

As Passed by the House

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 172

Representatives Baldrige, O'Brien

**Cosponsors: Representatives Seitz, Riedel, Click, Kick, Lipps, Miller, J., Cutrona,
Bird, Carruthers, Lepore-Hagan, Loychik, McClain, Miller, A., Roemer, Stewart,
Speaker Cupp**

A BILL

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

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

Section 1. That sections 3743.01, 3743.04, 3743.08, 9
3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 3743.57, 3743.59, 10
3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 3743.99, and 11
5703.21 be amended and sections 3743.021, 3743.041, 3743.151, 12
3743.171, 3743.22, 3743.26, 3743.27, 3743.28, 3743.29, 3743.451, 13
3743.46, 3743.47, and 3743.67 of the Revised Code be enacted to 14
read as follows: 15

Sec. 3743.01. As used in this chapter: 16

- (A) "Beer" and "intoxicating liquor" have the same meanings as in section 4301.01 of the Revised Code. 17
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- (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. 19
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- (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. 23
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- (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. 26
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- (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. 30
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- (E) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 34
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- (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. 36
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- (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. 40
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- (H) "Fountain device" means a specific type of 1.4G 44

firework, a ground-based or hand-held sparkler with one or more 45
tubes containing a nonexplosive pyrotechnic mixture that 46
produces a shower of sparks upon ignition and that contains not 47
more than seventy-five grams of this mixture in any individual 48
tube and not more than five hundred grams of this mixture in 49
total. 50

(I) "Highway" means any public street, road, alley, way,
lane, or other public thoroughfare. 51
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~~(I)~~ (J) "Licensed exhibitor of fireworks" or "licensed
exhibitor" means a person licensed pursuant to sections 3743.50
to 3743.55 of the Revised Code. 53
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~~(J)~~ (K) "Licensed fountain device retailer" or "licensed
retailer" means a person licensed pursuant to section 3743.26 of
the Revised Code. 56
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(L) "Licensed manufacturer of fireworks" or "licensed
manufacturer" means a person licensed pursuant to sections
3743.02 to 3743.08 of the Revised Code. 59
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~~(K)~~ (M) "Licensed wholesaler of fireworks" or "licensed
wholesaler" means a person licensed pursuant to sections 3743.15
to 3743.21 of the Revised Code. 62
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~~(L)~~ (N) "List of licensed exhibitors" means the list
required by division (C) of section 3743.51 of the Revised Code. 65
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~~(M)~~ (O) "List of licensed manufacturers" means the list
required by division (C) of section 3743.03 of the Revised Code. 67
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~~(N)~~ (P) "List of licensed wholesalers" means the list
required by division (C) of section 3743.16 of the Revised Code. 69
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~~(O)~~ (Q) "Manufacturing of fireworks" means the making of
fireworks from raw materials, none of which in and of themselves 71
72

constitute a fireworks, or the processing of fireworks. 73

~~(P)~~(R) "Navigable waters" means any body of water 74
susceptible of being used in its ordinary condition as a highway 75
of commerce over which trade and travel is or may be conducted 76
in the customary modes, but does not include a body of water 77
that is not capable of navigation by barges, tugboats, and other 78
large vessels. 79

~~(Q)~~(S) "Novelties and trick noisemakers" include the 80
following items: 81

(1) Devices that produce a small report intended to 82
surprise the user, including, but not limited to, booby traps, 83
cigarette loads, party poppers, and snappers; 84

(2) Snakes or glow worms; 85

(3) Smoke devices; 86

(4) Trick matches. 87

~~(R)~~(T) "Party popper" means a small plastic or paper item 88
that contains not more than sixteen milligrams of friction- 89
sensitive explosive composition, that is ignited by pulling a 90
string protruding from the item, and from which paper streamers 91
are expelled when the item is ignited. 92

~~(S)~~(U) "Processing of fireworks" means the making of 93
fireworks from materials all or part of which in and of 94
themselves constitute a fireworks, but does not include the mere 95
packaging or repackaging of fireworks. 96

~~(T)~~(V) "Railroad" means any railway or railroad that 97
carries freight or passengers for hire, but does not include 98
auxiliary tracks, spurs, and sidings installed and primarily 99
used in serving a mine, quarry, or plant. 100

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

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

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

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

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

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

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

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

~~(CC)~~ (EE) "Licensed building" means a building on the

licensed premises of a licensed manufacturer or wholesaler of 129
fireworks that is approved for occupancy by the building 130
official having jurisdiction. 131

~~(DD)~~ (FF) "Fireworks incident" means any action or 132
omission that occurs at a fireworks exhibition, that results in 133
injury or death, or a substantial risk of injury or death, to 134
any person, and that involves either of the following: 135

(1) The handling or other use, or the results of the 136
handling or other use, of fireworks or associated equipment or 137
other materials; 138

(2) The failure of any person to comply with any 139
applicable requirement imposed by this chapter or any applicable 140
rule adopted under this chapter. 141

~~(EE)~~ (GG) "Discharge site" means an area immediately 142
surrounding the mortars used to fire aerial shells. 143

~~(FF)~~ (HH) "Fireworks incident site" means a discharge site 144
or other location at a fireworks exhibition where a fireworks 145
incident occurs, a location where an injury or death associated 146
with a fireworks incident occurs, or a location where evidence 147
of a fireworks incident or an injury or death associated with a 148
fireworks incident is found. 149

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

with this chapter. 158

Sec. 3743.021. Notwithstanding the deadline in division 159
(A) of section 3743.02 of the Revised Code, any person who 160
wishes to be a licensed manufacturer of fireworks in this state 161
at the end of the period described in division (A)(1) of section 162
3743.75 of the Revised Code, and who does not already hold a 163
license as a manufacturer of fireworks that will run through 164
that date, may submit an application for licensure, pursuant to 165
section 3743.02 of the Revised Code, not less than two months 166
before the expiration of the period described in division (A)(1) 167
of section 3743.75 of the Revised Code. 168

Sec. 3743.04. (A) The license of a manufacturer of 169
fireworks is effective for one year beginning on the first day 170
of December, and the state fire marshal shall issue or renew a 171
license only on that date and at no other time. If a 172
manufacturer of fireworks wishes to continue manufacturing 173
fireworks at the designated fireworks plant after its then 174
effective license expires, it shall apply no later than the 175
first day of October for a new license pursuant to section 176
3743.02 of the Revised Code. The state fire marshal shall send a 177
written notice of the expiration of its license to a licensed 178
manufacturer at least three months before the expiration date. 179

(B) If, during the effective period of its licensure, a 180
licensed manufacturer of fireworks wishes to construct, locate, 181
or relocate any buildings or other structures on the premises of 182
its fireworks plant, to make any structural change or renovation 183
in any building or other structure on the premises of its 184
fireworks plant, to change the nature of its manufacturing of 185
fireworks so as to include the processing of fireworks, or to 186
relocate its fireworks plant to a new licensed premises, the 187

manufacturer shall notify the state fire marshal in writing. The 188
state fire marshal may require a licensed manufacturer also to 189
submit documentation, including, but not limited to, plans 190
covering the proposed construction, location, relocation, 191
structural change or renovation, change in manufacturing of 192
fireworks, or new licensed premises, if the state fire marshal 193
determines the documentation is necessary for evaluation 194
purposes in light of the proposed construction, location, 195
relocation, structural change or renovation, change in 196
manufacturing of fireworks, or new licensed premises. 197

Upon receipt of the notification and additional 198
documentation required by the state fire marshal, the state fire 199
marshal shall inspect the existing premises of the fireworks 200
plant, or proposed new licensed premises, to determine if the 201
proposed construction, location, relocation, structural change 202
or renovation, change in manufacturing of fireworks, or new 203
licensed premises conform to sections 3743.02 to 3743.08 of the 204
Revised Code and the rules adopted by the state fire marshal 205
pursuant to section 3743.05 of the Revised Code. The state fire 206
marshal shall issue a written authorization to the manufacturer 207
for the construction, location, relocation, structural change or 208
renovation, change in manufacturing of fireworks, or new 209
licensed premises, if the state fire marshal determines, upon 210
the inspection and a review of submitted documentation, that the 211
construction, location, relocation, structural change or 212
renovation, change in manufacturing of fireworks, or new 213
licensed premises conform to those sections and rules. Upon 214
authorizing a change in manufacturing of fireworks to include 215
the processing of fireworks, the state fire marshal shall make 216
notations on the manufacturer's license and in the list of 217
licensed manufacturers in accordance with section 3743.03 of the 218

Revised Code.	219
On or before June 1, 1998, a licensed manufacturer shall	220
install, in every licensed building in which fireworks are	221
manufactured, stored, or displayed and to which the public has	222
access, interlinked fire detection, smoke exhaust, and smoke	223
evacuation systems that are approved by the superintendent of	224
industrial compliance, and shall comply with floor plans showing	225
occupancy load limits and internal circulation and egress	226
patterns that are approved by the state fire marshal and	227
superintendent, and that are submitted under seal as required by	228
section 3791.04 of the Revised Code. Notwithstanding section	229
3743.59 of the Revised Code, the construction and safety	230
requirements established in this division are not subject to any	231
variance, waiver, or exclusion.	232
(C) The license of a manufacturer of fireworks authorizes	233
the manufacturer to engage only in the following activities:	234
(1) The manufacturing of fireworks on the premises of the	235
fireworks plant as described in the application for licensure or	236
in the notification submitted under division (B) of this	237
section, except that a licensed manufacturer shall not engage in	238
the processing of fireworks unless authorized to do so by its	239
license.	240
(2) To possess for sale at wholesale and sell at wholesale	241
the fireworks manufactured by the manufacturer, to persons who	242
are licensed wholesalers of fireworks, to out of state residents	243
persons in accordance with section sections 3743.44 of the	244
Revised Code, to residents of this state in accordance with	245
section 3743.45 to 3743.46 of the Revised Code, or to persons	246
located in another state provided the fireworks are shipped	247
directly out of this state to them by the manufacturer. A person	248

who is licensed as a manufacturer of fireworks on June 14, 1988, 249
also may possess for sale and sell pursuant to division (C) (2) 250
of this section fireworks other than those the person 251
manufactures. The possession for sale shall be on the premises 252
of the fireworks plant described in the application for 253
licensure or in the notification submitted under division (B) of 254
this section, and the sale shall be from the inside of a 255
licensed building and from no other structure or device outside 256
a licensed building. At no time shall a licensed manufacturer 257
sell any class of fireworks outside a licensed building. 258

(3) Possess for sale at retail and sell at retail the 259
fireworks manufactured by the manufacturer, other than 1.4G 260
fireworks as designated by the state fire marshal in rules 261
adopted pursuant to division (A) of section 3743.05 of the 262
Revised Code, to licensed exhibitors in accordance with sections 263
3743.50 to 3743.55 of the Revised Code, and possess for sale at 264
retail and sell at retail the fireworks manufactured by the 265
manufacturer, including 1.4G fireworks, to ~~out of state~~ 266
~~residents persons~~ in accordance with ~~section sections~~ 3743.44 of 267
~~the Revised Code, to residents of this state in accordance with~~ 268
~~section 3743.45 to 3743.46~~ of the Revised Code, or to persons 269
located in another state provided the fireworks are shipped 270
directly out of this state to them by the manufacturer. A person 271
who is licensed as a manufacturer of fireworks on June 14, 1988, 272
may also possess for sale and sell pursuant to division (C) (3) 273
of this section fireworks other than those the person 274
manufactures. The possession for sale shall be on the premises 275
of the fireworks plant described in the application for 276
licensure or in the notification submitted under division (B) of 277
this section, and the sale shall be from the inside of a 278
licensed building and from no other structure or device outside 279

a licensed building. At no time shall a licensed manufacturer 280
sell any class of fireworks outside a licensed building. 281

A licensed manufacturer of fireworks shall sell under 282
division (C) of this section only fireworks that meet the 283
standards set by the consumer product safety commission or by 284
the American fireworks standard laboratories or that have 285
received an EX number from the United States department of 286
transportation. 287

(D) The license of a manufacturer of fireworks shall be 288
protected under glass and posted in a conspicuous place on the 289
premises of the fireworks plant. Except as otherwise provided in 290
this division, the license is not transferable or assignable. 291

(1) The ownership of a manufacturer of fireworks license 292
may be transferred to another person for the same fireworks 293
plant for which the license was issued, or approved pursuant to 294
division (B) of this section, if the assets of the plant are 295
transferred to that person by inheritance or by a sale approved 296
by the state fire marshal. 297

(2) The license of a manufacturer of fireworks may be 298
geographically relocated in accordance with division (D) of 299
section 3743.75 of the Revised Code. 300

(3) The license is subject to revocation in accordance 301
with section 3743.08 of the Revised Code. 302

(E) The state fire marshal shall not place the license of 303
a manufacturer of fireworks in a temporarily inactive status 304
while the holder of the license is attempting to qualify to 305
retain the license. 306

(F) Each licensed manufacturer of fireworks that possesses 307
fireworks for sale and sells fireworks under division (C) of 308

section 3743.04 of the Revised Code, or a designee of the 309
manufacturer, whose identity is provided to the state fire 310
marshal by the manufacturer, annually shall attend a continuing 311
education program. The state fire marshal shall develop the 312
program and the state fire marshal or a person or public agency 313
approved by the state fire marshal shall conduct it. A licensed 314
manufacturer or the manufacturer's designee who attends a 315
program as required under this division, within one year after 316
attending the program, shall conduct in-service training as 317
approved by the state fire marshal for other employees of the 318
licensed manufacturer regarding the information obtained in the 319
program. A licensed manufacturer shall provide the state fire 320
marshal with notice of the date, time, and place of all in- 321
service training. For any program conducted under this division, 322
the state fire marshal shall, in accordance with rules adopted 323
by the state fire marshal under Chapter 119. of the Revised 324
Code, establish the subjects to be taught, the length of 325
classes, the standards for approval, and time periods for 326
notification by the licensee to the state fire marshal of any 327
in-service training. 328

(G) A licensed manufacturer shall maintain comprehensive 329
general liability insurance coverage in the amount and type 330
specified under division (B) (2) of section 3743.02 of the 331
Revised Code at all times. Each policy of insurance required 332
under this division shall contain a provision requiring the 333
insurer to give not less than fifteen days' prior written notice 334
to the state fire marshal before termination, lapse, or 335
cancellation of the policy, or any change in the policy that 336
reduces the coverage below the minimum required under this 337
division. Prior to canceling or reducing the amount of coverage 338
of any comprehensive general liability insurance coverage 339

required under this division, a licensed manufacturer shall 340
secure supplemental insurance in an amount and type that 341
satisfies the requirements of this division so that no lapse in 342
coverage occurs at any time. A licensed manufacturer who secures 343
supplemental insurance shall file evidence of the supplemental 344
insurance with the state fire marshal prior to canceling or 345
reducing the amount of coverage of any comprehensive general 346
liability insurance coverage required under this division. 347

(H) The state fire marshal shall adopt rules for the 348
expansion or contraction of a licensed premises and for approval 349
of such expansions or contractions. The boundaries of a licensed 350
premises, including any geographic expansion or contraction of 351
those boundaries, shall be approved by the state fire marshal in 352
accordance with rules the state fire marshal adopts. If the 353
licensed premises consists of more than one parcel of real 354
estate, those parcels shall be contiguous unless an exception is 355
allowed pursuant to division (I) of this section. 356

(I) (1) A licensed manufacturer may expand its licensed 357
premises within this state to include not more than two storage 358
locations that are located upon one or more real estate parcels 359
that are noncontiguous to the licensed premises as that licensed 360
premises exists on the date a licensee submits an application as 361
described below, if all of the following apply: 362

(a) The licensee submits an application to the state fire 363
marshal and an application fee of one hundred dollars per 364
storage location for which the licensee is requesting approval. 365

(b) The identity of the holder of the license remains the 366
same at the storage location. 367

(c) The storage location has received a valid certificate 368

of zoning compliance as applicable and a valid certificate of 369
occupancy for each building or structure at the storage location 370
issued by the authority having jurisdiction to issue the 371
certificate for the storage location, and those certificates 372
permit the distribution and storage of fireworks regulated under 373
this chapter at the storage location and in the buildings or 374
structures. The storage location shall be in compliance with all 375
other applicable federal, state, and local laws and regulations. 376

(d) Every building or structure located upon the storage 377
location is separated from occupied residential and 378
nonresidential buildings or structures, railroads, highways, or 379
any other buildings or structures on the licensed premises in 380
accordance with the distances specified in the rules adopted by 381
the state fire marshal pursuant to section 3743.05 of the 382
Revised Code. 383

(e) Neither the licensee nor any person holding, owning, 384
or controlling a five per cent or greater beneficial or equity 385
interest in the licensee has been convicted of or pleaded guilty 386
to a felony under the laws of this state, any other state, or 387
the United States, after September 29, 2005. 388

(f) The state fire marshal approves the application for 389
expansion. 390

(2) The state fire marshal shall approve an application 391
for expansion requested under division (I)(1) of this section if 392
the state fire marshal receives the application fee and proof 393
that the requirements of divisions (I)(1)(b) to (e) of this 394
section are satisfied. The storage location shall be considered 395
part of the original licensed premises and shall use the same 396
distinct number assigned to the original licensed premises with 397
any additional designations as the state fire marshal deems 398

necessary in accordance with section 3743.03 of the Revised Code. 399
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(J) (1) A licensee who obtains approval for the use of a storage location in accordance with division (I) of this section shall use the storage location exclusively for the following activities, in accordance with division (C) of this section: 401
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(a) The packaging, assembling, or storing of fireworks, which shall only occur in buildings or structures approved for such hazardous uses by the building code official having jurisdiction for the storage location or, for 1.4G fireworks, in containers or trailers approved for such hazardous uses by the state fire marshal if such containers or trailers are not subject to regulation by the building code adopted in accordance with Chapter 3781. of the Revised Code. All such storage shall be in accordance with the rules adopted by the state fire marshal under division (G) of section 3743.05 of the Revised Code for the packaging, assembling, and storage of fireworks. 405
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(b) Distributing fireworks to other parcels of real estate located on the manufacturer's licensed premises, to licensed wholesalers or other licensed manufacturers in this state or to similarly licensed persons located in another state or country; 416
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(c) Distributing fireworks to a licensed exhibitor of fireworks pursuant to a properly issued permit in accordance with section 3743.54 of the Revised Code. 420
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(2) A licensed manufacturer shall not engage in any sales activity, including the retail sale of fireworks otherwise permitted under division (C) (2) or (C) (3) of this section, or pursuant to section 3743.44 or 3743.45 of the Revised Code, at the storage location approved under this section. 423
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(3) A storage location may not be relocated for a minimum 428
period of five years after the storage location is approved by 429
the state fire marshal in accordance with division (I) of this 430
section. 431

(K) The licensee shall prohibit public access to the 432
storage location. The state fire marshal shall adopt rules to 433
describe the acceptable measures a manufacturer shall use to 434
prohibit access to the storage site. 435

Sec. 3743.041. Notwithstanding the requirements, contained 436
in division (A) of section 3743.04 of the Revised Code, that the 437
state fire marshal only issue the license of a manufacturer of 438
fireworks on the first day of December and that the license is 439
effective for one year: 440

(A) An applicant who applies for licensure pursuant to 441
section 3743.021 of the Revised Code, and who meets the 442
requirements for licensure contained in section 3743.03 of the 443
Revised Code, shall be issued the license of a manufacturer of 444
fireworks at the end of the period described in division (A)(1) 445
of section 3743.75 of the Revised Code. 446

(B) A license issued pursuant to division (A) of this 447
section shall be effective as follows: 448

(1) If the end of the period described in division (A)(1) 449
of section 3743.75 of the Revised Code is in January, February, 450
March, April, or May, a license issued pursuant to division (A) 451
of this section shall be effective through the end of November 452
in the same calendar year. 453

(2) If the end of the period described in division (A)(1) 454
of section 3743.75 of the Revised Code is in June, July, August, 455
September, October, November, or December, a license issued 456

pursuant to division (A) of this section shall be effective 457
through the end of November in the subsequent calendar year. 458

Sec. 3743.08. (A) The state fire marshal may inspect the 459
premises of a fireworks plant, and the inventory, wholesale 460
sale, and retail sale records, of a licensed manufacturer of 461
fireworks during the manufacturer's period of licensure to 462
determine whether the manufacturer is in compliance with Chapter 463
3743. of the Revised Code and the rules adopted by the state 464
fire marshal pursuant to section 3743.05 or 3743.22 of the 465
Revised Code. 466

(B) If the state fire marshal determines during an 467
inspection conducted pursuant to division (A) of this section 468
that a manufacturer is not in compliance with Chapter 3743. of 469
the Revised Code or the rules adopted by the state fire marshal 470
pursuant to section 3743.05 or 3743.22 of the Revised Code, the 471
state fire marshal may take one or more of the following 472
actions, whichever the state fire marshal considers appropriate 473
under the circumstances: 474

(1) Order, in writing, the manufacturer to eliminate, 475
correct, or otherwise remedy the nonconformities within a 476
specified period of time; 477

(2) Order, in writing, the manufacturer to immediately 478
cease its operations, if a fire or explosion hazard exists that 479
reasonably can be regarded as posing an imminent danger of death 480
or serious physical harm to persons. The order shall be 481
effective until the nonconformities are eliminated, corrected, 482
or otherwise remedied or for a period of seventy-two hours from 483
the time of issuance, whichever first occurs. During the 484
seventy-two hour period, the state fire marshal may obtain from 485
the court of common pleas of Franklin county or of the county in 486

which the fireworks plant is located an injunction restraining 487
the manufacturer from continuing its operations after the 488
seventy-two hour period expires until the nonconformities are 489
eliminated, corrected, or otherwise remedied. 490

(3) Revoke or deny renewal of the license of the 491
manufacturer in accordance with Chapter 119. of the Revised 492
Code; 493

(4) Take action as authorized by section 3743.68 of the 494
Revised Code. 495

(C) This section does not affect the authority conferred 496
by Chapters 3781. and 3791. of the Revised Code to conduct 497
inspections to determine conformity with those chapters or the 498
rules adopted pursuant to them. 499

(D) If the license of a manufacturer of fireworks is 500
revoked or renewal is denied pursuant to division (B) (3) of this 501
section or section 3743.70 of the Revised Code, the manufacturer 502
shall cease its operations immediately. The manufacturer may not 503
reapply for licensure as a manufacturer of fireworks until two 504
years expire from the date of revocation. 505

The state fire marshal shall remove from the list of 506
licensed manufacturers the name of a manufacturer whose license 507
has been revoked, and shall notify the law enforcement 508
authorities for the political subdivision in which the 509
manufacturer's fireworks plant is located, of the revocation or 510
denial of renewal. 511

Sec. 3743.151. Notwithstanding the deadline in division 512
(A) of section 3743.15 of the Revised Code, any person who 513
wishes to be a licensed wholesaler of fireworks in this state 514
beginning at the end of the period described in division (A) (1) 515

of section 3743.75 of the Revised Code, and who does not already 516
hold a license as a wholesaler of fireworks that will run 517
through that date, may submit an application for licensure, 518
pursuant to section 3743.15 of the Revised Code, not less than 519
two months before the expiration of the period described in 520
division (A) (1) of section 3743.75 of the Revised Code. 521

Sec. 3743.17. (A) The license of a wholesaler of fireworks 522
is effective for one year beginning on the first day of 523
December, and the state fire marshal shall issue or renew a 524
license only on that date and at no other time. If a wholesaler 525
of fireworks wishes to continue engaging in the wholesale sale 526
of fireworks at the particular location after its then effective 527
license expires, it shall apply not later than the first day of 528
October for a new license pursuant to section 3743.15 of the 529
Revised Code. The state fire marshal shall send a written notice 530
of the expiration of its license to a licensed wholesaler at 531
least three months before the expiration date. 532

(B) If, during the effective period of its licensure, a 533
licensed wholesaler of fireworks wishes to perform any 534
construction, or make any structural change or renovation, on 535
the premises on which the fireworks are sold, or to relocate its 536
sales operations to a new licensed premises, the wholesaler 537
shall notify the state fire marshal in writing. The state fire 538
marshal may require a licensed wholesaler also to submit 539
documentation, including, but not limited to, plans covering the 540
proposed construction or structural change or renovation, or 541
proposed new licensed premises, if the state fire marshal 542
determines the documentation is necessary for evaluation 543
purposes in light of the proposed construction, structural 544
change or renovation, or relocation. 545

Upon receipt of the notification and additional 546
documentation required by the state fire marshal, the state fire 547
marshal shall inspect the premises on which the fireworks are 548
sold, or the proposed new licensed premises, to determine if the 549
proposed construction, structural change or renovation, or 550
relocation conforms to sections 3743.15 to 3743.21 of the 551
Revised Code, divisions (C) (1) and (2) of section 3743.25 of the 552
Revised Code, and the rules adopted by the state fire marshal 553
pursuant to section 3743.18 of the Revised Code. The state fire 554
marshal shall issue a written authorization to the wholesaler 555
for the construction, structural change or renovation, or new 556
licensed premises if the state fire marshal determines, upon the 557
inspection and a review of submitted documentation, that the 558
construction, structural change or renovation, or new licensed 559
premises conform to those sections and rules. 560

(C) The license of a wholesaler of fireworks authorizes 561
the wholesaler to engage only in the following activities: 562

(1) Possess for sale at wholesale and sell at wholesale 563
fireworks to persons who are licensed wholesalers of fireworks, 564
to ~~out of state residents persons~~ in accordance with ~~section~~ 565
~~sections 3743.44 of the Revised Code, to residents of this state~~ 566
~~in accordance with section 3743.45 to 3743.46~~ of the Revised 567
Code, or to persons located in another state provided the 568
fireworks are shipped directly out of this state to them by the 569
wholesaler. The possession for sale shall be at the location 570
described in the application for licensure or in the 571
notification submitted under division (B) of this section, and 572
the sale shall be from the inside of a licensed building and 573
from no structure or device outside a licensed building. At no 574
time shall a licensed wholesaler sell any class of fireworks 575
outside a licensed building. 576

(2) Possess for sale at retail and sell at retail 577
fireworks, other than 1.4G fireworks as designated by the state 578
fire marshal in rules adopted pursuant to division (A) of 579
section 3743.05 of the Revised Code, to licensed exhibitors in 580
accordance with sections 3743.50 to 3743.55 of the Revised Code, 581
and possess for sale at retail and sell at retail fireworks, 582
including 1.4G fireworks, to ~~out of state residents~~ persons in 583
accordance with ~~section~~ sections 3743.44 ~~of the Revised Code, to~~ 584
~~residents of this state in accordance with section 3743.45 to~~ 585
3743.46 of the Revised Code, or to persons located in another 586
state provided the fireworks are shipped directly out of this 587
state to them by the wholesaler. The possession for sale shall 588
be at the location described in the application for licensure or 589
in the notification submitted under division (B) of this 590
section, and the sale shall be from the inside of the licensed 591
building and from no other structure or device outside this 592
licensed building. At no time shall a licensed wholesaler sell 593
any class of fireworks outside a licensed building. 594

A licensed wholesaler of fireworks shall sell under 595
division (C) of this section only fireworks that meet the 596
standards set by the consumer product safety commission or by 597
the American fireworks standard laboratories or that have 598
received an EX number from the United States department of 599
transportation. 600

(D) The license of a wholesaler of fireworks shall be 601
protected under glass and posted in a conspicuous place at the 602
location described in the application for licensure or in the 603
notification submitted under division (B) of this section. 604
Except as otherwise provided in this section, the license is not 605
transferable or assignable. 606

(1) The ownership of a wholesaler of fireworks license may 607
be transferred to another person for the same location for which 608
the license was issued, or approved pursuant to division (B) of 609
this section, if the assets of the wholesaler are transferred to 610
that person by inheritance or by a sale approved by the state 611
fire marshal. 612

(2) The license of a wholesaler of fireworks may be 613
geographically relocated in accordance with division (D) of 614
section 3743.75 of the Revised Code. 615

(3) The license is subject to revocation in accordance 616
with section 3743.21 of the Revised Code. 617

(E) The state fire marshal shall adopt rules for the 618
expansion or contraction of a licensed premises and for the 619
approval of an expansion or contraction. The boundaries of a 620
licensed premises, including any geographic expansion or 621
contraction of those boundaries, shall be approved by the state 622
fire marshal in accordance with rules the state fire marshal 623
adopts. If the licensed premises of a licensed wholesaler from 624
which the wholesaler operates consists of more than one parcel 625
of real estate, those parcels must be contiguous, unless an 626
exception is allowed pursuant to division (F) of this section. 627

(F) (1) A licensed wholesaler may expand its licensed 628
premises within this state to include not more than two storage 629
locations that are located upon one or more real estate parcels 630
that are noncontiguous to the licensed premises as that licensed 631
premises exists on the date a licensee submits an application as 632
described below, if all of the following apply: 633

(a) The licensee submits an application to the state fire 634
marshal requesting the expansion and an application fee of one 635

hundred dollars per storage location for which the licensee is 636
requesting approval. 637

(b) The identity of the holder of the license remains the 638
same at the storage location. 639

(c) The storage location has received a valid certificate 640
of zoning compliance, as applicable, and a valid certificate of 641
occupancy for each building or structure at the storage location 642
issued by the authority having jurisdiction to issue the 643
certificate for the storage location, and those certificates 644
permit the distribution and storage of fireworks regulated under 645
this chapter at the storage location and in the buildings or 646
structures. The storage location shall be in compliance with all 647
other applicable federal, state, and local laws and regulations. 648

(d) Every building or structure located upon the storage 649
location is separated from occupied residential and 650
nonresidential buildings or structures, railroads, highways, and 651
any other buildings or structures on the licensed premises in 652
accordance with the distances specified in the rules adopted by 653
the state fire marshal pursuant to section 3743.18 of the 654
Revised Code. 655

(e) Neither the licensee nor any person holding, owning, 656
or controlling a five per cent or greater beneficial or equity 657
interest in the licensee has been convicted of or pleaded guilty 658
to a felony under the laws of this state, any other state, or 659
the United States, after September 29, 2005. 660

(f) The state fire marshal approves the application for 661
expansion. 662

(2) The state fire marshal shall approve an application 663
for expansion requested under division (F)(1) of this section if 664

the state fire marshal receives the application fee and proof 665
that the requirements of divisions (F) (1) (b) to (e) of this 666
section are satisfied. The storage location shall be considered 667
part of the original licensed premises and shall use the same 668
distinct number assigned to the original licensed premises with 669
any additional designations as the state fire marshal deems 670
necessary in accordance with section 3743.16 of the Revised 671
Code. 672

(G) (1) A licensee who obtains approval for use of a 673
storage location in accordance with division (F) of this section 674
shall use the site exclusively for the following activities, in 675
accordance with division (C) (1) of this section: 676

(a) Packaging, assembling, or storing fireworks, which 677
shall occur only in buildings or structures approved for such 678
hazardous uses by the building code official having jurisdiction 679
for the storage location or, for 1.4G fireworks, in containers 680
or trailers approved for such hazardous uses by the state fire 681
marshal if such containers or trailers are not subject to 682
regulation by the building code adopted in accordance with 683
Chapter 3781. of the Revised Code. All such storage shall be in 684
accordance with the rules adopted by the state fire marshal 685
under division (B) (4) of section 3743.18 of the Revised Code for 686
the packaging, assembling, and storage of fireworks. 687

(b) Distributing fireworks to other parcels of real estate 688
located on the wholesaler's licensed premises, to licensed 689
manufacturers or other licensed wholesalers in this state or to 690
similarly licensed persons located in another state or country; 691

(c) Distributing fireworks to a licensed exhibitor of 692
fireworks pursuant to a properly issued permit in accordance 693
with section 3743.54 of the Revised Code. 694

(2) A licensed wholesaler shall not engage in any sales 695
activity, including the retail sale of fireworks otherwise 696
permitted under division (C) (2) of this section or pursuant to 697
section 3743.44 or 3743.45 of the Revised Code, at a storage 698
location approved under this section. 699

(3) A storage location may not be relocated for a minimum 700
period of five years after the storage location is approved by 701
the state fire marshal in accordance with division (F) of this 702
section. 703

(H) A licensee shall prohibit public access to all storage 704
locations it uses. The state fire marshal shall adopt rules 705
establishing acceptable measures a wholesaler shall use to 706
prohibit access to storage sites. 707

(I) The state fire marshal shall not place the license of 708
a wholesaler of fireworks in temporarily inactive status while 709
the holder of the license is attempting to qualify to retain the 710
license. 711

(J) Each licensed wholesaler of fireworks or a designee of 712
the wholesaler, whose identity is provided to the state fire 713
marshal by the wholesaler, annually shall attend a continuing 714
education program. The state fire marshal shall develop the 715
program and the state fire marshal or a person or public agency 716
approved by the state fire marshal shall conduct it. A licensed 717
wholesaler or the wholesaler's designee who attends a program as 718
required under this division, within one year after attending 719
the program, shall conduct in-service training as approved by 720
the state fire marshal for other employees of the licensed 721
wholesaler regarding the information obtained in the program. A 722
licensed wholesaler shall provide the state fire marshal with 723
notice of the date, time, and place of all in-service training. 724

For any program conducted under this division, the state fire marshal shall, in accordance with rules adopted by the state fire marshal under Chapter 119. of the Revised Code, establish the subjects to be taught, the length of classes, the standards for approval, and time periods for notification by the licensee to the state fire marshal of any in-service training.

(K) A licensed wholesaler shall maintain comprehensive general liability insurance coverage in the amount and type specified under division (B) (2) of section 3743.15 of the Revised Code at all times. Each policy of insurance required under this division shall contain a provision requiring the insurer to give not less than fifteen days' prior written notice to the state fire marshal before termination, lapse, or cancellation of the policy, or any change in the policy that reduces the coverage below the minimum required under this division. Prior to canceling or reducing the amount of coverage of any comprehensive general liability insurance coverage required under this division, a licensed wholesaler shall secure supplemental insurance in an amount and type that satisfies the requirements of this division so that no lapse in coverage occurs at any time. A licensed wholesaler who secures supplemental insurance shall file evidence of the supplemental insurance with the state fire marshal prior to canceling or reducing the amount of coverage of any comprehensive general liability insurance coverage required under this division.

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

(A) An applicant who applies pursuant to section 3743.151 755
of the Revised Code, and who meets the requirements for 756
licensure contained in section 3743.16 of the Revised Code, 757
shall be issued the license of a wholesaler of fireworks at the 758
end of the period described in division (A)(1) of section 759
3743.75 of the Revised Code. 760

(B) A license issued pursuant to division (A) of this 761
section shall be effective as follows: 762

(1) If the end of the period described in division (A)(1) 763
of section 3743.75 of the Revised Code is in January, February, 764
March, April, or May, a license issued pursuant to division (A) 765
of this section shall be effective through the end of November 766
in the same calendar year. 767

(2) If the end of the period described in division (A)(1) 768
of section 3743.75 of the Revised Code is in June, July, August, 769
September, October, November, or December, a license issued 770
pursuant to division (A) of this section shall be effective 771
through the end of November in the subsequent calendar year. 772

Sec. 3743.21. (A) The state fire marshal may inspect the 773
premises, and the inventory, wholesale sale, and retail sale 774
records, of a licensed wholesaler of fireworks during the 775
wholesaler's period of licensure to determine whether the 776
wholesaler is in compliance with Chapter 3743. of the Revised 777
Code and the rules adopted by the state fire marshal pursuant to 778
section 3743.18 or 3743.22 of the Revised Code. 779

(B) If the state fire marshal determines during an 780
inspection conducted pursuant to division (A) of this section 781
that a wholesaler is not in compliance with Chapter 3743. of the 782
Revised Code or the rules adopted by the state fire marshal 783

pursuant to section 3743.18 or 3743.22 of the Revised Code, the 784
state fire marshal may take one or more of the following 785
actions, whichever the state fire marshal considers appropriate 786
under the circumstances: 787

(1) Order, in writing, the wholesaler to eliminate, 788
correct, or otherwise remedy the nonconformities within a 789
specified period of time; 790

(2) Order, in writing, the wholesaler to immediately cease 791
its operations, if a fire or explosion hazard exists that 792
reasonably can be regarded as posing an imminent danger of death 793
or serious physical harm to persons. The order shall be 794
effective until the nonconformities are eliminated, corrected, 795
or otherwise remedied or for a period of seventy-two hours from 796
the time of issuance, whichever first occurs. During the 797
seventy-two hour period, the state fire marshal may obtain from 798
the court of common pleas of Franklin county or of the county in 799
which the premises of the wholesaler are located an injunction 800
restraining the wholesaler from continuing its operations after 801
the seventy-two hour period expires until the nonconformities 802
are eliminated, corrected, or otherwise remedied. 803

(3) Revoke, or deny renewal of, the license of the 804
wholesaler in accordance with Chapter 119. of the Revised Code; 805

(4) Take action as authorized by section 3743.68 of the 806
Revised Code. 807

(C) This section does not affect the authority conferred 808
by Chapters 3781. and 3791. of the Revised Code to conduct 809
inspections to determine conformity with those chapters or the 810
rules adopted pursuant to them. 811

(D) If the license of a wholesaler of fireworks is revoked 812

or renewal is denied pursuant to division (B) (3) of this section 813
or section 3743.70 of the Revised Code, the wholesaler shall 814
cease its operations immediately. The wholesaler may not reapply 815
for licensure as a wholesaler of fireworks until two years 816
expire from the date of revocation. 817

The state fire marshal shall remove from the list of 818
licensed wholesalers the name of a wholesaler whose license has 819
been revoked, and shall notify the law enforcement authorities 820
for the political subdivision in which the wholesaler's premises 821
are located, of the revocation or denial of renewal. 822

Sec. 3743.22. (A) As used in this section: 823

(1) "Fee period" means the period beginning on the first 824
day of October and ending on the thirtieth day of the following 825
September. 826

(2) "Gross receipts" excludes the amount of taxes a 827
licensed retailer, licensed manufacturer, or licensed wholesaler 828
collects from a consumer under Chapter 5739. of the Revised Code 829
on behalf of the state or a political subdivision. 830

(B) For the purpose of providing revenue to fund 831
firefighter training programs and the enforcement and regulation 832
of the fireworks industry, a fee is imposed on licensed 833
retailers, licensed manufacturers, and licensed wholesalers 834
selling 1.4G fireworks in this state. The fee shall equal four 835
per cent of the gross receipts of a licensed manufacturer or 836
licensed wholesaler from retail sales of 1.4G fireworks in this 837
state made one hundred or more days after the effective date of 838
this section. For the purpose of this section, a retail sale of 839
1.4G fireworks is made in this state only if the purchaser 840
intends to use the fireworks, and not resell them, and receives 841

the 1.4G fireworks at a location in this state. 842

The fee shall be reported, on a form prescribed by the 843
state fire marshal, and remitted to the state fire marshal on or 844
before the twenty-third day after the last day of each fee 845
period. The amount of the fee due shall be computed on the basis 846
of gross receipts from retail sales made in each fee period. A 847
licensed retailer, licensed manufacturer, or licensed wholesaler 848
whose license is issued, canceled or revoked, or not renewed 849
after expiration during a fee period shall report and remit the 850
fee based on sales of 1.4G fireworks made in that fee period as 851
required under this section. A licensed retailer, licensed 852
manufacturer, or licensed wholesaler may separately or 853
proportionately bill or invoice a fee imposed under this section 854
to another person. 855

(C) All money collected under this section shall be 856
credited to the fireworks fee receipts fund, which is hereby 857
created in the state treasury. Seven-eighths of the money in the 858
fund shall be used by the state fire marshal solely to fund 859
firefighter training programs. Remaining money in the fund shall 860
be used solely to pay expenses of the state fire marshal in 861
performing the duties prescribed by this chapter. 862

(D) If the state fire marshal determines that a licensed 863
retailer, licensed manufacturer, or licensed wholesaler fails to 864
timely report and remit the full amount of the fee as required 865
by this section, the state fire marshal may do either of the 866
following: 867

(1) Order, in writing, the retailer, wholesaler, or 868
manufacturer to report and remit to the state fire marshal, 869
within a specified period of time, any such underpayment; 870

(2) Revoke or deny renewal of the license of the retailer, manufacturer, or wholesaler, which shall subject a manufacturer or wholesaler to the consequences prescribed in division (D) of section 3743.08 of the Revised Code or division (D) of section 3743.21 of the Revised Code. 871
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(E) The state fire marshal may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to administer and enforce the fee imposed under this section. 876
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Sec. 3743.25. (A) (1) Except as described in division (A) 879
(2) of this section, all retail sales of 1.4G fireworks by a 880
licensed manufacturer or wholesaler shall only occur from an 881
approved retail sales showroom on a licensed premises or from a 882
representative sample showroom as described in this section on a 883
licensed premises. For the purposes of this section, a retail 884
sale includes the transfer of the possession of the 1.4G 885
fireworks from the licensed manufacturer or wholesaler to the 886
purchaser of the fireworks. 887

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 888
properly permitted exhibition shall occur in accordance with the 889
provisions of the Revised Code and rules adopted by the state 890
fire marshal under Chapter 119. of the Revised Code. Such rules 891
shall specify, at a minimum, that the licensed exhibitor holds a 892
license under section 3743.51 of the Revised Code, that the 893
exhibitor possesses a valid exhibition permit issued in 894
accordance with section 3743.54 of the Revised Code, and that 895
the fireworks shipped are to be used at the specifically 896
permitted exhibition. 897

(B) All wholesale sales of fireworks by a licensed 898
manufacturer or wholesaler shall only occur from a licensed 899
premises to persons who intend to resell the fireworks purchased 900

at wholesale. A wholesale sale by a licensed manufacturer or wholesaler may occur as follows:

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

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

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

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

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

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

A representative sample showroom shall consist of a structure constructed and maintained in accordance with the nonresidential building code adopted under Chapter 3781. of the Revised Code and the fire code adopted under section 3737.82 of the Revised Code for a use and occupancy group that permits mercantile sales. A representative sample showroom shall not contain any pyrotechnics, pyrotechnic materials, fireworks, explosives, explosive materials, or any similar hazardous materials or substances. A representative sample showroom shall be used only for the public viewing of fireworks product representations, including paper materials, packaging materials,

catalogs, photographs, or other similar product depictions. The 930
delivery of product to a purchaser of fireworks at a licensed 931
premises that has a representative sample structure shall not 932
occur inside any structure on a licensed premises. Such product 933
delivery shall occur on the licensed premises in a manner 934
prescribed by rules adopted by the state fire marshal pursuant 935
to Chapter 119. of the Revised Code. 936

If a manufacturer or wholesaler elects to conduct sales 937
from a retail sales showroom, the showroom structures, to which 938
the public may have any access and in which employees are 939
required to work, on all licensed premises, shall comply with 940
the following safety requirements: 941

(1) A fireworks showroom that is constructed or upon which 942
expansion is undertaken on and after June 30, 1997, shall be 943
equipped with interlinked fire detection, fire suppression, 944
smoke exhaust, and smoke evacuation systems that are approved by 945
the superintendent of industrial compliance in the department of 946
commerce. 947

(2) A fireworks showroom that first begins to operate on 948
or after June 30, 1997, and to which the public has access for 949
retail purposes shall not exceed ~~five~~ten thousand square feet 950
in floor area. 951

(3) A newly constructed or an existing fireworks showroom 952
structure that exists on September 23, 2008, but that, on or 953
after September 23, 2008, is altered or added to in a manner 954
requiring the submission of plans, drawings, specifications, or 955
data pursuant to section 3791.04 of the Revised Code, shall 956
comply with a graphic floor plan layout that is approved by the 957
state fire marshal and superintendent showing width of aisles, 958
parallel arrangement of aisles to exits, number of exits per 959

wall, maximum occupancy load, evacuation plan for occupants, 960
height of storage or display of merchandise, and other 961
information as may be required by the state fire marshal and 962
superintendent. 963

(4) A fireworks showroom structure that exists on June 30, 964
1997, shall be in compliance on or after June 30, 1997, with 965
floor plans showing occupancy load limits and internal 966
circulation and egress patterns that are approved by the state 967
fire marshal and superintendent, and that are submitted under 968
seal as required by section 3791.04 of the Revised Code. 969

(D) The safety requirements established in division (C) of 970
this section are not subject to any variance, waiver, or 971
exclusion pursuant to this chapter or any applicable building 972
code. 973

Sec. 3743.26. (A) (1) Except as provided in divisions (C) 974
and (D) of this section, in a given year, any person who wishes 975
to be a licensed fountain device retailer in this state shall 976
submit an application for licensure to the state fire marshal 977
before the first day of October. The application shall be on a 978
form prescribed by the state fire marshal. 979

The state fire marshal shall prescribe a form for 980
applications to become a licensed retailer and make a copy of 981
the form available, upon request, to persons who seek a license. 982

(2) An applicant for licensure as a fountain device 983
retailer shall submit all of the following with the application: 984

(a) A license fee in an amount set by the state fire 985
marshal, not to exceed twenty-five dollars; 986

(b) An affidavit affirming that the applicant is in 987
compliance with the national fire protection association 988

standard "NFPA 1124, Code for the Manufacture, Transportation, 989
Storage, and Retail Sales of Fireworks and Pyrotechnic Articles 990
(2006 Edition)," or will be in compliance before engaging in the 991
storage or retail sale of fountain devices; 992

(c) Proof of insurance in an amount and of a type 993
specified by the state fire marshal in rules adopted pursuant to 994
section 3743.28 of the Revised Code. 995

(3) A separate application for licensure as a fountain 996
device retailer shall be submitted for each location at which a 997
person wishes to engage in the retail sale of fountain devices. 998

(B) (1) If a person submits a timely application to become 999
a licensed fountain device retailer, together with the materials 1000
required by division (A) (2) of this section, the state fire 1001
marshal shall review the application and accompanying materials 1002
and determine if they comply with this section. If the state 1003
fire marshal concludes that the application and accompanying 1004
matter comply with this section, the state fire marshal shall, 1005
on the first day of December and, except as provided in 1006
divisions (C) and (D) of this section, at no other time, issue 1007
the applicant a license to sell fountain devices at retail. 1008

(2) Except as provided in divisions (C) and (D) of this 1009
section, a licensed retailer's license is effective for one year 1010
beginning on the first day of December. If a licensed retailer 1011
wishes to continue engaging in the retail sale of fountain 1012
devices at the particular location after the then effective 1013
license expires, the licensee shall apply before the first day 1014
of October for a new license pursuant to this section. The state 1015
fire marshal shall send a written notice of the expiration of a 1016
license to a licensed retailer not later than the first day of 1017
September. 1018

(C) (1) Any person who wishes to be a licensed retailer of fountain devices in this state who was not yet open for business, at the location the person seeks to be licensed, before the first day of the preceding October may submit an application pursuant to divisions (A) (2) and (3) of this section at any time after the person opens for business but before the first day of the following October. 1019
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(2) If the state fire marshal determines that an application submitted pursuant to division (C) (1) of this section meets the requirements of this section, the state fire marshal shall issue the applicant a license as follows: 1026
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(a) If the application was submitted between the first day of October and the last day of November, not earlier than the first day of December but not later than two months after receiving the application; 1030
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(b) If division (D) (2) (a) of this section does not apply, not later than two months after receiving the application. 1034
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(3) A license issued pursuant to division (C) (2) of this section is effective through the last day of the following November. 1036
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(D) (1) Any person who wishes to be a licensed retailer of fountain devices in this state beginning two hundred sixty days after the effective date of this section, shall submit an application pursuant to divisions (A) (2) and (3) of this section not later than one hundred ninety days after the effective date of this section. 1039
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(2) The state fire marshal shall issue a license two hundred sixty days after the effective date of this section, to any person who submits an application pursuant to division (D) 1045
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(1) of this section if the state fire marshal determines that 1048
the application meets the requirements of this section. A 1049
license issued pursuant to this division is effective as 1050
follows: 1051

(a) If the two hundred sixtieth day after the effective 1052
date of this section is in January, February, March, April, or 1053
May, a license issued pursuant to division (D) (2) of this 1054
section shall be effective through the end of November in the 1055
same calendar year. 1056

(b) If the two hundred sixtieth day after the effective 1057
date of this section is in June, July, August, September, 1058
October, November, or December, a license issued pursuant to 1059
division (D) (2) of this section shall be effective through the 1060
end of November in the subsequent calendar year. 1061

Sec. 3743.27. (A) A licensed fountain device retailer is 1062
authorized to possess fountain devices and sell fountain devices 1063
at retail pursuant to this section: 1064

(1) A licensed retailer's possession and storage of 1065
fountain devices shall comply with the national fire protection 1066
association standard "NFPA 1124, Code for the Manufacture, 1067
Transportation, Storage, and Retail Sales of Fireworks and 1068
Pyrotechnic Articles (2006 Edition)." 1069

(2) A licensed retailer's possession, storage, and sale of 1070
fountain devices shall comply with the state fire marshal's 1071
rules adopted pursuant to section 3743.28 of the Revised Code. 1072

(3) No licensed retailer shall sell fountain devices to a 1073
person who is under eighteen years of age. 1074

(4) A licensed fountain device retailer shall comply with 1075
divisions (A) and (B) of section 3743.47 of the Revised Code. 1076

(5) A licensed fountain device retailer shall possess and 1077
sell fountain devices only at the location described in the 1078
application for licensure and the sale shall be from the inside 1079
of a licensed building and from no structure or device outside a 1080
licensed building. At no time shall a licensed retailer sell 1081
fountain devices outside of a licensed building. 1082

(B) No licensed fountain device retailer shall negligently 1083
fail to furnish a safety pamphlet to a purchaser of 1.4G 1084
fireworks as required by division (A) of section 3743.47 of the 1085
Revised Code. 1086

(C) No licensed fountain device retailer shall negligently 1087
fail to have safety glasses available for sale as required by 1088
division (B) of section 3743.47 of the Revised Code. 1089

Sec. 3743.28. (A) The state fire marshal shall adopt rules 1090
pursuant to Chapter 119. of the Revised Code governing the 1091
storage of fireworks by and the business operations of licensed 1092
fountain device retailers. The rules shall be designed to 1093
promote the safety and security of employees of retailers, 1094
members of the public, and the premises upon which fireworks are 1095
sold. 1096

The state fire marshal shall file the rules required by 1097
this division with the joint committee on agency rule review 1098
pursuant to division (C) of section 119.03 of the Revised Code 1099
not later than one hundred eighty days after the effective date 1100
of this section. 1101

(B) The rules shall be consistent with sections 3743.26 to 1102
3743.29 of the Revised Code and the national fire protection 1103
association standard "NFPA 1124, Code for the Manufacture, 1104
Transportation, Storage, and Retail Sales of Fireworks and 1105

Pyrotechnic Articles (2006 Edition)" and shall apply to, but not 1106
be limited to, the following subject matters: 1107

(1) Cleanliness and orderliness in, the heating, lighting, 1108
and use of stoves and flame-producing items in, smoking in, the 1109
prevention of fire and explosion in, the availability of fire 1110
extinguishers or other fire-fighting equipment and their use in, 1111
and emergency procedures relative to the buildings and other 1112
structures on a retailer's premises; 1113

(2) The manner in which fountain devices are to be stored; 1114

(3) Insurance to be maintained by licensed fountain device 1115
retailers. 1116

Sec. 3743.29. (A) The state fire marshal may inspect the 1117
premises, the inventory, and retail sale records, of a licensed 1118
fountain device retailer during the retailer's period of 1119
licensure to determine whether the retailer is in compliance 1120
with Chapter 3743. of the Revised Code and the rules adopted by 1121
the state fire marshal pursuant to section 3743.28 of the 1122
Revised Code. 1123

(B) If the state fire marshal determines during an 1124
inspection conducted pursuant to division (A) of this section 1125
that a wholesaler is not in compliance with Chapter 3743. of the 1126
Revised Code or the rules adopted by the state fire marshal 1127
pursuant to section 3743.28 of the Revised Code, the state fire 1128
marshal may take one or more of the following actions, whichever 1129
the state fire marshal considers appropriate under the 1130
circumstances: 1131

(1) Order, in writing, the retailer to eliminate, correct, 1132
or otherwise remedy the nonconformities within a specified 1133
period of time; 1134

(2) Order, in writing, the wholesaler to immediately cease 1135
the storage and related sale of fountains. 1136

(3) Revoke, or deny renewal of, the license of the 1137
retailers in accordance with Chapter 119. of the Revised Code. 1138

(C) This section does not affect the authority conferred 1139
by Chapters 3781. and 3791. of the Revised Code to conduct 1140
inspections to determine conformity with those chapters or the 1141
rules adopted pursuant to them. 1142

The state fire marshal shall remove from the list of 1143
licensed retailers the name of a retailer whose license has been 1144
revoked, and shall notify the law enforcement authorities for 1145
the political subdivision in which the retailer's premises are 1146
located, of the revocation or denial of renewal. 1147

Sec. 3743.44. (A) Any person who ~~resides in another state~~ 1148
~~and who~~ intends to obtain possession in this state of 1.3G 1149
fireworks purchased in this state shall obtain possession of the 1150
1.3G fireworks only from a licensed manufacturer or licensed 1151
~~wholesaler and only possess the fireworks in this state while in~~ 1152
~~the course of directly transporting them out of this state.~~ 1153

No licensed manufacturer or licensed wholesaler shall sell 1154
1.3G fireworks to a person ~~who resides in another state~~ unless 1155
that person has been issued a license or permit in the state of 1156
the person's residence that authorizes the person to engage in 1157
the manufacture, wholesale sale, or retail sale of 1.3G 1158
fireworks or that authorizes the person to conduct 1.3G 1159
fireworks exhibitions in that state and that person presents a 1160
certified copy of the license. 1161

~~No licensed manufacturer or licensed wholesaler shall sell~~ 1162
~~fireworks to a person who resides in another state unless that~~ 1163

~~person has been issued a license or permit in the state of the~~ 1164
~~person's residence that authorizes the person to engage in the~~ 1165
~~manufacture, wholesale sale, or retail sale of fireworks in that~~ 1166
~~state or that authorizes the person to conduct fireworks~~ 1167
~~exhibitions in that state and that person presents a certified~~ 1168
~~copy of the license, or, if that person does not possess a~~ 1169
~~license or permit of that nature, only if the person presents a~~ 1170
~~current valid motor vehicle operator's license issued to the~~ 1171
~~person in the person's state of residence, or, if that person~~ 1172
~~does not possess a motor vehicle operator's license issued in~~ 1173
~~that state, an identification card issued to the person by a~~ 1174
~~governmental agency in the person's state of residence~~ 1175
~~indicating that the person is a resident of that state. If a~~ 1176
~~person who is required to present a motor vehicle operator's~~ 1177
~~license or other identification card intends to transport the~~ 1178
~~fireworks purchased directly out of this state by a motor~~ 1179
~~vehicle and the person will not also be the operator of that~~ 1180
~~motor vehicle while so transporting the fireworks, the operator~~ 1181
~~of the motor vehicle also shall present the operator's motor~~ 1182
~~vehicle operator's license.~~ 1183

~~(B) Each purchaser of fireworks under this section shall~~ 1184
~~transport the fireworks so purchased directly out of this state~~ 1185
~~within forty eight hours after the time of their purchase.~~ 1186

~~This section regulates wholesale sales and retail sales of~~ 1187
~~fireworks in this state only insofar as purchasers of fireworks~~ 1188
~~are residents of other states and will be obtaining possession~~ 1189
~~in this state of purchased fireworks. This section does not~~ 1190
prohibit licensed manufacturers or wholesalers from selling 1191
fireworks, in accordance with section 3743.04 or sections 1192
3743.17 and 3743.25 of the Revised Code, to a resident of 1193
another state and from shipping the purchased fireworks directly 1194

out of this state to the purchaser. 1195

Sec. 3743.45. (A) Any person who ~~resides in this state and~~ 1196
~~who~~ intends to obtain possession in this state of 1.4G fireworks 1197
purchased in this state shall obtain possession of the 1.4G 1198
fireworks only from a licensed retailer, licensed manufacturer, 1199
or licensed wholesaler and shall be subject to this section. 1200

~~Each purchaser of 1.4G fireworks under this division shall~~ 1201
~~transport the fireworks so purchased directly out of this state~~ 1202
~~within forty eight hours after the time of their purchase.~~ 1203

~~This division does not apply to a person who resides in~~ 1204
~~this state and who is also a licensed manufacturer, licensed~~ 1205
~~wholesaler, or licensed exhibitor of fireworks in this state.~~ 1206

~~(B) No licensed manufacturer or licensed wholesaler shall~~ 1207
~~sell 1.3G fireworks to a person who resides in this state unless~~ 1208
~~that person is a licensed manufacturer, licensed wholesaler, or~~ 1209
~~licensed exhibitor of fireworks in this state.~~ Any person 1210
authorized under this section to possess 1.4G fireworks in this 1211
state may discharge, ignite, or explode those fireworks in 1212
either of the following locations in this state: 1213

(1) On the property of the person; 1214

(2) On the property of another who has given permission to 1215
the person. 1216

(C) Fireworks discharged, ignited, or exploded pursuant to 1217
this section shall not be considered a public exhibition. 1218

(D) A county, with respect to the unincorporated territory 1219
of the county, a township, with respect to the unincorporated 1220
territory of the township, or a municipal corporation may do 1221
either of the following: 1222

(1) Restrict the dates and times a person may discharge, 1223
ignite, or explode fireworks purchased pursuant to this section. 1224

(2) Ban the discharge, ignition, or explosion of fireworks 1225
purchased pursuant to this section. A resolution adopted by a 1226
board of township trustees under this division prevails over a 1227
conflicting resolution adopted under this division by the board 1228
of county commissioners in the county within which the township 1229
is located. 1230

(E) This section does not limit the enforcement of any 1231
ordinance, resolution, or statute that regulates noise, 1232
disturbance of the peace, or disorderly conduct. 1233

Sec. 3743.451. (A) (1) The state fire marshal shall adopt 1234
rules in accordance with Chapter 119. of the Revised Code 1235
regulating the time, manner, and location of 1.4G fireworks 1236
discharged, ignited, or exploded under section 3743.45 of the 1237
Revised Code. The rules may include provisions requiring that 1238
all fireworks be used only in accordance with manufacturer's 1239
instructions and provisions for all of the following: 1240

(a) The use of aerial fireworks; 1241

(b) Separation distances between the location of fireworks 1242
discharges, ignitions, or explosions and adjacent structures, 1243
roadways, railroads, airports, publicly owned or controlled 1244
places, and places where hazardous materials are manufactured, 1245
used, or stored; 1246

(c) Fireworks usage at common areas of multitenant 1247
properties; 1248

(d) The suspension of fireworks discharges, ignitions, or 1249
explosions during times of drought or similar conditions; 1250

(e) The proximity of fireworks discharges, ignitions, or explosions to persons under eighteen years of age; 1251
1252

(f) Any other matters similar to those listed in division (A)(1) of this section. 1253
1254

(2) The state fire marshal shall file the rules required by this division with the joint committee on agency rule review pursuant to division (C) of section 119.03 of the Revised Code not later than one hundred eighty days after the effective date of this section. 1255
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(B)(1) Nothing in division (A) of this section shall be construed to limit the authority of a county, township, or municipal corporation under division (D) of section 3743.45 of the Revised Code to restrict the dates and times or ban the discharge, ignition, or explosion of fireworks purchased under section 3743.45 of the Revised Code. 1260
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(2) Rules adopted pursuant to this section shall permit consumers, who are at least eighteen years of age, to safely and responsibly use 1.4G fireworks on their own private property, or any private property to which they have express consent from the property owner. 1266
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(3) Rules adopted pursuant to this section shall not be constructed as a de facto ban on the consumer discharge of fireworks. It is the intent of the general assembly to allow consumers to discharge 1.4G fireworks in a safe and reasonable manner. 1271
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Sec. 3743.46. (A) Except as otherwise provided in section 3743.44 or 3743.45 of the Revised Code, no licensed manufacturer or licensed wholesaler shall sell fireworks to a person who resides in another state unless one of the following applies: 1276
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(1) The person has been issued a license or permit in the 1280
state of the person's residence that authorizes the person to 1281
engage in the manufacture, wholesale sale, or retail sale of 1282
fireworks in that state or that authorizes the person to conduct 1283
fireworks exhibitions in that state and that person presents a 1284
certified copy of the license. 1285

(2) If the person does not possess a license or permit 1286
described in division (A) (1) of this section, the person 1287
presents a current, valid motor vehicle operator's license 1288
issued to the person in the person's state of residence. 1289

(3) If the person does not possess a license or permit 1290
issued in that state as described in division (A) (1) or (2) of 1291
this section, the person presents an identification card issued 1292
to the person by a governmental agency in the person's state of 1293
residence indicating that the person is a resident of that 1294
state. 1295

(B) If a person who is required to present a motor vehicle 1296
operator's license or other identification card intends to 1297
transport the fireworks purchased directly out of this state by 1298
a motor vehicle and the person will not also be the operator of 1299
that motor vehicle while so transporting the fireworks, the 1300
operator of the motor vehicle also shall present the operator's 1301
motor vehicle operator's license. 1302

Sec. 3743.47. (A) A licensed retailer, licensed 1303
manufacturer, or licensed wholesaler shall furnish a copy of a 1304
safety pamphlet to each purchaser of 1.4G fireworks. In addition 1305
to any safety information the licensed retailer, licensed 1306
wholesaler, or licensed manufacturer wishes to include, the 1307
pamphlet shall include all of the following statements, or 1308
substantially similar statements: 1309

"Do not allow children to play with fireworks. Sparklers, 1310
a firework often considered by many to be the ideal "safe" 1311
device for children, burn at very high temperatures and should 1312
not be handled by children. Children may not understand the 1313
danger involved with fireworks and may not act appropriately 1314
while using the devices or in case of emergency. 1315

Set off fireworks outdoors in a clear area, away from 1316
houses, dry leaves, or grass and other flammable materials. 1317

Keep a bucket of water nearby for emergencies and for 1318
pouring on fireworks that fail to ignite or explode. 1319

Do not try to relight or handle malfunctioning fireworks. 1320
Soak them with water and throw them away. 1321

Be sure other people are out of range before lighting 1322
fireworks. 1323

Never light fireworks in a container, especially a glass 1324
or metal container. 1325

Keep unused fireworks away from firing areas. 1326

Store fireworks in a cool, dry place. 1327

Check instructions for special storage directions. 1328

Observe state and local law. 1329

Never have any portion of your body directly over a 1330
firework while lighting. 1331

Do not experiment with homemade fireworks." 1332

(B) A licensed retailer, licensed manufacturer, or 1333
licensed wholesaler selling 1.4G fireworks shall have safety 1334
glasses available for a nominal charge or free at the site of 1335
the 1.4G fireworks purchase. 1336

(C) Divisions (A) and (B) of this section do not apply 1337
when a purchaser is a licensed retailer, licensed manufacturer, 1338
licensed wholesaler, or licensed exhibitor of fireworks in this 1339
state. 1340

Sec. 3743.57. (A) All fees collected by the state fire 1341
marshal for licenses or permits issued pursuant to this chapter, 1342
except the fee imposed under section 3743.22 of the Revised 1343
Code, shall be deposited into the state fire marshal's fund, and 1344
interest earned on the amounts in the fund shall be credited by 1345
the treasurer of state to the fund. 1346

(B) The state fire marshal shall in the state fire 1347
marshal's discretion use amounts in the state fire marshal's 1348
fund for fireworks training and education purposes, including, 1349
but not limited to, the creation of educational and training 1350
programs, attendance by the state fire marshal and the state 1351
fire marshal's employees at conferences and seminars, the 1352
payment of travel and meal expenses associated with such 1353
attendance, participation by the state fire marshal and the 1354
state fire marshal's employees in committee meetings and other 1355
meetings related to pyrotechnic codes, and the payment of travel 1356
and meal expenses associated with such participation. The use of 1357
the fund shall comply with rules of the department of commerce, 1358
policies and procedures established by the director of budget 1359
and management, and all other applicable laws. 1360

Sec. 3743.59. (A) Upon application by an affected party, 1361
the state fire marshal may grant variances from the requirements 1362
of this chapter or from the requirements of rules adopted 1363
pursuant to this chapter if the state fire marshal determines 1364
that a literal enforcement of the requirement will result in 1365
practical difficulty in complying with the requirements of this 1366

chapter or the rules adopted pursuant to this chapter and that 1367
the variance will not be contrary to the public health, safety, 1368
or welfare. A variance shall not be granted to a person who is 1369
initially licensed as a manufacturer or wholesaler of fireworks 1370
after June 14, 1988. 1371

(B) The state fire marshal may authorize a variance from 1372
the prohibitions in this chapter against the possession and use 1373
of pyrotechnic compounds to a person who submits proof that the 1374
person is certified and in good standing with the Ohio state 1375
board of education, provided that the pyrotechnic compounds are 1376
used for educational purposes only, or are used only at an 1377
authorized educational function approved by the governing board 1378
that exercises authority over the educational function. 1379

(C) (1) The state fire marshal may authorize a variance 1380
from the prohibitions in this chapter against the possession and 1381
use of pyrotechnic compounds to a person who possesses and uses 1382
the pyrotechnic compounds for personal and noncommercial 1383
purposes as a hobby. ~~The~~ 1384

(2) The state fire marshal shall not unreasonably withhold 1385
a variance that the state fire marshal may authorize pursuant to 1386
division (C) (1) of this section. 1387

(3) The state fire marshal may rescind a variance 1388
authorized under ~~this~~ division (C) (1) of this section, for cause 1389
at any time, ~~exclusively at the fire marshal's discretion.~~ 1390

Sec. 3743.60. (A) No person shall manufacture fireworks in 1391
this state unless it is a licensed manufacturer of fireworks, 1392
and no person shall operate a fireworks plant in this state 1393
unless it has been issued a license as a manufacturer of 1394
fireworks for the particular fireworks plant. 1395

(B) No person shall operate a fireworks plant in this 1396
state after its license as a manufacturer of fireworks for the 1397
particular fireworks plant has expired, been denied renewal, or 1398
been revoked, unless a new license has been obtained. 1399

(C) No licensed manufacturer of fireworks, during the 1400
effective period of its licensure, shall construct, locate, or 1401
relocate any buildings or other structures on the premises of 1402
its fireworks plant, make any structural change or renovation in 1403
any building or other structure on the premises of its fireworks 1404
plant, or change the nature of its manufacturing of fireworks so 1405
as to include the processing of fireworks without first 1406
obtaining a written authorization from the state fire marshal 1407
pursuant to division (B) of section 3743.04 of the Revised Code. 1408

(D) No licensed manufacturer of fireworks shall 1409
manufacture fireworks, possess fireworks for sale at wholesale 1410
or retail, or sell fireworks at wholesale or retail, in a manner 1411
not authorized by division (C) of section 3743.04 of the Revised 1412
Code. 1413

(E) No licensed manufacturer of fireworks shall knowingly 1414
fail to comply with the rules adopted by the state fire marshal 1415
pursuant to section 3743.05 of the Revised Code or the 1416
requirements of section 3743.06 of the Revised Code. 1417

(F) No licensed manufacturer of fireworks shall fail to 1418
maintain complete inventory, wholesale sale, and retail records 1419
as required by section 3743.07 of the Revised Code, or to permit 1420
inspection of these records or the premises of a fireworks plant 1421
pursuant to section 3743.08 of the Revised Code. 1422

(G) No licensed manufacturer of fireworks shall fail to 1423
comply with an order of the state fire marshal issued pursuant 1424

to division (B) (1) of section 3743.08 of the Revised Code, 1425
within the specified period of time. 1426

(H) No licensed manufacturer of fireworks shall fail to 1427
comply with an order of the state fire marshal issued pursuant 1428
to division (B) (2) of section 3743.08 of the Revised Code until 1429
the nonconformities are eliminated, corrected, or otherwise 1430
remedied or the seventy-two hour period specified in that 1431
division has expired, whichever first occurs. 1432

(I) No person shall smoke or shall carry a pipe, 1433
cigarette, or cigar, or a match, lighter, other flame-producing 1434
item, or open flame on, or shall carry a concealed source of 1435
ignition into, the premises of a fireworks plant, except as 1436
smoking is authorized in specified lunchrooms or restrooms by a 1437
manufacturer pursuant to division (C) of section 3743.06 of the 1438
Revised Code. 1439

(J) No person shall have possession or control of, or be 1440
under the influence of, any intoxicating liquor, beer, or 1441
controlled substance, while on the premises of a fireworks 1442
plant. 1443

(K) No licensed manufacturer of fireworks shall 1444
negligently fail to furnish a safety pamphlet to a purchaser of 1445
1.4G fireworks as required by division (A) of section 3743.47 of 1446
the Revised Code. 1447

(L) No licensed manufacturer of fireworks shall 1448
negligently fail to have safety glasses available for sale as 1449
required by division (B) of section 3743.47 of the Revised Code. 1450

Sec. 3743.61. (A) No person, except a licensed 1451
manufacturer of fireworks engaging in the wholesale sale of 1452
fireworks as authorized by division (C) (2) of section 3743.04 of 1453

the Revised Code, shall operate as a wholesaler of fireworks in 1454
this state unless it is a licensed wholesaler of fireworks, or 1455
shall operate as a wholesaler of fireworks at any location in 1456
this state unless it has been issued a license as a wholesaler 1457
of fireworks for the particular location. 1458

(B) No person shall operate as a wholesaler of fireworks 1459
at a particular location in this state after its license as a 1460
wholesaler of fireworks for the particular location has expired, 1461
been denied renewal, or been revoked, unless a new license has 1462
been obtained. 1463

(C) No licensed wholesaler of fireworks, during the 1464
effective period of its licensure, shall perform any 1465
construction, or make any structural change or renovation, on 1466
the premises on which the fireworks are sold without first 1467
obtaining a written authorization from the state fire marshal 1468
pursuant to division (B) of section 3743.17 of the Revised Code. 1469

(D) No licensed wholesaler of fireworks shall possess 1470
fireworks for sale at wholesale or retail, or sell fireworks at 1471
wholesale or retail, in a manner not authorized by division (C) 1472
of section 3743.17 of the Revised Code. 1473

(E) No licensed wholesaler of fireworks shall knowingly 1474
fail to comply with the rules adopted by the state fire marshal 1475
pursuant to section 3743.18 or the requirements of section 1476
3743.19 of the Revised Code. 1477

(F) No licensed wholesaler of fireworks shall fail to 1478
maintain complete inventory, wholesale sale, and retail records 1479
as required by section 3743.20 of the Revised Code, or to permit 1480
inspection of these records or the premises of the wholesaler 1481
pursuant to section 3743.21 of the Revised Code. 1482

(G) No licensed wholesaler of fireworks shall fail to 1483
comply with an order of the state fire marshal issued pursuant 1484
to division (B) (1) of section 3743.21 of the Revised Code, 1485
within the specified period of time. 1486

(H) No licensed wholesaler of fireworks shall fail to 1487
comply with an order of the state fire marshal issued pursuant 1488
to division (B) (2) of section 3743.21 of the Revised Code until 1489
the nonconformities are eliminated, corrected, or otherwise 1490
remedied or the seventy-two hour period specified in that 1491
division has expired, whichever first occurs. 1492

(I) No person shall smoke or shall carry a pipe, 1493
cigarette, or cigar, or a match, lighter, other flame-producing 1494
item, or open flame on, or shall carry a concealed source of 1495
ignition into, the premises of a wholesaler of fireworks, except 1496
as smoking is authorized in specified lunchrooms or restrooms by 1497
a wholesaler pursuant to division (D) of section 3743.19 of the 1498
Revised Code. 1499

(J) No person shall have possession or control of, or be 1500
under the influence of, any intoxicating liquor, beer, or 1501
controlled substance, while on the premises of a wholesaler of 1502
fireworks. 1503

(K) No licensed wholesaler of fireworks shall negligently 1504
fail to furnish a safety pamphlet to a purchaser of 1.4G 1505
fireworks as required by division (A) of section 3743.47 of the 1506
Revised Code. 1507

(L) No licensed wholesaler of fireworks shall negligently 1508
fail to have safety glasses available for sale as required by 1509
division (B) of section 3743.47 of the Revised Code. 1510

Sec. 3743.63. (A) No person who ~~resides in another state~~ 1511

~~and purchases fireworks in this state shall obtain possession of~~ 1512
~~the fireworks in this state unless the person complies with~~ 1513
~~section sections 3743.44 to 3743.46 of the Revised Code.~~ 1514

(B) ~~No~~ Except for the purchase of 1.4G fireworks made 1515
under section 3743.45 of the Revised Code, no person who resides 1516
in another state and who purchases fireworks in this state shall 1517
obtain possession of fireworks in this state other than from a 1518
licensed manufacturer or wholesaler, or fail, when transporting 1519
1.3G fireworks, to transport them directly out of this state 1520
within seventy-two hours after the time of their purchase. ~~No~~ 1521
~~such person shall give or sell to any other person in this state~~ 1522
~~fireworks that the person has acquired in this state.~~ 1523

(C) ~~No person who resides in this state and purchases~~ 1524
~~fireworks in this state shall obtain possession of the fireworks~~ 1525
~~in this state unless the person complies with section 3743.45 of~~ 1526
~~the Revised Code.~~ 1527

~~(D) No person who resides in this state and who purchases~~ 1528
~~fireworks in this state under section 3743.45 of the Revised~~ 1529
~~Code shall obtain possession of fireworks in this state other~~ 1530
~~than from a licensed manufacturer or licensed wholesaler, or~~ 1531
~~fail, when transporting the fireworks, to transport them~~ 1532
~~directly out of this state within forty eight hours after the~~ 1533
~~time of their purchase. No such person shall give or sell to any~~ 1534
~~other person in this state fireworks that the person has~~ 1535
~~acquired in this state.~~ 1536

Sec. 3743.65. (A) No person shall possess fireworks in 1537
this state or shall possess for sale or sell fireworks in this 1538
state, except a licensed manufacturer of fireworks as authorized 1539
by sections 3743.02 to 3743.08 of the Revised Code, a licensed 1540
wholesaler of fireworks as authorized by sections 3743.15 to 1541

3743.21 of the Revised Code, a shipping permit holder as 1542
authorized by section 3743.40 of the Revised Code, ~~an out-of-~~ 1543
~~state resident~~ a licensed fountain device retailer as authorized 1544
by section 3743.27 of the Revised Code, a person as authorized 1545
by ~~section~~ sections 3743.44 of the Revised Code, ~~a resident of-~~ 1546
~~this state as authorized by section~~ and 3743.45 of the Revised 1547
Code, or a licensed exhibitor of fireworks as authorized by 1548
sections 3743.50 to 3743.55 of the Revised Code, and except as 1549
provided in section 3743.80 of the Revised Code. 1550

(B) Except as provided in ~~section~~ sections 3743.45 and 1551
3743.80 of the Revised Code and except for licensed exhibitors 1552
of fireworks authorized to conduct a fireworks exhibition 1553
pursuant to sections 3743.50 to 3743.55 of the Revised Code, no 1554
person shall discharge, ignite, or explode any fireworks in this 1555
state. 1556

(C) No person shall use in a theater or public hall, what 1557
is technically known as fireworks showers, or a mixture 1558
containing potassium chlorate and sulphur. 1559

(D) No person shall sell fireworks of any kind to a person 1560
under eighteen years of age. No person under eighteen years of 1561
age shall enter a fireworks sales showroom unless that person is 1562
accompanied by a parent, legal guardian, or other responsible 1563
adult. No person under eighteen years of age shall touch or 1564
possess fireworks on a licensed premises without the consent of 1565
the licensee. A licensee may eject any person from a licensed 1566
premises that is in any way disruptive to the safe operation of 1567
the premises. 1568

(E) Except as otherwise provided in section 3743.44 of the 1569
Revised Code, no person, other than a licensed manufacturer, 1570
licensed wholesaler, licensed exhibitor, or shipping permit 1571

holder, shall possess 1.3G fireworks in this state. 1572

(F) Except as otherwise provided in division (J) of 1573
section 3743.06 and division (K) of section 3743.19 of the 1574
Revised Code, no person shall knowingly disable a fire 1575
suppression system as defined in section 3781.108 of the Revised 1576
Code on the premises of a fireworks plant of a licensed 1577
manufacturer of fireworks or on the premises of the business 1578
operations of a licensed wholesaler of fireworks. 1579

(G) No person shall negligently discharge, ignite, or 1580
explode fireworks while in possession or control of, or under 1581
the influence of, any intoxicating liquor, beer, or controlled 1582
substance. 1583

(H) No person shall negligently discharge, ignite, or 1584
explode fireworks on the property of another person without that 1585
person's permission to use fireworks on that property. 1586

Sec. 3743.67. (A) The Ohio fire code rule recommendation 1587
committee is hereby created to review Chapter 3743. of the 1588
Revised Code and make a recommendation to the state fire 1589
marshal. At a minimum, the committee shall make a recommendation 1590
to the state fire marshal relating to all of the following: 1591

(1) Sections 3743.02, 3743.03, 3743.04, 3743.06, 3743.15, 1592
3743.16, 3743.17, 3743.18, and 3743.19 of the Revised Code; 1593

(2) Section 3743.45 of the Revised Code relating to the 1594
purchase of 1.4G fireworks from licensed manufacturers or 1595
wholesalers; 1596

(3) Section 3743.75 of the Revised Code relating to the 1597
moratorium on licenses; 1598

(4) State fire marshal rulemaking of building code 1599

requirements for 1.3G manufacturing facilities. 1600

(5) Development of a state licensing program pursuant to section 3743.75 of the Revised Code. 1601
1602

(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. 1603
1604
1605
1606
1607

(C) The committee shall be made up of the following individuals: 1608
1609

(1) The state fire marshal, or the state fire marshal's designee; 1610
1611

(2) Four local fire chiefs appointed by the Ohio fire chiefs' association, or appointed by the association's designee; 1612
1613

(3) A local police chief appointed by the attorney general, or the attorney general's designee; 1614
1615

(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; 1616
1617
1618
1619
1620

(5) One member of prevent blindness Ohio, or the organization's designee; 1621
1622

(6) One member of the Ohio optometric association or the association's designee; 1623
1624

(7) One member of the Ohio pyrotechnic arts guild or the organization's designee; 1625
1626

(8) One representative of the Ohio chapter of the American 1627
academy of pediatrics, appointed by the president of the Ohio 1628
chapter; 1629

(9) One member of the Ohio council of retail merchants or 1630
the council's designee. 1631

Sec. 3743.75. (A) (1) Except as provided in division (B) (1) 1632
of this section, during the period beginning on June 29, 2001, 1633
and ending ~~on December 31, 2021~~either eighteen months after the 1634
end of the period described in division (A) (2) of this section, 1635
or January 1, 2023, whichever occurs first, the state fire 1636
marshal shall not do ~~any~~either of the following: 1637

~~(1)~~ (a) Issue a license as a manufacturer of fireworks 1638
under sections 3743.02 and 3743.03 of the Revised Code to a 1639
person for a particular fireworks plant unless that person 1640
possessed such a license for that fireworks plant immediately 1641
prior to June 29, 2001; 1642

~~(2)~~ (b) Issue a license as a wholesaler of fireworks under 1643
sections 3743.15 and 3743.16 of the Revised Code to a person for 1644
a particular location unless that person possessed such a 1645
license for that location immediately prior to June 29, 2001; 1646

~~(3) Approve~~ (2) Except as provided in division (B) (2) of 1647
this section, during the period beginning on June 29, 2001, and 1648
ending two hundred sixty days after the effective date of this 1649
amendment, the state fire marshal shall not approve the 1650
geographic transfer of a license as a manufacturer or wholesaler 1651
of fireworks issued under this chapter to any location other 1652
than a location for which a license was issued under this 1653
chapter immediately prior to June 29, 2001. 1654

(B) (1) Division (A) (1) of this section does not apply to 1655

~~either of the following:~~ 1656

~~(1) An an~~ ownership transfer that the state fire marshal 1657
approves under division (D) of section 3743.04 or division (D) 1658
of section 3743.17 of the Revised Code that is consistent with 1659
division ~~(E)~~ (F) of this section; 1660

(2) ~~A~~ Division (A) (2) of this section does not apply to a 1661
geographic transfer that the state fire marshal approves under 1662
division (D) of this section. 1663

(C) Notwithstanding section 3743.59 of the Revised Code, 1664
the prohibited activities established in ~~divisions~~ division (A) 1665
(1) ~~and (2)~~ of this section, geographic transfers approved 1666
pursuant to division (D) of this section, and nonconstruction- 1667
related matters at storage locations allowed pursuant to 1668
division (I) of section 3743.04 of the Revised Code or division 1669
(F) of section 3743.17 of the Revised Code are not subject to 1670
any variance, waiver, or exclusion. 1671

(D) (1) A licensed manufacturer of fireworks or a licensed 1672
wholesaler of fireworks may apply, on or after the effective 1673
date of this amendment, to geographically relocate the license 1674
to any location in the state if the license is in good standing, 1675
as defined in division (D) (6) of this section. 1676

(2) Notwithstanding any other provisions of this chapter, 1677
the state fire marshal shall approve the transfer if all of the 1678
following conditions are met: 1679

(a) The identity of the holder of the license remains the 1680
same in the new location. 1681

(b) The former licensed premises associated with the 1682
transferred license is closed prior to the opening of the new 1683
location and no fireworks business of any kind is conducted at 1684

the former licensed premises associated with the transferred 1685
license after the transfer of the license unless a separate 1686
fireworks manufacturer or wholesaler license is or has been 1687
issued for such location. 1688

(c) The new location has received a local certificate of 1689
zoning compliance and all structures on the new licensed 1690
location receive a valid certificate of occupancy, and are 1691
otherwise in compliance with all applicable laws, rules, and 1692
regulations, including the building code and fire code and this 1693
chapter. 1694

(d) Every building or structure at the new location is 1695
separated from occupied residential and nonresidential buildings 1696
or structures, railroads, highways, or any other buildings or 1697
structures located on the licensed premises in accordance with 1698
the distances specified in the rules adopted by the state fire 1699
marshal pursuant to sections 3743.05 and 3743.18 of the Revised 1700
Code. If the licensee fails to comply with the requirements of 1701
division (D) (2) (d) of this section by the licensee's own act, 1702
the license at the new location is forfeited. 1703

(e) Neither the licensee nor any person holding, owning, 1704
or controlling a five per cent or greater beneficial or equity 1705
interest in the licensee has been convicted of or has pleaded 1706
guilty to a felony under the laws of this state, any other 1707
state, or the United States after June 30, 1997. 1708

(f) The subject license is in active status and does not 1709
have any pending proceedings or final orders of revocation or 1710
denial under section 3743.08 or 3743.21 of the Revised Code. 1711

(g) The state fire marshal approves the request for the 1712
transfer. 1713

(h) All sales structures at the new location comply with 1714
the requirements specified in division (C) of section 3743.25 of 1715
the Revised Code. Each licensed premises may only contain one 1716
sales structure. A sales structure on any licensed premises may 1717
be converted from a representative sample showroom to a retail 1718
sales showroom or from a retail sales showroom to a 1719
representative sample showroom at any time in accordance with 1720
rules established by the state fire marshal under this chapter. 1721

(i) A completed geographic transfer application, including 1722
the designation of the new location, is received by the state 1723
fire marshal on or after the effective date of this amendment 1724
but not later than December 31, 2021. 1725

(3) All construction at the new location shall be 1726
authorized by the state fire marshal in writing before 1727
initiation and shall be completed not later than December 31, 1728
2022. The state fire marshal shall issue preliminary 1729
construction approvals and may set conditions thereon. The state 1730
fire marshal may authorize extensions of dates specified in this 1731
section upon a finding of good cause based upon evidence 1732
submitted by the applicant. Any final approvals of a geographic 1733
transfer shall occur only after full compliance with this 1734
section. 1735

(4) The filing of an application to geographically 1736
relocate a license and any conditional approvals issued under 1737
this section do not vest in the applicant any rights to the 1738
transfer. 1739

(5) A licensed premises subject to this section may be 1740
granted only one geographic transfer pursuant to this section 1741
prior to December 31, 2021. After that date, any existing 1742
license subject to this section may be geographically 1743

transferred to any location within this state upon application 1744
to the state fire marshal and compliance with divisions (D) (2) 1745
(a) to (h) of this section. 1746

(6) Notwithstanding any other section of the Revised Code, 1747
the license of a licensed manufacturer of fireworks or a 1748
licensed wholesaler of fireworks shall be deemed in good 1749
standing for purposes of a geographic transfer if any of the 1750
following applies to the license: 1751

(a) The license existed immediately prior to June 29, 1752
2001, and the owner of the license, including a license approved 1753
for transfers of ownership subsequent to June 29, 2001, was an 1754
active corporation in good standing as recognized by the 1755
secretary of state of the state where the company is 1756
incorporated as of December 1, 2019, or was a person, as defined 1757
by section 1.59 of the Revised Code, as of December 1, 2019. 1758

(b) The license existed on December 1, 1995, and the owner 1759
of the license, including a license approved for changes or 1760
transfers of ownership subsequent to December 1, 1995, was an 1761
active corporation in good standing as recognized by the 1762
secretary of state of the state where the company is 1763
incorporated as of December 1, 2019, or was a person, as defined 1764
by section 1.59 of the Revised Code, as of December 1, 2019. 1765

(c) For transfers requested after December 31, 2021, the 1766
owner of the license, including a license approved for transfers 1767
of ownership subsequent to June 29, 2001, is an active 1768
corporation in good standing as recognized by the secretary of 1769
state of the state where the company is incorporated as of the 1770
date of the application, or is a person, as defined by section 1771
1.59 of the Revised Code, as of the date of application. 1772

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

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

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

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

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

(3) "Such a license" includes a wholesaler of fireworks 1803
license that was issued in place of a manufacturer of fireworks 1804
license that existed prior to June 29, 2001, and was requested 1805
to be canceled by the license holder pursuant to division (D) of 1806
section 3743.03 of the Revised Code. 1807

Sec. 3743.99. (A) Whoever violates division (A) or (B) of 1808
section 3743.60 or division (H) of section 3743.64 of the 1809
Revised Code is guilty of a felony of the third degree. 1810

(B) Whoever violates division (C) or (D) of section 1811
3743.60, division (A), (B), (C), or (D) of section 3743.61, or 1812
division (A) or (B) of section 3743.64 of the Revised Code is 1813
guilty of a felony of the fourth degree. 1814

(C) Whoever violates division (E), (F), (G), (H), (I), or 1815
(J) of section 3743.60, division (E), (F), (G), (H), (I), or (J) 1816
of section 3743.61, section 3743.63, division (D), (E), (F), or 1817
(G) of section 3743.64, division (A), (B), (C), (D), or (E) of 1818
section 3743.65, or section 3743.66 of the Revised Code is 1819
guilty of a misdemeanor of the first degree. If the offender 1820
previously has been convicted of or pleaded guilty to a 1821
violation of division (I) of section 3743.60 or 3743.61 of the 1822
Revised Code, a violation of either of these divisions is a 1823
felony of the fifth degree. 1824

(D) Whoever violates division (C) of section 3743.64 of 1825
the Revised Code is guilty of a misdemeanor of the first degree. 1826
In addition to any other penalties that may be imposed on a 1827
licensed exhibitor of fireworks under this division and unless 1828
the third sentence of this division applies, the person's 1829
license as an exhibitor of fireworks or as an assistant 1830
exhibitor of fireworks shall be suspended, and the person is 1831
ineligible to apply for either type of license, for a period of 1832

five years. If the violation of division (C) of section 3743.64 1833
of the Revised Code results in serious physical harm to persons 1834
or serious physical harm to property, the person's license as an 1835
exhibitor of fireworks or as an assistant exhibitor of fireworks 1836
shall be revoked, and that person is ineligible to apply for a 1837
license as or to be licensed as an exhibitor of fireworks or as 1838
an assistant exhibitor of fireworks in this state. 1839

(E) Whoever violates division (F) of section 3743.65 of 1840
the Revised Code is guilty of a felony of the fifth degree. 1841

(F) Whoever violates division (G) of section 3743.65 of 1842
the Revised Code is guilty of a misdemeanor of the first degree. 1843
Notwithstanding any other provision of law to the contrary, a 1844
person may be convicted at the same trial or proceeding of a 1845
violation of division (G) of section 3743.65 of the Revised Code 1846
and a violation of division (B) of section 2917.11 of the 1847
Revised Code that constitutes the basis of the charge of the 1848
violation of division (G) of section 3743.65 of the Revised 1849
Code. 1850

(G) Whoever violates division (B) or (C) of section 1851
3743.27 or division (K) or (L) of section 3743.60 or division 1852
(K) or (L) of section 3743.61 of the Revised Code is guilty of a 1853
misdemeanor of the second degree. 1854

(H) Whoever violates division (H) of section 3743.65 of 1855
the Revised Code is guilty of a minor misdemeanor. 1856

Sec. 5703.21. (A) Except as provided in divisions (B) and 1857
(C) of this section, no agent of the department of taxation, 1858
except in the agent's report to the department or when called on 1859
to testify in any court or proceeding, shall divulge any 1860
information acquired by the agent as to the transactions, 1861

property, or business of any person while acting or claiming to 1862
act under orders of the department. Whoever violates this 1863
provision shall thereafter be disqualified from acting as an 1864
officer or employee or in any other capacity under appointment 1865
or employment of the department. 1866

(B) (1) For purposes of an audit pursuant to section 117.15 1867
of the Revised Code, or an audit of the department pursuant to 1868
Chapter 117. of the Revised Code, or an audit, pursuant to that 1869
chapter, the objective of which is to express an opinion on a 1870
financial report or statement prepared or issued pursuant to 1871
division (A) (7) or (9) of section 126.21 of the Revised Code, 1872
the officers and employees of the auditor of state charged with 1873
conducting the audit shall have access to and the right to 1874
examine any state tax returns and state tax return information 1875
in the possession of the department to the extent that the 1876
access and examination are necessary for purposes of the audit. 1877
Any information acquired as the result of that access and 1878
examination shall not be divulged for any purpose other than as 1879
required for the audit or unless the officers and employees are 1880
required to testify in a court or proceeding under compulsion of 1881
legal process. Whoever violates this provision shall thereafter 1882
be disqualified from acting as an officer or employee or in any 1883
other capacity under appointment or employment of the auditor of 1884
state. 1885

(2) For purposes of an internal audit pursuant to section 1886
126.45 of the Revised Code, the officers and employees of the 1887
office of internal audit in the office of budget and management 1888
charged with directing the internal audit shall have access to 1889
and the right to examine any state tax returns and state tax 1890
return information in the possession of the department to the 1891
extent that the access and examination are necessary for 1892

purposes of the internal audit. Any information acquired as the 1893
result of that access and examination shall not be divulged for 1894
any purpose other than as required for the internal audit or 1895
unless the officers and employees are required to testify in a 1896
court or proceeding under compulsion of legal process. Whoever 1897
violates this provision shall thereafter be disqualified from 1898
acting as an officer or employee or in any other capacity under 1899
appointment or employment of the office of internal audit. 1900

(3) As provided by section 6103(d)(2) of the Internal 1901
Revenue Code, any federal tax returns or federal tax information 1902
that the department has acquired from the internal revenue 1903
service, through federal and state statutory authority, may be 1904
disclosed to the auditor of state or the office of internal 1905
audit solely for purposes of an audit of the department. 1906

(4) For purposes of Chapter 3739. of the Revised Code, an 1907
agent of the department of taxation may share information with 1908
the division of state fire marshal that the agent finds during 1909
the course of an investigation. 1910

(C) Division (A) of this section does not prohibit any of 1911
the following: 1912

(1) Divulging information contained in applications, 1913
complaints, and related documents filed with the department 1914
under section 5715.27 of the Revised Code or in applications 1915
filed with the department under section 5715.39 of the Revised 1916
Code; 1917

(2) Providing information to the office of child support 1918
within the department of job and family services pursuant to 1919
section 3125.43 of the Revised Code; 1920

(3) Disclosing to the motor vehicle repair board any 1921

information in the possession of the department that is 1922
necessary for the board to verify the existence of an 1923
applicant's valid vendor's license and current state tax 1924
identification number under section 4775.07 of the Revised Code; 1925

(4) Providing information to the administrator of workers' 1926
compensation pursuant to sections 4123.271 and 4123.591 of the 1927
Revised Code; 1928

(5) Providing to the attorney general information the 1929
department obtains under division (J) of section 1346.01 of the 1930
Revised Code; 1931

(6) Permitting properly authorized officers, employees, or 1932
agents of a municipal corporation from inspecting reports or 1933
information pursuant to section 718.84 of the Revised Code or 1934
rules adopted under section 5745.16 of the Revised Code; 1935

(7) Providing information regarding the name, account 1936
number, or business address of a holder of a vendor's license 1937
issued pursuant to section 5739.17 of the Revised Code, a holder 1938
of a direct payment permit issued pursuant to section 5739.031 1939
of the Revised Code, or a seller having a use tax account 1940
maintained pursuant to section 5741.17 of the Revised Code, or 1941
information regarding the active or inactive status of a 1942
vendor's license, direct payment permit, or seller's use tax 1943
account; 1944

(8) Releasing invoices or invoice information furnished 1945
under section 4301.433 of the Revised Code pursuant to that 1946
section; 1947

(9) Providing to a county auditor notices or documents 1948
concerning or affecting the taxable value of property in the 1949
county auditor's county. Unless authorized by law to disclose 1950

documents so provided, the county auditor shall not disclose 1951
such documents; 1952

(10) Providing to a county auditor sales or use tax return 1953
or audit information under section 333.06 of the Revised Code; 1954

(11) Subject to section 4301.441 of the Revised Code, 1955
disclosing to the appropriate state agency information in the 1956
possession of the department of taxation that is necessary to 1957
verify a permit holder's gallonage or noncompliance with taxes 1958
levied under Chapter 4301. or 4305. of the Revised Code; 1959

(12) Disclosing to the department of natural resources 1960
information in the possession of the department of taxation that 1961
is necessary for the department of taxation to verify the 1962
taxpayer's compliance with section 5749.02 of the Revised Code 1963
or to allow the department of natural resources to enforce 1964
Chapter 1509. of the Revised Code; 1965

(13) Disclosing to the department of job and family 1966
services, industrial commission, and bureau of workers' 1967
compensation information in the possession of the department of 1968
taxation solely for the purpose of identifying employers that 1969
misclassify employees as independent contractors or that fail to 1970
properly report and pay employer tax liabilities. The department 1971
of taxation shall disclose only such information that is 1972
necessary to verify employer compliance with law administered by 1973
those agencies. 1974

(14) Disclosing to the Ohio casino control commission 1975
information in the possession of the department of taxation that 1976
is necessary to verify a casino operator's compliance with 1977
section 5747.063 or 5753.02 of the Revised Code and sections 1978
related thereto; 1979

(15) Disclosing to the state lottery commission 1980
information in the possession of the department of taxation that 1981
is necessary to verify a lottery sales agent's compliance with 1982
section 5747.064 of the Revised Code. 1983

(16) Disclosing to the development services agency 1984
information in the possession of the department of taxation that 1985
is necessary to ensure compliance with the laws of this state 1986
governing taxation and to verify information reported to the 1987
development services agency for the purpose of evaluating 1988
potential tax credits, grants, or loans. Such information shall 1989
not include information received from the internal revenue 1990
service the disclosure of which is prohibited by section 6103 of 1991
the Internal Revenue Code. No officer, employee, or agent of the 1992
development services agency shall disclose any information 1993
provided to the development services agency by the department of 1994
taxation under division (C) (16) of this section except when 1995
disclosure of the information is necessary for, and made solely 1996
for the purpose of facilitating, the evaluation of potential tax 1997
credits, grants, or loans. 1998

(17) Disclosing to the department of insurance information 1999
in the possession of the department of taxation that is 2000
necessary to ensure a taxpayer's compliance with the 2001
requirements with any tax credit administered by the development 2002
services agency and claimed by the taxpayer against any tax 2003
administered by the superintendent of insurance. No officer, 2004
employee, or agent of the department of insurance shall disclose 2005
any information provided to the department of insurance by the 2006
department of taxation under division (C) (17) of this section. 2007

(18) Disclosing to the division of liquor control 2008
information in the possession of the department of taxation that 2009

is necessary for the division and department to comply with the 2010
requirements of sections 4303.26 and 4303.271 of the Revised 2011
Code; 2012

(19) Disclosing to the state fire marshal information in 2013
the possession of the department of taxation that is necessary 2014
for the state fire marshal to verify the compliance of a 2015
licensed manufacturer of fireworks or a licensed wholesaler of 2016
fireworks with section 3743.22 of the Revised Code. No officer, 2017
employee, or agent of the state fire marshal shall disclose any 2018
information provided to the state fire marshal by the department 2019
of taxation under division (C) (19) of this section. 2020

Section 2. That existing sections 3743.01, 3743.04, 2021
3743.08, 3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 3743.57, 2022
3743.59, 3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 3743.99, 2023
and 5703.21 of the Revised Code are hereby repealed. 2024

Section 3. The amendments to sections 3743.08, 3743.21, 2025
3743.44, 3743.45, 3743.57, 3743.59, 3743.60, 3743.61, 3743.63, 2026
3743.65, 3743.99, and 5703.21 of the Revised Code made in 2027
Sections 1 and 2 of this act and the enactment of sections 2028
3743.46, and 3743.47 of the Revised Code by Sections 1 and 2 of 2029
this act, take effect two hundred sixty days after the effective 2030
date of this section. The amendments to sections 3743.01, 2031
3743.04, 3743.15, 3743.17, 3743.25, and 3743.75 and the 2032
enactment of sections 3743.22, 3743.26 to 3743.29, 3743.451, and 2033
3743.67 of the Revised Code in Sections 1 and 2 of this act 2034
shall take effect at the earliest time permitted by law. 2035

Section 4. Notwithstanding divisions (A) and (B) of 2036
section 3743.26 of the Revised Code, as enacted by this act, the 2037
State Fire Marshal shall not issue any licenses to sell fountain 2038
devices at retail in 2021. 2039