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Sponsor Testimony

Senate Bill 113

Ohio House Commerce and Labor Committee

June 23, 2021

Chairman Stein, Vice Chair Johnson, Ranking Member Lepore-Hagan, and members of the Commerce and Labor Committee: Thank you for allowing me the opportunity to provide sponsor testimony on Senate Bill 113. This bill seeks to legalize the safe discharge of consumer grade fireworks here in Ohio.

As states across the country have loosened their firework laws, we have found that an increase in use of fireworks across the country in recent decades has not correlated to a statistically significant increase in firework related injuries. Statistics show that firework consumption in the United States has risen from 29 million pounds in 1976 to 254.4 million pounds in 2017, a 777 percent increase. According to the U.S. Consumer Product Safety Commission's 2017 Fireworks Annual Report, during that period of time the estimated number of firework related injuries per year has mildly fluctuated, with an average of approximately 9,900 incidents per year. Despite the steep increase in fireworks consumption, in 1976 the number of fireworks related injuries was approximately 11,100 incidents, and in 2017, that number has risen to only approximately 12,900.

This bill seeks to allow Ohioans to discharge fireworks thoughtfully and safely by requiring all fireworks retailers to offer their customers safety glasses as well as provide safety pamphlets that outline the proper use of fireworks, and what to do in the event of an accident. Additionally, to ensure the safe use and handling of fireworks, consumers must not discharge fireworks under the influence of drugs or alcohol.

The bill creates the Ohio Fire Code Rule Recommendation Committee. This committee will be made up of the State Fire Marshal, local fire chiefs, a local police chief, members of the Ohio State Pyrotechnics Association, a member of Prevent Blindness Ohio, a member of the Ohio Optometric Association, a member of the Ohio Pyrotechnic Arts Guild, a representative of the Ohio Chapter of the American Academy of Pediatrics, and a member of the Ohio Council of Retail Merchants. The purpose of this committee is to advise the State Fire Marshal regarding rulemaking, including those surrounding firework usage, sale, manufacturing licensing, and wholesaler licensing.

The bill will also enact a four percent Firework Safety Fee on the gross sale of all fireworks in the State to provide adequate resources to the State Fire Marshal to design firework safety material, increase enforcement and regulation on the firework industry, and help supplement the cost of firefighter training classes for local fire departments. With increased enforcement and regulation, the Fire

Marshal's office will be able to protect consumers from fraudulent retailers and ensure all fireworks sold in the state meet high standards.

During the Senate committee process, the bill was amended to conform language in the bill with changes made in House Bill 74, the Transportation budget, regarding the geographic transfer of licenses for fireworks manufacturers and wholesalers. The amendment also limited when fireworks may be legally discharged to the following days of the year:

- New year's day
- Chinese new year's day
- Cinco de Mayo
- Memorial day weekend
- Juneteenth
- The 3rd, 4th, and 5th of July
- The Friday, Saturday, and Sunday before and after the 4th of July
- Labor day weekend
- Diwali, and
- New year's eve

The amendment also removes the prohibition for the State Fire Marshal to withhold hobbyist variances from fireworks law.

While the intent is to allow for consumer purchase and use of these consumer grade fireworks, this bill also respects the right of local municipalities to restrict or ban the use of fireworks in their communities. Special attention was also placed on violations of the fireworks law, whereby an individual can be convicted for use of fireworks causing a disturbance of the peace, or use of fireworks on unauthorized property.

Thank you again for your time and consideration of this piece of legislation. I would be happy to answer any questions at this time.