

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 172

Representatives Baldrige, O'Brien

Cosponsors: Representatives Seitz, Riedel, Click, Kick, Lipps, Miller, J.

A BILL

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

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

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

Sec. 3743.01. As used in this chapter: 17

(A) "Beer" and "intoxicating liquor" have the same 18

meanings as in section 4301.01 of the Revised Code. 19

(B) "Booby trap" means a small tube that has a string 20
protruding from both ends, that has a friction-sensitive 21
composition, and that is ignited by pulling the ends of the 22
string. 23

(C) "Cigarette load" means a small wooden peg that is 24
coated with a small quantity of explosive composition and that 25
is ignited in a cigarette. 26

(D) (1) "1.3G fireworks" means display fireworks consistent 27
with regulations of the United States department of 28
transportation as expressed using the designation "division 1.3" 29
in Title 49, Code of Federal Regulations. 30

(2) "1.4G fireworks" means consumer fireworks consistent 31
with regulations of the United States department of 32
transportation as expressed using the designation "division 1.4" 33
in Title 49, Code of Federal Regulations. 34

(E) "Controlled substance" has the same meaning as in 35
section 3719.01 of the Revised Code. 36

(F) "Fireworks" means any composition or device prepared 37
for the purpose of producing a visible or an audible effect by 38
combustion, deflagration, or detonation, except ordinary matches 39
and except as provided in section 3743.80 of the Revised Code. 40

(G) "Fireworks plant" means all buildings and other 41
structures in which the manufacturing of fireworks, or the 42
storage or sale of manufactured fireworks by a manufacturer, 43
takes place. 44

(H) "Fountain device" means a specific type of 1.4G 45
firework, a ground-based or hand-held sparkler with one or more 46

tubes containing a nonexplosive pyrotechnic mixture that 47
produces a shower of sparks upon ignition and that contains not 48
more than seventy-five grams of this mixture in any individual 49
tube and not more than five hundred grams of this mixture in 50
total. 51

(I) "Highway" means any public street, road, alley, way,
lane, or other public thoroughfare. 52
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~~(I)~~ (J) "Licensed exhibitor of fireworks" or "licensed
exhibitor" means a person licensed pursuant to sections 3743.50
to 3743.55 of the Revised Code. 54
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~~(J)~~ (K) "Licensed fountain device retailer" or "licensed
retailer" means a person licensed pursuant to section 3743.26 of
the Revised Code. 57
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(L) "Licensed manufacturer of fireworks" or "licensed
manufacturer" means a person licensed pursuant to sections
3743.02 to 3743.08 of the Revised Code. 60
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~~(K)~~ (M) "Licensed wholesaler of fireworks" or "licensed
wholesaler" means a person licensed pursuant to sections 3743.15
to 3743.21 of the Revised Code. 63
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~~(L)~~ (N) "List of licensed exhibitors" means the list
required by division (C) of section 3743.51 of the Revised Code. 66
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~~(M)~~ (O) "List of licensed manufacturers" means the list
required by division (C) of section 3743.03 of the Revised Code. 68
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~~(N)~~ (P) "List of licensed wholesalers" means the list
required by division (C) of section 3743.16 of the Revised Code. 70
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~~(O)~~ (Q) "Manufacturing of fireworks" means the making of
fireworks from raw materials, none of which in and of themselves
constitute a fireworks, or the processing of fireworks. 72
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~~(P)~~ (R) "Navigable waters" means any body of water 75
susceptible of being used in its ordinary condition as a highway 76
of commerce over which trade and travel is or may be conducted 77
in the customary modes, but does not include a body of water 78
that is not capable of navigation by barges, tugboats, and other 79
large vessels. 80

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

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

(2) Snakes or glow worms; 86

(3) Smoke devices; 87

(4) Trick matches. 88

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

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

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

~~(U)~~ (W) "Retail sale" or "sell at retail" means a sale of 102

fireworks to a purchaser who intends to use the fireworks, and	103
not resell them.	104
(V) <u>(X)</u> "Smoke device" means a tube or sphere that	105
contains pyrotechnic composition that, upon ignition, produces	106
white or colored smoke as the primary effect.	107
(W) <u>(Y)</u> "Snake or glow worm" means a device that consists	108
of a pressed pellet of pyrotechnic composition that produces a	109
large, snake-like ash upon burning, which ash expands in length	110
as the pellet burns.	111
(X) <u>(Z)</u> "Snapper" means a small, paper-wrapped item that	112
contains a minute quantity of explosive composition coated on	113
small bits of sand, and that, when dropped, implodes.	114
(Y) <u>(AA)</u> "Trick match" means a kitchen or book match that	115
is coated with a small quantity of explosive composition and	116
that, upon ignition, produces a small report or a shower of	117
sparks.	118
(Z) <u>(BB)</u> "Wire sparkler" means a sparkler consisting of a	119
wire or stick coated with a nonexplosive pyrotechnic mixture	120
that produces a shower of sparks upon ignition and that contains	121
no more than one hundred grams of this mixture.	122
(AA) <u>(CC)</u> "Wholesale sale" or "sell at wholesale" means a	123
sale of fireworks to a purchaser who intends to resell the	124
fireworks so purchased.	125
(BB) <u>(DD)</u> "Licensed premises" means the real estate upon	126
which a licensed manufacturer or wholesaler of fireworks	127
conducts business.	128
(CC) <u>(EE)</u> "Licensed building" means a building on the	129
licensed premises of a licensed manufacturer or wholesaler of	130

fireworks that is approved for occupancy by the building	131
official having jurisdiction.	132
(DD) <u>(FF)</u> "Fireworks incident" means any action or	133
omission that occurs at a fireworks exhibition, that results in	134
injury or death, or a substantial risk of injury or death, to	135
any person, and that involves either of the following:	136
(1) The handling or other use, or the results of the	137
handling or other use, of fireworks or associated equipment or	138
other materials;	139
(2) The failure of any person to comply with any	140
applicable requirement imposed by this chapter or any applicable	141
rule adopted under this chapter.	142
(EE) <u>(GG)</u> "Discharge site" means an area immediately	143
surrounding the mortars used to fire aerial shells.	144
(FF) <u>(HH)</u> "Fireworks incident site" means a discharge site	145
or other location at a fireworks exhibition where a fireworks	146
incident occurs, a location where an injury or death associated	147
with a fireworks incident occurs, or a location where evidence	148
of a fireworks incident or an injury or death associated with a	149
fireworks incident is found.	150
(GG) <u>(II)</u> "Storage location" means a single parcel or	151
contiguous parcels of real estate approved by the fire marshal	152
pursuant to division (I) of section 3743.04 of the Revised Code	153
or division (G) <u>(F)</u> of section 3743.17 of the Revised Code that	154
are separate from a licensed premises containing a retail	155
showroom, and which parcel or parcels a licensed manufacturer or	156
wholesaler of fireworks may use only for the distribution,	157
possession, and storage of fireworks in accordance with this	158
chapter.	159

Sec. 3743.021. Notwithstanding the deadline in division 160
(A) of section 3743.02 of the Revised Code, any person who 161
wishes to be a licensed manufacturer of fireworks in this state 162
at the end of the period described in division (A)(1) of section 163
3743.75 of the Revised Code, and who does not already hold a 164
license as a manufacturer of fireworks that will run through 165
that date, may submit an application for licensure, pursuant to 166
section 3743.02 of the Revised Code, not less than two months 167
before the expiration of the period described in division (A)(1) 168
of section 3743.75 of the Revised Code. 169

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

(B) If, during the effective period of its licensure, a 181
licensed manufacturer of fireworks wishes to construct, locate, 182
or relocate any buildings or other structures on the premises of 183
its fireworks plant, to make any structural change or renovation 184
in any building or other structure on the premises of its 185
fireworks plant, ~~or~~ to change the nature of its manufacturing of 186
fireworks so as to include the processing of fireworks, or to 187
relocate its fireworks plant to a new licensed premises, the 188
manufacturer shall notify the state fire marshal in writing. The 189
state fire marshal may require a licensed manufacturer also to 190

submit documentation, including, but not limited to, plans 191
covering the proposed construction, location, relocation, 192
structural change or renovation, ~~or~~ change in manufacturing of 193
fireworks, or new licensed premises, if the state fire marshal 194
determines the documentation is necessary for evaluation 195
purposes in light of the proposed construction, location, 196
relocation, structural change or renovation, ~~or~~ change in 197
manufacturing of fireworks, or new licensed premises. 198

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

On or before June 1, 1998, a licensed manufacturer shall 221

install, in every licensed building in which fireworks are 222
manufactured, stored, or displayed and to which the public has 223
access, interlinked fire detection, smoke exhaust, and smoke 224
evacuation systems that are approved by the superintendent of 225
industrial compliance, and shall comply with floor plans showing 226
occupancy load limits and internal circulation and egress 227
patterns that are approved by the state fire marshal and 228
superintendent, and that are submitted under seal as required by 229
section 3791.04 of the Revised Code. Notwithstanding section 230
3743.59 of the Revised Code, the construction and safety 231
requirements established in this division are not subject to any 232
variance, waiver, or exclusion. 233

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

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

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

of this section fireworks other than those the person 252
manufactures. The possession for sale shall be on the premises 253
of the fireworks plant described in the application for 254
licensure or in the notification submitted under division (B) of 255
this section, and the sale shall be from the inside of a 256
licensed building and from no other structure or device outside 257
a licensed building. At no time shall a licensed manufacturer 258
sell any class of fireworks outside a licensed building. 259

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

A licensed manufacturer of fireworks shall sell under 283
division (C) of this section only fireworks that meet the 284
standards set by the consumer product safety commission or by 285
the American fireworks standard laboratories or that have 286
received an EX number from the United States department of 287
transportation. 288

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

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

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

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

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

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

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

(G) A licensed manufacturer shall maintain comprehensive 330
general liability insurance coverage in the amount and type 331
specified under division (B) (2) of section 3743.02 of the 332
Revised Code at all times. Each policy of insurance required 333
under this division shall contain a provision requiring the 334
insurer to give not less than fifteen days' prior written notice 335
to the state fire marshal before termination, lapse, or 336
cancellation of the policy, or any change in the policy that 337
reduces the coverage below the minimum required under this 338
division. Prior to canceling or reducing the amount of coverage 339
of any comprehensive general liability insurance coverage 340
required under this division, a licensed manufacturer shall 341
secure supplemental insurance in an amount and type that 342

satisfies the requirements of this division so that no lapse in 343
coverage occurs at any time. A licensed manufacturer who secures 344
supplemental insurance shall file evidence of the supplemental 345
insurance with the state fire marshal prior to canceling or 346
reducing the amount of coverage of any comprehensive general 347
liability insurance coverage required under this division. 348

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

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

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

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

(c) The storage location has received a valid certificate 369
of zoning compliance as applicable and a valid certificate of 370
occupancy for each building or structure at the storage location 371

issued by the authority having jurisdiction to issue the 372
certificate for the storage location, and those certificates 373
permit the distribution and storage of fireworks regulated under 374
this chapter at the storage location and in the buildings or 375
structures. The storage location shall be in compliance with all 376
other applicable federal, state, and local laws and regulations. 377

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

least three months before the expiration date. 610

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

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

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

the wholesaler to engage only in the following activities: 640

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~location is forfeited.~~ 729

~~(e) Neither the licensee nor any person holding, owning, or controlling a five per cent or greater beneficial or equity interest in the licensee has been convicted of or has pleaded guilty to a felony under the laws of this state, any other state, or the United States after June 30, 1997.~~ 730
731
732
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~~(f) The fire marshal approves the request for the transfer.~~ 735
736

~~(2) The new location shall comply with the requirements specified in divisions (C) (1) and (2) of section 3743.25 of the Revised Code whether or not the fireworks showroom at the new location is constructed, expanded, or first begins operating on and after June 30, 1997.~~ 737
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~~(G)(1)~~ A licensed wholesaler may expand its licensed premises within this state to include not more than two storage locations that are located upon one or more real estate parcels that are noncontiguous to the licensed premises as that licensed premises exists on the date a licensee submits an application as described below, if all of the following apply: 742
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744
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746
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(a) The licensee submits an application to the state fire marshal requesting the expansion and an application fee of one hundred dollars per storage location for which the licensee is requesting approval. 748
749
750
751

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

(c) The storage location has received a valid certificate of zoning compliance, as applicable, and a valid certificate of occupancy for each building or structure at the storage location issued by the authority having jurisdiction to issue the 754
755
756
757

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

specified period of time; 905

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

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

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

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

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

The state fire marshal shall remove from the list of 933

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

this section; 1021

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) If the two hundred sixtieth day after the effective date of this section is in January, February, March, April, or May, a license issued pursuant to division (D)(2) of this section shall be effective through the end of November in the same calendar year. 1167
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(b) If the two hundred sixtieth day after the effective date of this section is in June, July, August, September, October, November, or December, a license issued pursuant to division (D)(2) of this section shall be effective through the end of November in the subsequent calendar year. 1172
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Sec. 3743.27. (A) A licensed fountain device retailer is authorized to possess fountain devices and sell fountain devices at retail pursuant to this section: 1177
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(1) A licensed retailer's possession and storage of fountain devices shall comply with the national fire protection association standard "NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (2006 Edition)." 1180
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(2) A licensed retailer's possession, storage, and sale of fountain devices shall comply with the state fire marshal's rules adopted pursuant to section 3743.28 of the Revised Code. 1185
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(3) No licensed retailer shall sell fountain devices to a person who is under eighteen years of age. 1188
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(4) A licensed fountain device retailer shall comply with divisions (A) and (B) of section 3743.47 of the Revised Code. 1190
1191

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) On the property of the person; 1329

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

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

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

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

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

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

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

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

(a) The use of aerial fireworks; 1356

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

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

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

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

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

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

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

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

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

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

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

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

(2) If the person does not possess a license or permit described in division (A)(1) of this section, the person presents a current, valid motor vehicle operator's license issued to the person in the person's state of residence. 1401
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(3) If the person does not possess a license or permit issued in that state as described in division (A)(1) or (2) of this section, the person presents an identification card issued to the person by a governmental agency in the person's state of residence indicating that the person is a resident of that state. 1405
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(B) If a person who is required to present a motor vehicle operator's license or other identification card intends to transport the fireworks purchased directly out of this state by a motor vehicle and the person will not also be the operator of that motor vehicle while so transporting the fireworks, the operator of the motor vehicle also shall present the operator's motor vehicle operator's license. 1411
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Sec. 3743.47. (A) A licensed retailer, licensed manufacturer, or licensed wholesaler shall furnish a copy of a safety pamphlet to each purchaser of 1.4G fireworks. In addition to any safety information the licensed retailer, licensed wholesaler, or licensed manufacturer wishes to include, the pamphlet shall include all of the following statements, or substantially similar statements: 1418
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"Do not allow children to play with fireworks. Sparklers, a firework often considered by many to be the ideal "safe" device for children, burn at very high temperatures and should 1425
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not be handled by children. Children may not understand the 1428
danger involved with fireworks and may not act appropriately 1429
while using the devices or in case of emergency. 1430

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

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

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

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

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

Keep unused fireworks away from firing areas. 1441

Store fireworks in a cool, dry place. 1442

Check instructions for special storage directions. 1443

Observe state and local law. 1444

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

Do not experiment with homemade fireworks." 1447

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~a~~either of the following: 1772

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

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

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

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

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

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

following conditions are met: 1801

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

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

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

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

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

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

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

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

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

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

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

(4) The filing of an application to geographically 1858

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

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

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

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

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

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

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

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

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

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

Code. 1918

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Providing information to the office of child support within the department of job and family services pursuant to

section 3125.43 of the Revised Code;	2036
(3) Disclosing to the motor vehicle repair board any	2037
information in the possession of the department that is	2038
necessary for the board to verify the existence of an	2039
applicant's valid vendor's license and current state tax	2040
identification number under section 4775.07 of the Revised Code;	2041
(4) Providing information to the administrator of workers'	2042
compensation pursuant to sections 4123.271 and 4123.591 of the	2043
Revised Code;	2044
(5) Providing to the attorney general information the	2045
department obtains under division (J) of section 1346.01 of the	2046
Revised Code;	2047
(6) Permitting properly authorized officers, employees, or	2048
agents of a municipal corporation from inspecting reports or	2049
information pursuant to section 718.84 of the Revised Code or	2050
rules adopted under section 5745.16 of the Revised Code;	2051
(7) Providing information regarding the name, account	2052
number, or business address of a holder of a vendor's license	2053
issued pursuant to section 5739.17 of the Revised Code, a holder	2054
of a direct payment permit issued pursuant to section 5739.031	2055
of the Revised Code, or a seller having a use tax account	2056
maintained pursuant to section 5741.17 of the Revised Code, or	2057
information regarding the active or inactive status of a	2058
vendor's license, direct payment permit, or seller's use tax	2059
account;	2060
(8) Releasing invoices or invoice information furnished	2061
under section 4301.433 of the Revised Code pursuant to that	2062
section;	2063
(9) Providing to a county auditor notices or documents	2064

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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