

I\_134\_0708-3

134th General Assembly  
Regular Session  
2021-2022

Sub. H. B. No. 172

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**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, 3743.80, 3743.99, and 5703.21 4  
and to enact sections 3743.021, 3743.041, 5  
3743.151, 3743.171, 3743.22, 3743.26, 3743.27, 6  
3743.28, 3743.29, 3743.451, 3743.46, 3743.47, 7  
and 3743.67 of the Revised Code to revise the 8  
Fireworks Law. 9

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

**Section 1.** That sections 3743.01, 3743.04, 3743.08, 10  
3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 3743.57, 3743.59, 11  
3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 3743.80, 3743.99, 12  
and 5703.21 be amended and sections 3743.021, 3743.041, 13  
3743.151, 3743.171, 3743.22, 3743.26, 3743.27, 3743.28, 3743.29, 14  
3743.451, 3743.46, 3743.47, and 3743.67 of the Revised Code be 15  
enacted to read as follows: 16

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



- (A) "Beer" and "intoxicating liquor" have the same meanings as in section 4301.01 of the Revised Code. 18  
19
- (B) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition, and that is ignited by pulling the ends of the string. 20  
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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. 24  
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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. 27  
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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. 31  
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- (E) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 35  
36
- (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. 37  
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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. 41  
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43  
44
- (H) "Fountain device" means a specific type of 1.4G 45

<u>firework that meets all of the following criteria:</u>	46
<u>(1) It is nonaerial and nonreport producing.</u>	47
<u>(2) It is recognized and manufactured in accordance with sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition).</u>	48 49
<u>(3) It is a ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke.</u>	50 51 52 53 54
<u>(4) It contains not more than seventy-five grams of the nonexplosive pyrotechnic mixture in any individual tube and not more than five hundred grams or less for multiple tubes.</u>	55 56 57
<u>(I) "Highway" means any public street, road, alley, way, lane, or other public thoroughfare.</u>	58 59
<del>(I)</del> <u>(J) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to sections 3743.50 to 3743.55 of the Revised Code.</u>	60 61 62
<del>(J)</del> <u>(K) "Licensed fountain device retailer" or "licensed retailer" means a person licensed pursuant to section 3743.26 of the Revised Code.</u>	63 64 65
<u>(L) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to sections 3743.02 to 3743.08 of the Revised Code.</u>	66 67 68
<del>(K)</del> <u>(M) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to sections 3743.15 to 3743.21 of the Revised Code.</u>	69 70 71
<del>(L)</del> <u>(N) "List of licensed exhibitors" means the list</u>	72

required by division (C) of section 3743.51 of the Revised Code.	73
<del>(M)</del> <u>(O)</u> "List of licensed manufacturers" means the list	74
required by division (C) of section 3743.03 of the Revised Code.	75
<del>(N)</del> <u>(P)</u> "List of licensed wholesalers" means the list	76
required by division (C) of section 3743.16 of the Revised Code.	77
<del>(O)</del> <u>(Q)</u> "Manufacturing of fireworks" means the making of	78
fireworks from raw materials, none of which in and of themselves	79
constitute a fireworks, or the processing of fireworks.	80
<del>(P)</del> <u>(R)</u> "Navigable waters" means any body of water	81
susceptible of being used in its ordinary condition as a highway	82
of commerce over which trade and travel is or may be conducted	83
in the customary modes, but does not include a body of water	84
that is not capable of navigation by barges, tugboats, and other	85
large vessels.	86
<del>(Q)</del> <u>(S)</u> "Novelties and trick noisemakers" include the	87
following items:	88
(1) Devices that produce a small report intended to	89
surprise the user, including, but not limited to, booby traps,	90
cigarette loads, party poppers, and snappers;	91
(2) Snakes or glow worms;	92
(3) Smoke devices;	93
(4) Trick matches.	94
<del>(R)</del> <u>(T)</u> "Party popper" means a small plastic or paper item	95
that contains not more than sixteen milligrams of friction-	96
sensitive explosive composition, that is ignited by pulling a	97
string protruding from the item, and from which paper streamers	98
are expelled when the item is ignited.	99

~~(S)~~ (U) "Processing of fireworks" means the making of 100  
fireworks from materials all or part of which in and of 101  
themselves constitute a fireworks, but does not include the mere 102  
packaging or repackaging of fireworks. 103

~~(T)~~ (V) "Railroad" means any railway or railroad that 104  
carries freight or passengers for hire, but does not include 105  
auxiliary tracks, spurs, and sidings installed and primarily 106  
used in serving a mine, quarry, or plant. 107

~~(U)~~ (W) "Retail sale" or "sell at retail" means a sale of 108  
fireworks to a purchaser who intends to use the fireworks, and 109  
not resell them. 110

~~(V)~~ (X) "Smoke device" means a tube or sphere that 111  
contains pyrotechnic composition that, upon ignition, produces 112  
white or colored smoke as the primary effect. 113

~~(W)~~ (Y) "Snake or glow worm" means a device that consists 114  
of a pressed pellet of pyrotechnic composition that produces a 115  
large, snake-like ash upon burning, which ash expands in length 116  
as the pellet burns. 117

~~(X)~~ (Z) "Snapper" means a small, paper-wrapped item that 118  
contains a minute quantity of explosive composition coated on 119  
small bits of sand, and that, when dropped, implodes. 120

~~(Y)~~ (AA) "Trick match" means a kitchen or book match that 121  
is coated with a small quantity of explosive composition and 122  
that, upon ignition, produces a small report or a shower of 123  
sparks. 124

~~(Z)~~ (BB) "Wire sparkler" means a sparkler consisting of a 125  
wire or stick coated with a nonexplosive pyrotechnic mixture 126  
that produces a shower of sparks upon ignition and that contains 127  
no more than one hundred grams of this mixture. 128

~~(AA)~~ (CC) "Wholesale sale" or "sell at wholesale" means a 129  
sale of fireworks to a purchaser who intends to resell the 130  
fireworks so purchased. 131

~~(BB)~~ (DD) "Licensed premises" means the real estate upon 132  
which a licensed manufacturer or wholesaler of fireworks 133  
conducts business. 134

~~(CC)~~ (EE) "Licensed building" means a building on the 135  
licensed premises of a licensed manufacturer or wholesaler of 136  
fireworks that is approved for occupancy by the building 137  
official having jurisdiction. 138

~~(DD)~~ (FF) "Fireworks incident" means any action or 139  
omission that occurs at a fireworks exhibition, that results in 140  
injury or death, or a substantial risk of injury or death, to 141  
any person, and that involves either of the following: 142

(1) The handling or other use, or the results of the 143  
handling or other use, of fireworks or associated equipment or 144  
other materials; 145

(2) The failure of any person to comply with any 146  
applicable requirement imposed by this chapter or any applicable 147  
rule adopted under this chapter. 148

~~(EE)~~ (GG) "Discharge site" means an area immediately 149  
surrounding the mortars used to fire aerial shells. 150

~~(FF)~~ (HH) "Fireworks incident site" means a discharge site 151  
or other location at a fireworks exhibition where a fireworks 152  
incident occurs, a location where an injury or death associated 153  
with a fireworks incident occurs, or a location where evidence 154  
of a fireworks incident or an injury or death associated with a 155  
fireworks incident is found. 156

~~(GG)~~ (II) "Storage location" means a single parcel or 157  
contiguous parcels of real estate approved by the state fire 158  
marshal pursuant to division (I) of section 3743.04 of the 159  
Revised Code or division (F) of section 3743.17 of the Revised 160  
Code that are separate from a licensed premises containing a 161  
retail showroom, and which parcel or parcels a licensed 162  
manufacturer or wholesaler of fireworks may use only for the 163  
distribution, possession, and storage of fireworks in accordance 164  
with this chapter. 165

Sec. 3743.021. Notwithstanding the deadline in division 166  
(A) of section 3743.02 of the Revised Code, any person who 167  
wishes to be a licensed manufacturer of fireworks in this state 168  
on January 1, 2023, and who does not already hold a license as a 169  
manufacturer of fireworks that will run through that date, may 170  
submit an application for licensure, pursuant to section 3743.02 171  
of the Revised Code, not later than November 1, 2022. 172

**Sec. 3743.04.** (A) The license of a manufacturer of 173  
fireworks is effective for one year beginning on the first day 174  
of December, and the state fire marshal shall issue or renew a 175  
license only on that date and at no other time. If a 176  
manufacturer of fireworks wishes to continue manufacturing 177  
fireworks at the designated fireworks plant after its then 178  
effective license expires, it shall apply no later than the 179  
first day of October for a new license pursuant to section 180  
3743.02 of the Revised Code. The state fire marshal shall send a 181  
written notice of the expiration of its license to a licensed 182  
manufacturer at least three months before the expiration date. 183

(B) If, during the effective period of its licensure, a 184  
licensed manufacturer of fireworks wishes to construct, locate, 185  
or relocate any buildings or other structures on the premises of 186

its fireworks plant, to make any structural change or renovation 187  
in any building or other structure on the premises of its 188  
fireworks plant, to change the nature of its manufacturing of 189  
fireworks so as to include the processing of fireworks, or to 190  
relocate its fireworks plant to a new licensed premises, the 191  
manufacturer shall notify the state fire marshal in writing. The 192  
state fire marshal may require a licensed manufacturer also to 193  
submit documentation, including, but not limited to, plans 194  
covering the proposed construction, location, relocation, 195  
structural change or renovation, change in manufacturing of 196  
fireworks, or new licensed premises, if the state fire marshal 197  
determines the documentation is necessary for evaluation 198  
purposes in light of the proposed construction, location, 199  
relocation, structural change or renovation, change in 200  
manufacturing of fireworks, or new licensed premises. 201

Upon receipt of the notification and additional 202  
documentation required by the state fire marshal, the state fire 203  
marshal shall inspect the existing premises of the fireworks 204  
plant, or proposed new licensed premises, to determine if the 205  
proposed construction, location, relocation, structural change 206  
or renovation, change in manufacturing of fireworks, or new 207  
licensed premises conform to sections 3743.02 to 3743.08 of the 208  
Revised Code and the rules adopted by the state fire marshal 209  
pursuant to section 3743.05 of the Revised Code. The state fire 210  
marshal shall issue a written authorization to the manufacturer 211  
for the construction, location, relocation, structural change or 212  
renovation, change in manufacturing of fireworks, or new 213  
licensed premises, if the state fire marshal determines, upon 214  
the inspection and a review of submitted documentation, that the 215  
construction, location, relocation, structural change or 216  
renovation, change in manufacturing of fireworks, or new 217



licensed premises conform to those sections and rules. Upon 218  
authorizing a change in manufacturing of fireworks to include 219  
the processing of fireworks, the state fire marshal shall make 220  
notations on the manufacturer's license and in the list of 221  
licensed manufacturers in accordance with section 3743.03 of the 222  
Revised Code. 223

On or before June 1, 1998, a licensed manufacturer shall 224  
install, in every licensed building in which fireworks are 225  
manufactured, stored, or displayed and to which the public has 226  
access, interlinked fire detection, smoke exhaust, and smoke 227  
evacuation systems that are approved by the superintendent of 228  
industrial compliance, and shall comply with floor plans showing 229  
occupancy load limits and internal circulation and egress 230  
patterns that are approved by the state fire marshal and 231  
superintendent, and that are submitted under seal as required by 232  
section 3791.04 of the Revised Code. Notwithstanding section 233  
3743.59 of the Revised Code, the construction and safety 234  
requirements established in this division are not subject to any 235  
variance, waiver, or exclusion. 236

(C) The license of a manufacturer of fireworks authorizes 237  
the manufacturer to engage only in the following activities: 238

(1) The manufacturing of fireworks on the premises of the 239  
fireworks plant as described in the application for licensure or 240  
in the notification submitted under division (B) of this 241  
section, except that a licensed manufacturer shall not engage in 242  
the processing of fireworks unless authorized to do so by its 243  
license. 244

(2) To possess for sale at wholesale and sell at wholesale 245  
the fireworks manufactured by the manufacturer, to persons who 246  
are licensed wholesalers of fireworks, to ~~out-of-state residents~~ 247

~~persons~~ in accordance with ~~section-sections~~ 3743.44 ~~of the~~ 248  
~~Revised Code, to residents of this state in accordance with~~ 249  
~~section 3743.45 to 3743.46~~ of the Revised Code, or to persons 250  
located in another state provided the fireworks are shipped 251  
directly out of this state to them by the manufacturer. A person 252  
who is licensed as a manufacturer of fireworks on June 14, 1988, 253  
also may possess for sale and sell pursuant to division (C) (2) 254  
of this section fireworks other than those the person 255  
manufactures. The possession for sale shall be on the premises 256  
of the fireworks plant described in the application for 257  
licensure or in the notification submitted under division (B) of 258  
this section, and the sale shall be from the inside of a 259  
licensed building and from no other structure or device outside 260  
a licensed building. At no time shall a licensed manufacturer 261  
sell any class of fireworks outside a licensed building. 262

(3) Possess for sale at retail and sell at retail the 263  
fireworks manufactured by the manufacturer, other than 1.4G 264  
fireworks as designated by the state fire marshal in rules 265  
adopted pursuant to division (A) of section 3743.05 of the 266  
Revised Code, to licensed exhibitors in accordance with sections 267  
3743.50 to 3743.55 of the Revised Code, and possess for sale at 268  
retail and sell at retail the fireworks manufactured by the 269  
manufacturer, including 1.4G fireworks, to ~~out-of-state~~ 270  
~~residents~~ persons in accordance with ~~section-sections~~ 3743.44 ~~of~~ 271  
~~the Revised Code, to residents of this state in accordance with~~ 272  
~~section 3743.45 to 3743.46~~ of the Revised Code, or to persons 273  
located in another state provided the fireworks are shipped 274  
directly out of this state to them by the manufacturer. A person 275  
who is licensed as a manufacturer of fireworks on June 14, 1988, 276  
may also possess for sale and sell pursuant to division (C) (3) 277  
of this section fireworks other than those the person 278

manufactures. The possession for sale shall be on the premises 279  
of the fireworks plant described in the application for 280  
licensure or in the notification submitted under division (B) of 281  
this section, and the sale shall be from the inside of a 282  
licensed building and from no other structure or device outside 283  
a licensed building. At no time shall a licensed manufacturer 284  
sell any class of fireworks outside a licensed building. 285

A licensed manufacturer of fireworks shall sell under 286  
division (C) of this section only fireworks that meet the 287  
standards set by the consumer product safety commission or by 288  
the American fireworks standard laboratories or that have 289  
received an EX number from the United States department of 290  
transportation. 291

(D) The license of a manufacturer of fireworks shall be 292  
protected under glass and posted in a conspicuous place on the 293  
premises of the fireworks plant. Except as otherwise provided in 294  
this division, the license is not transferable or assignable. 295

(1) The ownership of a manufacturer of fireworks license 296  
may be transferred to another person for the same fireworks 297  
plant for which the license was issued, or approved pursuant to 298  
division (B) of this section, if the assets of the plant are 299  
transferred to that person by inheritance or by a sale approved 300  
by the state fire marshal. 301

(2) The license of a manufacturer of fireworks may be 302  
geographically relocated in accordance with division (D) of 303  
section 3743.75 of the Revised Code. 304

(3) The license is subject to revocation in accordance 305  
with section 3743.08 of the Revised Code. 306

(E) The state fire marshal shall not place the license of 307

a manufacturer of fireworks in a temporarily inactive status 308  
while the holder of the license is attempting to qualify to 309  
retain the license. 310

(F) Each licensed manufacturer of fireworks that possesses 311  
fireworks for sale and sells fireworks under division (C) of 312  
section 3743.04 of the Revised Code, or a designee of the 313  
manufacturer, whose identity is provided to the state fire 314  
marshal by the manufacturer, annually shall attend a continuing 315  
education program. The state fire marshal shall develop the 316  
program and the state fire marshal or a person or public agency 317  
approved by the state fire marshal shall conduct it. A licensed 318  
manufacturer or the manufacturer's designee who attends a 319  
program as required under this division, within one year after 320  
attending the program, shall conduct in-service training as 321  
approved by the state fire marshal for other employees of the 322  
licensed manufacturer regarding the information obtained in the 323  
program. A licensed manufacturer shall provide the state fire 324  
marshal with notice of the date, time, and place of all in- 325  
service training. For any program conducted under this division, 326  
the state fire marshal shall, in accordance with rules adopted 327  
by the state fire marshal under Chapter 119. of the Revised 328  
Code, establish the subjects to be taught, the length of 329  
classes, the standards for approval, and time periods for 330  
notification by the licensee to the state fire marshal of any 331  
in-service training. 332

(G) A licensed manufacturer shall maintain comprehensive 333  
general liability insurance coverage in the amount and type 334  
specified under division (B) (2) of section 3743.02 of the 335  
Revised Code at all times. Each policy of insurance required 336  
under this division shall contain a provision requiring the 337  
insurer to give not less than fifteen days' prior written notice 338

to the state fire marshal before termination, lapse, or 339  
cancellation of the policy, or any change in the policy that 340  
reduces the coverage below the minimum required under this 341  
division. Prior to canceling or reducing the amount of coverage 342  
of any comprehensive general liability insurance coverage 343  
required under this division, a licensed manufacturer shall 344  
secure supplemental insurance in an amount and type that 345  
satisfies the requirements of this division so that no lapse in 346  
coverage occurs at any time. A licensed manufacturer who secures 347  
supplemental insurance shall file evidence of the supplemental 348  
insurance with the state fire marshal prior to canceling or 349  
reducing the amount of coverage of any comprehensive general 350  
liability insurance coverage required under this division. 351

(H) The state fire marshal shall adopt rules for the 352  
expansion or contraction of a licensed premises and for approval 353  
of such expansions or contractions. The boundaries of a licensed 354  
premises, including any geographic expansion or contraction of 355  
those boundaries, shall be approved by the state fire marshal in 356  
accordance with rules the state fire marshal adopts. If the 357  
licensed premises consists of more than one parcel of real 358  
estate, those parcels shall be contiguous unless an exception is 359  
allowed pursuant to division (I) of this section. 360

(I) (1) A licensed manufacturer may expand its licensed 361  
premises within this state to include not more than two storage 362  
locations that are located upon one or more real estate parcels 363  
that are noncontiguous to the licensed premises as that licensed 364  
premises exists on the date a licensee submits an application as 365  
described below, if all of the following apply: 366

(a) The licensee submits an application to the state fire 367  
marshal and an application fee of one hundred dollars per 368

storage location for which the licensee is requesting approval. 369

(b) The identity of the holder of the license remains the 370  
same at the storage location. 371

(c) The storage location has received a valid certificate 372  
of zoning compliance as applicable and a valid certificate of 373  
occupancy for each building or structure at the storage location 374  
issued by the authority having jurisdiction to issue the 375  
certificate for the storage location, and those certificates 376  
permit the distribution and storage of fireworks regulated under 377  
this chapter at the storage location and in the buildings or 378  
structures. The storage location shall be in compliance with all 379  
other applicable federal, state, and local laws and regulations. 380

(d) Every building or structure located upon the storage 381  
location is separated from occupied residential and 382  
nonresidential buildings or structures, railroads, highways, or 383  
any other buildings or structures on the licensed premises in 384  
accordance with the distances specified in the rules adopted by 385  
the state fire marshal pursuant to section 3743.05 of the 386  
Revised Code. 387

(e) Neither the licensee nor any person holding, owning, 388  
or controlling a five per cent or greater beneficial or equity 389  
interest in the licensee has been convicted of or pleaded guilty 390  
to a felony under the laws of this state, any other state, or 391  
the United States, after September 29, 2005. 392

(f) The state fire marshal approves the application for 393  
expansion. 394

(2) The state fire marshal shall approve an application 395  
for expansion requested under division (I)(1) of this section if 396  
the state fire marshal receives the application fee and proof 397

that the requirements of divisions (I) (1) (b) to (e) of this 398  
section are satisfied. The storage location shall be considered 399  
part of the original licensed premises and shall use the same 400  
distinct number assigned to the original licensed premises with 401  
any additional designations as the state fire marshal deems 402  
necessary in accordance with section 3743.03 of the Revised 403  
Code. 404

(J) (1) A licensee who obtains approval for the use of a 405  
storage location in accordance with division (I) of this section 406  
shall use the storage location exclusively for the following 407  
activities, in accordance with division (C) of this section: 408

(a) The packaging, assembling, or storing of fireworks, 409  
which shall only occur in buildings or structures approved for 410  
such hazardous uses by the building code official having 411  
jurisdiction for the storage location or, for 1.4G fireworks, in 412  
containers or trailers approved for such hazardous uses by the 413  
state fire marshal if such containers or trailers are not 414  
subject to regulation by the building code adopted in accordance 415  
with Chapter 3781. of the Revised Code. All such storage shall 416  
be in accordance with the rules adopted by the state fire 417  
marshal under division (G) of section 3743.05 of the Revised 418  
Code for the packaging, assembling, and storage of fireworks. 419

(b) Distributing fireworks to other parcels of real estate 420  
located on the manufacturer's licensed premises, to licensed 421  
wholesalers or other licensed manufacturers in this state or to 422  
similarly licensed persons located in another state or country; 423

(c) Distributing fireworks to a licensed exhibitor of 424  
fireworks pursuant to a properly issued permit in accordance 425  
with section 3743.54 of the Revised Code. 426

(2) A licensed manufacturer shall not engage in any sales 427  
activity, including the retail sale of fireworks otherwise 428  
permitted under division (C) (2) or (C) (3) of this section, or 429  
pursuant to section 3743.44 or 3743.45 of the Revised Code, at 430  
the storage location approved under this section. 431

(3) A storage location may not be relocated for a minimum 432  
period of five years after the storage location is approved by 433  
the state fire marshal in accordance with division (I) of this 434  
section. 435

(K) The licensee shall prohibit public access to the 436  
storage location. The state fire marshal shall adopt rules to 437  
describe the acceptable measures a manufacturer shall use to 438  
prohibit access to the storage site. 439

Sec. 3743.041. (A) Notwithstanding the requirements, 440  
contained in division (A) of section 3743.04 of the Revised 441  
Code, that the state fire marshal only issue the license of a 442  
manufacturer of fireworks on the first day of December and that 443  
the license is effective for one year, an applicant who applies 444  
for licensure pursuant to section 3743.021 of the Revised Code, 445  
and who meets the requirements for licensure contained in 446  
section 3743.03 of the Revised Code, shall be issued the license 447  
of a manufacturer of fireworks on January 1, 2023. 448

(B) A license issued pursuant to division (A) of this 449  
section shall be effective through November 30, 2023. 450

**Sec. 3743.08.** (A) The state fire marshal may inspect the 451  
premises of a fireworks plant, and the inventory, wholesale 452  
sale, and retail sale records, of a licensed manufacturer of 453  
fireworks during the manufacturer's period of licensure to 454  
determine whether the manufacturer is in compliance with Chapter 455



3743. of the Revised Code and the rules adopted by the state 456  
fire marshal pursuant to section 3743.05 or 3743.22 of the 457  
Revised Code. 458

(B) If the state fire marshal determines during an 459  
inspection conducted pursuant to division (A) of this section 460  
that a manufacturer is not in compliance with Chapter 3743. of 461  
the Revised Code or the rules adopted by the state fire marshal 462  
pursuant to section 3743.05 or 3743.22 of the Revised Code, the\_ 463  
state fire marshal may take one or more of the following 464  
actions, whichever the state fire marshal considers appropriate 465  
under the circumstances: 466

(1) Order, in writing, the manufacturer to eliminate, 467  
correct, or otherwise remedy the nonconformities within a 468  
specified period of time; 469

(2) Order, in writing, the manufacturer to immediately 470  
cease its operations, if a fire or explosion hazard exists that 471  
reasonably can be regarded as posing an imminent danger of death 472  
or serious physical harm to persons. The order shall be 473  
effective until the nonconformities are eliminated, corrected, 474  
or otherwise remedied or for a period of seventy-two hours from 475  
the time of issuance, whichever first occurs. During the 476  
seventy-two hour period, the state fire marshal may obtain from 477  
the court of common pleas of Franklin county or of the county in 478  
which the fireworks plant is located an injunction restraining 479  
the manufacturer from continuing its operations after the 480  
seventy-two hour period expires until the nonconformities are 481  
eliminated, corrected, or otherwise remedied. 482

(3) ~~Revoke~~ Suspend, revoke, or deny renewal of the license 483  
of the manufacturer in accordance with Chapter 119. of the 484  
Revised Code; 485

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

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

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

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

**Sec. 3743.151.** Notwithstanding the deadline in division (A) of section 3743.15 of the Revised Code, any person who wishes to be a licensed wholesaler of fireworks in this state beginning on January 1, 2023, and who does not already hold a license as a wholesaler of fireworks that will run through that date, may submit an application for licensure, pursuant to section 3743.15 of the Revised Code, not later than November 1, 2022.

**Sec. 3743.17.** (A) The license of a wholesaler of fireworks is effective for one year beginning on the first day of

December, and the state fire marshal shall issue or renew a 515  
license only on that date and at no other time. If a wholesaler 516  
of fireworks wishes to continue engaging in the wholesale sale 517  
of fireworks at the particular location after its then effective 518  
license expires, it shall apply not later than the first day of 519  
October for a new license pursuant to section 3743.15 of the 520  
Revised Code. The state fire marshal shall send a written notice 521  
of the expiration of its license to a licensed wholesaler at 522  
least three months before the expiration date. 523

(B) If, during the effective period of its licensure, a 524  
licensed wholesaler of fireworks wishes to perform any 525  
construction, or make any structural change or renovation, on 526  
the premises on which the fireworks are sold, or to relocate its 527  
sales operations to a new licensed premises, the wholesaler 528  
shall notify the state fire marshal in writing. The state fire 529  
marshal may require a licensed wholesaler also to submit 530  
documentation, including, but not limited to, plans covering the 531  
proposed construction or structural change or renovation, or 532  
proposed new licensed premises, if the state fire marshal 533  
determines the documentation is necessary for evaluation 534  
purposes in light of the proposed construction, structural 535  
change or renovation, or relocation. 536

Upon receipt of the notification and additional 537  
documentation required by the state fire marshal, the state fire 538  
marshal shall inspect the premises on which the fireworks are 539  
sold, or the proposed new licensed premises, to determine if the 540  
proposed construction, structural change or renovation, or 541  
relocation conforms to sections 3743.15 to 3743.21 of the 542  
Revised Code, divisions (C) (1) and (2) of section 3743.25 of the 543  
Revised Code, and the rules adopted by the state fire marshal 544  
pursuant to section 3743.18 of the Revised Code. The state fire 545

marshal shall issue a written authorization to the wholesaler 546  
for the construction, structural change or renovation, or new 547  
licensed premises if the state fire marshal determines, upon the 548  
inspection and a review of submitted documentation, that the 549  
construction, structural change or renovation, or new licensed 550  
premises conform to those sections and rules. 551

(C) The license of a wholesaler of fireworks authorizes 552  
the wholesaler to engage only in the following activities: 553

(1) Possess for sale at wholesale and sell at wholesale 554  
fireworks to persons who are licensed wholesalers of fireworks, 555  
to ~~out of state residents persons~~ in accordance with ~~section~~ 556  
~~sections~~ 3743.44 of the Revised Code, to residents of this state 557  
~~in accordance with section 3743.45 to 3743.46~~ of the Revised 558  
Code, or to persons located in another state provided the 559  
fireworks are shipped directly out of this state to them by the 560  
wholesaler. The possession for sale shall be at the location 561  
described in the application for licensure or in the 562  
notification submitted under division (B) of this section, and 563  
the sale shall be from the inside of a licensed building and 564  
from no structure or device outside a licensed building. At no 565  
time shall a licensed wholesaler sell any class of fireworks 566  
outside a licensed building. 567

(2) Possess for sale at retail and sell at retail 568  
fireworks, other than 1.4G fireworks as designated by the state 569  
fire marshal in rules adopted pursuant to division (A) of 570  
section 3743.05 of the Revised Code, to licensed exhibitors in 571  
accordance with sections 3743.50 to 3743.55 of the Revised Code, 572  
and possess for sale at retail and sell at retail fireworks, 573  
including 1.4G fireworks, to ~~out of state residents persons~~ in 574  
accordance with ~~section sections~~ 3743.44 of the Revised Code, to 575

~~residents of this state in accordance with section 3743.45 to~~ 576  
3743.46 of the Revised Code, or to persons located in another 577  
state provided the fireworks are shipped directly out of this 578  
state to them by the wholesaler. The possession for sale shall 579  
be at the location described in the application for licensure or 580  
in the notification submitted under division (B) of this 581  
section, and the sale shall be from the inside of the licensed 582  
building and from no other structure or device outside this 583  
licensed building. At no time shall a licensed wholesaler sell 584  
any class of fireworks outside a licensed building. 585

A licensed wholesaler of fireworks shall sell under 586  
division (C) of this section only fireworks that meet the 587  
standards set by the consumer product safety commission or by 588  
the American fireworks standard laboratories or that have 589  
received an EX number from the United States department of 590  
transportation. 591

(D) The license of a wholesaler of fireworks shall be 592  
protected under glass and posted in a conspicuous place at the 593  
location described in the application for licensure or in the 594  
notification submitted under division (B) of this section. 595  
Except as otherwise provided in this section, the license is not 596  
transferable or assignable. 597

(1) The ownership of a wholesaler of fireworks license may 598  
be transferred to another person for the same location for which 599  
the license was issued, or approved pursuant to division (B) of 600  
this section, if the assets of the wholesaler are transferred to 601  
that person by inheritance or by a sale approved by the state 602  
fire marshal. 603

(2) The license of a wholesaler of fireworks may be 604  
geographically relocated in accordance with division (D) of 605

section 3743.75 of the Revised Code. 606

(3) The license is subject to revocation in accordance 607  
with section 3743.21 of the Revised Code. 608

(E) The state fire marshal shall adopt rules for the 609  
expansion or contraction of a licensed premises and for the 610  
approval of an expansion or contraction. The boundaries of a 611  
licensed premises, including any geographic expansion or 612  
contraction of those boundaries, shall be approved by the state 613  
fire marshal in accordance with rules the state fire marshal 614  
adopts. If the licensed premises of a licensed wholesaler from 615  
which the wholesaler operates consists of more than one parcel 616  
of real estate, those parcels must be contiguous, unless an 617  
exception is allowed pursuant to division (F) of this section. 618

(F) (1) A licensed wholesaler may expand its licensed 619  
premises within this state to include not more than two storage 620  
locations that are located upon one or more real estate parcels 621  
that are noncontiguous to the licensed premises as that licensed 622  
premises exists on the date a licensee submits an application as 623  
described below, if all of the following apply: 624

(a) The licensee submits an application to the state fire 625  
marshal requesting the expansion and an application fee of one 626  
hundred dollars per storage location for which the licensee is 627  
requesting approval. 628

(b) The identity of the holder of the license remains the 629  
same at the storage location. 630

(c) The storage location has received a valid certificate 631  
of zoning compliance, as applicable, and a valid certificate of 632  
occupancy for each building or structure at the storage location 633  
issued by the authority having jurisdiction to issue the 634

certificate for the storage location, and those certificates 635  
permit the distribution and storage of fireworks regulated under 636  
this chapter at the storage location and in the buildings or 637  
structures. The storage location shall be in compliance with all 638  
other applicable federal, state, and local laws and regulations. 639

(d) Every building or structure located upon the storage 640  
location is separated from occupied residential and 641  
nonresidential buildings or structures, railroads, highways, and 642  
any other buildings or structures on the licensed premises in 643  
accordance with the distances specified in the rules adopted by 644  
the state fire marshal pursuant to section 3743.18 of the 645  
Revised Code. 646

(e) Neither the licensee nor any person holding, owning, 647  
or controlling a five per cent or greater beneficial or equity 648  
interest in the licensee has been convicted of or pleaded guilty 649  
to a felony under the laws of this state, any other state, or 650  
the United States, after September 29, 2005. 651

(f) The state fire marshal approves the application for 652  
expansion. 653

(2) The state fire marshal shall approve an application 654  
for expansion requested under division (F)(1) of this section if 655  
the state fire marshal receives the application fee and proof 656  
that the requirements of divisions (F)(1)(b) to (e) of this 657  
section are satisfied. The storage location shall be considered 658  
part of the original licensed premises and shall use the same 659  
distinct number assigned to the original licensed premises with 660  
any additional designations as the state fire marshal deems 661  
necessary in accordance with section 3743.16 of the Revised 662  
Code. 663

(G) (1) A licensee who obtains approval for use of a 664  
storage location in accordance with division (F) of this section 665  
shall use the site exclusively for the following activities, in 666  
accordance with division (C) (1) of this section: 667

(a) Packaging, assembling, or storing fireworks, which 668  
shall occur only in buildings or structures approved for such 669  
hazardous uses by the building code official having jurisdiction 670  
for the storage location or, for 1.4G fireworks, in containers 671  
or trailers approved for such hazardous uses by the state fire 672  
marshal if such containers or trailers are not subject to 673  
regulation by the building code adopted in accordance with 674  
Chapter 3781. of the Revised Code. All such storage shall be in 675  
accordance with the rules adopted by the state fire marshal 676  
under division (B) (4) of section 3743.18 of the Revised Code for 677  
the packaging, assembling, and storage of fireworks. 678

(b) Distributing fireworks to other parcels of real estate 679  
located on the wholesaler's licensed premises, to licensed 680  
manufacturers or other licensed wholesalers in this state or to 681  
similarly licensed persons located in another state or country; 682

(c) Distributing fireworks to a licensed exhibitor of 683  
fireworks pursuant to a properly issued permit in accordance 684  
with section 3743.54 of the Revised Code. 685

(2) A licensed wholesaler shall not engage in any sales 686  
activity, including the retail sale of fireworks otherwise 687  
permitted under division (C) (2) of this section or pursuant to 688  
section 3743.44 or 3743.45 of the Revised Code, at a storage 689  
location approved under this section. 690

(3) A storage location may not be relocated for a minimum 691  
period of five years after the storage location is approved by 692



the state fire marshal in accordance with division (F) of this section. 693  
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(H) A licensee shall prohibit public access to all storage locations it uses. The state fire marshal shall adopt rules establishing acceptable measures a wholesaler shall use to prohibit access to storage sites. 695  
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(I) The state fire marshal shall not place the license of a wholesaler of fireworks in temporarily inactive status while the holder of the license is attempting to qualify to retain the license. 699  
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(J) Each licensed wholesaler of fireworks or a designee of the wholesaler, whose identity is provided to the state fire marshal by the wholesaler, annually shall attend a continuing education program. The state fire marshal shall develop the program and the state fire marshal or a person or public agency approved by the state fire marshal shall conduct it. A licensed wholesaler or the wholesaler's designee who attends a program as required under this division, within one year after attending the program, shall conduct in-service training as approved by the state fire marshal for other employees of the licensed wholesaler regarding the information obtained in the program. A licensed wholesaler shall provide the state fire marshal with notice of the date, time, and place of all in-service training. 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. 703  
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(K) A licensed wholesaler shall maintain comprehensive 722

general liability insurance coverage in the amount and type 723  
specified under division (B) (2) of section 3743.15 of the 724  
Revised Code at all times. Each policy of insurance required 725  
under this division shall contain a provision requiring the 726  
insurer to give not less than fifteen days' prior written notice 727  
to the state fire marshal before termination, lapse, or 728  
cancellation of the policy, or any change in the policy that 729  
reduces the coverage below the minimum required under this 730  
division. Prior to canceling or reducing the amount of coverage 731  
of any comprehensive general liability insurance coverage 732  
required under this division, a licensed wholesaler shall secure 733  
supplemental insurance in an amount and type that satisfies the 734  
requirements of this division so that no lapse in coverage 735  
occurs at any time. A licensed wholesaler who secures 736  
supplemental insurance shall file evidence of the supplemental 737  
insurance with the state fire marshal prior to canceling or 738  
reducing the amount of coverage of any comprehensive general 739  
liability insurance coverage required under this division. 740

Sec. 3743.171. (A) Notwithstanding the requirements, 741  
contained in division (A) of section 3743.17 of the Revised 742  
Code, that the state fire marshal only issue the license of a 743  
wholesaler of fireworks on the first day of December and that 744  
the license is effective for one year, an applicant who applies 745  
pursuant to section 3743.151 of the Revised Code, and who meets 746  
the requirements for licensure contained in section 3743.16 of 747  
the Revised Code, shall be issued the license of a wholesaler of 748  
fireworks on January 1, 2023. 749

(B) A license issued pursuant to division (A) of this 750  
section shall be effective through November 30, 2023. 751

**Sec. 3743.21.** (A) The state fire marshal may inspect the 752

premises, and the inventory, wholesale sale, and retail sale 753  
records, of a licensed wholesaler of fireworks during the 754  
wholesaler's period of licensure to determine whether the 755  
wholesaler is in compliance with Chapter 3743. of the Revised 756  
Code and the rules adopted by the state fire marshal pursuant to 757  
section 3743.18 or 3743.22 of the Revised Code. 758

(B) If the state fire marshal determines during an 759  
inspection conducted pursuant to division (A) of this section 760  
that a wholesaler is not in compliance with Chapter 3743. of the 761  
Revised Code or the rules adopted by the state fire marshal 762  
pursuant to section 3743.18 or 3743.22 of the Revised Code, the 763  
state fire marshal may take one or more of the following 764  
actions, whichever the state fire marshal considers appropriate 765  
under the circumstances: 766

(1) Order, in writing, the wholesaler to eliminate, 767  
correct, or otherwise remedy the nonconformities within a 768  
specified period of time; 769

(2) Order, in writing, the wholesaler to immediately cease 770  
its operations, if a fire or explosion hazard exists that 771  
reasonably can be regarded as posing an imminent danger of death 772  
or serious physical harm to persons. The order shall be 773  
effective until the nonconformities are eliminated, corrected, 774  
or otherwise remedied or for a period of seventy-two hours from 775  
the time of issuance, whichever first occurs. During the 776  
seventy-two hour period, the state fire marshal may obtain from 777  
the court of common pleas of Franklin county or of the county in 778  
which the premises of the wholesaler are located an injunction 779  
restraining the wholesaler from continuing its operations after 780  
the seventy-two hour period expires until the nonconformities 781  
are eliminated, corrected, or otherwise remedied. 782

(3) ~~Revoke~~Suspend, revoke, or deny renewal of, the license 783  
of the wholesaler in accordance with Chapter 119. of the Revised 784  
Code; 785

(4) Take action as authorized by section 3743.68 of the 786  
Revised Code. 787

(C) This section does not affect the authority conferred 788  
by Chapters 3781. and 3791. of the Revised Code to conduct 789  
inspections to determine conformity with those chapters or the 790  
rules adopted pursuant to them. 791

(D) If the license of a wholesaler of fireworks is 792  
suspended or revoked or if renewal is denied pursuant to 793  
division (B) (3) of this section or section 3743.70 of the 794  
Revised Code, the wholesaler shall cease its operations 795  
immediately. The wholesaler may not reapply for licensure as a 796  
wholesaler of fireworks until two years expire from the date of 797  
revocation. 798

The state fire marshal shall remove from the list of 799  
licensed wholesalers the name of a wholesaler whose license has 800  
been revoked, and shall notify the law enforcement authorities 801  
for the political subdivision in which the wholesaler's premises 802  
are located, of the suspension, revocation, or denial of 803  
renewal. 804

**Sec. 3743.22. (A) As used in this section:** 805

(1) "Fee period" means the period beginning on the first 806  
day of October and ending on the thirtieth day of the following 807  
September. 808

(2) "Gross receipts" excludes the amount of taxes a 809  
licensed retailer, licensed manufacturer, or licensed wholesaler 810  
collects from a consumer under Chapter 5739. of the Revised Code 811

on behalf of the state or a political subdivision. 812

(B) For the purpose of providing revenue to fund 813  
firefighter training programs and the enforcement and regulation 814  
of the fireworks industry, a fee is imposed on licensed 815  
retailers, licensed manufacturers, and licensed wholesalers 816  
selling 1.4G fireworks in this state. The fee shall equal four 817  
per cent of the gross receipts of a licensed manufacturer or 818  
licensed wholesaler from retail sales of 1.4G fireworks in this 819  
state made one hundred or more days after the effective date of 820  
this section. For the purpose of this section, a retail sale of 821  
1.4G fireworks is made in this state only if the purchaser 822  
intends to use the fireworks, and not resell them, and receives 823  
the 1.4G fireworks at a location in this state. 824

The fee shall be reported, on a form prescribed by the 825  
state fire marshal, and remitted to the state fire marshal on or 826  
before the twenty-third day after the last day of each fee 827  
period. The amount of the fee due shall be computed on the basis 828  
of gross receipts from retail sales made in each fee period. A 829  
licensed retailer, licensed manufacturer, or licensed wholesaler 830  
whose license is issued, canceled or revoked, or not renewed 831  
after expiration during a fee period shall report and remit the 832  
fee based on sales of 1.4G fireworks made in that fee period as 833  
required under this section. A licensed retailer, licensed 834  
manufacturer, or licensed wholesaler may separately or 835  
proportionately bill or invoice a fee imposed under this section 836  
to another person. 837

(C) All money collected under this section shall be 838  
credited to the fireworks fee receipts fund, which is hereby 839  
created in the state treasury. Seven-eighths of the money in the 840  
fund shall be used by the state fire marshal solely to fund 841

firefighter training programs. Remaining money in the fund shall 842  
be used solely to pay expenses of the state fire marshal in 843  
performing the duties prescribed by this chapter. 844

(D) If the state fire marshal determines that a licensed 845  
retailer, licensed manufacturer, or licensed wholesaler fails to 846  
timely report and remit the full amount of the fee as required 847  
by this section, the state fire marshal may do either of the 848  
following: 849

(1) Order, in writing, the retailer, wholesaler, or 850  
manufacturer to report and remit to the state fire marshal, 851  
within a specified period of time, any such underpayment; 852

(2) Revoke or deny renewal of the license of the retailer, 853  
manufacturer, or wholesaler, which shall subject a manufacturer 854  
or wholesaler to the consequences prescribed in division (D) of 855  
section 3743.08 of the Revised Code or division (D) of section 856  
3743.21 of the Revised Code. 857

(E) The state fire marshal may adopt rules in accordance 858  
with Chapter 119. of the Revised Code as necessary to administer 859  
and enforce the fee imposed under this section. 860

**Sec. 3743.25.** (A) (1) Except as described in division (A) 861  
(2) of this section, all retail sales of 1.4G fireworks by a 862  
licensed manufacturer or wholesaler shall only occur from an 863  
approved retail sales showroom on a licensed premises or from a 864  
representative sample showroom as described in this section on a 865  
licensed premises. For the purposes of this section, a retail 866  
sale includes the transfer of the possession of the 1.4G 867  
fireworks from the licensed manufacturer or wholesaler to the 868  
purchaser of the fireworks. 869

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 870

properly permitted exhibition shall occur in accordance with the 871  
provisions of the Revised Code and rules adopted by the state 872  
fire marshal under Chapter 119. of the Revised Code. Such rules 873  
shall specify, at a minimum, that the licensed exhibitor holds a 874  
license under section 3743.51 of the Revised Code, that the 875  
exhibitor possesses a valid exhibition permit issued in 876  
accordance with section 3743.54 of the Revised Code, and that 877  
the fireworks shipped are to be used at the specifically 878  
permitted exhibition. 879

(B) All wholesale sales of fireworks by a licensed 880  
manufacturer or wholesaler shall only occur from a licensed 881  
premises to persons who intend to resell the fireworks purchased 882  
at wholesale. A wholesale sale by a licensed manufacturer or 883  
wholesaler may occur as follows: 884

(1) The direct sale and shipment of fireworks to a person 885  
outside of this state; 886

(2) From an approved retail sales showroom as described in 887  
this section; 888

(3) From a representative sample showroom as described in 889  
this section; 890

(4) By delivery of wholesale fireworks to a purchaser at a 891  
licensed premises outside of a structure or building on that 892  
premises. All other portions of the wholesale sales transaction 893  
may occur at any location on a licensed premises. 894

(5) Any other method as described in rules adopted by the 895  
state fire marshal under Chapter 119. of the Revised Code. 896

(C) A licensed manufacturer or wholesaler shall only sell 897  
1.4G fireworks from a representative sample showroom or a retail 898  
sales showroom. Each licensed premises shall only contain one 899

sales structure. 900

A representative sample showroom shall consist of a 901  
structure constructed and maintained in accordance with the 902  
nonresidential building code adopted under Chapter 3781. of the 903  
Revised Code and the fire code adopted under section 3737.82 of 904  
the Revised Code for a use and occupancy group that permits 905  
mercantile sales. A representative sample showroom shall not 906  
contain any pyrotechnics, pyrotechnic materials, fireworks, 907  
explosives, explosive materials, or any similar hazardous 908  
materials or substances. A representative sample showroom shall 909  
be used only for the public viewing of fireworks product 910  
representations, including paper materials, packaging materials, 911  
catalogs, photographs, or other similar product depictions. The 912  
delivery of product to a purchaser of fireworks at a licensed 913  
premises that has a representative sample structure shall not 914  
occur inside any structure on a licensed premises. Such product 915  
delivery shall occur on the licensed premises in a manner 916  
prescribed by rules adopted by the state fire marshal pursuant 917  
to Chapter 119. of the Revised Code. 918

If a manufacturer or wholesaler elects to conduct sales 919  
from a retail sales showroom, the showroom structures, to which 920  
the public may have any access and in which employees are 921  
required to work, on all licensed premises, shall comply with 922  
the following safety requirements: 923

(1) A fireworks showroom that is constructed or upon which 924  
expansion is undertaken on and after June 30, 1997, shall be 925  
equipped with interlinked fire detection, fire suppression, 926  
smoke exhaust, and smoke evacuation systems that are approved by 927  
the superintendent of industrial compliance in the department of 928  
commerce. 929



~~(2)~~ (2)(a) A fireworks showroom that first begins to 930  
operate on or after June 30, 1997, or that resumes operations at 931  
any time after a period of inactive status of licensure greater 932  
than one year, and to which the public has access for retail 933  
purposes shall not exceed ~~five~~ seven thousand five hundred 934  
square feet in floor area. 935

(b) A fireworks showroom that, through construction of a 936  
new showroom, expansion of an existing showroom, or similar 937  
means, first exceeds five thousand square feet, to which the 938  
public has access for retail purposes, after the effective date 939  
of this amendment shall be equipped with a sprinkler system that 940  
meets the criteria for sprinkler systems in extra hazard (group 941  
2) occupancies under "NFPA 13, Standard for the Installation of 942  
Sprinkler Systems (2019 Edition)." 943

(c) Notwithstanding division (D) of this section, the 944  
state fire marshal may provide a variance to the requirements of 945  
division (C)(2)(b) of this section pursuant to section 3743.59 946  
of the Revised Code for a sprinkler system that matches or 947  
exceeds the degree of safety provided by a sprinkler system that 948  
meets the criteria for sprinkler systems in extra hazard (group 949  
2) occupancies under "NFPA 13, Standard for the Installation of 950  
Sprinkler Systems (2019 Edition)." 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 displays for fountain devices 1065  
shall be limited to three hundred square feet. No single 1066  
fountain device display shall exceed one hundred fifty square 1067  
feet, and each display must be placed at least twenty-five feet 1068  
from any other highly flammable materials. 1069

(2) A licensed retailer's possession and storage of 1070  
fountain devices shall comply with the national fire protection 1071  
association standard "NFPA 1124, Code for the Manufacture, 1072  
Transportation, Storage, and Retail Sales of Fireworks and 1073  
Pyrotechnic Articles (2006 Edition)." 1074

(3) A licensed retailer shall only possess and sell 1075  
fountain devices as packaged merchandise with covered fuses. 1076

(4) A licensed retailer's fountain devices that are 1077  
displayed for sale shall be under the visual supervision of an 1078  
employee of the licensed retailer or other responsible party 1079  
while the licensed retail location is open to the public. 1080

(5) A licensed retailer's possession, storage, and sale of 1081  
fountain devices shall comply with the state fire marshal's 1082  
rules adopted pursuant to section 3743.28 of the Revised Code. 1083

(6) No licensed retailer shall sell fountain devices to a 1084  
person who is under eighteen years of age. 1085

(7) No licensed retailer shall knowingly sell fountain 1086  
devices to a person who is obviously under the influence of 1087  
alcohol or a drug of abuse, as defined in section 4506.01 of the 1088  
Revised Code. 1089

(8) A licensed retailer shall comply with divisions (A) 1090  
and (B) of section 3743.47 of the Revised Code. 1091

(9) A licensed retailer shall possess and sell fountain 1092  
devices only at the location described in the application for 1093  
licensure and the sale shall be from the inside of a licensed 1094  
building and from no structure or device outside a licensed 1095  
building. At no time shall a licensed retailer sell fountain 1096  
devices outside of a licensed building. 1097

(10) A licensed retailer shall prohibit smoking in the 1098  
licensed location. 1099

(B) No licensed fountain device retailer shall negligently 1100  
fail to furnish a safety pamphlet to a purchaser of 1.4G 1101  
fireworks as required by division (A) of section 3743.47 of the 1102  
Revised Code. 1103

(C) No licensed fountain device retailer shall negligently 1104

fail to have safety glasses available for sale as required by 1105  
division (B) of section 3743.47 of the Revised Code. 1106

**Sec. 3743.28.** (A) The state fire marshal shall adopt rules 1107  
pursuant to Chapter 119. of the Revised Code governing the 1108  
storage of fireworks by and the business operations of licensed 1109  
fountain device retailers. The rules shall be designed to 1110  
promote the safety and security of employees of retailers, 1111  
members of the public, and the premises upon which fireworks are 1112  
sold. 1113

The state fire marshal shall file the rules required by 1114  
this division with the joint committee on agency rule review 1115  
pursuant to division (C) of section 119.03 of the Revised Code 1116  
not later than one hundred eighty days after the effective date 1117  
of this section. 1118

(B) The rules shall be consistent with sections 3743.26 to 1119  
3743.29 of the Revised Code and the national fire protection 1120  
association standard "NFPA 1124, Code for the Manufacture, 1121  
Transportation, Storage, and Retail Sales of Fireworks and 1122  
Pyrotechnic Articles (2006 Edition)" and shall apply to, but not 1123  
be limited to, the following subject matters: 1124

(1) Cleanliness and orderliness in, the heating, lighting, 1125  
and use of stoves and flame-producing items in, smoking in, the 1126  
prevention of fire and explosion in, the availability of fire 1127  
extinguishers or other fire-fighting equipment and their use in, 1128  
and emergency procedures relative to the buildings and other 1129  
structures on a retailer's premises; 1130

(2) The manner in which fountain devices are to be stored; 1131

(3) Insurance to be maintained by licensed fountain device 1132  
retailers. 1133

Sec. 3743.29. (A) The state fire marshal may inspect the 1134  
premises, the inventory, and retail sale records, of a licensed 1135  
fountain device retailer during the retailer's period of 1136  
licensure to determine whether the retailer is in compliance 1137  
with Chapter 3743. of the Revised Code and the rules adopted by 1138  
the state fire marshal pursuant to section 3743.28 of the 1139  
Revised Code. 1140

(B) If the state fire marshal determines during an 1141  
inspection conducted pursuant to division (A) of this section 1142  
that a licensed fountain device retailer is not in compliance 1143  
with Chapter 3743. of the Revised Code or the rules adopted by 1144  
the state fire marshal pursuant to section 3743.28 of the 1145  
Revised Code, the state fire marshal may take one or more of the 1146  
following actions, whichever the state fire marshal considers 1147  
appropriate under the circumstances: 1148

(1) Order, in writing, the retailer to eliminate, correct, 1149  
or otherwise remedy the nonconformities within a specified 1150  
period of time; 1151

(2) Order, in writing, the retailer to immediately cease 1152  
the storage and related sale of fountains. 1153

(3) Revoke, or deny renewal of, the license of the 1154  
retailers in accordance with Chapter 119. of the Revised Code. 1155

(C) This section does not affect the authority conferred 1156  
by Chapters 3781. and 3791. of the Revised Code to conduct 1157  
inspections to determine conformity with those chapters or the 1158  
rules adopted pursuant to them. 1159

The state fire marshal shall remove from the list of 1160  
licensed retailers the name of a retailer whose license has been 1161  
revoked, and shall notify the law enforcement authorities for 1162



the political subdivision in which the retailer's premises are 1163  
located, of the revocation or denial of renewal. 1164

**Sec. 3743.44.** (A) Any person who ~~resides in another state~~ 1165  
~~and who~~ intends to obtain possession in this state of 1.3G 1166  
fireworks purchased in this state shall obtain possession of the 1167  
1.3G fireworks only from a licensed manufacturer or licensed 1168  
~~wholesaler and only possess the fireworks in this state while in~~ 1169  
~~the course of directly transporting them out of this state.~~ 1170

No licensed manufacturer or licensed wholesaler shall sell 1171  
1.3G fireworks to a person ~~who resides in another state~~ unless 1172  
that person has been issued a license or permit in the state of 1173  
the person's residence that authorizes the person to engage in 1174  
the manufacture, wholesale sale, or retail sale of 1.3G 1175  
fireworks or that authorizes the person to conduct 1.3G 1176  
fireworks exhibitions in that state and that person presents a 1177  
certified copy of the license. 1178

~~No licensed manufacturer or licensed wholesaler shall sell~~ 1179  
~~fireworks to a person who resides in another state unless that~~ 1180  
~~person has been issued a license or permit in the state of the~~ 1181  
~~person's residence that authorizes the person to engage in the~~ 1182  
~~manufacture, wholesale sale, or retail sale of fireworks in that~~ 1183  
~~state or that authorizes the person to conduct fireworks~~ 1184  
~~exhibitions in that state and that person presents a certified~~ 1185  
~~copy of the license, or, if that person does not possess a~~ 1186  
~~license or permit of that nature, only if the person presents a~~ 1187  
~~current valid motor vehicle operator's license issued to the~~ 1188  
~~person in the person's state of residence, or, if that person~~ 1189  
~~does not possess a motor vehicle operator's license issued in~~ 1190  
~~that state, an identification card issued to the person by a~~ 1191  
~~governmental agency in the person's state of residence~~ 1192

~~indicating that the person is a resident of that state. If a  
person who is required to present a motor vehicle operator's  
license or other identification card intends to transport the  
fireworks purchased directly out of this state by a motor  
vehicle and the person will not also be the operator of that  
motor vehicle while so transporting the fireworks, the operator  
of the motor vehicle also shall present the operator's motor  
vehicle operator's license.~~ 1193  
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~~(B) Each purchaser of fireworks under this section shall  
transport the fireworks so purchased directly out of this state  
within forty eight hours after the time of their purchase.~~ 1201  
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~~This section regulates wholesale sales and retail sales of  
fireworks in this state only insofar as purchasers of fireworks  
are residents of other states and will be obtaining possession  
in this state of purchased fireworks. This section does not  
prohibit licensed manufacturers or wholesalers from selling  
fireworks, in accordance with section 3743.04 or sections  
3743.17 and 3743.25 of the Revised Code, to a resident of  
another state and from shipping the purchased fireworks directly  
out of this state to the purchaser.~~ 1204  
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**Sec. 3743.45.** ~~(A) Any person who resides in this state and  
who intends to obtain possession in this state of 1.4G fireworks  
purchased in this state shall obtain possession of the 1.4G  
fireworks only from a licensed retailer, licensed manufacturer,  
or licensed wholesaler and shall be subject to this section.~~ 1213  
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~~Each purchaser of 1.4G fireworks under this division shall  
transport the fireworks so purchased directly out of this state  
within forty eight hours after the time of their purchase.~~ 1218  
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~~This division does not apply to a person who resides in~~ 1221

~~this state and who is also a licensed manufacturer, licensed  
wholesaler, or licensed exhibitor of fireworks in this state.~~ 1222  
1223

~~(B) No licensed manufacturer or licensed wholesaler shall  
sell 1.3G fireworks to a person who resides in this state unless  
that person is a licensed manufacturer, licensed wholesaler, or  
licensed exhibitor of fireworks in this state. Any person  
authorized under this section to possess 1.4G fireworks in this  
state may discharge, ignite, or explode those fireworks on  
private property, with authorization from the property owner, on  
the following days each year:~~ 1224  
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(1) The first day of January; 1232

(2) Chinese new year's day; 1233

(3) The fifth day of May; 1234

(4) The last Monday in May, and the Saturday and Sunday  
immediately preceding that day; 1235  
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(5) The nineteenth day of June; 1237

(6) The third, fourth, and fifth days of July; 1238

(7) The first Friday, Saturday, and Sunday before and  
after the fourth day of July; 1239  
1240

(8) The first Monday of September, and the Saturday and  
Sunday immediately preceding that day; 1241  
1242

(9) Diwali; 1243

(10) The thirty-first day of December. 1244

(C) Fireworks discharged, ignited, or exploded pursuant to  
this section shall not be considered a public exhibition. 1245  
1246

(D) A county, with respect to the unincorporated territory 1247

of the county, a township, with respect to the unincorporated 1248  
territory of the township, or a municipal corporation may do 1249  
either of the following: 1250

(1) Restrict the dates and times a person may discharge, 1251  
ignite, or explode fireworks purchased pursuant to this section. 1252

(2) Ban the discharge, ignition, or explosion of fireworks 1253  
purchased pursuant to this section. A resolution adopted by a 1254  
board of township trustees under this division prevails over a 1255  
conflicting resolution adopted under this division by the board 1256  
of county commissioners in the county within which the township 1257  
is located. 1258

(E) This section does not limit the enforcement of any 1259  
ordinance, resolution, or statute that regulates noise, 1260  
disturbance of the peace, or disorderly conduct. 1261

**Sec. 3743.451.** (A) (1) The state fire marshal shall adopt 1262  
rules in accordance with Chapter 119. of the Revised Code 1263  
regulating the time, manner, and location of 1.4G fireworks 1264  
discharged, ignited, or exploded under section 3743.45 of the 1265  
Revised Code. The rules may include provisions requiring that 1266  
all fireworks be used only in accordance with manufacturer's 1267  
instructions and provisions for all of the following: 1268

(a) The use of aerial fireworks; 1269

(b) Separation distances between the location of fireworks 1270  
discharges, ignitions, or explosions and adjacent structures, 1271  
roadways, railroads, airports, publicly owned or controlled 1272  
places, and places where hazardous materials are manufactured, 1273  
used, or stored; 1274

(c) Fireworks usage at common areas of multitenant 1275  
properties; 1276

<u>(d) The suspension of fireworks discharges, ignitions, or explosions during times of drought or similar conditions;</u>	1277
	1278
<u>(e) The proximity of fireworks discharges, ignitions, or explosions to persons under eighteen years of age;</u>	1279
	1280
<u>(f) Any other matters similar to those listed in division (A) (1) of this section.</u>	1281
	1282
<u>(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.</u>	1283
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<u>(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.</u>	1288
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<u>(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.</u>	1294
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<u>(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.</u>	1299
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<u>Sec. 3743.46. (A) Except as otherwise provided in section 3743.44 or 3743.45 of the Revised Code, no licensed manufacturer</u>	1304
	1305

or licensed wholesaler shall sell fireworks to a person who 1306  
resides in another state unless one of the following applies: 1307

(1) The person has been issued a license or permit in the 1308  
state of the person's residence that authorizes the person to 1309  
engage in the manufacture, wholesale sale, or retail sale of 1310  
fireworks in that state or that authorizes the person to conduct 1311  
fireworks exhibitions in that state and that person presents a 1312  
certified copy of the license. 1313

(2) If the person does not possess a license or permit 1314  
described in division (A)(1) of this section, the person 1315  
presents a current, valid motor vehicle operator's license 1316  
issued to the person in the person's state of residence. 1317

(3) If the person does not possess a license or permit 1318  
issued in that state as described in division (A)(1) or (2) of 1319  
this section, the person presents an identification card issued 1320  
to the person by a governmental agency in the person's state of 1321  
residence indicating that the person is a resident of that 1322  
state. 1323

(B) If a person who is required to present a motor vehicle 1324  
operator's license or other identification card intends to 1325  
transport the fireworks purchased directly out of this state by 1326  
a motor vehicle and the person will not also be the operator of 1327  
that motor vehicle while so transporting the fireworks, the 1328  
operator of the motor vehicle also shall present the operator's 1329  
motor vehicle operator's license. 1330

**Sec. 3743.47.** (A) A licensed retailer, licensed 1331  
manufacturer, or licensed wholesaler shall furnish a copy of a 1332  
safety pamphlet to each purchaser of 1.4G fireworks. In addition 1333  
to any safety information the licensed retailer, licensed 1334

wholesaler, or licensed manufacturer wishes to include, the 1335  
pamphlet shall include all of the following statements, or 1336  
substantially similar statements: 1337

"Do not allow children to play with fireworks. Sparklers, 1338  
a firework often considered by many to be the ideal "safe" 1339  
device for children, burn at very high temperatures and should 1340  
not be handled by children. Children may not understand the 1341  
danger involved with fireworks and may not act appropriately 1342  
while using the devices or in case of emergency. 1343

Set off fireworks outdoors in a clear area, away from 1344  
houses, dry leaves, or grass and other flammable materials. 1345

Keep a bucket of water nearby for emergencies and for 1346  
pouring on fireworks that fail to ignite or explode. 1347

Do not try to relight or handle malfunctioning fireworks. 1348  
Soak them with water and throw them away. 1349

Be sure other people are out of range before lighting 1350  
fireworks. 1351

Never light fireworks in a container, especially a glass 1352  
or metal container. 1353

Keep unused fireworks away from firing areas. 1354

Store fireworks in a cool, dry place. 1355

Check instructions for special storage directions. 1356

Observe state and local law. 1357

Never have any portion of your body directly over a 1358  
firework while lighting. 1359

Do not experiment with homemade fireworks." 1360

(B) A licensed retailer, licensed manufacturer, or licensed wholesaler selling 1.4G fireworks shall have safety glasses available for a nominal charge or free at the site of the 1.4G fireworks purchase. 1361  
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(C) Divisions (A) and (B) of this section do not apply when a purchaser is a licensed retailer, licensed manufacturer, licensed wholesaler, or licensed exhibitor of fireworks in this state. 1365  
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**Sec. 3743.57.** (A) All fees collected by the state fire marshal for licenses or permits issued pursuant to this chapter, except the fee imposed under section 3743.22 of the Revised Code, shall be deposited into the state fire marshal's fund, and interest earned on the amounts in the fund shall be credited by the treasurer of state to the fund. 1369  
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(B) The state fire marshal shall in the state fire marshal's discretion use amounts in the state fire marshal's fund for fireworks training and education purposes, including, but not limited to, the creation of educational and training programs, attendance by the state fire marshal and the state fire marshal's employees at conferences and seminars, the payment of travel and meal expenses associated with such attendance, participation by the state fire marshal and the state fire marshal's employees in committee meetings and other meetings related to pyrotechnic codes, and the payment of travel and meal expenses associated with such participation. The use of the fund shall comply with rules of the department of commerce, policies and procedures established by the director of budget and management, and all other applicable laws. 1375  
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**Sec. 3743.59.** (A) As used in this section, "hobbyist activities" means the manufacture, possession, and use of 1389  
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individual items, each of which meets the definition of either a 1391  
1.3G firework or 1.4G firework. 1392

(B) Upon application by an affected party, the fire 1393  
marshal may grant variances from the requirements of this 1394  
chapter or from the requirements of rules adopted pursuant to 1395  
this chapter if the fire marshal determines that a literal 1396  
enforcement of the requirement will result in practical 1397  
difficulty in complying with the requirements of this chapter or 1398  
the rules adopted pursuant to this chapter and that the variance 1399  
will not be contrary to the public health, safety, or welfare. 1400  
~~A~~Except as provided in division (C) (2) (c) of section 3743.25 of 1401  
the Revised Code, a variance shall not be granted to a person 1402  
who is initially licensed as a manufacturer or wholesaler of 1403  
fireworks after June 14, 1988. 1404

~~(B)~~(C) The fire marshal may authorize a variance from the 1405  
prohibitions in this chapter against the possession and use of 1406  
pyrotechnic compounds to a person who submits proof that the 1407  
person is certified and in good standing with the Ohio state 1408  
board of education, provided that the pyrotechnic compounds are 1409  
used for educational purposes only, or are used only at an 1410  
authorized educational function approved by the governing board 1411  
that exercises authority over the educational function. 1412

~~(C)~~ ~~The~~ (D) (1) Subject to division (D) (2) of this section, 1413  
the state fire marshal may authorize a variance from the 1414  
prohibitions in this chapter ~~against the possession and use of~~ 1415  
~~pyrotechnic compounds to~~ allow a person ~~who possesses and uses~~ 1416  
~~the pyrotechnic compounds for personal and noncommercial~~ 1417  
~~purposes as a hobby~~ to engage in hobbyist activities. 1418

(2) (a) A variance allowing hobbyist activities does not at 1419  
any time permit a person to possess more than five pounds, in 1420

total, of explosives, pyrotechnics, or similar raw materials 1421  
for, and finished 1.3G and 1.4G fireworks manufactured during, 1422  
hobbyist activities. 1423

(b) A variance allowing hobbyist activities does not 1424  
affect a person's obligation to comply with federal, state, or 1425  
local law or regulation outside of this chapter. 1426

(c) The state fire marshal shall not issue a variance 1427  
allowing hobbyist activities to a person unless the person does 1428  
all of the following: 1429

(i) Demonstrates that the person has experience, 1430  
education, and training in pyrotechnics necessary to protect 1431  
public safety when engaging in hobbyist activities; 1432

(ii) Demonstrates that the person has, compliant with all 1433  
applicable federal, state, and local laws, proper methods and 1434  
locations to safely acquire, store, and use explosives, 1435  
pyrotechnics, or similar raw materials for the manufacture of 1436  
1.3G fireworks and 1.4G fireworks; 1437

(iii) Provides any other information or records the state 1438  
fire marshal considers necessary to protect public safety during 1439  
the person's hobbyist activities. 1440

(2) The state fire marshal shall not unreasonably withhold 1441  
a variance allowing hobbyist activities that the state fire 1442  
marshal may authorize pursuant to division (D)(1) of this 1443  
section. 1444

(3) The state fire marshal may rescind a variance 1445  
authorized authorizing hobbyist activities under this division 1446  
(D)(1) of this section for cause at any time, exclusively at the 1447  
fire marshal's discretion. 1448

Sec. 3743.60. (A) No person shall manufacture fireworks in 1449  
this state unless it is a licensed manufacturer of fireworks, 1450  
and no person shall operate a fireworks plant in this state 1451  
unless it has been issued a license as a manufacturer of 1452  
fireworks for the particular fireworks plant. 1453

(B) No person shall operate a fireworks plant in this 1454  
state after its license as a manufacturer of fireworks for the 1455  
particular fireworks plant has expired, is suspended, has been 1456  
denied renewal, or has been revoked, unless a new license has 1457  
been obtained or the suspension lifted. 1458

(C) No licensed manufacturer of fireworks, during the 1459  
effective period of its licensure, shall construct, locate, or 1460  
relocate any buildings or other structures on the premises of 1461  
its fireworks plant, make any structural change or renovation in 1462  
any building or other structure on the premises of its fireworks 1463  
plant, or change the nature of its manufacturing of fireworks so 1464  
as to include the processing of fireworks without first 1465  
obtaining a written authorization from the state fire marshal 1466  
pursuant to division (B) of section 3743.04 of the Revised Code. 1467

(D) No licensed manufacturer of fireworks shall 1468  
manufacture fireworks, possess fireworks for sale at wholesale 1469  
or retail, or sell fireworks at wholesale or retail, in a manner 1470  
not authorized by division (C) of section 3743.04 of the Revised 1471  
Code. 1472

(E) No licensed manufacturer of fireworks shall knowingly 1473  
fail to comply with the rules adopted by the state fire marshal 1474  
pursuant to section 3743.05 of the Revised Code or the 1475  
requirements of section 3743.06 of the Revised Code. 1476

(F) No licensed manufacturer of fireworks shall fail to 1477

maintain complete inventory, wholesale sale, and retail records 1478  
as required by section 3743.07 of the Revised Code, or to permit 1479  
inspection of these records or the premises of a fireworks plant 1480  
pursuant to section 3743.08 of the Revised Code. 1481

(G) No licensed manufacturer of fireworks shall fail to 1482  
comply with an order of the state fire marshal issued pursuant 1483  
to division (B)(1) of section 3743.08 of the Revised Code, 1484  
within the specified period of time. 1485

(H) No licensed manufacturer of fireworks shall fail to 1486  
comply with an order of the state fire marshal issued pursuant 1487  
to division (B)(2) of section 3743.08 of the Revised Code until 1488  
the nonconformities are eliminated, corrected, or otherwise 1489  
remedied or the seventy-two hour period specified in that 1490  
division has expired, whichever first occurs. 1491

(I) No person shall smoke or shall carry a pipe, 1492  
cigarette, or cigar, or a match, lighter, other flame-producing 1493  
item, or open flame on, or shall carry a concealed source of 1494  
ignition into, the premises of a fireworks plant, except as 1495  
smoking is authorized in specified lunchrooms or restrooms by a 1496  
manufacturer pursuant to division (C) of section 3743.06 of the 1497  
Revised Code. 1498

(J) No person shall have possession or control of, or be 1499  
under the influence of, any intoxicating liquor, beer, or 1500  
controlled substance, while on the premises of a fireworks 1501  
plant. 1502

(K) No licensed manufacturer of fireworks shall 1503  
negligently fail to furnish a safety pamphlet to a purchaser of 1504  
1.4G fireworks as required by division (A) of section 3743.47 of 1505  
the Revised Code. 1506

(L) No licensed manufacturer of fireworks shall 1507  
negligently fail to have safety glasses available for sale as 1508  
required by division (B) of section 3743.47 of the Revised Code. 1509

**Sec. 3743.61.** (A) No person, except a licensed 1510  
manufacturer of fireworks engaging in the wholesale sale of 1511  
fireworks as authorized by division (C) (2) of section 3743.04 of 1512  
the Revised Code, shall operate as a wholesaler of fireworks in 1513  
this state unless it is a licensed wholesaler of fireworks, or 1514  
shall operate as a wholesaler of fireworks at any location in 1515  
this state unless it has been issued a license as a wholesaler 1516  
of fireworks for the particular location. 1517

(B) No person shall operate as a wholesaler of fireworks 1518  
at a particular location in this state after its license as a 1519  
wholesaler of fireworks for the particular location has expired, 1520  
is suspended, has been denied renewal, or has been revoked, 1521  
unless a new license has been obtained or the suspension lifted. 1522

(C) No licensed wholesaler of fireworks, during the 1523  
effective period of its licensure, shall perform any 1524  
construction, or make any structural change or renovation, on 1525  
the premises on which the fireworks are sold without first 1526  
obtaining a written authorization from the state fire marshal 1527  
pursuant to division (B) of section 3743.17 of the Revised Code. 1528

(D) No licensed wholesaler of fireworks shall possess 1529  
fireworks for sale at wholesale or retail, or sell fireworks at 1530  
wholesale or retail, in a manner not authorized by division (C) 1531  
of section 3743.17 of the Revised Code. 1532

(E) No licensed wholesaler of fireworks shall knowingly 1533  
fail to comply with the rules adopted by the state fire marshal 1534  
pursuant to section 3743.18 or the requirements of section 1535

3743.19 of the Revised Code. 1536

(F) No licensed wholesaler of fireworks shall fail to 1537  
maintain complete inventory, wholesale sale, and retail records 1538  
as required by section 3743.20 of the Revised Code, or to permit 1539  
inspection of these records or the premises of the wholesaler 1540  
pursuant to section 3743.21 of the Revised Code. 1541

(G) No licensed wholesaler of fireworks shall fail to 1542  
comply with an order of the state fire marshal issued pursuant 1543  
to division (B) (1) of section 3743.21 of the Revised Code, 1544  
within the specified period of time. 1545

(H) No licensed wholesaler of fireworks shall fail to 1546  
comply with an order of the state fire marshal issued pursuant 1547  
to division (B) (2) of section 3743.21 of the Revised Code until 1548  
the nonconformities are eliminated, corrected, or otherwise 1549  
remedied or the seventy-two hour period specified in that 1550  
division has expired, whichever first occurs. 1551

(I) No person shall smoke or shall carry a pipe, 1552  
cigarette, or cigar, or a match, lighter, other flame-producing 1553  
item, or open flame on, or shall carry a concealed source of 1554  
ignition into, the premises of a wholesaler of fireworks, except 1555  
as smoking is authorized in specified lunchrooms or restrooms by 1556  
a wholesaler pursuant to division (D) of section 3743.19 of the 1557  
Revised Code. 1558

(J) No person shall have possession or control of, or be 1559  
under the influence of, any intoxicating liquor, beer, or 1560  
controlled substance, while on the premises of a wholesaler of 1561  
fireworks. 1562

(K) No licensed wholesaler of fireworks shall negligently 1563  
fail to furnish a safety pamphlet to a purchaser of 1.4G 1564

fireworks as required by division (A) of section 3743.47 of the 1565  
Revised Code. 1566

(L) No licensed wholesaler of fireworks shall negligently 1567  
fail to have safety glasses available for sale as required by 1568  
division (B) of section 3743.47 of the Revised Code. 1569

**Sec. 3743.63.** (A) No person who ~~resides in another state~~ 1570  
~~and~~ purchases fireworks in this state shall obtain possession of 1571  
the fireworks in this state unless the person complies with 1572  
~~section~~ sections 3743.44 to 3743.46 of the Revised Code. 1573

(B) ~~No~~ Except for the purchase of 1.4G fireworks made 1574  
under section 3743.45 of the Revised Code, no person who resides 1575  
in another state and who purchases fireworks in this state shall 1576  
obtain possession of fireworks in this state other than from a 1577  
licensed manufacturer or wholesaler, or fail, when transporting 1578  
1.3G fireworks, to transport them directly out of this state 1579  
within seventy-two hours after the time of their purchase. ~~No~~ 1580  
~~such person shall give or sell to any other person in this state~~ 1581  
~~fireworks that the person has acquired in this state.~~ 1582

(C) ~~No person who resides in this state and purchases~~ 1583  
~~fireworks in this state shall obtain possession of the fireworks~~ 1584  
~~in this state unless the person complies with section 3743.45 of~~ 1585  
~~the Revised Code.~~ 1586

~~(D) No person who resides in this state and who purchases~~ 1587  
fireworks in this state under section 3743.45 of the Revised 1588  
Code shall ~~obtain possession of fireworks in this state other~~ 1589  
~~than from a licensed manufacturer or licensed wholesaler, or~~ 1590  
~~fail, when transporting the fireworks, to transport them~~ 1591  
~~directly out of this state within forty eight hours after the~~ 1592  
~~time of their purchase. No such person shall give or sell to any~~ 1593

other person in this state fireworks that the person has 1594  
acquired in this state. 1595

**Sec. 3743.65.** (A) No person shall possess fireworks in 1596  
this state or shall possess for sale or sell fireworks in this 1597  
state, except a licensed manufacturer of fireworks as authorized 1598  
by sections 3743.02 to 3743.08 of the Revised Code, a licensed 1599  
wholesaler of fireworks as authorized by sections 3743.15 to 1600  
3743.21 of the Revised Code, a shipping permit holder as 1601  
authorized by section 3743.40 of the Revised Code, ~~an out-of-~~ 1602  
~~state resident~~ a licensed fountain device retailer as authorized 1603  
by section 3743.27 of the Revised Code, a person as authorized 1604  
~~by section sections 3743.44 of the Revised Code, a resident of-~~ 1605  
~~this state as authorized by section and 3743.45 of the Revised~~ 1606  
Code, or a licensed exhibitor of fireworks as authorized by 1607  
sections 3743.50 to 3743.55 of the Revised Code, and except as 1608  
provided in section 3743.80 of the Revised Code. 1609

(B) Except as provided in ~~section sections 3743.45 and~~ 1610  
3743.80 of the Revised Code and except for licensed exhibitors 1611  
of fireworks authorized to conduct a fireworks exhibition 1612  
pursuant to sections 3743.50 to 3743.55 of the Revised Code, no 1613  
person shall discharge, ignite, or explode any fireworks in this 1614  
state. 1615

(C) No person shall use in a theater or public hall, what 1616  
is technically known as fireworks showers, or a mixture 1617  
containing potassium chlorate and sulphur. 1618

(D) No person shall sell fireworks of any kind to a person 1619  
under eighteen years of age. No person under eighteen years of 1620  
age shall enter a fireworks sales showroom unless that person is 1621  
accompanied by a parent, legal guardian, or other responsible 1622  
adult. No person under eighteen years of age shall touch or 1623



possess fireworks on a licensed premises without the consent of 1624  
the licensee. A licensee may eject any person from a licensed 1625  
premises that is in any way disruptive to the safe operation of 1626  
the premises. 1627

(E) Except as otherwise provided in section 3743.44 of the 1628  
Revised Code, no person, other than a licensed manufacturer, 1629  
licensed wholesaler, licensed exhibitor, or shipping permit 1630  
holder, shall possess 1.3G fireworks in this state. 1631

(F) Except as otherwise provided in division (J) of 1632  
section 3743.06 and division (K) of section 3743.19 of the 1633  
Revised Code, no person shall knowingly disable a fire 1634  
suppression system as defined in section 3781.108 of the Revised 1635  
Code on the premises of a fireworks plant of a licensed 1636  
manufacturer of fireworks or on the premises of the business 1637  
operations of a licensed wholesaler of fireworks. 1638

(G) No person shall negligently discharge, ignite, or 1639  
explode fireworks while in possession or control of, or under 1640  
the influence of, any intoxicating liquor, beer, or controlled 1641  
substance. 1642

(H) No person shall negligently discharge, ignite, or 1643  
explode fireworks on the property of another person without that 1644  
person's permission to use fireworks on that property. 1645

**Sec. 3743.67.** (A) The Ohio fire code rule recommendation 1646  
committee is hereby created to review Chapter 3743. of the 1647  
Revised Code and make a recommendation to the state fire 1648  
marshal. At a minimum, the committee shall make a recommendation 1649  
to the state fire marshal relating to all of the following: 1650

(1) Sections 3743.02, 3743.03, 3743.04, 3743.06, 3743.15, 1651  
3743.16, 3743.17, 3743.18, and 3743.19 of the Revised Code; 1652

(2) Section 3743.45 of the Revised Code relating to the 1653  
purchase of 1.4G fireworks from licensed manufacturers or 1654  
wholesalers; 1655

(3) Section 3743.75 of the Revised Code relating to the 1656  
moratorium on licenses; 1657

(4) State fire marshal rulemaking of building code 1658  
requirements for 1.3G manufacturing facilities. 1659

(5) Development of a state licensing program pursuant to 1660  
section 3743.75 of the Revised Code. 1661

(B) The committee shall meet periodically, with the first 1662  
meeting not later than ten days after the effective date of this 1663  
section, and shall submit its report and recommendations to the 1664  
state fire marshal not later than one hundred days after the 1665  
effective date of this section. 1666

(C) The committee shall be made up of the following 1667  
individuals: 1668

(1) The state fire marshal, or the state fire marshal's 1669  
designee; 1670

(2) Four local fire chiefs appointed by the Ohio fire 1671  
chiefs' association, or appointed by the association's designee; 1672

(3) A local police chief appointed by the attorney 1673  
general, or the attorney general's designee; 1674

(4) Five members of the Ohio state pyrotechnics 1675  
association, appointed by the president of the association, one 1676  
of whom shall be a licensed wholesaler, one of whom shall be a 1677  
licensed exhibitor, and one of whom shall be a licensed 1678  
manufacturer; 1679

(5) One member of prevent blindness Ohio, or the 1680  
organization's designee; 1681

(6) One member of the Ohio optometric association or the 1682  
association's designee; 1683

(7) One member of the Ohio pyrotechnic arts guild or the 1684  
organization's designee; 1685

(8) One representative of the Ohio chapter of the American 1686  
academy of pediatrics, appointed by the president of the Ohio 1687  
chapter; 1688

(9) One member of the Ohio council of retail merchants or 1689  
the council's designee. 1690

**Sec. 3743.75.** (A) Except as provided in division (B) of 1691  
this section, during the period beginning on June 29, 2001, and 1692  
ending on ~~December 31, 2021~~December 31, 2022, the state fire 1693  
marshal shall not do any of the following: 1694

(1) Issue a license as a manufacturer of fireworks under 1695  
sections 3743.02 and 3743.03 of the Revised Code to a person for 1696  
a particular fireworks plant unless that person possessed such a 1697  
license for that fireworks plant immediately prior to June 29, 1698  
2001, or pursuant to a transfer authorized under division (D) of 1699  
this section; 1700

(2) Issue a license as a wholesaler of fireworks under 1701  
sections 3743.15 and 3743.16 of the Revised Code to a person for 1702  
a particular location unless that person possessed such a 1703  
license for that location immediately prior to June 29, 2001, or 1704  
pursuant to a transfer authorized under division (D) of this 1705  
section; 1706

(3) Approve the geographic transfer of a license as a 1707

manufacturer or wholesaler of fireworks issued under this 1708  
chapter to any location other than a location for which a 1709  
license was issued under this chapter immediately prior to June 1710  
29, 2001. 1711

(B) Division (A) of this section does not apply to either 1712  
of the following: 1713

(1) An ownership transfer that the state fire marshal 1714  
approves under division (D) of section 3743.04 or division (D) 1715  
of section 3743.17 of the Revised Code that is consistent with 1716  
division ~~(E)~~(F) of this section; 1717

(2) A geographic transfer that the state fire marshal 1718  
approves under division (D) of this section. 1719

(C) Notwithstanding section 3743.59 of the Revised Code, 1720  
the prohibited activities established in divisions (A)(1) and 1721  
(2) of this section, geographic transfers approved pursuant to 1722  
division (D) of this section, and nonconstruction-related 1723  
matters at storage locations allowed pursuant to division (I) of 1724  
section 3743.04 of the Revised Code or division (F) of section 1725  
3743.17 of the Revised Code are not subject to any variance, 1726  
waiver, or exclusion. 1727

(D) (1) A licensed manufacturer of fireworks or a licensed 1728  
wholesaler of fireworks may apply, on or after ~~the effective~~ 1729  
~~date of this amendment~~ June 30, 2021, to geographically relocate 1730  
the license to any location in the state if the license is in 1731  
good standing, as defined in division (D)(6) of this section. 1732

(2) Notwithstanding any other provisions of this chapter, 1733  
the state fire marshal shall approve the transfer if all of the 1734  
following conditions are met: 1735

(a) The identity of the holder of the license remains the 1736

same in the new location. 1737

(b) The former licensed premises associated with the 1738  
transferred license is closed prior to the opening of the new 1739  
location and no fireworks business of any kind is conducted at 1740  
the former licensed premises associated with the transferred 1741  
license after the transfer of the license unless a separate 1742  
fireworks manufacturer or wholesaler license is or has been 1743  
issued for such location. 1744

(c) The new location has received a local certificate of 1745  
zoning compliance and all structures on the new licensed 1746  
location receive a valid certificate of occupancy, and are 1747  
otherwise in compliance with all applicable laws, rules, and 1748  
regulations, including the building code and fire code and this 1749  
chapter. 1750

(d) Every building or structure at the new location is 1751  
separated from occupied residential and nonresidential buildings 1752  
or structures, railroads, highways, or any other buildings or 1753  
structures located on the licensed premises in accordance with 1754  
the distances specified in the rules adopted by the state fire 1755  
marshal pursuant to sections 3743.05 and 3743.18 of the Revised 1756  
Code. If the licensee fails to comply with the requirements of 1757  
division (D) (2) (d) of this section by the licensee's own act, 1758  
the license at the new location is forfeited. 1759

(e) Neither the licensee nor any person holding, owning, 1760  
or controlling a five per cent or greater beneficial or equity 1761  
interest in the licensee has been convicted of or has pleaded 1762  
guilty to a felony under the laws of this state, any other 1763  
state, or the United States after June 30, 1997. 1764

(f) The subject license is in active status and does not 1765

have any pending proceedings or final orders of revocation or 1766  
denial under section 3743.08 or 3743.21 of the Revised Code. 1767

(g) The state fire marshal approves the request for the 1768  
transfer. 1769

(h) All sales structures at the new location comply with 1770  
the requirements specified in division (C) of section 3743.25 of 1771  
the Revised Code. Each licensed premises may only contain one 1772  
sales structure. A sales structure on any licensed premises may 1773  
be converted from a representative sample showroom to a retail 1774  
sales showroom or from a retail sales showroom to a 1775  
representative sample showroom at any time in accordance with 1776  
rules established by the state fire marshal under this chapter. 1777

(i) A completed geographic transfer application, including 1778  
the designation of the new location, is received by the state 1779  
fire marshal on or after ~~the effective date of this amendment~~ 1780  
June 30, 2021, but not later than December 31, 2021~~December 31,~~ 1781  
2022. 1782

(3) All construction at the new location shall be 1783  
authorized by the state fire marshal in writing before 1784  
initiation and shall be completed not later than ~~December 31,~~ 1785  
2022~~December 31, 2023~~. The state fire marshal shall issue 1786  
preliminary construction approvals and may set conditions 1787  
thereon. The state fire marshal may authorize extensions of 1788  
dates specified in this section upon a finding of good cause 1789  
based upon evidence submitted by the applicant. Any final 1790  
approvals of a geographic transfer shall occur only after full 1791  
compliance with this section. 1792

(4) The filing of an application to geographically 1793  
relocate a license and any conditional approvals issued under 1794

this section do not vest in the applicant any rights to the 1795  
transfer. 1796

(5) A licensed premises subject to this section may be 1797  
granted only one geographic transfer pursuant to this section 1798  
prior to ~~December 31, 2021~~December 31, 2022. After that date, 1799  
any existing license subject to this section may be 1800  
geographically transferred to any location within this state 1801  
upon application to the state fire marshal and compliance with 1802  
divisions (D) (2) (a) to (h) of this section. 1803

(6) Notwithstanding any other section of the Revised Code, 1804  
the license of a licensed manufacturer of fireworks or a 1805  
licensed wholesaler of fireworks shall be deemed in good 1806  
standing for purposes of a geographic transfer if any of the 1807  
following applies to the license: 1808

(a) The license existed immediately prior to June 29, 1809  
2001, and the owner of the license, including a license approved 1810  
for transfers of ownership subsequent to June 29, 2001, was an 1811  
active corporation in good standing as recognized by the 1812  
secretary of state of the state where the company is 1813  
incorporated as of December 1, 2019, or was a person, as defined 1814  
by section 1.59 of the Revised Code, as of December 1, 2019. 1815

(b) The license existed on December 1, 1995, and the owner 1816  
of the license, including a license approved for changes or 1817  
transfers of ownership subsequent to December 1, 1995, was an 1818  
active corporation in good standing as recognized by the 1819  
secretary of state of the state where the company is 1820  
incorporated as of December 1, 2019, or was a person, as defined 1821  
by section 1.59 of the Revised Code, as of December 1, 2019. 1822

(c) For transfers requested after ~~December 31,~~ 1823

~~2021~~December 31, 2022, the owner of the license, including a 1824  
license approved for transfers of ownership subsequent to June 1825  
29, 2001, is an active corporation in good standing as 1826  
recognized by the secretary of state of the state where the 1827  
company is incorporated as of the date of the application, or is 1828  
a person, as defined by section 1.59 of the Revised Code, as of 1829  
the date of application. 1830

If, between December 1, 1995, and ~~the effective date of~~ 1831  
~~this amendment~~June 30, 2021, a licensee, holding a license that 1832  
has been deemed to be in good standing under division (D) (6) of 1833  
this section, either converted the license type from a 1834  
manufacturer to a wholesaler or has otherwise ceased operations 1835  
at its licensed premises for any reason, the state fire marshal 1836  
may geographically transfer under this section and reissue the 1837  
license at the new location after full compliance with division 1838  
(D) (2) of this section without first issuing a license at the 1839  
premises where the license last existed. 1840

(E) After the end of the period described in division (A) 1841  
of this section, the state fire marshal may issue new licenses 1842  
as a manufacturer or wholesaler of fireworks. New licenses shall 1843  
not be approved in such a manner that unduly burdens the state 1844  
fire marshal's ability to ensure public safety. 1845

(F) As used in division (A) of this section: 1846

(1) "Person" includes any person or entity, in whatever 1847  
form or name, that acquires possession of a manufacturer or 1848  
wholesaler of fireworks license issued pursuant to this chapter 1849  
by transfer of possession of a license, whether that transfer 1850  
occurs by purchase, assignment, inheritance, bequest, stock 1851  
transfer, or any other type of transfer, on the condition that 1852  
the transfer is in accordance with division (D) of section 1853



3743.04 of the Revised Code or division (D) of section 3743.17 1854  
of the Revised Code and is approved by the state fire marshal. 1855

(2) "Particular location" includes a licensed premises 1856  
and, regardless of when approved, any storage location approved 1857  
in accordance with section 3743.04 or 3743.17 of the Revised 1858  
Code. 1859

(3) "Such a license" includes a wholesaler of fireworks 1860  
license that was issued in place of a manufacturer of fireworks 1861  
license that existed prior to June 29, 2001, and was requested 1862  
to be canceled by the license holder pursuant to division (D) of 1863  
section 3743.03 of the Revised Code. 1864

**Sec. 3743.80.** This chapter does not prohibit or apply to 1865  
the following: 1866

(A) The manufacture, sale, possession, transportation, 1867  
storage, or use in emergency situations, of pyrotechnic 1868  
signaling devices and distress signals for marine, aviation, or 1869  
highway use; 1870

(B) The manufacture, sale, possession, transportation, 1871  
storage, or use of fusees, torpedoes, or other signals necessary 1872  
for the safe operation of railroads; 1873

(C) The manufacture, sale, possession, transportation, 1874  
storage, or use of blank cartridges in connection with theaters 1875  
or shows, or in connection with athletics as signals or for 1876  
ceremonial purposes; 1877

(D) The manufacture for, the transportation, storage, 1878  
possession, or use by, or sale to the armed forces of the United 1879  
States and the militia of this state, as recognized by the 1880  
adjutant general of Ohio, of pyrotechnic devices; 1881

(E) The manufacture, sale, possession, transportation, 1882  
storage, or use of toy pistols, toy canes, toy guns, or other 1883  
devices in which paper or plastic caps containing twenty-five 1884  
hundredths grains or less of explosive material are used, 1885  
provided that they are constructed so that a hand cannot come 1886  
into contact with a cap when it is in place for explosion, or 1887  
apply to the manufacture, sale, possession, transportation, 1888  
storage, or use of those caps; 1889

(F) The manufacture, sale, possession, transportation, 1890  
storage, or use of novelties and trick noisemakers, auto burglar 1891  
alarms, or model rockets and model rocket motors designed, sold, 1892  
and used for the purpose of propelling recoverable aero models; 1893

(G) The manufacture, sale, possession, transportation, 1894  
storage, or use of wire sparklers. 1895

(H) The conduct of radio-controlled special effect 1896  
exhibitions that use an explosive black powder charge of not 1897  
more than one-quarter pound per charge, and that are not 1898  
connected in any manner to propellant charges, provided that the 1899  
exhibition complies with all of following: 1900

(1) No explosive aerial display is conducted in the 1901  
exhibition; 1902

(2) The exhibition is separated from spectators by not 1903  
less than two hundred feet; 1904

(3) The person conducting the exhibition complies with 1905  
regulations of the bureau of alcohol, tobacco, and firearms of 1906  
the United States department of the treasury and the United 1907  
States department of transportation with respect to the storage 1908  
and transport of the explosive black powder used in the 1909  
exhibition. 1910

**Sec. 3743.99.** (A) Whoever violates division (A) or (B) of 1911  
section 3743.60 or division (H) of section 3743.64 of the 1912  
Revised Code is guilty of a felony of the third degree. 1913

(B) Whoever violates division (C) or (D) of section 1914  
3743.60, division (A), (B), (C), or (D) of section 3743.61, or 1915  
division (A) or (B) of section 3743.64 of the Revised Code is 1916  
guilty of a felony of the fourth degree. 1917

(C) Whoever violates division (E), (F), (G), (H), (I), or 1918  
(J) of section 3743.60, division (E), (F), (G), (H), (I), or (J) 1919  
of section 3743.61, section 3743.63, division (D), (E), (F), or 1920  
(G) of section 3743.64, division (A), (B), (C), (D), or (E) of 1921  
section 3743.65, or section 3743.66 of the Revised Code is 1922  
guilty of a misdemeanor of the first degree. If the offender 1923  
previously has been convicted of or pleaded guilty to a 1924  
violation of division (I) of section 3743.60 or 3743.61 of the 1925  
Revised Code, a violation of either of these divisions is a 1926  
felony of the fifth degree. 1927

(D) Whoever violates division (C) of section 3743.64 of 1928  
the Revised Code is guilty of a misdemeanor of the first degree. 1929  
In addition to any other penalties that may be imposed on a 1930  
licensed exhibitor of fireworks under this division and unless 1931  
the third sentence of this division applies, the person's 1932  
license as an exhibitor of fireworks or as an assistant 1933  
exhibitor of fireworks shall be suspended. If the violation of 1934  
division (C) of section 3743.64 of the Revised Code results in 1935  
serious physical harm to persons or serious physical harm to 1936  
property, the person's license as an exhibitor of fireworks or 1937  
as an assistant exhibitor of fireworks shall be revoked. 1938

(E) Whoever violates division (F) of section 3743.65 of 1939  
the Revised Code is guilty of a felony of the fifth degree. 1940

(F) Whoever violates division (G) of section 3743.65 of 1941  
the Revised Code is guilty of a misdemeanor of the first degree. 1942  
Notwithstanding any other provision of law to the contrary, a 1943  
person may be convicted at the same trial or proceeding of a 1944  
violation of division (G) of section 3743.65 of the Revised Code 1945  
and a violation of division (B) of section 2917.11 of the 1946  
Revised Code that constitutes the basis of the charge of the 1947  
violation of division (G) of section 3743.65 of the Revised 1948  
Code. 1949

(G) Whoever violates division (B) or (C) of section 1950  
3743.27 or division (K) or (L) of section 3743.60 or division 1951  
(K) or (L) of section 3743.61 of the Revised Code is guilty of a 1952  
misdemeanor of the second degree. 1953

(H) Whoever violates division (H) of section 3743.65 of 1954  
the Revised Code is guilty of a minor misdemeanor. 1955

**Sec. 5703.21.** (A) Except as provided in divisions (B) and 1956  
(C) of this section, no agent of the department of taxation, 1957  
except in the agent's report to the department or when called on 1958  
to testify in any court or proceeding, shall divulge any 1959  
information acquired by the agent as to the transactions, 1960  
property, or business of any person while acting or claiming to 1961  
act under orders of the department. Whoever violates this 1962  
provision shall thereafter be disqualified from acting as an 1963  
officer or employee or in any other capacity under appointment 1964  
or employment of the department. 1965

(B) (1) For purposes of an audit pursuant to section 117.15 1966  
of the Revised Code, or an audit of the department pursuant to 1967  
Chapter 117. of the Revised Code, or an audit, pursuant to that 1968  
chapter, the objective of which is to express an opinion on a 1969  
financial report or statement prepared or issued pursuant to 1970

division (A) (7) or (9) of section 126.21 of the Revised Code, 1971  
the officers and employees of the auditor of state charged with 1972  
conducting the audit shall have access to and the right to 1973  
examine any state tax returns and state tax return information 1974  
in the possession of the department to the extent that the 1975  
access and examination are necessary for purposes of the audit. 1976  
Any information acquired as the result of that access and 1977  
examination shall not be divulged for any purpose other than as 1978  
required for the audit or unless the officers and employees are 1979  
required to testify in a court or proceeding under compulsion of 1980  
legal process. Whoever violates this provision shall thereafter 1981  
be disqualified from acting as an officer or employee or in any 1982  
other capacity under appointment or employment of the auditor of 1983  
state. 1984

(2) For purposes of an internal audit pursuant to section 1985  
126.45 of the Revised Code, the officers and employees of the 1986  
office of internal audit in the office of budget and management 1987  
charged with directing the internal audit shall have access to 1988  
and the right to examine any state tax returns and state tax 1989  
return information in the possession of the department to the 1990  
extent that the access and examination are necessary for 1991  
purposes of the internal audit. Any information acquired as the 1992  
result of that access and examination shall not be divulged for 1993  
any purpose other than as required for the internal audit or 1994  
unless the officers and employees are required to testify in a 1995  
court or proceeding under compulsion of legal process. Whoever 1996  
violates this provision shall thereafter be disqualified from 1997  
acting as an officer or employee or in any other capacity under 1998  
appointment or employment of the office of internal audit. 1999

(3) As provided by section 6103(d) (2) of the Internal 2000  
Revenue Code, any federal tax returns or federal tax information 2001

that the department has acquired from the internal revenue 2002  
service, through federal and state statutory authority, may be 2003  
disclosed to the auditor of state or the office of internal 2004  
audit solely for purposes of an audit of the department. 2005

(4) For purposes of Chapter 3739. of the Revised Code, an 2006  
agent of the department of taxation may share information with 2007  
the division of state fire marshal that the agent finds during 2008  
the course of an investigation. 2009

(C) Division (A) of this section does not prohibit any of 2010  
the following: 2011

(1) Divulging information contained in applications, 2012  
complaints, and related documents filed with the department 2013  
under section 5715.27 of the Revised Code or in applications 2014  
filed with the department under section 5715.39 of the Revised 2015  
Code; 2016

(2) Providing information to the office of child support 2017  
within the department of job and family services pursuant to 2018  
section 3125.43 of the Revised Code; 2019

(3) Disclosing to the motor vehicle repair board any 2020  
information in the possession of the department that is 2021  
necessary for the board to verify the existence of an 2022  
applicant's valid vendor's license and current state tax 2023  
identification number under section 4775.07 of the Revised Code; 2024

(4) Providing information to the administrator of workers' 2025  
compensation pursuant to sections 4123.271 and 4123.591 of the 2026  
Revised Code; 2027

(5) Providing to the attorney general information the 2028  
department obtains under division (J) of section 1346.01 of the 2029  
Revised Code; 2030

- (6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code; 2031  
2032  
2033  
2034
- (7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account; 2035  
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2043
- (8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section; 2044  
2045  
2046
- (9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents; 2047  
2048  
2049  
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2051
- (10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code; 2052  
2053
- (11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code; 2054  
2055  
2056  
2057  
2058
- (12) Disclosing to the department of natural resources 2059

information in the possession of the department of taxation that 2060  
is necessary for the department of taxation to verify the 2061  
taxpayer's compliance with section 5749.02 of the Revised Code 2062  
or to allow the department of natural resources to enforce 2063  
Chapter 1509. of the Revised Code; 2064

(13) Disclosing to the department of job and family 2065  
services, industrial commission, and bureau of workers' 2066  
compensation information in the possession of the department of 2067  
taxation solely for the purpose of identifying employers that 2068  
misclassify employees as independent contractors or that fail to 2069  
properly report and pay employer tax liabilities. The department 2070  
of taxation shall disclose only such information that is 2071  
necessary to verify employer compliance with law administered by 2072  
those agencies. 2073

(14) Disclosing to the Ohio casino control commission 2074  
information in the possession of the department of taxation that 2075  
is necessary to verify a casino operator's compliance with 2076  
section 5747.063 or 5753.02 of the Revised Code and sections 2077  
related thereto; 2078

(15) Disclosing to the state lottery commission 2079  
information in the possession of the department of taxation that 2080  
is necessary to verify a lottery sales agent's compliance with 2081  
section 5747.064 of the Revised Code; 2082

(16) Disclosing to the development services agency 2083  
information in the possession of the department of taxation that 2084  
is necessary to ensure compliance with the laws of this state 2085  
governing taxation and to verify information reported to the 2086  
development services agency for the purpose of evaluating 2087  
potential tax credits, grants, or loans. Such information shall 2088  
not include information received from the internal revenue 2089



service the disclosure of which is prohibited by section 6103 of 2090  
the Internal Revenue Code. No officer, employee, or agent of the 2091  
development services agency shall disclose any information 2092  
provided to the development services agency by the department of 2093  
taxation under division (C)(16) of this section except when 2094  
disclosure of the information is necessary for, and made solely 2095  
for the purpose of facilitating, the evaluation of potential tax 2096  
credits, grants, or loans. 2097

(17) Disclosing to the department of insurance information 2098  
in the possession of the department of taxation that is 2099  
necessary to ensure a taxpayer's compliance with the 2100  
requirements with any tax credit administered by the development 2101  
services agency and claimed by the taxpayer against any tax 2102  
administered by the superintendent of insurance. No officer, 2103  
employee, or agent of the department of insurance shall disclose 2104  
any information provided to the department of insurance by the 2105  
department of taxation under division (C)(17) of this section. 2106

(18) Disclosing to the division of liquor control 2107  
information in the possession of the department of taxation that 2108  
is necessary for the division and department to comply with the 2109  
requirements of sections 4303.26 and 4303.271 of the Revised 2110  
Code; 2111

(19) Disclosing to the state fire marshal information in 2112  
the possession of the department of taxation that is necessary 2113  
for the state fire marshal to verify the compliance of a 2114  
licensed manufacturer of fireworks or a licensed wholesaler of 2115  
fireworks with section 3743.22 of the Revised Code. No officer, 2116  
employee, or agent of the state fire marshal shall disclose any 2117  
information provided to the state fire marshal by the department 2118  
of taxation under division (C)(19) of this section. 2119

**Section 2.** That existing sections 3743.01, 3743.04, 2120  
3743.08, 3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 3743.57, 2121  
3743.59, 3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 3743.80, 2122  
3743.99, and 5703.21 of the Revised Code are hereby repealed. 2123

**Section 3.** The amendments to sections 3743.08, 3743.21, 2124  
3743.44, 3743.45, 3743.57, 3743.59, 3743.60, 3743.61, 3743.63, 2125  
3743.65, and 3743.99 of the Revised Code made in Sections 1 and 2126  
2 of this act and the enactment of sections 3743.46 and 3743.47 2127  
of the Revised Code by Sections 1 and 2 of this act, take effect 2128  
on July 1, 2022. The amendments to sections 3743.01, 3743.04, 2129  
3743.17, 3743.25, 3743.75, 3743.80, and 5703.21 and the 2130  
enactment of sections 3743.021, 3743.041, 3743.151, 3743.171, 2131  
3743.22, 3743.26 to 3743.29, 3743.451, and 3743.67 of the 2132  
Revised Code in Sections 1 and 2 of this act shall take effect 2133  
at the earliest time permitted by law. 2134

**Section 4.** Notwithstanding divisions (A) and (B) of 2135  
section 3743.26 of the Revised Code, as enacted by this act, the 2136  
State Fire Marshal shall not issue any licenses to sell fountain 2137  
devices at retail in 2021. 2138