the premises 253  
of the fireworks plant described in the application for 254  
licensure or in the notification submitted under division (B) of 255  
this section, and the sale shall be from the inside of a 256  
licensed building and from no other structure or device outside 257  
a licensed building. At no time shall a licensed manufacturer 258  
sell any class of fireworks outside a licensed building. 259

(3) Possess for sale at retail and sell at retail the 260  
fireworks manufactured by the manufacturer, other than 1.4G 261  
fireworks as designated by the state fire marshal in rules 262  
adopted pursuant to division (A) of section 3743.05 of the 263  
Revised Code, to licensed exhibitors in accordance with sections 264  
3743.50 to 3743.55 of the Revised Code, and possess for sale at 265  
retail and sell at retail the fireworks manufactured by the 266  
manufacturer, including 1.4G fireworks, to ~~out of state~~ 267  
~~residents persons~~ in accordance with ~~section sections~~ 3743.44 ~~of~~ 268  
~~the Revised Code, to residents of this state in accordance with~~ 269  
~~section 3743.45 to 3743.46~~ of the Revised Code, or to persons 270  
located in another state provided the fireworks are shipped 271  
directly out of this state to them by the manufacturer. A person 272  
who is licensed as a manufacturer of fireworks on June 14, 1988, 273  
may also possess for sale and sell pursuant to division (C) (3) 274  
of this section fireworks other than those the person 275  
manufactures. The possession for sale shall be on the premises 276  
of the fireworks plant described in the application for 277  
licensure or in the notification submitted under division (B) of 278  
this section, and the sale shall be from the inside of a 279  
licensed building and from no other structure or device outside 280  
a licensed building. At no time shall a licensed manufacturer 281  
sell any class of fireworks outside a licensed building. 282

A licensed manufacturer of fireworks shall sell under 283

division (C) of this section only fireworks that meet the 284  
standards set by the consumer product safety commission or by 285  
the American fireworks standard laboratories or that have 286  
received an EX number from the United States department of 287  
transportation. 288

(D) The license of a manufacturer of fireworks shall be 289  
protected under glass and posted in a conspicuous place on the 290  
premises of the fireworks plant. Except as otherwise provided in 291  
this division, the license is not transferable or assignable. ~~A-~~ 292

(1) The ownership of a manufacturer of fireworks license 293  
may be transferred to another person for the same fireworks 294  
plant for which the license was issued, or approved pursuant to 295  
division (B) of this section, if the assets of the plant are 296  
transferred to that person by inheritance or by a sale approved 297  
by the state fire marshal. ~~The~~ 298

(2) The license of a manufacturer of fireworks may be 299  
geographically relocated in accordance with division (E) of 300  
section 3743.75 of the Revised Code. 301

(3) The license is subject to revocation in accordance 302  
with section 3743.08 of the Revised Code. 303

(E) The state fire marshal shall not place the license of 304  
a manufacturer of fireworks in a temporarily inactive status 305  
while the holder of the license is attempting to qualify to 306  
retain the license. 307

(F) Each licensed manufacturer of fireworks that possesses 308  
fireworks for sale and sells fireworks under division (C) of 309  
section 3743.04 of the Revised Code, or a designee of the 310  
manufacturer, whose identity is provided to the state fire 311  
marshal by the manufacturer, annually shall attend a continuing 312

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

(G) A licensed manufacturer shall maintain comprehensive 330  
general liability insurance coverage in the amount and type 331  
specified under division (B) (2) of section 3743.02 of the 332  
Revised Code at all times. Each policy of insurance required 333  
under this division shall contain a provision requiring the 334  
insurer to give not less than fifteen days' prior written notice 335  
to the state fire marshal before termination, lapse, or 336  
cancellation of the policy, or any change in the policy that 337  
reduces the coverage below the minimum required under this 338  
division. Prior to canceling or reducing the amount of coverage 339  
of any comprehensive general liability insurance coverage 340  
required under this division, a licensed manufacturer shall 341  
secure supplemental insurance in an amount and type that 342  
satisfies the requirements of this division so that no lapse in 343

coverage occurs at any time. A licensed manufacturer who secures 344  
supplemental insurance shall file evidence of the supplemental 345  
insurance with the state fire marshal prior to canceling or 346  
reducing the amount of coverage of any comprehensive general 347  
liability insurance coverage required under this division. 348

(H) The state fire marshal shall adopt rules for the 349  
expansion or contraction of a licensed premises and for approval 350  
of such expansions or contractions. The boundaries of a licensed 351  
premises, including any geographic expansion or contraction of 352  
those boundaries, shall be approved by the state fire marshal in 353  
accordance with rules the state fire marshal adopts. If the 354  
licensed premises consists of more than one parcel of real 355  
estate, those parcels shall be contiguous unless an exception is 356  
allowed pursuant to division (I) of this section. 357

(I) (1) A licensed manufacturer may expand its licensed 358  
premises within this state to include not more than two storage 359  
locations that are located upon one or more real estate parcels 360  
that are noncontiguous to the licensed premises as that licensed 361  
premises exists on the date a licensee submits an application as 362  
described below, if all of the following apply: 363

(a) The licensee submits an application to the state fire 364  
marshal and an application fee of one hundred dollars per 365  
storage location for which the licensee is requesting approval. 366

(b) The identity of the holder of the license remains the 367  
same at the storage location. 368

(c) The storage location has received a valid certificate 369  
of zoning compliance as applicable and a valid certificate of 370  
occupancy for each building or structure at the storage location 371  
issued by the authority having jurisdiction to issue the 372

certificate for the storage location, and those certificates 373  
permit the distribution and storage of fireworks regulated under 374  
this chapter at the storage location and in the buildings or 375  
structures. The storage location shall be in compliance with all 376  
other applicable federal, state, and local laws and regulations. 377

(d) Every building or structure located upon the storage 378  
location is separated from occupied residential and 379  
nonresidential buildings or structures, railroads, highways, or 380  
any other buildings or structures on the licensed premises in 381  
accordance with the distances specified in the rules adopted by 382  
the state fire marshal pursuant to section 3743.05 of the 383  
Revised Code. 384

(e) Neither the licensee nor any person holding, owning, 385  
or controlling a five per cent or greater beneficial or equity 386  
interest in the licensee has been convicted of or pleaded guilty 387  
to a felony under the laws of this state, any other state, or 388  
the United States, after September 29, 2005. 389

(f) The state fire marshal approves the application for 390  
expansion. 391

(2) The state fire marshal shall approve an application 392  
for expansion requested under division (I)(1) of this section if 393  
the state fire marshal receives the application fee and proof 394  
that the requirements of divisions (I)(1)(b) to (e) of this 395  
section are satisfied. The storage location shall be considered 396  
part of the original licensed premises and shall use the same 397  
distinct number assigned to the original licensed premises with 398  
any additional designations as the state fire marshal deems 399  
necessary in accordance with section 3743.03 of the Revised 400  
Code. 401

(J) (1) A licensee who obtains approval for the use of a 402  
storage location in accordance with division (I) of this section 403  
shall use the storage location exclusively for the following 404  
activities, in accordance with division (C) of this section: 405

(a) The packaging, assembling, or storing of fireworks, 406  
which shall only occur in buildings or structures approved for 407  
such hazardous uses by the building code official having 408  
jurisdiction for the storage location or, for 1.4G fireworks, in 409  
containers or trailers approved for such hazardous uses by the 410  
state fire marshal if such containers or trailers are not 411  
subject to regulation by the building code adopted in accordance 412  
with Chapter 3781. of the Revised Code. All such storage shall 413  
be in accordance with the rules adopted by the state fire 414  
marshal under division (G) of section 3743.05 of the Revised 415  
Code for the packaging, assembling, and storage of fireworks. 416

(b) Distributing fireworks to other parcels of real estate 417  
located on the manufacturer's licensed premises, to licensed 418  
wholesalers or other licensed manufacturers in this state or to 419  
similarly licensed persons located in another state or country; 420

(c) Distributing fireworks to a licensed exhibitor of 421  
fireworks pursuant to a properly issued permit in accordance 422  
with section 3743.54 of the Revised Code. 423

(2) A licensed manufacturer shall not engage in any sales 424  
activity, including the retail sale of fireworks otherwise 425  
permitted under division (C) (2) or (C) (3) of this section, or 426  
pursuant to section 3743.44 or 3743.45 of the Revised Code, at 427  
the storage location approved under this section. 428

(3) A storage location may not be relocated for a minimum 429  
period of five years after the storage location is approved by 430

the state fire marshal in accordance with division (I) of this section. 431  
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(K) The licensee shall prohibit public access to the storage location. The state fire marshal shall adopt rules to describe the acceptable measures a manufacturer shall use to prohibit access to the storage site. 433  
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Sec. 3743.041. Notwithstanding the requirements, contained in division (A) of section 3743.04 of the Revised Code, that the state fire marshal only issue the license of a manufacturer of fireworks on the first day of December and that the license is effective for one year: 437  
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(A) An applicant who applies for licensure pursuant to section 3743.021 of the Revised Code, and who meets the requirements for licensure contained in section 3743.03 of the Revised Code, shall be issued the license of a manufacturer of fireworks at the end of the period described in division (A)(1) of section 3743.75 of the Revised Code. 442  
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(B) A license issued pursuant to division (A) of this section shall be effective as follows: 448  
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(1) If the end of the period described in division (A)(1) of section 3743.75 of the Revised Code is in January, February, March, April, or May, a license issued pursuant to division (A) of this section shall be effective through the end of November in the same calendar year. 450  
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(2) If the end of the period described in division (A)(1) of section 3743.75 of the Revised Code is in June, July, August, September, October, November, or December, a license issued pursuant to division (A) of this section shall be effective through the end of November in the subsequent calendar year. 455  
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Sec. 3743.08. (A) The state fire marshal may inspect the 460  
premises of a fireworks plant, and the inventory, wholesale 461  
sale, and retail sale records, of a licensed manufacturer of 462  
fireworks during the manufacturer's period of licensure to 463  
determine whether the manufacturer is in compliance with Chapter 464  
3743. of the Revised Code and the rules adopted by the state 465  
fire marshal pursuant to section 3743.05 or 3743.22 of the 466  
Revised Code. 467

(B) If the state fire marshal determines during an 468  
inspection conducted pursuant to division (A) of this section 469  
that a manufacturer is not in compliance with Chapter 3743. of 470  
the Revised Code or the rules adopted by the state fire marshal 471  
pursuant to section 3743.05 or 3743.22 of the Revised Code, the 472  
state fire marshal may take one or more of the following 473  
actions, whichever the state fire marshal considers appropriate 474  
under the circumstances: 475

(1) Order, in writing, the manufacturer to eliminate, 476  
correct, or otherwise remedy the nonconformities within a 477  
specified period of time; 478

(2) Order, in writing, the manufacturer to immediately 479  
cease its operations, if a fire or explosion hazard exists that 480  
reasonably can be regarded as posing an imminent danger of death 481  
or serious physical harm to persons. The order shall be 482  
effective until the nonconformities are eliminated, corrected, 483  
or otherwise remedied or for a period of seventy-two hours from 484  
the time of issuance, whichever first occurs. During the 485  
seventy-two hour period, the state fire marshal may obtain from 486  
the court of common pleas of Franklin county or of the county in 487  
which the fireworks plant is located an injunction restraining 488  
the manufacturer from continuing its operations after the 489

seventy-two hour period expires until the nonconformities are 490  
eliminated, corrected, or otherwise remedied. 491

(3) Revoke or deny renewal of the license of the 492  
manufacturer in accordance with Chapter 119. of the Revised 493  
Code; 494

(4) Take action as authorized by section 3743.68 of the 495  
Revised Code. 496

(C) This section does not affect the authority conferred 497  
by Chapters 3781. and 3791. of the Revised Code to conduct 498  
inspections to determine conformity with those chapters or the 499  
rules adopted pursuant to them. 500

(D) If the license of a manufacturer of fireworks is 501  
revoked or renewal is denied pursuant to division (B) (3) of this 502  
section or section 3743.70 of the Revised Code, the manufacturer 503  
shall cease its operations immediately. The manufacturer may not 504  
reapply for licensure as a manufacturer of fireworks until two 505  
years expire from the date of revocation. 506

The state fire marshal shall remove from the list of 507  
licensed manufacturers the name of a manufacturer whose license 508  
has been revoked, and shall notify the law enforcement 509  
authorities for the political subdivision in which the 510  
manufacturer's fireworks plant is located, of the revocation or 511  
denial of renewal. 512

**Sec. 3743.15.** (A) Except as provided in division (C) of 513  
this section, any person who wishes to be a wholesaler of 514  
fireworks in this state shall submit to the state fire marshal 515  
an application for licensure as a wholesaler of fireworks before 516  
the first day of October of each year. The application shall be 517  
submitted prior to commencement of business operations, shall be 518

on a form prescribed by the state fire marshal, shall contain 519  
all information requested by the state fire marshal, and shall 520  
be accompanied by the license fee, fingerprints, and proof of 521  
insurance coverage described in division (B) of this section. 522

The state fire marshal shall prescribe a form for 523  
applications for licensure as a wholesaler of fireworks and make 524  
a copy of the form available, upon request, to persons who seek 525  
that licensure. 526

(B) An applicant for licensure as a wholesaler of 527  
fireworks shall submit with the application all of the 528  
following: 529

(1) A license fee of two thousand seven hundred fifty 530  
dollars, which the state fire marshal shall use to pay for 531  
fireworks safety education, training programs, and inspections. 532  
If the applicant has any storage locations approved in 533  
accordance with division ~~(G)~~ (F) of section 3743.17 of the 534  
Revised Code, the applicant also shall submit a fee of one 535  
hundred dollars per storage location for the inspection of each 536  
storage location. 537

(2) Proof of comprehensive general liability insurance 538  
coverage, specifically including fire and smoke casualty on 539  
premises, in an amount not less than one million dollars for 540  
each occurrence for bodily injury liability and wrongful death 541  
liability at its business location. Proof of such insurance 542  
coverage shall be submitted together with proof of coverage for 543  
products liability on all inventory located at the business 544  
location. All applicants shall submit evidence of comprehensive 545  
general liability insurance coverage verified by the insurer and 546  
certified as to its provision of the minimum coverage required 547  
under this division. 548

(3) One set of the applicant's fingerprints or similar 549  
identifying information and a set of fingerprints or similar 550  
identifying information of any individual holding, owning, or 551  
controlling a five per cent or greater beneficial or equity 552  
interest in the applicant for the license. The fire marshal may 553  
adopt rules in accordance with Chapter 119. of the Revised Code 554  
specifying the method to be used by the applicant to provide the 555  
fingerprint or similar identifying information, fees to be 556  
assessed by the state fire marshal to conduct such background 557  
checks, and the procedures to be used by the fire marshal to 558  
verify compliance with this section. Such rules may include 559  
provisions establishing the frequency that license renewal 560  
applicants must update background check information filed by the 561  
applicant with previous license applications and provisions 562  
describing alternative forms of background check information 563  
that may be accepted by the state fire marshal to verify 564  
compliance with this section. 565

(C) A licensed manufacturer of fireworks is not required 566  
to apply for and obtain a wholesaler of fireworks license in 567  
order to engage in the wholesale sale of fireworks as authorized 568  
by division (C) (2) of section 3743.04 of the Revised Code. A 569  
business which is not a licensed manufacturer of fireworks may 570  
engage in the wholesale and retail sale of fireworks in the same 571  
manner as a licensed manufacturer of fireworks is authorized to 572  
do under this chapter without the necessity of applying for and 573  
obtaining a license pursuant to this section, but only if the 574  
business sells the fireworks on the premises of a fireworks 575  
plant covered by a license issued under section 3743.03 of the 576  
Revised Code and the holder of that license owns at least a 577  
majority interest in that business. However, if a licensed 578  
manufacturer of fireworks wishes to engage in the wholesale sale 579

of fireworks in this state at a location other than the premises 580  
of the fireworks plant described in its application for 581  
licensure as a manufacturer or in a notification submitted under 582  
division (B) of section 3743.04 of the Revised Code, the 583  
manufacturer shall first apply for and obtain a wholesaler of 584  
fireworks license before engaging in wholesale sales of 585  
fireworks at the other location. 586

(D) A separate application for licensure as a wholesaler 587  
of fireworks shall be submitted for each location at which a 588  
person wishes to engage in wholesale sales of fireworks. 589

Sec. 3743.151. Notwithstanding the deadline in division 590  
(A) of section 3743.15 of the Revised Code, any person who 591  
wishes to be a licensed wholesaler of fireworks in this state 592  
beginning at the end of the period described in division (A) (1) 593  
of section 3743.75 of the Revised Code, and who does not already 594  
hold a license as a wholesaler of fireworks that will run 595  
through that date, may submit an application for licensure, 596  
pursuant to section 3743.15 of the Revised Code, not less than 597  
two months before the expiration of the period described in 598  
division (A) (1) of section 3743.75 of the Revised Code. 599

**Sec. 3743.17.** (A) The license of a wholesaler of fireworks 600  
is effective for one year beginning on the first day of 601  
December. ~~The~~, and the state fire marshal shall issue or renew a 602  
license only on that date and at no other time. If a wholesaler 603  
of fireworks wishes to continue engaging in the wholesale sale 604  
of fireworks at the particular location after its then effective 605  
license expires, it shall apply not later than the first day of 606  
October for a new license pursuant to section 3743.15 of the 607  
Revised Code. The state fire marshal shall send a written notice 608  
of the expiration of its license to a licensed wholesaler at 609

least three months before the expiration date. 610

(B) If, during the effective period of its licensure, a 611  
licensed wholesaler of fireworks wishes to perform any 612  
construction, or make any structural change or renovation, on 613  
the premises on which the fireworks are sold, or to relocate its 614  
sales operations to a new licensed premises, the wholesaler 615  
shall notify the state fire marshal in writing. The state fire 616  
marshal may require a licensed wholesaler also to submit 617  
documentation, including, but not limited to, plans covering the 618  
proposed construction or structural change or renovation, or 619  
proposed new licensed premises, if the state fire marshal 620  
determines the documentation is necessary for evaluation 621  
purposes in light of the proposed construction~~or,~~ structural 622  
change or renovation, or relocation. 623

Upon receipt of the notification and additional 624  
documentation required by the state fire marshal, the state fire 625  
marshal shall inspect the premises on which the fireworks are 626  
sold, or the proposed new licensed premises, to determine if the 627  
proposed construction~~or,~~ structural change or renovation, or 628  
relocation conforms to sections 3743.15 to 3743.21 of the 629  
Revised Code, divisions (C) (1) and (2) of section 3743.25 of the 630  
Revised Code, and the rules adopted by the state fire marshal 631  
pursuant to section 3743.18 of the Revised Code. The state fire 632  
marshal shall issue a written authorization to the wholesaler 633  
for the construction~~or,~~ structural change or renovation, or new 634  
licensed premises if the state fire marshal determines, upon the 635  
inspection and a review of submitted documentation, that the 636  
construction~~or,~~ structural change or renovation~~conforms,~~ or 637  
new licensed premises conform to those sections and rules. 638

(C) The license of a wholesaler of fireworks authorizes 639

the wholesaler to engage only in the following activities: 640

(1) Possess for sale at wholesale and sell at wholesale 641  
fireworks to persons who are licensed wholesalers of fireworks, 642  
to ~~out-of-state residents~~ persons in accordance with ~~section~~ 643  
~~sections~~ 3743.44 of the Revised Code, to residents of this state 644  
~~in accordance with section 3743.45 to 3743.46~~ of the Revised 645  
Code, or to persons located in another state provided the 646  
fireworks are shipped directly out of this state to them by the 647  
wholesaler. The possession for sale shall be at the location 648  
described in the application for licensure or in the 649  
notification submitted under division (B) of this section, and 650  
the sale shall be from the inside of a licensed building and 651  
from no structure or device outside a licensed building. At no 652  
time shall a licensed wholesaler sell any class of fireworks 653  
outside a licensed building. 654

(2) Possess for sale at retail and sell at retail 655  
fireworks, other than 1.4G fireworks as designated by the state 656  
fire marshal in rules adopted pursuant to division (A) of 657  
section 3743.05 of the Revised Code, to licensed exhibitors in 658  
accordance with sections 3743.50 to 3743.55 of the Revised Code, 659  
and possess for sale at retail and sell at retail fireworks, 660  
including 1.4G fireworks, to ~~out-of-state residents~~ persons in 661  
accordance with ~~section~~ sections 3743.44 of the Revised Code, to 662  
~~residents of this state in accordance with section 3743.45 to~~ 663  
3743.46 of the Revised Code, or to persons located in another 664  
state provided the fireworks are shipped directly out of this 665  
state to them by the wholesaler. The possession for sale shall 666  
be at the location described in the application for licensure or 667  
in the notification submitted under division (B) of this 668  
section, and the sale shall be from the inside of the licensed 669  
building and from no other structure or device outside this 670

licensed building. At no time shall a licensed wholesaler sell 671  
any class of fireworks outside a licensed building. 672

A licensed wholesaler of fireworks shall sell under 673  
division (C) of this section only fireworks that meet the 674  
standards set by the consumer product safety commission or by 675  
the American fireworks standard laboratories or that have 676  
received an EX number from the United States department of 677  
transportation. 678

(D) The license of a wholesaler of fireworks shall be 679  
protected under glass and posted in a conspicuous place at the 680  
location described in the application for licensure or in the 681  
notification submitted under division (B) of this section. 682  
Except as otherwise provided in this section, the license is not 683  
transferable or assignable. ~~A~~ 684

(1) The ownership of a wholesaler of fireworks license may 685  
be transferred to another person for the same location for which 686  
the license was issued, or approved pursuant to division (B) of 687  
this section, if the assets of the wholesaler are transferred to 688  
that person by inheritance or by a sale approved by the state 689  
fire marshal. ~~The~~ 690

(2) The license of a wholesaler of fireworks may be 691  
geographically relocated in accordance with division (E) of 692  
section 3743.75 of the Revised Code. 693

(3) The license is subject to revocation in accordance 694  
with section 3743.21 of the Revised Code. 695

(E) The state fire marshal shall adopt rules for the 696  
expansion or contraction of a licensed premises and for the 697  
approval of an expansion or contraction. The boundaries of a 698  
licensed premises, including any geographic expansion or 699



contraction of those boundaries, shall be approved by the state 700  
fire marshal in accordance with rules the state fire marshal 701  
adopts. If the licensed premises of a licensed wholesaler from 702  
which the wholesaler operates consists of more than one parcel 703  
of real estate, those parcels must be contiguous, unless an 704  
exception is allowed pursuant to division ~~(G)~~ (F) of this 705  
section. 706

~~(F) (1) Upon application by a licensed wholesaler of 707  
fireworks, a wholesaler license may be transferred from one 708  
geographic location to another within the same municipal 709  
corporation or within the unincorporated area of the same 710  
township, but only if all of the following apply: 711~~

~~(a) The identity of the holder of the license remains the 712  
same in the new location. 713~~

~~(b) The former location is closed prior to the opening of 714  
the new location and no fireworks business of any kind is 715  
conducted at the former location after the transfer of the 716  
license. 717~~

~~(c) The new location has received a local certificate of 718  
zoning compliance and a local certificate of occupancy, and 719  
otherwise is in compliance with all local building regulations. 720~~

~~(d) Every building or structure at the new location is 721  
separated from occupied residential and nonresidential buildings 722  
or structures, railroads, highways, or any other buildings or 723  
structures located on the licensed premises in accordance with 724  
the distances specified in the rules adopted by the fire marshal 725  
pursuant to section 3743.18 of the Revised Code. If the licensee 726  
fails to comply with the requirements of division (F) (1) (d) of 727  
this section by the licensee's own act, the license at the new 728~~

~~location is forfeited.~~ 729

~~(e) Neither the licensee nor any person holding, owning, or controlling a five per cent or greater beneficial or equity interest in the licensee has been convicted of or has pleaded guilty to a felony under the laws of this state, any other state, or the United States after June 30, 1997.~~ 730  
731  
732  
733  
734

~~(f) The fire marshal approves the request for the transfer.~~ 735  
736

~~(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.~~ 737  
738  
739  
740  
741

~~(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: 742  
743  
744  
745  
746  
747

(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. 748  
749  
750  
751

(b) The identity of the holder of the license remains the same at the storage location. 752  
753

(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 754  
755  
756  
757

certificate for the storage location, and those certificates 758  
permit the distribution and storage of fireworks regulated under 759  
this chapter at the storage location and in the buildings or 760  
structures. The storage location shall be in compliance with all 761  
other applicable federal, state, and local laws and regulations. 762

(d) Every building or structure located upon the storage 763  
location is separated from occupied residential and 764  
nonresidential buildings or structures, railroads, highways, and 765  
any other buildings or structures on the licensed premises in 766  
accordance with the distances specified in the rules adopted by 767  
the state fire marshal pursuant to section 3743.18 of the 768  
Revised Code. 769

(e) Neither the licensee nor any person holding, owning, 770  
or controlling a five per cent or greater beneficial or equity 771  
interest in the licensee has been convicted of or pleaded guilty 772  
to a felony under the laws of this state, any other state, or 773  
the United States, after September 29, 2005. 774

(f) The state fire marshal approves the application for 775  
expansion. 776

(2) The state fire marshal shall approve an application 777  
for expansion requested under division ~~(G)(1)~~ (F)(1) of this 778  
section if the state fire marshal receives the application fee 779  
and proof that the requirements of divisions ~~(G)(1)(b) to (e)~~ 780  
(F)(1)(b) to (e) of this section are satisfied. The storage 781  
location shall be considered part of the original licensed 782  
premises and shall use the same distinct number assigned to the 783  
original licensed premises with any additional designations as 784  
the state fire marshal deems necessary in accordance with 785  
section 3743.16 of the Revised Code. 786

~~(H) (1)~~ (G) (1) A licensee who obtains approval for use of a 787  
storage location in accordance with division ~~(G)~~ (F) of this 788  
section shall use the site exclusively for the following 789  
activities, in accordance with division (C) (1) of this section: 790

(a) Packaging, assembling, or storing fireworks, which 791  
shall occur only in buildings or structures approved for such 792  
hazardous uses by the building code official having jurisdiction 793  
for the storage location or, for 1.4G fireworks, in containers 794  
or trailers approved for such hazardous uses by the state fire 795  
marshal if such containers or trailers are not subject to 796  
regulation by the building code adopted in accordance with 797  
Chapter 3781. of the Revised Code. All such storage shall be in 798  
accordance with the rules adopted by the state fire marshal 799  
under division (B) (4) of section 3743.18 of the Revised Code for 800  
the packaging, assembling, and storage of fireworks. 801

(b) Distributing fireworks to other parcels of real estate 802  
located on the wholesaler's licensed premises, to licensed 803  
manufacturers or other licensed wholesalers in this state or to 804  
similarly licensed persons located in another state or country; 805

(c) Distributing fireworks to a licensed exhibitor of 806  
fireworks pursuant to a properly issued permit in accordance 807  
with section 3743.54 of the Revised Code. 808

(2) A licensed wholesaler shall not engage in any sales 809  
activity, including the retail sale of fireworks otherwise 810  
permitted under division (C) (2) of this section or pursuant to 811  
section 3743.44 or 3743.45 of the Revised Code, at a storage 812  
location approved under this section. 813

(3) A storage location may not be relocated for a minimum 814  
period of five years after the storage location is approved by 815

the state fire marshal in accordance with division ~~(G)~~ (F) of 816  
this section. 817

~~(I)~~ (H) A licensee shall prohibit public access to all 818  
storage locations it uses. The state fire marshal shall adopt 819  
rules establishing acceptable measures a wholesaler shall use to 820  
prohibit access to storage sites. 821

~~(J)~~ (I) The state fire marshal shall not place the license 822  
of a wholesaler of fireworks in temporarily inactive status 823  
while the holder of the license is attempting to qualify to 824  
retain the license. 825

~~(K)~~ (J) Each licensed wholesaler of fireworks or a 826  
designee of the wholesaler, whose identity is provided to the 827  
state fire marshal by the wholesaler, annually shall attend a 828  
continuing education program. The state fire marshal shall 829  
develop the program and the state fire marshal or a person or 830  
public agency approved by the state fire marshal shall conduct 831  
it. A licensed wholesaler or the wholesaler's designee who 832  
attends a program as required under this division, within one 833  
year after attending the program, shall conduct in-service 834  
training as approved by the state fire marshal for other 835  
employees of the licensed wholesaler regarding the information 836  
obtained in the program. A licensed wholesaler shall provide the 837  
state fire marshal with notice of the date, time, and place of 838  
all in-service training. For any program conducted under this 839  
division, the state fire marshal shall, in accordance with rules 840  
adopted by the state fire marshal under Chapter 119. of the 841  
Revised Code, establish the subjects to be taught, the length of 842  
classes, the standards for approval, and time periods for 843  
notification by the licensee to the state fire marshal of any 844  
in-service training. 845

~~(I)-(K)~~ A licensed wholesaler shall maintain comprehensive 846  
general liability insurance coverage in the amount and type 847  
specified under division (B) (2) of section 3743.15 of the 848  
Revised Code at all times. Each policy of insurance required 849  
under this division shall contain a provision requiring the 850  
insurer to give not less than fifteen days' prior written notice 851  
to the state fire marshal before termination, lapse, or 852  
cancellation of the policy, or any change in the policy that 853  
reduces the coverage below the minimum required under this 854  
division. Prior to canceling or reducing the amount of coverage 855  
of any comprehensive general liability insurance coverage 856  
required under this division, a licensed wholesaler shall secure 857  
supplemental insurance in an amount and type that satisfies the 858  
requirements of this division so that no lapse in coverage 859  
occurs at any time. A licensed wholesaler who secures 860  
supplemental insurance shall file evidence of the supplemental 861  
insurance with the state fire marshal prior to canceling or 862  
reducing the amount of coverage of any comprehensive general 863  
liability insurance coverage required under this division. 864

Sec. 3743.171. Notwithstanding the requirements, contained 865  
in division (A) of section 3743.17 of the Revised Code, that the 866  
state fire marshal only issue the license of a wholesaler of 867  
fireworks on the first day of December and that the license is 868  
effective for one year: 869

(A) An applicant who applies pursuant to section 3743.151 870  
of the Revised Code, and who meets the requirements for 871  
licensure contained in section 3743.16 of the Revised Code, 872  
shall be issued the license of a wholesaler of fireworks at the 873  
end of the period described in division (A) (1) of section 874  
3743.75 of the Revised Code. 875

(B) A license issued pursuant to division (A) of this 876  
section shall be effective as follows: 877

(1) If the end of the period described in division (A) (1) 878  
of section 3743.75 of the Revised Code is in January, February, 879  
March, April, or May, a license issued pursuant to division (A) 880  
of this section shall be effective through the end of November 881  
in the same calendar year. 882

(2) If the end of the period described in division (A) (1) 883  
of section 3743.75 of the Revised Code is in June, July, August, 884  
September, October, November, or December, a license issued 885  
pursuant to division (A) of this section shall be effective 886  
through the end of November in the subsequent calendar year. 887

**Sec. 3743.21.** (A) The state fire marshal may inspect the 888  
premises, and the inventory, wholesale sale, and retail sale 889  
records, of a licensed wholesaler of fireworks during the 890  
wholesaler's period of licensure to determine whether the 891  
wholesaler is in compliance with Chapter 3743. of the Revised 892  
Code and the rules adopted by the state fire marshal pursuant to 893  
section 3743.18 or 3743.22 of the Revised Code. 894

(B) If the state fire marshal determines during an 895  
inspection conducted pursuant to division (A) of this section 896  
that a wholesaler is not in compliance with Chapter 3743. of the 897  
Revised Code or the rules adopted by the state fire marshal 898  
pursuant to section 3743.18 or 3743.22 of the Revised Code, the 899  
state fire marshal may take one or more of the following 900  
actions, whichever the state fire marshal considers appropriate 901  
under the circumstances: 902

(1) Order, in writing, the wholesaler to eliminate, 903  
correct, or otherwise remedy the nonconformities within a 904

specified period of time; 905

(2) Order, in writing, the wholesaler to immediately cease 906  
its operations, if a fire or explosion hazard exists that 907  
reasonably can be regarded as posing an imminent danger of death 908  
or serious physical harm to persons. The order shall be 909  
effective until the nonconformities are eliminated, corrected, 910  
or otherwise remedied or for a period of seventy-two hours from 911  
the time of issuance, whichever first occurs. During the 912  
seventy-two hour period, the state fire marshal may obtain from 913  
the court of common pleas of Franklin county or of the county in 914  
which the premises of the wholesaler are located an injunction 915  
restraining the wholesaler from continuing its operations after 916  
the seventy-two hour period expires until the nonconformities 917  
are eliminated, corrected, or otherwise remedied. 918

(3) Revoke, or deny renewal of, the license of the 919  
wholesaler in accordance with Chapter 119. of the Revised Code; 920

(4) Take action as authorized by section 3743.68 of the 921  
Revised Code. 922

(C) This section does not affect the authority conferred 923  
by Chapters 3781. and 3791. of the Revised Code to conduct 924  
inspections to determine conformity with those chapters or the 925  
rules adopted pursuant to them. 926

(D) If the license of a wholesaler of fireworks is revoked 927  
or renewal is denied pursuant to division (B) (3) of this section 928  
or section 3743.70 of the Revised Code, the wholesaler shall 929  
cease its operations immediately. The wholesaler may not reapply 930  
for licensure as a wholesaler of fireworks until two years 931  
expire from the date of revocation. 932

The state fire marshal shall remove from the list of 933



licensed wholesalers the name of a wholesaler whose license has 934  
been revoked, and shall notify the law enforcement authorities 935  
for the political subdivision in which the wholesaler's premises 936  
are located, of the revocation or denial of renewal. 937

Sec. 3743.22. (A) As used in this section: 938

(1) "Fee period" means the period beginning on the first 939  
day of October and ending on the thirtieth day of the following 940  
September. 941

(2) "Gross receipts" excludes the amount of taxes a 942  
licensed retailer, licensed manufacturer, or licensed wholesaler 943  
collects from a consumer under Chapter 5739. of the Revised Code 944  
on behalf of the state or a political subdivision. 945

(B) For the purpose of providing revenue to fund 946  
firefighter training programs and the enforcement and regulation 947  
of the fireworks industry, a fee is imposed on licensed 948  
retailers, licensed manufacturers, and licensed wholesalers 949  
selling 1.4G fireworks in this state. The fee shall equal four 950  
per cent of the gross receipts of a licensed manufacturer or 951  
licensed wholesaler from retail sales of 1.4G fireworks in this 952  
state made one hundred or more days after the effective date of 953  
this section. For the purpose of this section, a retail sale of 954  
1.4G fireworks is made in this state only if the purchaser 955  
intends to use the fireworks, and not resell them, and receives 956  
the 1.4G fireworks at a location in this state. 957

The fee shall be reported, on a form prescribed by the 958  
state fire marshal, and remitted to the state fire marshal on or 959  
before the twenty-third day after the last day of each fee 960  
period. The amount of the fee due shall be computed on the basis 961  
of gross receipts from retail sales made in each fee period. A 962

licensed retailer, licensed manufacturer, or licensed wholesaler 963  
whose license is issued, canceled or revoked, or not renewed 964  
after expiration during a fee period shall report and remit the 965  
fee based on sales of 1.4G fireworks made in that fee period as 966  
required under this section. A licensed retailer, licensed 967  
manufacturer, or licensed wholesaler may separately or 968  
proportionately bill or invoice a fee imposed under this section 969  
to another person. 970

(C) All money collected under this section shall be 971  
credited to the fireworks fee receipts fund, which is hereby 972  
created in the state treasury. Seven-eighths of the money in the 973  
fund shall be used by the state fire marshal solely to fund 974  
firefighter training programs. Remaining money in the fund shall 975  
be used solely to pay expenses of the state fire marshal in 976  
performing the duties prescribed by this chapter. 977

(D) If the state fire marshal determines that a licensed 978  
retailer, licensed manufacturer, or licensed wholesaler fails to 979  
timely report and remit the full amount of the fee as required 980  
by this section, the state fire marshal may do either of the 981  
following: 982

(1) Order, in writing, the retailer, wholesaler, or 983  
manufacturer to report and remit to the state fire marshal, 984  
within a specified period of time, any such underpayment; 985

(2) Revoke or deny renewal of the license of the retailer, 986  
manufacturer, or wholesaler, which shall subject a manufacturer 987  
or wholesaler to the consequences prescribed in division (D) of 988  
section 3743.08 of the Revised Code or division (D) of section 989  
3743.21 of the Revised Code. 990

(E) The state fire marshal may adopt rules in accordance 991

with Chapter 119. of the Revised Code as necessary to administer 992  
and enforce the fee imposed under this section. 993

**Sec. 3743.25.** (A) (1) Except as described in division (A) 994  
(2) of this section, all retail sales of 1.4G fireworks by a 995  
licensed manufacturer or wholesaler shall only occur from an 996  
approved retail sales showroom on a licensed premises or from a 997  
representative sample showroom as described in this section on a 998  
licensed premises. For the purposes of this section, a retail 999  
sale includes the transfer of the possession of the 1.4G 1000  
fireworks from the licensed manufacturer or wholesaler to the 1001  
purchaser of the fireworks. 1002

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 1003  
properly permitted exhibition shall occur in accordance with the 1004  
provisions of the Revised Code and rules adopted by the state 1005  
fire marshal under Chapter 119. of the Revised Code. Such rules 1006  
shall specify, at a minimum, that the licensed exhibitor holds a 1007  
license under section 3743.51 of the Revised Code, that the 1008  
exhibitor possesses a valid exhibition permit issued in 1009  
accordance with section 3743.54 of the Revised Code, and that 1010  
the fireworks shipped are to be used at the specifically 1011  
permitted exhibition. 1012

(B) All wholesale sales of fireworks by a licensed 1013  
manufacturer or wholesaler shall only occur from a licensed 1014  
premises to persons who intend to resell the fireworks purchased 1015  
at wholesale. A wholesale sale by a licensed manufacturer or 1016  
wholesaler may occur as follows: 1017

(1) The direct sale and shipment of fireworks to a person 1018  
outside of this state; 1019

(2) From an approved retail sales showroom as described in 1020

this section; 1021

(3) From a representative sample showroom as described in 1022  
this section; 1023

(4) By delivery of wholesale fireworks to a purchaser at a 1024  
licensed premises outside of a structure or building on that 1025  
premises. All other portions of the wholesale sales transaction 1026  
may occur at any location on a licensed premises. 1027

(5) Any other method as described in rules adopted by the 1028  
state fire marshal under Chapter 119. of the Revised Code. 1029

(C) A licensed manufacturer or wholesaler shall only sell 1030  
1.4G fireworks from a representative sample showroom or a retail 1031  
sales showroom. Each licensed premises shall only contain one 1032  
sales structure. 1033

A representative sample showroom shall consist of a 1034  
structure constructed and maintained in accordance with the 1035  
nonresidential building code adopted under Chapter 3781. of the 1036  
Revised Code and the fire code adopted under section 3737.82 of 1037  
the Revised Code for a use and occupancy group that permits 1038  
mercantile sales. A representative sample showroom shall not 1039  
contain any pyrotechnics, pyrotechnic materials, fireworks, 1040  
explosives, explosive materials, or any similar hazardous 1041  
materials or substances. A representative sample showroom shall 1042  
be used only for the public viewing of fireworks product 1043  
representations, including paper materials, packaging materials, 1044  
catalogs, photographs, or other similar product depictions. The 1045  
delivery of product to a purchaser of fireworks at a licensed 1046  
premises that has a representative sample structure shall not 1047  
occur inside any structure on a licensed premises. Such product 1048  
delivery shall occur on the licensed premises in a manner 1049

prescribed by rules adopted by the state fire marshal pursuant 1050  
to Chapter 119. of the Revised Code. 1051

If a manufacturer or wholesaler elects to conduct sales 1052  
from a retail sales showroom, the showroom structures, to which 1053  
the public may have any access and in which employees are 1054  
required to work, on all licensed premises, shall comply with 1055  
the following safety requirements: 1056

(1) A fireworks showroom that is constructed or upon which 1057  
expansion is undertaken on and after June 30, 1997, shall be 1058  
equipped with interlinked fire detection, fire suppression, 1059  
smoke exhaust, and smoke evacuation systems that are approved by 1060  
the superintendent of industrial compliance in the department of 1061  
commerce. 1062

(2) A fireworks showroom that first begins to operate on 1063  
or after June 30, 1997, and to which the public has access for 1064  
retail purposes shall not exceed ~~five~~ten thousand square feet 1065  
in floor area. 1066

(3) A newly constructed or an existing fireworks showroom 1067  
structure that exists on September 23, 2008, but that, on or 1068  
after September 23, 2008, is altered or added to in a manner 1069  
requiring the submission of plans, drawings, specifications, or 1070  
data pursuant to section 3791.04 of the Revised Code, shall 1071  
comply with a graphic floor plan layout that is approved by the 1072  
state fire marshal and superintendent showing width of aisles, 1073  
parallel arrangement of aisles to exits, number of exits per 1074  
wall, maximum occupancy load, evacuation plan for occupants, 1075  
height of storage or display of merchandise, and other 1076  
information as may be required by the state fire marshal and 1077  
superintendent. 1078

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

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

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

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

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

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

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

(c) Proof of insurance in an amount and of a type 1108  
specified by the state fire marshal in rules adopted pursuant to 1109  
section 3743.28 of the Revised Code. 1110

(3) A separate application for licensure as a fountain 1111  
device retailer shall be submitted for each location at which a 1112  
person wishes to engage in the retail sale of fountain devices. 1113

(B) (1) If a person submits a timely application to become 1114  
a licensed fountain device retailer, together with the materials 1115  
required by division (A) (2) of this section, the state fire 1116  
marshal shall review the application and accompanying materials 1117  
and determine if they comply with this section. If the state 1118  
fire marshal concludes that the application and accompanying 1119  
matter comply with this section, the state fire marshal shall, 1120  
on the first day of December and, except as provided in 1121  
divisions (C) and (D) of this section, at no other time, issue 1122  
the applicant a license to sell fountain devices at retail. 1123

(2) Except as provided in divisions (C) and (D) of this 1124  
section, a licensed retailer's license is effective for one year 1125  
beginning on the first day of December. If a licensed retailer 1126  
wishes to continue engaging in the retail sale of fountain 1127  
devices at the particular location after the then effective 1128  
license expires, the licensee shall apply before the first day 1129  
of October for a new license pursuant to this section. The state 1130  
fire marshal shall send a written notice of the expiration of a 1131  
license to a licensed retailer not later than the first day of 1132  
September. 1133

(C) (1) Any person who wishes to be a licensed retailer of 1134  
fountain devices in this state who was not yet open for 1135  
business, at the location the person seeks to be licensed, 1136  
before the first day of the preceding October may submit an 1137

application pursuant to divisions (A) (2) and (3) of this section 1138  
at any time after the person opens for business but before the 1139  
first day of the following October. 1140

(2) If the state fire marshal determines that an 1141  
application submitted pursuant to division (C) (1) of this 1142  
section meets the requirements of this section, the state fire 1143  
marshal shall issue the applicant a license as follows: 1144

(a) If the application was submitted between the first day 1145  
of October and the last day of November, not earlier than the 1146  
first day of December but not later than two months after 1147  
receiving the application; 1148

(b) If division (D) (2) (a) of this section does not apply, 1149  
not later than two months after receiving the application. 1150

(3) A license issued pursuant to division (C) (2) of this 1151  
section is effective through the last day of the following 1152  
November. 1153

(D) (1) Any person who wishes to be a licensed retailer of 1154  
fountain devices in this state beginning two hundred sixty days 1155  
after the effective date of this section, shall submit an 1156  
application pursuant to divisions (A) (2) and (3) of this section 1157  
not later than one hundred ninety days after the effective date 1158  
of this section. 1159

(2) The state fire marshal shall issue a license two 1160  
hundred sixty days after the effective date of this section, to 1161  
any person who submits an application pursuant to division (D) 1162  
(1) of this section if the state fire marshal determines that 1163  
the application meets the requirements of this section. A 1164  
license issued pursuant to this division is effective as 1165  
follows: 1166



(a) If the two hundred sixtieth day after the effective date of this section is in January, February, March, April, or May, a license issued pursuant to division (D)(2) of this section shall be effective through the end of November in the same calendar year. 1167  
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(b) If the two hundred sixtieth day after the effective date of this section is in June, July, August, September, October, November, or December, a license issued pursuant to division (D)(2) of this section shall be effective through the end of November in the subsequent calendar year. 1172  
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**Sec. 3743.27.** (A) A licensed fountain device retailer is authorized to possess fountain devices and sell fountain devices at retail pursuant to this section: 1177  
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(1) A licensed retailer's possession and storage of fountain devices shall comply with the national fire protection association standard "NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (2006 Edition)." 1180  
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(2) A licensed retailer's possession, storage, and sale of fountain devices shall comply with the state fire marshal's rules adopted pursuant to section 3743.28 of the Revised Code. 1185  
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(3) No licensed retailer shall sell fountain devices to a person who is under eighteen years of age. 1188  
1189

(4) A licensed fountain device retailer shall comply with divisions (A) and (B) of section 3743.47 of the Revised Code. 1190  
1191

(5) A licensed fountain device retailer shall possess and sell fountain devices only at the location described in the application for licensure and the sale shall be from the inside of a licensed building and from no structure or device outside a 1192  
1193  
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licensed building. At no time shall a licensed retailer sell 1196  
fountain devices outside of a licensed building. 1197

(B) No licensed fountain device retailer shall negligently 1198  
fail to furnish a safety pamphlet to a purchaser of 1.4G 1199  
fireworks as required by division (A) of section 3743.47 of the 1200  
Revised Code. 1201

(C) No licensed fountain device retailer shall negligently 1202  
fail to have safety glasses available for sale as required by 1203  
division (B) of section 3743.47 of the Revised Code. 1204

**Sec. 3743.28.** (A) The state fire marshal shall adopt rules 1205  
pursuant to Chapter 119. of the Revised Code governing the 1206  
storage of fireworks by and the business operations of licensed 1207  
fountain device retailers. The rules shall be designed to 1208  
promote the safety and security of employees of retailers, 1209  
members of the public, and the premises upon which fireworks are 1210  
sold. 1211

The state fire marshal shall file the rules required by 1212  
this division with the joint committee on agency rule review 1213  
pursuant to division (C) of section 119.03 of the Revised Code 1214  
not later than one hundred eighty days after the effective date 1215  
of this section. 1216

(B) The rules shall be consistent with sections 3743.26 to 1217  
3743.29 of the Revised Code and the national fire protection 1218  
association standard "NFPA 1124, Code for the Manufacture, 1219  
Transportation, Storage, and Retail Sales of Fireworks and 1220  
Pyrotechnic Articles (2006 Edition)" and shall apply to, but not 1221  
be limited to, the following subject matters: 1222

(1) Cleanliness and orderliness in, the heating, lighting, 1223  
and use of stoves and flame-producing items in, smoking in, the 1224

prevention of fire and explosion in, the availability of fire 1225  
extinguishers or other fire-fighting equipment and their use in, 1226  
and emergency procedures relative to the buildings and other 1227  
structures on a retailer's premises; 1228

(2) The manner in which fountain devices are to be stored; 1229

(3) Insurance to be maintained by licensed fountain device 1230  
retailers. 1231

**Sec. 3743.29.** (A) The state fire marshal may inspect the 1232  
premises, the inventory, and retail sale records, of a licensed 1233  
fountain device retailer during the retailer's period of 1234  
licensure to determine whether the retailer is in compliance 1235  
with Chapter 3743. of the Revised Code and the rules adopted by 1236  
the state fire marshal pursuant to section 3743.28 of the 1237  
Revised Code. 1238

(B) If the state fire marshal determines during an 1239  
inspection conducted pursuant to division (A) of this section 1240  
that a wholesaler is not in compliance with Chapter 3743. of the 1241  
Revised Code or the rules adopted by the state fire marshal 1242  
pursuant to section 3743.28 of the Revised Code, the state fire 1243  
marshal may take one or more of the following actions, whichever 1244  
the state fire marshal considers appropriate under the 1245  
circumstances: 1246

(1) Order, in writing, the retailer to eliminate, correct, 1247  
or otherwise remedy the nonconformities within a specified 1248  
period of time; 1249

(2) Order, in writing, the wholesaler to immediately cease 1250  
the storage and related sale of fountains. 1251

(3) Revoke, or deny renewal of, the license of the 1252  
retailers in accordance with Chapter 119. of the Revised Code. 1253

(C) This section does not affect the authority conferred 1254  
by Chapters 3781. and 3791. of the Revised Code to conduct 1255  
inspections to determine conformity with those chapters or the 1256  
rules adopted pursuant to them. 1257

The state fire marshal shall remove from the list of 1258  
licensed retailers the name of a retailer whose license has been 1259  
revoked, and shall notify the law enforcement authorities for 1260  
the political subdivision in which the retailer's premises are 1261  
located, of the revocation or denial of renewal. 1262

**Sec. 3743.44.** (A) Any person who ~~resides in another state~~ 1263  
~~and who~~ intends to obtain possession in this state of 1.3G 1264  
fireworks purchased in this state shall obtain possession of the 1265  
1.3G fireworks only from a licensed manufacturer or licensed 1266  
~~wholesaler and only possess the fireworks in this state while in~~ 1267  
~~the course of directly transporting them out of this state.~~ 1268

No licensed manufacturer or licensed wholesaler shall sell 1269  
1.3G fireworks to a person ~~who resides in another state~~ unless 1270  
that person has been issued a license or permit in the state of 1271  
the person's residence that authorizes the person to engage in 1272  
the manufacture, wholesale sale, or retail sale of 1.3G 1273  
fireworks or that authorizes the person to conduct 1.3G 1274  
fireworks exhibitions in that state and that person presents a 1275  
certified copy of the license. 1276

~~No licensed manufacturer or licensed wholesaler shall sell~~ 1277  
~~fireworks to a person who resides in another state unless that~~ 1278  
~~person has been issued a license or permit in the state of the~~ 1279  
~~person's residence that authorizes the person to engage in the~~ 1280  
~~manufacture, wholesale sale, or retail sale of fireworks in that~~ 1281  
~~state or that authorizes the person to conduct fireworks~~ 1282  
~~exhibitions in that state and that person presents a certified~~ 1283

~~copy of the license, or, if that person does not possess a~~ 1284  
~~license or permit of that nature, only if the person presents a~~ 1285  
~~current valid motor vehicle operator's license issued to the~~ 1286  
~~person in the person's state of residence, or, if that person~~ 1287  
~~does not possess a motor vehicle operator's license issued in~~ 1288  
~~that state, an identification card issued to the person by a~~ 1289  
~~governmental agency in the person's state of residence~~ 1290  
~~indicating that the person is a resident of that state. If a~~ 1291  
~~person who is required to present a motor vehicle operator's~~ 1292  
~~license or other identification card intends to transport the~~ 1293  
~~fireworks purchased directly out of this state by a motor~~ 1294  
~~vehicle and the person will not also be the operator of that~~ 1295  
~~motor vehicle while so transporting the fireworks, the operator~~ 1296  
~~of the motor vehicle also shall present the operator's motor~~ 1297  
~~vehicle operator's license.~~ 1298

~~(B) Each purchaser of fireworks under this section shall~~ 1299  
~~transport the fireworks so purchased directly out of this state~~ 1300  
~~within forty-eight hours after the time of their purchase.~~ 1301

~~This section regulates wholesale sales and retail sales of~~ 1302  
~~fireworks in this state only insofar as purchasers of fireworks~~ 1303  
~~are residents of other states and will be obtaining possession~~ 1304  
~~in this state of purchased fireworks. This section does not~~ 1305  
prohibit licensed manufacturers or wholesalers from selling 1306  
fireworks, in accordance with section 3743.04 or sections 1307  
3743.17 and 3743.25 of the Revised Code, to a resident of 1308  
another state and from shipping the purchased fireworks directly 1309  
out of this state to the purchaser. 1310

**Sec. 3743.45.** ~~(A) Any person who resides in this state and~~ 1311  
~~who~~ intends to obtain possession in this state of 1.4G fireworks 1312  
purchased in this state shall obtain possession of the 1.4G 1313

fireworks only from a licensed retailer, licensed manufacturer, 1314  
or licensed wholesaler and shall be subject to this section. 1315

~~Each purchaser of 1.4G fireworks under this division shall~~ 1316  
~~transport the fireworks so purchased directly out of this state~~ 1317  
~~within forty eight hours after the time of their purchase.~~ 1318

~~This division does not apply to a person who resides in~~ 1319  
~~this state and who is also a licensed manufacturer, licensed~~ 1320  
~~wholesaler, or licensed exhibitor of fireworks in this state.~~ 1321

~~(B) No licensed manufacturer or licensed wholesaler shall~~ 1322  
~~sell 1.3G fireworks to a person who resides in this state unless~~ 1323  
~~that person is a licensed manufacturer, licensed wholesaler, or~~ 1324  
~~licensed exhibitor of fireworks in this state~~ Any person 1325  
authorized under this section to possess 1.4G fireworks in this 1326  
state may discharge, ignite, or explode those fireworks in 1327  
either of the following locations in this state: 1328

(1) On the property of the person; 1329

(2) On the property of another who has given permission to 1330  
the person. 1331

(C) Fireworks discharged, ignited, or exploded pursuant to 1332  
this section shall not be considered a public exhibition. 1333

(D) A county, with respect to the unincorporated territory 1334  
of the county, a township, with respect to the unincorporated 1335  
territory of the township, or a municipal corporation may do 1336  
either of the following: 1337

(1) Restrict the dates and times a person may discharge, 1338  
ignite, or explode fireworks purchased pursuant to this section. 1339

(2) Ban the discharge, ignition, or explosion of fireworks 1340  
purchased pursuant to this section. A resolution adopted by a 1341

board of township trustees under this division prevails over a 1342  
conflicting resolution adopted under this division by the board 1343  
of county commissioners in the county within which the township 1344  
is located. 1345

(E) This section does not limit the enforcement of any 1346  
ordinance, resolution, or statute that regulates noise, 1347  
disturbance of the peace, or disorderly conduct. 1348

**Sec. 3743.451.** (A) (1) The state fire marshal shall adopt 1349  
rules in accordance with Chapter 119. of the Revised Code 1350  
regulating the time, manner, and location of 1.4G fireworks 1351  
discharged, ignited, or exploded under section 3743.45 of the 1352  
Revised Code. The rules may include provisions requiring that 1353  
all fireworks be used only in accordance with manufacturer's 1354  
instructions and provisions for all of the following: 1355

(a) The use of aerial fireworks; 1356

(b) Separation distances between the location of fireworks 1357  
discharges, ignitions, or explosions and adjacent structures, 1358  
roadways, railroads, airports, publicly owned or controlled 1359  
places, and places where hazardous materials are manufactured, 1360  
used, or stored; 1361

(c) Fireworks usage at common areas of multitenant 1362  
properties; 1363

(d) The suspension of fireworks discharges, ignitions, or 1364  
explosions during times of drought or similar conditions; 1365

(e) The proximity of fireworks discharges, ignitions, or 1366  
explosions to persons under eighteen years of age; 1367

(f) Any other matters similar to those listed in division 1368  
(A) (1) of this section. 1369

(2) The state fire marshal shall file the rules required 1370  
by this division with the joint committee on agency rule review 1371  
pursuant to division (C) of section 119.03 of the Revised Code 1372  
not later than one hundred eighty days after the effective date 1373  
of this section. 1374

(B) (1) Nothing in division (A) of this section shall be 1375  
construed to limit the authority of a county, township, or 1376  
municipal corporation under division (D) of section 3743.45 of 1377  
the Revised Code to restrict the dates and times or ban the 1378  
discharge, ignition, or explosion of fireworks purchased under 1379  
section 3743.45 of the Revised Code. 1380

(2) Rules adopted pursuant to this section shall permit 1381  
consumers, who are at least eighteen years of age, to safely and 1382  
responsibly use 1.4G fireworks on their own private property, or 1383  
any private property to which they have express consent from the 1384  
property owner. 1385

(3) Rules adopted pursuant to this section shall not be 1386  
constructed as a de facto ban on the consumer discharge of 1387  
fireworks. It is the intent of the general assembly to allow 1388  
consumers to discharge 1.4G fireworks in a safe and reasonable 1389  
manner. 1390

**Sec. 3743.46.** (A) Except as otherwise provided in section 1391  
3743.44 or 3743.45 of the Revised Code, no licensed manufacturer 1392  
or licensed wholesaler shall sell fireworks to a person who 1393  
resides in another state unless one of the following applies: 1394

(1) The person has been issued a license or permit in the 1395  
state of the person's residence that authorizes the person to 1396  
engage in the manufacture, wholesale sale, or retail sale of 1397  
fireworks in that state or that authorizes the person to conduct 1398



fireworks exhibitions in that state and that person presents a certified copy of the license. 1399  
1400

(2) If the person does not possess a license or permit described in division (A)(1) of this section, the person presents a current, valid motor vehicle operator's license issued to the person in the person's state of residence. 1401  
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(3) If the person does not possess a license or permit issued in that state as described in division (A)(1) or (2) of this section, the person presents an identification card issued to the person by a governmental agency in the person's state of residence indicating that the person is a resident of that state. 1405  
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(B) If a person who is required to present a motor vehicle operator's license or other identification card intends to transport the fireworks purchased directly out of this state by a motor vehicle and the person will not also be the operator of that motor vehicle while so transporting the fireworks, the operator of the motor vehicle also shall present the operator's motor vehicle operator's license. 1411  
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**Sec. 3743.47.** (A) A licensed retailer, licensed manufacturer, or licensed wholesaler shall furnish a copy of a safety pamphlet to each purchaser of 1.4G fireworks. In addition to any safety information the licensed retailer, licensed wholesaler, or licensed manufacturer wishes to include, the pamphlet shall include all of the following statements, or substantially similar statements: 1418  
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"Do not allow children to play with fireworks. Sparklers, a firework often considered by many to be the ideal "safe" device for children, burn at very high temperatures and should 1425  
1426  
1427

not be handled by children. Children may not understand the 1428  
danger involved with fireworks and may not act appropriately 1429  
while using the devices or in case of emergency. 1430

Set off fireworks outdoors in a clear area, away from 1431  
houses, dry leaves, or grass and other flammable materials. 1432

Keep a bucket of water nearby for emergencies and for 1433  
pouring on fireworks that fail to ignite or explode. 1434

Do not try to relight or handle malfunctioning fireworks. 1435  
Soak them with water and throw them away. 1436

Be sure other people are out of range before lighting 1437  
fireworks. 1438

Never light fireworks in a container, especially a glass 1439  
or metal container. 1440

Keep unused fireworks away from firing areas. 1441

Store fireworks in a cool, dry place. 1442

Check instructions for special storage directions. 1443

Observe state and local law. 1444

Never have any portion of your body directly over a 1445  
firework while lighting. 1446

Do not experiment with homemade fireworks." 1447

(B) A licensed retailer, licensed manufacturer, or 1448  
licensed wholesaler selling 1.4G fireworks shall have safety 1449  
glasses available for a nominal charge or free at the site of 1450  
the 1.4G fireworks purchase. 1451

(C) Divisions (A) and (B) of this section do not apply 1452  
when a purchaser is a licensed retailer, licensed manufacturer, 1453

licensed wholesaler, or licensed exhibitor of fireworks in this 1454  
state. 1455

**Sec. 3743.57.** (A) All fees collected by the state fire 1456  
marshal for licenses or permits issued pursuant to this chapter, 1457  
except the fee imposed under section 3743.22 of the Revised 1458  
Code, shall be deposited into the state fire marshal's fund, and 1459  
interest earned on the amounts in the fund shall be credited by 1460  
the treasurer of state to the fund. 1461

(B) The state fire marshal shall in the state fire 1462  
marshal's discretion use amounts in the state fire marshal's 1463  
fund for fireworks training and education purposes, including, 1464  
but not limited to, the creation of educational and training 1465  
programs, attendance by the state fire marshal and the state 1466  
fire marshal's employees at conferences and seminars, the 1467  
payment of travel and meal expenses associated with such 1468  
attendance, participation by the state fire marshal and the 1469  
state fire marshal's employees in committee meetings and other 1470  
meetings related to pyrotechnic codes, and the payment of travel 1471  
and meal expenses associated with such participation. The use of 1472  
the fund shall comply with rules of the department of commerce, 1473  
policies and procedures established by the director of budget 1474  
and management, and all other applicable laws. 1475

**Sec. 3743.59.** (A) Upon application by an affected party, 1476  
the state fire marshal may grant variances from the requirements 1477  
of this chapter or from the requirements of rules adopted 1478  
pursuant to this chapter if the state fire marshal determines 1479  
that a literal enforcement of the requirement will result in 1480  
practical difficulty in complying with the requirements of this 1481  
chapter or the rules adopted pursuant to this chapter and that 1482  
the variance will not be contrary to the public health, safety, 1483

or welfare. A variance shall not be granted to a person who is 1484  
initially licensed as a manufacturer or wholesaler of fireworks 1485  
after June 14, 1988. 1486

(B) The state fire marshal may authorize a variance from 1487  
the prohibitions in this chapter against the possession and use 1488  
of pyrotechnic compounds to a person who submits proof that the 1489  
person is certified and in good standing with the Ohio state 1490  
board of education, provided that the pyrotechnic compounds are 1491  
used for educational purposes only, or are used only at an 1492  
authorized educational function approved by the governing board 1493  
that exercises authority over the educational function. 1494

(C) (1) The state fire marshal may authorize a variance 1495  
from the prohibitions in this chapter against the possession and 1496  
use of pyrotechnic compounds to a person who possesses and uses 1497  
the pyrotechnic compounds for personal and noncommercial 1498  
purposes as a hobby. ~~The~~ 1499

(2) The state fire marshal shall not unreasonably withhold 1500  
a variance that the state fire marshal may authorize pursuant to 1501  
division (C) (1) of this section. 1502

(3) The state fire marshal may rescind a variance 1503  
authorized under ~~this~~ division (C) (1) of this section, for cause 1504  
~~at any time, exclusively at the fire marshal's discretion.~~ 1505

**Sec. 3743.60.** (A) No person shall manufacture fireworks in 1506  
this state unless it is a licensed manufacturer of fireworks, 1507  
and no person shall operate a fireworks plant in this state 1508  
unless it has been issued a license as a manufacturer of 1509  
fireworks for the particular fireworks plant. 1510

(B) No person shall operate a fireworks plant in this 1511  
state after its license as a manufacturer of fireworks for the 1512

particular fireworks plant has expired, been denied renewal, or 1513  
been revoked, unless a new license has been obtained. 1514

(C) No licensed manufacturer of fireworks, during the 1515  
effective period of its licensure, shall construct, locate, or 1516  
relocate any buildings or other structures on the premises of 1517  
its fireworks plant, make any structural change or renovation in 1518  
any building or other structure on the premises of its fireworks 1519  
plant, or change the nature of its manufacturing of fireworks so 1520  
as to include the processing of fireworks without first 1521  
obtaining a written authorization from the state fire marshal 1522  
pursuant to division (B) of section 3743.04 of the Revised Code. 1523

(D) No licensed manufacturer of fireworks shall 1524  
manufacture fireworks, possess fireworks for sale at wholesale 1525  
or retail, or sell fireworks at wholesale or retail, in a manner 1526  
not authorized by division (C) of section 3743.04 of the Revised 1527  
Code. 1528

(E) No licensed manufacturer of fireworks shall knowingly 1529  
fail to comply with the rules adopted by the state fire marshal 1530  
pursuant to section 3743.05 of the Revised Code or the 1531  
requirements of section 3743.06 of the Revised Code. 1532

(F) No licensed manufacturer of fireworks shall fail to 1533  
maintain complete inventory, wholesale sale, and retail records 1534  
as required by section 3743.07 of the Revised Code, or to permit 1535  
inspection of these records or the premises of a fireworks plant 1536  
pursuant to section 3743.08 of the Revised Code. 1537

(G) No licensed manufacturer of fireworks shall fail to 1538  
comply with an order of the state fire marshal issued pursuant 1539  
to division (B) (1) of section 3743.08 of the Revised Code, 1540  
within the specified period of time. 1541

(H) No licensed manufacturer of fireworks shall fail to 1542  
comply with an order of the state fire marshal issued pursuant 1543  
to division (B) (2) of section 3743.08 of the Revised Code until 1544  
the nonconformities are eliminated, corrected, or otherwise 1545  
remedied or the seventy-two hour period specified in that 1546  
division has expired, whichever first occurs. 1547

(I) No person shall smoke or shall carry a pipe, 1548  
cigarette, or cigar, or a match, lighter, other flame-producing 1549  
item, or open flame on, or shall carry a concealed source of 1550  
ignition into, the premises of a fireworks plant, except as 1551  
smoking is authorized in specified lunchrooms or restrooms by a 1552  
manufacturer pursuant to division (C) of section 3743.06 of the 1553  
Revised Code. 1554

(J) No person shall have possession or control of, or be 1555  
under the influence of, any intoxicating liquor, beer, or 1556  
controlled substance, while on the premises of a fireworks 1557  
plant. 1558

(K) No licensed manufacturer of fireworks shall 1559  
negligently fail to furnish a safety pamphlet to a purchaser of 1560  
1.4G fireworks as required by division (A) of section 3743.47 of 1561  
the Revised Code. 1562

(L) No licensed manufacturer of fireworks shall 1563  
negligently fail to have safety glasses available for sale as 1564  
required by division (B) of section 3743.47 of the Revised Code. 1565

**Sec. 3743.61.** (A) No person, except a licensed 1566  
manufacturer of fireworks engaging in the wholesale sale of 1567  
fireworks as authorized by division (C) (2) of section 3743.04 of 1568  
the Revised Code, shall operate as a wholesaler of fireworks in 1569  
this state unless it is a licensed wholesaler of fireworks, or 1570

shall operate as a wholesaler of fireworks at any location in 1571  
this state unless it has been issued a license as a wholesaler 1572  
of fireworks for the particular location. 1573

(B) No person shall operate as a wholesaler of fireworks 1574  
at a particular location in this state after its license as a 1575  
wholesaler of fireworks for the particular location has expired, 1576  
been denied renewal, or been revoked, unless a new license has 1577  
been obtained. 1578

(C) No licensed wholesaler of fireworks, during the 1579  
effective period of its licensure, shall perform any 1580  
construction, or make any structural change or renovation, on 1581  
the premises on which the fireworks are sold without first 1582  
obtaining a written authorization from the state fire marshal 1583  
pursuant to division (B) of section 3743.17 of the Revised Code. 1584

(D) No licensed wholesaler of fireworks shall possess 1585  
fireworks for sale at wholesale or retail, or sell fireworks at 1586  
wholesale or retail, in a manner not authorized by division (C) 1587  
of section 3743.17 of the Revised Code. 1588

(E) No licensed wholesaler of fireworks shall knowingly 1589  
fail to comply with the rules adopted by the state fire marshal 1590  
pursuant to section 3743.18 or the requirements of section 1591  
3743.19 of the Revised Code. 1592

(F) No licensed wholesaler of fireworks shall fail to 1593  
maintain complete inventory, wholesale sale, and retail records 1594  
as required by section 3743.20 of the Revised Code, or to permit 1595  
inspection of these records or the premises of the wholesaler 1596  
pursuant to section 3743.21 of the Revised Code. 1597

(G) No licensed wholesaler of fireworks shall fail to 1598  
comply with an order of the state fire marshal issued pursuant 1599

to division (B) (1) of section 3743.21 of the Revised Code, 1600  
within the specified period of time. 1601

(H) No licensed wholesaler of fireworks shall fail to 1602  
comply with an order of the state fire marshal issued pursuant 1603  
to division (B) (2) of section 3743.21 of the Revised Code until 1604  
the nonconformities are eliminated, corrected, or otherwise 1605  
remedied or the seventy-two hour period specified in that 1606  
division has expired, whichever first occurs. 1607

(I) No person shall smoke or shall carry a pipe, 1608  
cigarette, or cigar, or a match, lighter, other flame-producing 1609  
item, or open flame on, or shall carry a concealed source of 1610  
ignition into, the premises of a wholesaler of fireworks, except 1611  
as smoking is authorized in specified lunchrooms or restrooms by 1612  
a wholesaler pursuant to division (D) of section 3743.19 of the 1613  
Revised Code. 1614

(J) No person shall have possession or control of, or be 1615  
under the influence of, any intoxicating liquor, beer, or 1616  
controlled substance, while on the premises of a wholesaler of 1617  
fireworks. 1618

(K) No licensed wholesaler of fireworks shall negligently 1619  
fail to furnish a safety pamphlet to a purchaser of 1.4G 1620  
fireworks as required by division (A) of section 3743.47 of the 1621  
Revised Code. 1622

(L) No licensed wholesaler of fireworks shall negligently 1623  
fail to have safety glasses available for sale as required by 1624  
division (B) of section 3743.47 of the Revised Code. 1625

**Sec. 3743.63.** (A) No person who ~~resides in another state~~ 1626  
~~and~~ purchases fireworks in this state shall obtain possession of 1627  
the fireworks in this state unless the person complies with 1628



~~section sections 3743.44 to 3743.46~~ of the Revised Code. 1629

(B) ~~No~~ Except for the purchase of 1.4G fireworks made 1630  
under section 3743.45 of the Revised Code, no person who resides 1631  
in another state and who purchases fireworks in this state shall 1632  
obtain possession of fireworks in this state other than from a 1633  
licensed manufacturer or wholesaler, or fail, when transporting 1634  
1.3G fireworks, to transport them directly out of this state 1635  
within seventy-two hours after the time of their purchase. ~~No~~ 1636  
~~such person shall give or sell to any other person in this state~~ 1637  
~~fireworks that the person has acquired in this state.~~ 1638

(C) ~~No person who resides in this state and purchases~~ 1639  
~~fireworks in this state shall obtain possession of the fireworks~~ 1640  
~~in this state unless the person complies with section 3743.45 of~~ 1641  
~~the Revised Code.~~ 1642

~~(D) No person who resides in this state and who purchases~~ 1643  
~~fireworks in this state under section 3743.45 of the Revised~~ 1644  
~~Code shall obtain possession of fireworks in this state other~~ 1645  
~~than from a licensed manufacturer or licensed wholesaler, or~~ 1646  
~~fail, when transporting the fireworks, to transport them~~ 1647  
~~directly out of this state within forty eight hours after the~~ 1648  
~~time of their purchase. No such person shall give or sell to any~~ 1649  
~~other person in this state fireworks that the person has~~ 1650  
~~acquired in this state.~~ 1651

**Sec. 3743.65.** (A) No person shall possess fireworks in 1652  
this state or shall possess for sale or sell fireworks in this 1653  
state, except a licensed manufacturer of fireworks as authorized 1654  
by sections 3743.02 to 3743.08 of the Revised Code, a licensed 1655  
wholesaler of fireworks as authorized by sections 3743.15 to 1656  
3743.21 of the Revised Code, a shipping permit holder as 1657  
authorized by section 3743.40 of the Revised Code, ~~an out of~~ 1658

~~state resident a licensed fountain device retailer as authorized~~ 1659  
~~by section 3743.27 of the Revised Code, a person as authorized~~ 1660  
~~by section sections 3743.44 of the Revised Code, a resident of~~ 1661  
~~this state as authorized by section and 3743.45 of the Revised~~ 1662  
Code, or a licensed exhibitor of fireworks as authorized by 1663  
sections 3743.50 to 3743.55 of the Revised Code, and except as 1664  
provided in section 3743.80 of the Revised Code. 1665

(B) Except as provided in ~~section sections 3743.45 and~~ 1666  
3743.80 of the Revised Code and except for licensed exhibitors 1667  
of fireworks authorized to conduct a fireworks exhibition 1668  
pursuant to sections 3743.50 to 3743.55 of the Revised Code, no 1669  
person shall discharge, ignite, or explode any fireworks in this 1670  
state. 1671

(C) No person shall use in a theater or public hall, what 1672  
is technically known as fireworks showers, or a mixture 1673  
containing potassium chlorate and sulphur. 1674

(D) No person shall sell fireworks of any kind to a person 1675  
under eighteen years of age. No person under eighteen years of 1676  
age shall enter a fireworks sales showroom unless that person is 1677  
accompanied by a parent, legal guardian, or other responsible 1678  
adult. No person under eighteen years of age shall touch or 1679  
possess fireworks on a licensed premises without the consent of 1680  
the licensee. A licensee may eject any person from a licensed 1681  
premises that is in any way disruptive to the safe operation of 1682  
the premises. 1683

(E) Except as otherwise provided in section 3743.44 of the 1684  
Revised Code, no person, other than a licensed manufacturer, 1685  
licensed wholesaler, licensed exhibitor, or shipping permit 1686  
holder, shall possess 1.3G fireworks in this state. 1687

(F) Except as otherwise provided in division (J) of 1688  
section 3743.06 and division (K) of section 3743.19 of the 1689  
Revised Code, no person shall knowingly disable a fire 1690  
suppression system as defined in section 3781.108 of the Revised 1691  
Code on the premises of a fireworks plant of a licensed 1692  
manufacturer of fireworks or on the premises of the business 1693  
operations of a licensed wholesaler of fireworks. 1694

(G) No person shall negligently discharge, ignite, or 1695  
explode fireworks while in possession or control of, or under 1696  
the influence of, any intoxicating liquor, beer, or controlled 1697  
substance. 1698

(H) No person shall negligently discharge, ignite, or 1699  
explode fireworks on the property of another person without that 1700  
person's permission to use fireworks on that property. 1701

**Sec. 3743.67.** (A) The Ohio fire code rule recommendation 1702  
committee is hereby created to review Chapter 3743. of the 1703  
Revised Code and make a recommendation to the state fire 1704  
marshal. At a minimum, the committee shall make a recommendation 1705  
to the state fire marshal relating to all of the following: 1706

(1) Sections 3743.02, 3743.03, 3743.04, 3743.06, 3743.15, 1707  
3743.16, 3743.17, 3743.18, and 3743.19 of the Revised Code; 1708

(2) Section 3743.45 of the Revised Code relating to the 1709  
purchase of 1.4G fireworks from licensed manufacturers or 1710  
wholesalers; 1711

(3) Section 3743.75 of the Revised Code relating to the 1712  
moratorium on licenses; 1713

(4) State fire marshal rulemaking of building code 1714  
requirements for 1.3G manufacturing facilities. 1715

- (5) Development of a state licensing program pursuant to section 3743.75 of the Revised Code. 1716  
1717
- (B) The committee shall meet periodically, with the first meeting not later than ten days after the effective date of this section, and shall submit its report and recommendations to the state fire marshal not later than one hundred days after the effective date of this section. 1718  
1719  
1720  
1721  
1722
- (C) The committee shall be made up of the following individuals: 1723  
1724
- (1) The state fire marshal, or the state fire marshal's designee; 1725  
1726
- (2) Four local fire chiefs appointed by the Ohio fire chiefs' association, or appointed by the association's designee; 1727  
1728
- (3) A local police chief appointed by the attorney general, or the attorney general's designee; 1729  
1730
- (4) Five members of the Ohio state pyrotechnics association, appointed by the president of the association, one of whom shall be a licensed wholesaler, one of whom shall be a licensed exhibitor, and one of whom shall be a licensed manufacturer; 1731  
1732  
1733  
1734  
1735
- (5) One member of prevent blindness Ohio, or the organization's designee; 1736  
1737
- (6) One member of the Ohio optometric association or the association's designee; 1738  
1739
- (7) One member of the Ohio pyrotechnic arts guild or the organization's designee; 1740  
1741
- (8) One representative of the Ohio chapter of the American 1742

academy of pediatrics, appointed by the president of the Ohio 1743  
chapter; 1744

(9) One member of the Ohio council of retail merchants or 1745  
the council's designee. 1746

**Sec. 3743.75.** (A) ~~During~~ (1) Except as provided in 1747  
division (B) of this section, during the period beginning on 1748  
June 29, 2001, and ending ~~on December 31, 2021~~ eighteen months 1749  
after the end of the period described in division (A) (2) of this 1750  
section, the state fire marshal shall not do any either of the 1751  
following: 1752

~~(1)~~ (a) Issue a license as a manufacturer of fireworks 1753  
under sections 3743.02 and 3743.03 of the Revised Code to a 1754  
person for a particular fireworks plant unless that person 1755  
possessed such a license for that fireworks plant immediately 1756  
prior to June 29, 2001; 1757

~~(2)~~ (b) Issue a license as a wholesaler of fireworks under 1758  
sections 3743.15 and 3743.16 of the Revised Code to a person for 1759  
a particular location unless that person possessed such a 1760  
license for that location immediately prior to June 29, 2001~~;~~. 1761

~~(3)~~ ~~Except as provided in division (B) of this section,~~ 1762  
~~approve~~ (2) Except as provided in division (B) of this section, 1763  
during the period beginning on June 29, 2001, and ending two 1764  
hundred sixty days after the effective date of this amendment, 1765  
the state fire marshal shall not approve the geographic transfer 1766  
of a license as a manufacturer or wholesaler of fireworks issued 1767  
under this chapter to any location other than a location for 1768  
which a license was issued under this chapter immediately prior 1769  
to June 29, 2001. 1770

(B) Division ~~(A) (3)~~ (A) of this section does not apply to 1771

~~a~~either of the following: 1772

(1) An ownership transfer that the state fire marshal 1773  
approves under division (D) of section 3743.04 or division (D) 1774  
of section 3743.17 of the Revised Code that is consistent with 1775  
division (F) of this section; 1776

(2) A geographic transfer that the state fire marshal 1777  
approves under division ~~(F)~~(E) of this section ~~3743.17 of the~~ 1778  
Revised Code. 1779

(C) Notwithstanding section 3743.59 of the Revised Code, 1780  
the prohibited activities established in ~~divisions~~division (A) 1781  
(1) ~~and (2)~~ of this section, geographic transfers approved 1782  
pursuant to division ~~(F)~~(E) of this section ~~3743.17 of the~~ 1783  
~~Revised Code~~, and nonconstruction-related matters at storage 1784  
locations allowed pursuant to division (I) of section 3743.04 of 1785  
the Revised Code or division ~~(G)~~(F) of section 3743.17 of the 1786  
Revised Code are not subject to any variance, waiver, or 1787  
exclusion. 1788

(D) After the end of the period described in division (A) 1789  
of this section, the state fire marshal may issue new licenses 1790  
as a manufacturer or wholesaler of fireworks. New licenses shall 1791  
not be approved in such a manner that unduly burdens the state 1792  
fire marshal's ability to ensure public safety. 1793

(E) (1) A licensed manufacturer of fireworks or a licensed 1794  
wholesaler of fireworks may apply, on or after the effective 1795  
date of this amendment, to geographically relocate the license 1796  
to any location in the state if the license is in good standing, 1797  
as defined in division (E)(6) of this section. 1798

(2) Notwithstanding any other provisions of this chapter, 1799  
the state fire marshal shall approve the transfer if all of the 1800

following conditions are met: 1801

(a) The identity of the holder of the license remains the 1802  
same in the new location. 1803

(b) The former licensed premises associated with the 1804  
transferred license is closed prior to the opening of the new 1805  
location and no fireworks business of any kind is conducted at 1806  
the former licensed premises associated with the transferred 1807  
license after the transfer of the license unless a separate 1808  
fireworks manufacturer or wholesaler license is or has been 1809  
issued for such location. 1810

(c) The new location has received a local certificate of 1811  
zoning compliance and all structures on the new licensed 1812  
location receive a valid certificate of occupancy, and are 1813  
otherwise in compliance with all applicable laws, rules, and 1814  
regulations, including the building code and fire code and this 1815  
chapter. 1816

(d) Every building or structure at the new location is 1817  
separated from occupied residential and nonresidential buildings 1818  
or structures, railroads, highways, or any other buildings or 1819  
structures located on the licensed premises in accordance with 1820  
the distances specified in the rules adopted by the state fire 1821  
marshal pursuant to sections 3743.05 and 3743.18 of the Revised 1822  
Code. If the licensee fails to comply with the requirements of 1823  
division (E) (2) (d) of this section by the licensee's own act, 1824  
the license at the new location is forfeited. 1825

(e) Neither the licensee nor any person holding, owning, 1826  
or controlling a five per cent or greater beneficial or equity 1827  
interest in the licensee has been convicted of or has pleaded 1828  
guilty to a felony under the laws of this state, any other 1829

state, or the United States after June 30, 1997. 1830

(f) The subject license is in active status and does not 1831  
have any pending proceedings or final orders of revocation or 1832  
denial under sections 3743.08 or 3743.21 of the Revised Code. 1833

(g) The state fire marshal approves the request for the 1834  
transfer. 1835

(h) All sales structures at the new location comply with 1836  
the requirements specified in division (C) of section 3743.25 of 1837  
the Revised Code. Each licensed premises may only contain one 1838  
sales structure. A sales structure on any licensed premises may 1839  
be converted from a representative sample showroom to a retail 1840  
sales showroom or from a retail sales showroom to a 1841  
representative sample showroom at any time in accordance with 1842  
rules established by the state fire marshal under this chapter. 1843

(i) A completed geographic transfer application, including 1844  
the designation of the new location, is received by the state 1845  
fire marshal on or after the effective date of this amendment 1846  
but not later than December 31, 2021. 1847

(3) All construction at the new location shall be 1848  
authorized by the state fire marshal in writing before 1849  
initiation and shall be completed not later than December 31, 1850  
2022. The state fire marshal shall issue preliminary 1851  
construction approvals and may set conditions thereon. The state 1852  
fire marshal may authorize extensions of dates specified in this 1853  
section upon a finding of good cause based upon evidence 1854  
submitted by the applicant. Any final approvals of a geographic 1855  
transfer shall occur only after full compliance with this 1856  
section. 1857

(4) The filing of an application to geographically 1858



relocate a license and any conditional approvals issued under 1859  
this section do not vest in the applicant any rights to the 1860  
transfer. 1861

(5) A licensed premises subject to this section may be 1862  
granted only one geographic transfer pursuant to this section 1863  
prior to December 31, 2022. After that date, any existing 1864  
license subject to this section may be geographically 1865  
transferred to any location within this state upon application 1866  
to the state fire marshal and compliance with divisions (E) (2) 1867  
(a) to (h) of this section. 1868

(6) Notwithstanding any other section of the Revised Code, 1869  
the license of a licensed manufacturer of fireworks or a 1870  
licensed wholesaler of fireworks shall be deemed in good 1871  
standing for purposes of a geographic transfer if any of the 1872  
following applies to the license: 1873

(a) The license existed immediately prior to June 29, 1874  
2001, and the owner of the license, including a license approved 1875  
for transfers of ownership subsequent to June 29, 2001, was an 1876  
active corporation in good standing as recognized by the 1877  
secretary of state of the state where the company is 1878  
incorporated as of December 1, 2019, or was a person, as defined 1879  
by section 1.59 of the Revised Code, as of December 1, 2019. 1880

(b) The license existed on December 1, 1995, and the owner 1881  
of the license, including a license approved for changes or 1882  
transfers of ownership subsequent to December 1, 1995, was an 1883  
active corporation in good standing as recognized by the 1884  
secretary of state of the state where the company is 1885  
incorporated as of December 1, 2019, or was a person, as defined 1886  
by section 1.59 of the Revised Code, as of December 1, 2019. 1887

(c) For transfers requested after December 31, 2022, the 1888  
owner of the license, including a license approved for transfers 1889  
of ownership subsequent to June 29, 2001, is an active 1890  
corporation in good standing as recognized by the secretary of 1891  
state of the state where the company is incorporated as of the 1892  
date of the application, or is a person, as defined by section 1893  
1.59 of the Revised Code, as of the date of application. 1894

If, between December 1, 1995, and the effective date of 1895  
this amendment, a licensee, holding a license that has been 1896  
deemed to be in good standing under division (E)(6) of this 1897  
section, either converted the license type from a manufacturer 1898  
to a wholesaler or has otherwise ceased operations at its 1899  
licensed premises for any reason, the state fire marshal may 1900  
geographically transfer under this section and reissue the 1901  
license at the new location after full compliance with division 1902  
(E)(2) of this section without first issuing a license at the 1903  
premises where the license last existed. 1904

(F) As used in division (A) of this section: 1905

(1) "Person" includes any person or entity, in whatever 1906  
form or name, that acquires possession of a manufacturer or 1907  
wholesaler of fireworks license issued pursuant to this chapter 1908  
by transfer of possession of a license, whether that transfer 1909  
occurs by purchase, assignment, inheritance, bequest, stock 1910  
transfer, or any other type of transfer, on the condition that 1911  
the transfer is in accordance with division (D) of section 1912  
3743.04 of the Revised Code or division (D) of section 3743.17 1913  
of the Revised Code and is approved by the state fire marshal. 1914

(2) "Particular location" includes a licensed premises 1915  
and, regardless of when approved, any storage location approved 1916  
in accordance with section 3743.04 or 3743.17 of the Revised 1917

Code. 1918

(3) "Such a license" includes a wholesaler of fireworks 1919  
license that was issued in place of a manufacturer of fireworks 1920  
license that existed prior to June 29, 2001, and was requested 1921  
to be canceled by the license holder pursuant to division (D) of 1922  
section 3743.03 of the Revised Code. 1923

**Sec. 3743.99.** (A) Whoever violates division (A) or (B) of 1924  
section 3743.60 or division (H) of section 3743.64 of the 1925  
Revised Code is guilty of a felony of the third degree. 1926

(B) Whoever violates division (C) or (D) of section 1927  
3743.60, division (A), (B), (C), or (D) of section 3743.61, or 1928  
division (A) or (B) of section 3743.64 of the Revised Code is 1929  
guilty of a felony of the fourth degree. 1930

(C) Whoever violates division (E), (F), (G), (H), (I), or 1931  
(J) of section 3743.60, division (E), (F), (G), (H), (I), or (J) 1932  
of section 3743.61, section 3743.63, division (D), (E), (F), or 1933  
(G) of section 3743.64, division (A), (B), (C), (D), or (E) of 1934  
section 3743.65, or section 3743.66 of the Revised Code is 1935  
guilty of a misdemeanor of the first degree. If the offender 1936  
previously has been convicted of or pleaded guilty to a 1937  
violation of division (I) of section 3743.60 or 3743.61 of the 1938  
Revised Code, a violation of either of these divisions is a 1939  
felony of the fifth degree. 1940

(D) Whoever violates division (C) of section 3743.64 of 1941  
the Revised Code is guilty of a misdemeanor of the first degree. 1942  
In addition to any other penalties that may be imposed on a 1943  
licensed exhibitor of fireworks under this division and unless 1944  
the third sentence of this division applies, the person's 1945  
license as an exhibitor of fireworks or as an assistant 1946

exhibitor of fireworks shall be suspended, and the person is 1947  
ineligible to apply for either type of license, for a period of 1948  
five years. If the violation of division (C) of section 3743.64 1949  
of the Revised Code results in serious physical harm to persons 1950  
or serious physical harm to property, the person's license as an 1951  
exhibitor of fireworks or as an assistant exhibitor of fireworks 1952  
shall be revoked, and that person is ineligible to apply for a 1953  
license as or to be licensed as an exhibitor of fireworks or as 1954  
an assistant exhibitor of fireworks in this state. 1955

(E) Whoever violates division (F) of section 3743.65 of 1956  
the Revised Code is guilty of a felony of the fifth degree. 1957

(F) Whoever violates division (G) of section 3743.65 of 1958  
the Revised Code is guilty of a misdemeanor of the first degree. 1959  
Notwithstanding any other provision of law to the contrary, a 1960  
person may be convicted at the same trial or proceeding of a 1961  
violation of division (G) of section 3743.65 of the Revised Code 1962  
and a violation of division (B) of section 2917.11 of the 1963  
Revised Code that constitutes the basis of the charge of the 1964  
violation of division (G) of section 3743.65 of the Revised 1965  
Code. 1966

(G) Whoever violates division (B) or (C) of section 1967  
3743.27 or division (K) or (L) of section 3743.60 or division 1968  
(K) or (L) of section 3743.61 of the Revised Code is guilty of a 1969  
misdemeanor of the second degree. 1970

(H) Whoever violates division (H) of section 3743.65 of 1971  
the Revised Code is guilty of a minor misdemeanor. 1972

**Sec. 5703.21.** (A) Except as provided in divisions (B) and 1973  
(C) of this section, no agent of the department of taxation, 1974  
except in the agent's report to the department or when called on 1975

to testify in any court or proceeding, shall divulge any 1976  
information acquired by the agent as to the transactions, 1977  
property, or business of any person while acting or claiming to 1978  
act under orders of the department. Whoever violates this 1979  
provision shall thereafter be disqualified from acting as an 1980  
officer or employee or in any other capacity under appointment 1981  
or employment of the department. 1982

(B) (1) For purposes of an audit pursuant to section 117.15 1983  
of the Revised Code, or an audit of the department pursuant to 1984  
Chapter 117. of the Revised Code, or an audit, pursuant to that 1985  
chapter, the objective of which is to express an opinion on a 1986  
financial report or statement prepared or issued pursuant to 1987  
division (A) (7) or (9) of section 126.21 of the Revised Code, 1988  
the officers and employees of the auditor of state charged with 1989  
conducting the audit shall have access to and the right to 1990  
examine any state tax returns and state tax return information 1991  
in the possession of the department to the extent that the 1992  
access and examination are necessary for purposes of the audit. 1993  
Any information acquired as the result of that access and 1994  
examination shall not be divulged for any purpose other than as 1995  
required for the audit or unless the officers and employees are 1996  
required to testify in a court or proceeding under compulsion of 1997  
legal process. Whoever violates this provision shall thereafter 1998  
be disqualified from acting as an officer or employee or in any 1999  
other capacity under appointment or employment of the auditor of 2000  
state. 2001

(2) For purposes of an internal audit pursuant to section 2002  
126.45 of the Revised Code, the officers and employees of the 2003  
office of internal audit in the office of budget and management 2004  
charged with directing the internal audit shall have access to 2005  
and the right to examine any state tax returns and state tax 2006

return information in the possession of the department to the extent that the access and examination are necessary for purposes of the internal audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the internal audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the office of internal audit.

(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.

(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.

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

(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;

(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;	2036
(3) Disclosing to the motor vehicle repair board any	2037
information in the possession of the department that is	2038
necessary for the board to verify the existence of an	2039
applicant's valid vendor's license and current state tax	2040
identification number under section 4775.07 of the Revised Code;	2041
(4) Providing information to the administrator of workers'	2042
compensation pursuant to sections 4123.271 and 4123.591 of the	2043
Revised Code;	2044
(5) Providing to the attorney general information the	2045
department obtains under division (J) of section 1346.01 of the	2046
Revised Code;	2047
(6) Permitting properly authorized officers, employees, or	2048
agents of a municipal corporation from inspecting reports or	2049
information pursuant to section 718.84 of the Revised Code or	2050
rules adopted under section 5745.16 of the Revised Code;	2051
(7) Providing information regarding the name, account	2052
number, or business address of a holder of a vendor's license	2053
issued pursuant to section 5739.17 of the Revised Code, a holder	2054
of a direct payment permit issued pursuant to section 5739.031	2055
of the Revised Code, or a seller having a use tax account	2056
maintained pursuant to section 5741.17 of the Revised Code, or	2057
information regarding the active or inactive status of a	2058
vendor's license, direct payment permit, or seller's use tax	2059
account;	2060
(8) Releasing invoices or invoice information furnished	2061
under section 4301.433 of the Revised Code pursuant to that	2062
section;	2063
(9) Providing to a county auditor notices or documents	2064

concerning or affecting the taxable value of property in the 2065  
county auditor's county. Unless authorized by law to disclose 2066  
documents so provided, the county auditor shall not disclose 2067  
such documents; 2068

(10) Providing to a county auditor sales or use tax return 2069  
or audit information under section 333.06 of the Revised Code; 2070

(11) Subject to section 4301.441 of the Revised Code, 2071  
disclosing to the appropriate state agency information in the 2072  
possession of the department of taxation that is necessary to 2073  
verify a permit holder's gallonage or noncompliance with taxes 2074  
levied under Chapter 4301. or 4305. of the Revised Code; 2075

(12) Disclosing to the department of natural resources 2076  
information in the possession of the department of taxation that 2077  
is necessary for the department of taxation to verify the 2078  
taxpayer's compliance with section 5749.02 of the Revised Code 2079  
or to allow the department of natural resources to enforce 2080  
Chapter 1509. of the Revised Code; 2081

(13) Disclosing to the department of job and family 2082  
services, industrial commission, and bureau of workers' 2083  
compensation information in the possession of the department of 2084  
taxation solely for the purpose of identifying employers that 2085  
misclassify employees as independent contractors or that fail to 2086  
properly report and pay employer tax liabilities. The department 2087  
of taxation shall disclose only such information that is 2088  
necessary to verify employer compliance with law administered by 2089  
those agencies. 2090

(14) Disclosing to the Ohio casino control commission 2091  
information in the possession of the department of taxation that 2092  
is necessary to verify a casino operator's compliance with 2093



section 5747.063 or 5753.02 of the Revised Code and sections 2094  
related thereto; 2095

(15) Disclosing to the state lottery commission 2096  
information in the possession of the department of taxation that 2097  
is necessary to verify a lottery sales agent's compliance with 2098  
section 5747.064 of the Revised Code; 2099

(16) Disclosing to the development services agency 2100  
information in the possession of the department of taxation that 2101  
is necessary to ensure compliance with the laws of this state 2102  
governing taxation and to verify information reported to the 2103  
development services agency for the purpose of evaluating 2104  
potential tax credits, grants, or loans. Such information shall 2105  
not include information received from the internal revenue 2106  
service the disclosure of which is prohibited by section 6103 of 2107  
the Internal Revenue Code. No officer, employee, or agent of the 2108  
development services agency shall disclose any information 2109  
provided to the development services agency by the department of 2110  
taxation under division (C)(16) of this section except when 2111  
disclosure of the information is necessary for, and made solely 2112  
for the purpose of facilitating, the evaluation of potential tax 2113  
credits, grants, or loans. 2114

(17) Disclosing to the department of insurance information 2115  
in the possession of the department of taxation that is 2116  
necessary to ensure a taxpayer's compliance with the 2117  
requirements with any tax credit administered by the development 2118  
services agency and claimed by the taxpayer against any tax 2119  
administered by the superintendent of insurance. No officer, 2120  
employee, or agent of the department of insurance shall disclose 2121  
any information provided to the department of insurance by the 2122  
department of taxation under division (C)(17) of this section. 2123

(18) Disclosing to the division of liquor control 2124  
information in the possession of the department of taxation that 2125  
is necessary for the division and department to comply with the 2126  
requirements of sections 4303.26 and 4303.271 of the Revised 2127  
Code; 2128

(19) Disclosing to the state fire marshal information in 2129  
the possession of the department of taxation that is necessary 2130  
for the state fire marshal to verify the compliance of a 2131  
licensed manufacturer of fireworks or a licensed wholesaler of 2132  
fireworks with section 3743.22 of the Revised Code. No officer, 2133  
employee, or agent of the state fire marshal shall disclose any 2134  
information provided to the state fire marshal by the department 2135  
of taxation under division (C) (19) of this section. 2136

**Section 2.** That existing sections 3743.01, 3743.04, 2137  
3743.08, 3743.15, 3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 2138  
3743.57, 3743.59, 3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 2139  
3743.99, and 5703.21 of the Revised Code are hereby repealed. 2140

**Section 3.** The amendments to sections 3743.08, 3743.21, 2141  
3743.44, 3743.45, 3743.57, 3743.59, 3743.60, 3743.61, 3743.63, 2142  
3743.65, 3743.99, and 5703.21 of the Revised Code made in 2143  
Sections 1 and 2 of this act and the enactment of sections 2144  
3743.46, and 3743.47 of the Revised Code by Sections 1 and 2 of 2145  
this act, take effect two hundred sixty days after the effective 2146  
date of this section. The amendments to sections 3743.01, 2147  
3743.04, 3743.15, 3743.17, 3743.25, and 3743.75 and the 2148  
enactment of sections 3743.22, 3743.26 to 3743.29, 3743.451, and 2149  
3743.67 of the Revised Code in Sections 1 and 2 of this act 2150  
shall take effect at the earliest time permitted by law. 2151

**Section 4.** Notwithstanding divisions (A) and (B) of 2152  
section 3743.26 of the Revised Code, as enacted by this act, the 2153

State Fire Marshal shall not issue any licenses to sell fountain	2154
devices at retail in 2021.	2155