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Senators Rulli, Johnson

Cosponsors: Senators Hoagland, Blessing, Brenner, Cirino, Hackett, Lang, McColley, O'Brien, Reineke, Thomas, Wilson Representatives Johnson, Cutrona, Carruthers, Click, Cross, Ferguson, Ginter, Gross, Hall, John, Kick, Lipps, Loychik, McClain, Miller, J., O'Brien, Patton, Riedel, Roemer, Seitz, Stein, Stewart, Stoltzfus, Wilkin, Speaker Cupp

A BILL

To amend sections 3743.01, 3743.04, 3743.08, 1
3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 2
3743.57, 3743.59, 3743.60, 3743.61, 3743.63, 3
3743.65, 3743.75, 3743.80, 3743.99, and 5703.21 4
and to enact sections 3743.021, 3743.041, 5
3743.151, 3743.171, 3743.22, 3743.26, 3743.27, 6
3743.28, 3743.29, 3743.451, 3743.46, 3743.47, 7
and 3743.67 of the Revised Code to revise the 8
Fireworks Law. 9

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

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

Sec. 3743.01. As used in this chapter:	17
(A) "Beer" and "intoxicating liquor" have the same meanings as in section 4301.01 of the Revised Code.	18 19
(B) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition, and that is ignited by pulling the ends of the string.	20 21 22 23
(C) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.	24 25 26
(D) (1) "1.3G fireworks" means display fireworks consistent with regulations of the United States department of transportation as expressed using the designation "division 1.3" in Title 49, Code of Federal Regulations.	27 28 29 30
(2) "1.4G fireworks" means consumer fireworks consistent with regulations of the United States department of transportation as expressed using the designation "division 1.4" in Title 49, Code of Federal Regulations.	31 32 33 34
(E) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	35 36
(F) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in section 3743.80 of the Revised Code.	37 38 39 40
(G) "Fireworks plant" means all buildings and other structures in which the manufacturing of fireworks, or the storage or sale of manufactured fireworks by a manufacturer, takes place.	41 42 43 44

(H) "Fountain device" means a specific type of 1.4G firework that meets all of the following criteria: 45
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(1) It is nonaerial and nonreport producing. 47

(2) It is recognized and manufactured in accordance with sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition). 48
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(3) It is a ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke. 50
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(4) It contains not more than seventy-five grams of the nonexplosive pyrotechnic mixture in any individual tube and not more than five hundred grams or less for multiple tubes. 55
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(I) "Highway" means any public street, road, alley, way, lane, or other public thoroughfare. 58
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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. 60
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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. 63
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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. 66
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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. 69
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(I) <u>(N)</u> "List of licensed exhibitors" means the list	72
required by division (C) of section 3743.51 of the Revised Code.	73
(M) <u>(O)</u> "List of licensed manufacturers" means the list	74
required by division (C) of section 3743.03 of the Revised Code.	75
(N) <u>(P)</u> "List of licensed wholesalers" means the list	76
required by division (C) of section 3743.16 of the Revised Code.	77
(O) <u>(Q)</u> "Manufacturing of fireworks" means the making of	78
fireworks from raw materials, none of which in and of themselves	79
constitute a fireworks, or the processing of fireworks.	80
(P) <u>(R)</u> "Navigable waters" means any body of water	81
susceptible of being used in its ordinary condition as a highway	82
of commerce over which trade and travel is or may be conducted	83
in the customary modes, but does not include a body of water	84
that is not capable of navigation by barges, tugboats, and other	85
large vessels.	86
(Q) <u>(S)</u> "Novelties and trick noisemakers" include the	87
following items:	88
(1) Devices that produce a small report intended to	89
surprise the user, including, but not limited to, booby traps,	90
cigarette loads, party poppers, and snappers;	91
(2) Snakes or glow worms;	92
(3) Smoke devices;	93
(4) Trick matches.	94
(R) <u>(T)</u> "Party popper" means a small plastic or paper item	95
that contains not more than sixteen milligrams of friction-	96
sensitive explosive composition, that is ignited by pulling a	97
string protruding from the item, and from which paper streamers	98

are expelled when the item is ignited.	99
(S) <u>(U)</u> "Processing of fireworks" means the making of	100
fireworks from materials all or part of which in and of	101
themselves constitute a fireworks, but does not include the mere	102
packaging or repackaging of fireworks.	103
(T) <u>(V)</u> "Railroad" means any railway or railroad that	104
carries freight or passengers for hire, but does not include	105
auxiliary tracks, spurs, and sidings installed and primarily	106
used in serving a mine, quarry, or plant.	107
(U) <u>(W)</u> "Retail sale" or "sell at retail" means a sale of	108
fireworks to a purchaser who intends to use the fireworks, and	109
not resell them.	110
(V) <u>(X)</u> "Smoke device" means a tube or sphere that	111
contains pyrotechnic composition that, upon ignition, produces	112
white or colored smoke as the primary effect.	113
(W) <u>(Y)</u> "Snake or glow worm" means a device that consists	114
of a pressed pellet of pyrotechnic composition that produces a	115
large, snake-like ash upon burning, which ash expands in length	116
as the pellet burns.	117
(X) <u>(Z)</u> "Snapper" means a small, paper-wrapped item that	118
contains a minute quantity of explosive composition coated on	119
small bits of sand, and that, when dropped, implodes.	120
(Y) <u>(AA)</u> "Trick match" means a kitchen or book match that	121
is coated with a small quantity of explosive composition and	122
that, upon ignition, produces a small report or a shower of	123
sparks.	124
(Z) <u>(BB)</u> "Wire sparkler" means a sparkler consisting of a	125
wire or stick coated with a nonexplosive pyrotechnic mixture	126

that produces a shower of sparks upon ignition and that contains 127
no more than one hundred grams of this mixture. 128

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

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

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

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

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

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

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

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

of a fireworks incident or an injury or death associated with a 155
fireworks incident is found. 156

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

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

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

(B) If, during the effective period of its licensure, a 184

licensed manufacturer of fireworks wishes to construct, locate, 185
or relocate any buildings or other structures on the premises of 186
its fireworks plant, to make any structural change or renovation 187
in any building or other structure on the premises of its 188
fireworks plant, to change the nature of its manufacturing of 189
fireworks so as to include the processing of fireworks, or to 190
relocate its fireworks plant to a new licensed premises, the 191
manufacturer shall notify the state fire marshal in writing. The 192
state fire marshal may require a licensed manufacturer also to 193
submit documentation, including, but not limited to, plans 194
covering the proposed construction, location, relocation, 195
structural change or renovation, change in manufacturing of 196
fireworks, or new licensed premises, if the state fire marshal 197
determines the documentation is necessary for evaluation 198
purposes in light of the proposed construction, location, 199
relocation, structural change or renovation, change in 200
manufacturing of fireworks, or new licensed premises. 201

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

construction, location, relocation, structural change or 216
renovation, change in manufacturing of fireworks, or new 217
licensed premises conform to those sections and rules. Upon 218
authorizing a change in manufacturing of fireworks to include 219
the processing of fireworks, the state fire marshal shall make 220
notations on the manufacturer's license and in the list of 221
licensed manufacturers in accordance with section 3743.03 of the 222
Revised Code. 223

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

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

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

(2) To possess for sale at wholesale and sell at wholesale 245

the fireworks manufactured by the manufacturer, to persons who 246
are licensed wholesalers of fireworks, to ~~out-of-state residents-~~ 247
~~persons~~ in accordance with ~~section-sections~~ 3743.44 of the 248
~~Revised Code, to residents of this state in accordance with-~~ 249
~~section 3743.45 to 3743.46~~ of the Revised Code, or to persons 250
located in another state provided the fireworks are shipped 251
directly out of this state to them by the manufacturer. A person 252
who is licensed as a manufacturer of fireworks on June 14, 1988, 253
also may possess for sale and sell pursuant to division (C) (2) 254
of this section fireworks other than those the person 255
manufactures. The possession for sale shall be on the premises 256
of the fireworks plant described in the application for 257
licensure or in the notification submitted under division (B) of 258
this section, and the sale shall be from the inside of a 259
licensed building and from no other structure or device outside 260
a licensed building. At no time shall a licensed manufacturer 261
sell any class of fireworks outside a licensed building. 262

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

may also possess for sale and sell pursuant to division (C) (3) 277
of this section fireworks other than those the person 278
manufactures. The possession for sale shall be on the premises 279
of the fireworks plant described in the application for 280
licensure or in the notification submitted under division (B) of 281
this section, and the sale shall be from the inside of a 282
licensed building and from no other structure or device outside 283
a licensed building. At no time shall a licensed manufacturer 284
sell any class of fireworks outside a licensed building. 285

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

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

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

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

(3) The license is subject to revocation in accordance 305

with section 3743.08 of the Revised Code. 306

(E) The state fire marshal shall not place the license of 307
a manufacturer of fireworks in a temporarily inactive status 308
while the holder of the license is attempting to qualify to 309
retain the license. 310

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

(G) A licensed manufacturer shall maintain comprehensive 333
general liability insurance coverage in the amount and type 334
specified under division (B) (2) of section 3743.02 of the 335

Revised Code at all times. Each policy of insurance required 336
under this division shall contain a provision requiring the 337
insurer to give not less than fifteen days' prior written notice 338
to the state fire marshal before termination, lapse, or 339
cancellation of the policy, or any change in the policy that 340
reduces the coverage below the minimum required under this 341
division. Prior to canceling or reducing the amount of coverage 342
of any comprehensive general liability insurance coverage 343
required under this division, a licensed manufacturer shall 344
secure supplemental insurance in an amount and type that 345
satisfies the requirements of this division so that no lapse in 346
coverage occurs at any time. A licensed manufacturer who secures 347
supplemental insurance shall file evidence of the supplemental 348
insurance with the state fire marshal prior to canceling or 349
reducing the amount of coverage of any comprehensive general 350
liability insurance coverage required under this division. 351

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

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

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

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

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

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

(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 pleaded guilty to a felony under the laws of this state, any other state, or the United States, after September 29, 2005.

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

(2) The state fire marshal shall approve an application

for expansion requested under division (I) (1) of this section if 396
the state fire marshal receives the application fee and proof 397
that the requirements of divisions (I) (1) (b) to (e) of this 398
section are satisfied. The storage location shall be considered 399
part of the original licensed premises and shall use the same 400
distinct number assigned to the original licensed premises with 401
any additional designations as the state fire marshal deems 402
necessary in accordance with section 3743.03 of the Revised 403
Code. 404

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

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

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

(c) Distributing fireworks to a licensed exhibitor of 424
fireworks pursuant to a properly issued permit in accordance 425

with section 3743.54 of the Revised Code. 426

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

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

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

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

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

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

determine whether the manufacturer is in compliance with Chapter 455
3743. of the Revised Code and the rules adopted by the state 456
fire marshal pursuant to section 3743.05 or 3743.22 of the 457
Revised Code. 458

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

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

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

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

Revised Code; 485

(4) Take action as authorized by section 3743.68 of the 486
Revised Code. 487

(C) This section does not affect the authority conferred 488
by Chapters 3781. and 3791. of the Revised Code to conduct 489
inspections to determine conformity with those chapters or the 490
rules adopted pursuant to them. 491

(D) If the license of a manufacturer of fireworks is 492
suspended or revoked or if renewal is denied pursuant to 493
division (B) (3) of this section or section 3743.70 of the 494
Revised Code, the manufacturer shall cease its operations 495
immediately. The manufacturer may not reapply for licensure as a 496
manufacturer of fireworks until two years expire from the date 497
of revocation. 498

The state fire marshal shall remove from the list of 499
licensed manufacturers the name of a manufacturer whose license 500
has been revoked, and shall notify the law enforcement 501
authorities for the political subdivision in which the 502
manufacturer's fireworks plant is located, of the suspension, 503
revocation, or denial of renewal. 504

Sec. 3743.151. Notwithstanding the deadline in division 505
(A) of section 3743.15 of the Revised Code, any person who 506
wishes to be a licensed wholesaler of fireworks in this state 507
beginning on January 1, 2023, and who does not already hold a 508
license as a wholesaler of fireworks that will run through that 509
date, may submit an application for licensure, pursuant to 510
section 3743.15 of the Revised Code, not later than November 1, 511
2022. 512

Sec. 3743.17. (A) The license of a wholesaler of fireworks 513

is effective for one year beginning on the first day of 514
December, and the state fire marshal shall issue or renew a 515
license only on that date and at no other time. If a wholesaler 516
of fireworks wishes to continue engaging in the wholesale sale 517
of fireworks at the particular location after its then effective 518
license expires, it shall apply not later than the first day of 519
October for a new license pursuant to section 3743.15 of the 520
Revised Code. The state fire marshal shall send a written notice 521
of the expiration of its license to a licensed wholesaler at 522
least three months before the expiration date. 523

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

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

pursuant to section 3743.18 of the Revised Code. The state fire marshal shall issue a written authorization to the wholesaler for the construction, structural change or renovation, or new licensed premises if the state fire marshal determines, upon the inspection and a review of submitted documentation, that the construction, structural change or renovation, or new licensed premises conform to those sections and rules.

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

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

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

accordance with ~~section sections~~ 3743.44 of the Revised Code, to 575
~~residents of this state in accordance with section 3743.45 to~~ 576
3743.46 of the Revised Code, or to persons located in another 577
state provided the fireworks are shipped directly out of this 578
state to them by the wholesaler. The possession for sale shall 579
be at the location described in the application for licensure or 580
in the notification submitted under division (B) of this 581
section, and the sale shall be from the inside of the licensed 582
building and from no other structure or device outside this 583
licensed building. At no time shall a licensed wholesaler sell 584
any class of fireworks outside a licensed building. 585

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

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

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

(2) The license of a wholesaler of fireworks may be 604

geographically relocated in accordance with division (D) of 605
section 3743.75 of the Revised Code. 606

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

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

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

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

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

(c) The storage location has received a valid certificate 631
of zoning compliance, as applicable, and a valid certificate of 632
occupancy for each building or structure at the storage location 633

issued by the authority having jurisdiction to issue the 634
certificate for the storage location, and those certificates 635
permit the distribution and storage of fireworks regulated under 636
this chapter at the storage location and in the buildings or 637
structures. The storage location shall be in compliance with all 638
other applicable federal, state, and local laws and regulations. 639

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

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

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

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

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

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

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

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

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

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

the state fire marshal in accordance with division (F) of this section. 693
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(H) A licensee shall prohibit public access to all storage locations it uses. The state fire marshal shall adopt rules establishing acceptable measures a wholesaler shall use to prohibit access to storage sites. 695
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(I) The state fire marshal shall not place the license of a wholesaler of fireworks in temporarily inactive status while the holder of the license is attempting to qualify to retain the license. 699
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(J) Each licensed wholesaler of fireworks or a designee of the wholesaler, whose identity is provided to the state fire marshal by the wholesaler, annually shall attend a continuing education program. The state fire marshal shall develop the program and the state fire marshal or a person or public agency approved by the state fire marshal shall conduct it. A licensed wholesaler or the wholesaler's designee who attends a program as required under this division, within one year after attending the program, shall conduct in-service training as approved by the state fire marshal for other employees of the licensed wholesaler regarding the information obtained in the program. A licensed wholesaler shall provide the state fire marshal with notice of the date, time, and place of all in-service training. For any program conducted under this division, the state fire marshal shall, in accordance with rules adopted by the state fire marshal under Chapter 119. of the Revised Code, establish the subjects to be taught, the length of classes, the standards for approval, and time periods for notification by the licensee to the state fire marshal of any in-service training. 703
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(K) A licensed wholesaler shall maintain comprehensive 722

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

on behalf of the state or a political subdivision. 812

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sales structure. 900

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

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

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

~~(2)~~ (2)(a) A fireworks showroom that first begins to 930
operate on or after June 30, 1997, and to which the public has 931
access for retail purposes shall not exceed ~~five~~ ten thousand 932
square feet in floor area. 933

(b) A fireworks showroom that first exceeds five thousand 934
square feet after the effective date of this amendment shall be 935
equipped with a sprinkler system that meets the requirements for 936
extra hazard occupancies under "NFPA 13, Standard for the 937
Installation of Sprinkler Systems (2019 Edition)." 938

(3) A newly constructed or an existing fireworks showroom 939
structure that exists on September 23, 2008, but that, on or 940
after September 23, 2008, is altered or added to in a manner 941
requiring the submission of plans, drawings, specifications, or 942
data pursuant to section 3791.04 of the Revised Code, shall 943
comply with a graphic floor plan layout that is approved by the 944
state fire marshal and superintendent showing width of aisles, 945
parallel arrangement of aisles to exits, number of exits per 946
wall, maximum occupancy load, evacuation plan for occupants, 947
height of storage or display of merchandise, and other 948
information as may be required by the state fire marshal and 949
superintendent. 950

(4) A fireworks showroom structure that exists on June 30, 951
1997, shall be in compliance on or after June 30, 1997, with 952
floor plans showing occupancy load limits and internal 953
circulation and egress patterns that are approved by the state 954
fire marshal and superintendent, and that are submitted under 955
seal as required by section 3791.04 of the Revised Code. 956

(D) The safety requirements established in division (C) of 957
this section are not subject to any variance, waiver, or 958
exclusion pursuant to this chapter or any applicable building 959

code. 960

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. 961
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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. 967
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(2) An applicant for licensure as a fountain device retailer shall submit all of the following with the application: 970
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(a) A license fee in an amount set by the state fire marshal, not to exceed twenty-five dollars; 972
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(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; 974
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(c) Proof of insurance in an amount and of a type specified by the state fire marshal in rules adopted pursuant to section 3743.28 of the Revised Code. 980
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(3) A separate application for licensure as a fountain device retailer shall be submitted for each location at which a person wishes to engage in the retail sale of fountain devices. 983
984
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(B) (1) If a person submits a timely application to become a licensed fountain device retailer, together with the materials 986
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required by division (A) (2) of this section, the state fire 988
marshal shall review the application and accompanying materials 989
and determine if they comply with this section. If the state 990
fire marshal concludes that the application and accompanying 991
matter comply with this section, the state fire marshal shall, 992
on the first day of December and, except as provided in 993
divisions (C) and (D) of this section, at no other time, issue 994
the applicant a license to sell fountain devices at retail. 995

(2) Except as provided in divisions (C) and (D) of this 996
section, a licensed retailer's license is effective for one year 997
beginning on the first day of December. If a licensed retailer 998
wishes to continue engaging in the retail sale of fountain 999
devices at the particular location after the then effective 1000
license expires, the licensee shall apply before the first day 1001
of October for a new license pursuant to this section. The state 1002
fire marshal shall send a written notice of the expiration of a 1003
license to a licensed retailer not later than the first day of 1004
September. 1005

(C) (1) Any person who wishes to be a licensed retailer of 1006
fountain devices in this state who was not yet open for 1007
business, at the location the person seeks to be licensed, 1008
before the first day of the preceding October may submit an 1009
application pursuant to divisions (A) (2) and (3) of this section 1010
at any time after the person opens for business but before the 1011
first day of the following October. 1012

(2) If the state fire marshal determines that an 1013
application submitted pursuant to division (C) (1) of this 1014
section meets the requirements of this section, the state fire 1015
marshal shall issue the applicant a license as follows: 1016

(a) If the application was submitted between the first day 1017

of October and the last day of November, not earlier than the 1018
first day of December but not later than two months after 1019
receiving the application; 1020

(b) If division (D)(2)(a) of this section does not apply, 1021
not later than two months after receiving the application. 1022

(3) A license issued pursuant to division (C)(2) of this 1023
section is effective through the last day of the following 1024
November. 1025

(D)(1) Any person who wishes to be a licensed retailer of 1026
fountain devices in this state beginning two hundred sixty days 1027
after the effective date of this section, shall submit an 1028
application pursuant to divisions (A)(2) and (3) of this section 1029
not later than one hundred ninety days after the effective date 1030
of this section. 1031

(2) The state fire marshal shall issue a license two 1032
hundred sixty days after the effective date of this section, to 1033
any person who submits an application pursuant to division (D) 1034
(1) of this section if the state fire marshal determines that 1035
the application meets the requirements of this section. A 1036
license issued pursuant to this division is effective as 1037
follows: 1038

(a) If the two hundred sixtieth day after the effective 1039
date of this section is in January, February, March, April, or 1040
May, a license issued pursuant to division (D)(2) of this 1041
section shall be effective through the end of November in the 1042
same calendar year. 1043

(b) If the two hundred sixtieth day after the effective 1044
date of this section is in June, July, August, September, 1045
October, November, or December, a license issued pursuant to 1046

division (D) (2) of this section shall be effective through the 1047
end of November in the subsequent calendar year. 1048

Sec. 3743.27. (A) A licensed fountain device retailer is 1049
authorized to possess fountain devices and sell fountain devices 1050
at retail pursuant to this section: 1051

(1) A licensed retailer's displays for fountain devices 1052
shall be limited to three hundred square feet. No single 1053
fountain device display shall exceed one hundred fifty square 1054
feet, and each display must be placed at least twenty-five feet 1055
from any other highly flammable materials. 1056

(2) A licensed retailer's possession and storage of 1057
fountain devices shall comply with the national fire protection 1058
association standard "NFPA 1124, Code for the Manufacture, 1059
Transportation, Storage, and Retail Sales of Fireworks and 1060
Pyrotechnic Articles (2006 Edition)." 1061

(3) A licensed retailer shall only possess and sell 1062
fountain devices as packaged merchandise with covered fuses. 1063

(4) A licensed retailer's fountain devices that are 1064
displayed for sale shall be under the visual supervision of an 1065
employee of the licensed retailer or other responsible party 1066
while the licensed retail location is open to the public. 1067

(5) A licensed retailer's possession, storage, and sale of 1068
fountain devices shall comply with the state fire marshal's 1069
rules adopted pursuant to section 3743.28 of the Revised Code. 1070

(6) No licensed retailer shall sell fountain devices to a 1071
person who is under eighteen years of age. 1072

(7) No licensed retailer shall knowingly sell fountain 1073
devices to a person who is obviously under the influence of 1074

alcohol or a drug of abuse, as defined in section 4506.01 of the 1075
Revised Code. 1076

(8) A licensed retailer shall comply with divisions (A) 1077
and (B) of section 3743.47 of the Revised Code. 1078

(9) A licensed retailer shall possess and sell fountain 1079
devices only at the location described in the application for 1080
licensure and the sale shall be from the inside of a licensed 1081
building and from no structure or device outside a licensed 1082
building. At no time shall a licensed retailer sell fountain 1083
devices outside of a licensed building. 1084

(10) A licensed retailer shall prohibit smoking in the 1085
licensed location. 1086

(B) No licensed fountain device retailer shall negligently 1087
fail to furnish a safety pamphlet to a purchaser of 1.4G 1088
fireworks as required by division (A) of section 3743.47 of the 1089
Revised Code. 1090

(C) No licensed fountain device retailer shall negligently 1091
fail to have safety glasses available for sale as required by 1092
division (B) of section 3743.47 of the Revised Code. 1093

Sec. 3743.28. (A) The state fire marshal shall adopt rules 1094
pursuant to Chapter 119. of the Revised Code governing the 1095
storage of fireworks by and the business operations of licensed 1096
fountain device retailers. The rules shall be designed to 1097
promote the safety and security of employees of retailers, 1098
members of the public, and the premises upon which fireworks are 1099
sold. 1100

The state fire marshal shall file the rules required by 1101
this division with the joint committee on agency rule review 1102
pursuant to division (C) of section 119.03 of the Revised Code 1103

not later than one hundred eighty days after the effective date 1104
of this section. 1105

(B) The rules shall be consistent with sections 3743.26 to 1106
3743.29 of the Revised Code and the national fire protection 1107
association standard "NFPA 1124, Code for the Manufacture, 1108
Transportation, Storage, and Retail Sales of Fireworks and 1109
Pyrotechnic Articles (2006 Edition)" and shall apply to, but not 1110
be limited to, the following subject matters: 1111

(1) Cleanliness and orderliness in, the heating, lighting, 1112
and use of stoves and flame-producing items in, smoking in, the 1113
prevention of fire and explosion in, the availability of fire 1114
extinguishers or other fire-fighting equipment and their use in, 1115
and emergency procedures relative to the buildings and other 1116
structures on a retailer's premises; 1117

(2) The manner in which fountain devices are to be stored; 1118

(3) Insurance to be maintained by licensed fountain device 1119
retailers. 1120

Sec. 3743.29. (A) The state fire marshal may inspect the 1121
premises, the inventory, and retail sale records, of a licensed 1122
fountain device retailer during the retailer's period of 1123
licensure to determine whether the retailer is in compliance 1124
with Chapter 3743. of the Revised Code and the rules adopted by 1125
the state fire marshal pursuant to section 3743.28 of the 1126
Revised Code. 1127

(B) If the state fire marshal determines during an 1128
inspection conducted pursuant to division (A) of this section 1129
that a licensed fountain device retailer is not in compliance 1130
with Chapter 3743. of the Revised Code or the rules adopted by 1131
the state fire marshal pursuant to section 3743.28 of the 1132

Revised Code, the state fire marshal may take one or more of the 1133
following actions, whichever the state fire marshal considers 1134
appropriate under the circumstances: 1135

(1) Order, in writing, the retailer to eliminate, correct, 1136
or otherwise remedy the nonconformities within a specified 1137
period of time; 1138

(2) Order, in writing, the retailer to immediately cease 1139
the storage and related sale of fountains. 1140

(3) Revoke, or deny renewal of, the license of the 1141
retailers in accordance with Chapter 119. of the Revised Code. 1142

(C) This section does not affect the authority conferred 1143
by Chapters 3781. and 3791. of the Revised Code to conduct 1144
inspections to determine conformity with those chapters or the 1145
rules adopted pursuant to them. 1146

The state fire marshal shall remove from the list of 1147
licensed retailers the name of a retailer whose license has been 1148
revoked, and shall notify the law enforcement authorities for 1149
the political subdivision in which the retailer's premises are 1150
located, of the revocation or denial of renewal. 1151

Sec. 3743.44. (A) Any person who ~~resides in another state~~ 1152
~~and who~~ intends to obtain possession in this state of 1.3G 1153
fireworks purchased in this state shall obtain possession of the 1154
1.3G fireworks only from a licensed manufacturer or licensed 1155
~~wholesaler and only possess the fireworks in this state while in~~ 1156
~~the course of directly transporting them out of this state.~~ 1157

No licensed manufacturer or licensed wholesaler shall sell 1158
1.3G fireworks to a person ~~who resides in another state~~ unless 1159
that person has been issued a license or permit in the state of 1160
the person's residence that authorizes the person to engage in 1161

the manufacture, wholesale sale, or retail sale of 1.3G 1162
fireworks or that authorizes the person to conduct 1.3G 1163
fireworks exhibitions in that state and that person presents a 1164
certified copy of the license. 1165

~~No licensed manufacturer or licensed wholesaler shall sell 1166
fireworks to a person who resides in another state unless that 1167
person has been issued a license or permit in the state of the 1168
person's residence that authorizes the person to engage in the 1169
manufacture, wholesale sale, or retail sale of fireworks in that 1170
state or that authorizes the person to conduct fireworks 1171
exhibitions in that state and that person presents a certified 1172
copy of the license, or, if that person does not possess a 1173
license or permit of that nature, only if the person presents a 1174
current valid motor vehicle operator's license issued to the 1175
person in the person's state of residence, or, if that person 1176
does not possess a motor vehicle operator's license issued in 1177
that state, an identification card issued to the person by a 1178
governmental agency in the person's state of residence 1179
indicating that the person is a resident of that state. If a 1180
person who is required to present a motor vehicle operator's 1181
license or other identification card intends to transport the 1182
fireworks purchased directly out of this state by a motor 1183
vehicle and the person will not also be the operator of that 1184
motor vehicle while so transporting the fireworks, the operator 1185
of the motor vehicle also shall present the operator's motor 1186
vehicle operator's license. 1187~~

~~(B) Each purchaser of fireworks under this section shall 1188
transport the fireworks so purchased directly out of this state 1189
within forty eight hours after the time of their purchase. 1190~~

~~This section regulates wholesale sales and retail sales of 1191~~

~~fireworks in this state only insofar as purchasers of fireworks~~ 1192
~~are residents of other states and will be obtaining possession~~ 1193
~~in this state of purchased fireworks.~~ This section does not 1194
prohibit licensed manufacturers or wholesalers from selling 1195
fireworks, in accordance with section 3743.04 or sections 1196
3743.17 and 3743.25 of the Revised Code, to a resident of 1197
another state and from shipping the purchased fireworks directly 1198
out of this state to the purchaser. 1199

Sec. 3743.45. (A) Any person who ~~resides in this state and~~ 1200
~~who~~ intends to obtain possession in this state of 1.4G fireworks 1201
purchased in this state shall obtain possession of the 1.4G 1202
fireworks only from a licensed retailer, licensed manufacturer, 1203
or licensed wholesaler and shall be subject to this section. 1204

~~Each purchaser of 1.4G fireworks under this division shall~~ 1205
~~transport the fireworks so purchased directly out of this state~~ 1206
~~within forty eight hours after the time of their purchase.~~ 1207

~~This division does not apply to a person who resides in~~ 1208
~~this state and who is also a licensed manufacturer, licensed~~ 1209
~~wholesaler, or licensed exhibitor of fireworks in this state.~~ 1210

(B) ~~No licensed manufacturer or licensed wholesaler shall~~ 1211
~~sell 1.3G fireworks to a person who resides in this state unless~~ 1212
~~that person is a licensed manufacturer, licensed wholesaler, or~~ 1213
~~licensed exhibitor of fireworks in this state~~ Any person 1214
authorized under this section to possess 1.4G fireworks in this 1215
state may discharge, ignite, or explode those fireworks on 1216
private property, with authorization from the property owner, on 1217
the following days each year: 1218

(1) The first day of January; 1219

(2) Chinese new year's day; 1220

<u>(3) The fifth day of May;</u>	1221
<u>(4) The last Monday in May, and the Saturday and Sunday immediately preceding that day;</u>	1222
	1223
<u>(5) The nineteenth day of June;</u>	1224
<u>(6) The third, fourth, and fifth days of July;</u>	1225
<u>(7) The first Friday, Saturday, and Sunday before and after the fourth day of July;</u>	1226
	1227
<u>(8) The first Monday of September, and the Saturday and Sunday immediately preceding that day;</u>	1228
	1229
<u>(9) Diwali;</u>	1230
<u>(10) The thirty-first day of December;</u>	1231
<u>(11) Legal holidays, as defined in section 1.14 of the Revised Code.</u>	1232
	1233
<u>(C) Fireworks discharged, ignited, or exploded pursuant to this section shall not be considered a public exhibition.</u>	1234
	1235
<u>(D) A county, with respect to the unincorporated territory of the county, a township, with respect to the unincorporated territory of the township, or a municipal corporation may do either of the following:</u>	1236
	1237
	1238
	1239
<u>(1) Restrict the dates and times a person may discharge, ignite, or explode fireworks purchased pursuant to this section.</u>	1240
	1241
<u>(2) Ban the discharge, ignition, or explosion of fireworks purchased pursuant to this section. A resolution adopted by a board of township trustees under this division prevails over a conflicting resolution adopted under this division by the board of county commissioners in the county within which the township is located.</u>	1242
	1243
	1244
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(E) This section does not limit the enforcement of any ordinance, resolution, or statute that regulates noise, disturbance of the peace, or disorderly conduct. 1248
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Sec. 3743.451. (A) (1) The state fire marshal shall adopt rules in accordance with Chapter 119. of the Revised Code regulating the time, manner, and location of 1.4G fireworks discharged, ignited, or exploded under section 3743.45 of the Revised Code. The rules may include provisions requiring that all fireworks be used only in accordance with manufacturer's instructions and provisions for all of the following: 1251
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(a) The use of aerial fireworks; 1258

(b) Separation distances between the location of fireworks discharges, ignitions, or explosions and adjacent structures, roadways, railroads, airports, publicly owned or controlled places, and places where hazardous materials are manufactured, used, or stored; 1259
1260
1261
1262
1263

(c) Fireworks usage at common areas of multitenant properties; 1264
1265

(d) The suspension of fireworks discharges, ignitions, or explosions during times of drought or similar conditions; 1266
1267

(e) The proximity of fireworks discharges, ignitions, or explosions to persons under eighteen years of age; 1268
1269

(f) Any other matters similar to those listed in division (A) (1) of this section. 1270
1271

(2) The state fire marshal shall file the rules required by this division with the joint committee on agency rule review pursuant to division (C) of section 119.03 of the Revised Code not later than one hundred eighty days after the effective date 1272
1273
1274
1275

of this section. 1276

(B) (1) Nothing in division (A) of this section shall be 1277
construed to limit the authority of a county, township, or 1278
municipal corporation under division (D) of section 3743.45 of 1279
the Revised Code to restrict the dates and times or ban the 1280
discharge, ignition, or explosion of fireworks purchased under 1281
section 3743.45 of the Revised Code. 1282

(2) Rules adopted pursuant to this section shall permit 1283
consumers, who are at least eighteen years of age, to safely and 1284
responsibly use 1.4G fireworks on their own private property, or 1285
any private property to which they have express consent from the 1286
property owner. 1287

(3) Rules adopted pursuant to this section shall not be 1288
constructed as a de facto ban on the consumer discharge of 1289
fireworks. It is the intent of the general assembly to allow 1290
consumers to discharge 1.4G fireworks in a safe and reasonable 1291
manner. 1292

Sec. 3743.46. (A) Except as otherwise provided in section 1293
3743.44 or 3743.45 of the Revised Code, no licensed manufacturer 1294
or licensed wholesaler shall sell fireworks to a person who 1295
resides in another state unless one of the following applies: 1296

(1) The person has been issued a license or permit in the 1297
state of the person's residence that authorizes the person to 1298
engage in the manufacture, wholesale sale, or retail sale of 1299
fireworks in that state or that authorizes the person to conduct 1300
fireworks exhibitions in that state and that person presents a 1301
certified copy of the license. 1302

(2) If the person does not possess a license or permit 1303
described in division (A) (1) of this section, the person 1304

presents a current, valid motor vehicle operator's license 1305
issued to the person in the person's state of residence. 1306

(3) If the person does not possess a license or permit 1307
issued in that state as described in division (A)(1) or (2) of 1308
this section, the person presents an identification card issued 1309
to the person by a governmental agency in the person's state of 1310
residence indicating that the person is a resident of that 1311
state. 1312

(B) If a person who is required to present a motor vehicle 1313
operator's license or other identification card intends to 1314
transport the fireworks purchased directly out of this state by 1315
a motor vehicle and the person will not also be the operator of 1316
that motor vehicle while so transporting the fireworks, the 1317
operator of the motor vehicle also shall present the operator's 1318
motor vehicle operator's license. 1319

Sec. 3743.47. (A) A licensed retailer, licensed 1320
manufacturer, or licensed wholesaler shall furnish a copy of a 1321
safety pamphlet to each purchaser of 1.4G fireworks. In addition 1322
to any safety information the licensed retailer, licensed 1323
wholesaler, or licensed manufacturer wishes to include, the 1324
pamphlet shall include all of the following statements, or 1325
substantially similar statements: 1326

"Do not allow children to play with fireworks. Sparklers, 1327
a firework often considered by many to be the ideal "safe" 1328
device for children, burn at very high temperatures and should 1329
not be handled by children. Children may not understand the 1330
danger involved with fireworks and may not act appropriately 1331
while using the devices or in case of emergency. 1332

Set off fireworks outdoors in a clear area, away from 1333

houses, dry leaves, or grass and other flammable materials. 1334

Keep a bucket of water nearby for emergencies and for 1335
pouring on fireworks that fail to ignite or explode. 1336

Do not try to relight or handle malfunctioning fireworks. 1337
Soak them with water and throw them away. 1338

Be sure other people are out of range before lighting 1339
fireworks. 1340

Never light fireworks in a container, especially a glass 1341
or metal container. 1342

Keep unused fireworks away from firing areas. 1343

Store fireworks in a cool, dry place. 1344

Check instructions for special storage directions. 1345

Observe state and local law. 1346

Never have any portion of your body directly over a 1347
firework while lighting. 1348

Do not experiment with homemade fireworks." 1349

(B) A licensed retailer, licensed manufacturer, or 1350
licensed wholesaler selling 1.4G fireworks shall have safety 1351
glasses available for a nominal charge or free at the site of 1352
the 1.4G fireworks purchase. 1353

(C) Divisions (A) and (B) of this section do not apply 1354
when a purchaser is a licensed retailer, licensed manufacturer, 1355
licensed wholesaler, or licensed exhibitor of fireworks in this 1356
state. 1357

Sec. 3743.57. (A) All fees collected by the state fire 1358
marshal for licenses or permits issued pursuant to this chapter, 1359

except the fee imposed under section 3743.22 of the Revised 1360
Code, shall be deposited into the state fire marshal's fund, and 1361
interest earned on the amounts in the fund shall be credited by 1362
the treasurer of state to the fund. 1363

(B) The state fire marshal shall in the state fire 1364
marshal's discretion use amounts in the state fire marshal's 1365
fund for fireworks training and education purposes, including, 1366
but not limited to, the creation of educational and training 1367
programs, attendance by the state fire marshal and the state 1368
fire marshal's employees at conferences and seminars, the 1369
payment of travel and meal expenses associated with such 1370
attendance, participation by the state fire marshal and the 1371
state fire marshal's employees in committee meetings and other 1372
meetings related to pyrotechnic codes, and the payment of travel 1373
and meal expenses associated with such participation. The use of 1374
the fund shall comply with rules of the department of commerce, 1375
policies and procedures established by the director of budget 1376
and management, and all other applicable laws. 1377

Sec. 3743.59. (A) As used in this section, "hobbyist 1378
activities" means the manufacture, possession, and use of 1379
individual items, each of which meets the definition of either a 1380
1.3G firework or 1.4G firework. 1381

(B) Upon application by an affected party, the fire 1382
marshal may grant variances from the requirements of this 1383
chapter or from the requirements of rules adopted pursuant to 1384
this chapter if the fire marshal determines that a literal 1385
enforcement of the requirement will result in practical 1386
difficulty in complying with the requirements of this chapter or 1387
the rules adopted pursuant to this chapter and that the variance 1388
will not be contrary to the public health, safety, or welfare. A 1389

variance shall not be granted to a person who is initially 1390
licensed as a manufacturer or wholesaler of fireworks after June 1391
14, 1988. 1392

~~(B)~~ (C) The fire marshal may authorize a variance from the 1393
prohibitions in this chapter against the possession and use of 1394
pyrotechnic compounds to a person who submits proof that the 1395
person is certified and in good standing with the Ohio state 1396
board of education, provided that the pyrotechnic compounds are 1397
used for educational purposes only, or are used only at an 1398
authorized educational function approved by the governing board 1399
that exercises authority over the educational function. 1400

~~(C)~~ (D) (1) Subject to division (D) (2) of this section, 1401
the state fire marshal may authorize a variance from the 1402
prohibitions in this chapter ~~against the possession and use of~~ 1403
~~pyrotechnic compounds to allow~~ a person who possesses and uses 1404
~~the pyrotechnic compounds for personal and noncommercial~~ 1405
~~purposes as a hobby~~ to engage in hobbyist activities. 1406

(2) (a) A variance allowing hobbyist activities does not at 1407
any time permit a person to possess more than five pounds, in 1408
total, of explosives, pyrotechnics, or similar raw materials 1409
for, and finished 1.3G and 1.4G fireworks manufactured during, 1410
hobbyist activities. 1411

(b) A variance allowing hobbyist activities does not 1412
affect a person's obligation to comply with federal, state, or 1413
local law or regulation outside of this chapter. 1414

(c) The state fire marshal shall not issue a variance 1415
allowing hobbyist activities to a person unless the person does 1416
all of the following: 1417

(i) Demonstrates that the person has experience, 1418

education, and training in pyrotechnics necessary to protect 1419
public safety when engaging in hobbyist activities; 1420

(ii) Demonstrates that the person has, compliant with all 1421
applicable federal, state, and local laws, proper methods and 1422
locations to safely acquire, store, and use explosives, 1423
pyrotechnics, or similar raw materials for the manufacture of 1424
1.3G fireworks and 1.4G fireworks; 1425

(iii) Provides any other information or records the state 1426
fire marshal considers necessary to protect public safety during 1427
the person's hobbyist activities. 1428

(2) The state fire marshal shall not unreasonably withhold 1429
a variance allowing hobbyist activities that the state fire 1430
marshal may authorize pursuant to division (D)(1) of this 1431
section. 1432

(3) The state fire marshal may rescind a variance 1433
authorized authorizing hobbyist activities under this division 1434
(D)(1) of this section for cause at any time, exclusively at the 1435
fire marshal's discretion. 1436

Sec. 3743.60. (A) No person shall manufacture fireworks in 1437
this state unless it is a licensed manufacturer of fireworks, 1438
and no person shall operate a fireworks plant in this state 1439
unless it has been issued a license as a manufacturer of 1440
fireworks for the particular fireworks plant. 1441

(B) No person shall operate a fireworks plant in this 1442
state after its license as a manufacturer of fireworks for the 1443
particular fireworks plant has expired, is suspended, has been 1444
denied renewal, or has been revoked, unless a new license has 1445
been obtained or the suspension lifted. 1446

(C) No licensed manufacturer of fireworks, during the 1447

effective period of its licensure, shall construct, locate, or 1448
relocate any buildings or other structures on the premises of 1449
its fireworks plant, make any structural change or renovation in 1450
any building or other structure on the premises of its fireworks 1451
plant, or change the nature of its manufacturing of fireworks so 1452
as to include the processing of fireworks without first 1453
obtaining a written authorization from the state fire marshal 1454
pursuant to division (B) of section 3743.04 of the Revised Code. 1455

(D) No licensed manufacturer of fireworks shall 1456
manufacture fireworks, possess fireworks for sale at wholesale 1457
or retail, or sell fireworks at wholesale or retail, in a manner 1458
not authorized by division (C) of section 3743.04 of the Revised 1459
Code. 1460

(E) No licensed manufacturer of fireworks shall knowingly 1461
fail to comply with the rules adopted by the state fire marshal 1462
pursuant to section 3743.05 of the Revised Code or the 1463
requirements of section 3743.06 of the Revised Code. 1464

(F) No licensed manufacturer of fireworks shall fail to 1465
maintain complete inventory, wholesale sale, and retail records 1466
as required by section 3743.07 of the Revised Code, or to permit 1467
inspection of these records or the premises of a fireworks plant 1468
pursuant to section 3743.08 of the Revised Code. 1469

(G) No licensed manufacturer of fireworks shall fail to 1470
comply with an order of the state fire marshal issued pursuant 1471
to division (B) (1) of section 3743.08 of the Revised Code, 1472
within the specified period of time. 1473

(H) No licensed manufacturer of fireworks shall fail to 1474
comply with an order of the state fire marshal issued pursuant 1475
to division (B) (2) of section 3743.08 of the Revised Code until 1476

the nonconformities are eliminated, corrected, or otherwise 1477
remedied or the seventy-two hour period specified in that 1478
division has expired, whichever first occurs. 1479

(I) No person shall smoke or shall carry a pipe, 1480
cigarette, or cigar, or a match, lighter, other flame-producing 1481
item, or open flame on, or shall carry a concealed source of 1482
ignition into, the premises of a fireworks plant, except as 1483
smoking is authorized in specified lunchrooms or restrooms by a 1484
manufacturer pursuant to division (C) of section 3743.06 of the 1485
Revised Code. 1486

(J) No person shall have possession or control of, or be 1487
under the influence of, any intoxicating liquor, beer, or 1488
controlled substance, while on the premises of a fireworks 1489
plant. 1490

(K) No licensed manufacturer of fireworks shall 1491
negligently fail to furnish a safety pamphlet to a purchaser of 1492
1.4G fireworks as required by division (A) of section 3743.47 of 1493
the Revised Code. 1494

(L) No licensed manufacturer of fireworks shall 1495
negligently fail to have safety glasses available for sale as 1496
required by division (B) of section 3743.47 of the Revised Code. 1497

Sec. 3743.61. (A) No person, except a licensed 1498
manufacturer of fireworks engaging in the wholesale sale of 1499
fireworks as authorized by division (C) (2) of section 3743.04 of 1500
the Revised Code, shall operate as a wholesaler of fireworks in 1501
this state unless it is a licensed wholesaler of fireworks, or 1502
shall operate as a wholesaler of fireworks at any location in 1503
this state unless it has been issued a license as a wholesaler 1504
of fireworks for the particular location. 1505

(B) No person shall operate as a wholesaler of fireworks 1506
at a particular location in this state after its license as a 1507
wholesaler of fireworks for the particular location has expired, 1508
is suspended, has been denied renewal, or has been revoked, 1509
unless a new license has been obtained or the suspension lifted. 1510

(C) No licensed wholesaler of fireworks, during the 1511
effective period of its licensure, shall perform any 1512
construction, or make any structural change or renovation, on 1513
the premises on which the fireworks are sold without first 1514
obtaining a written authorization from the state fire marshal 1515
pursuant to division (B) of section 3743.17 of the Revised Code. 1516

(D) No licensed wholesaler of fireworks shall possess 1517
fireworks for sale at wholesale or retail, or sell fireworks at 1518
wholesale or retail, in a manner not authorized by division (C) 1519
of section 3743.17 of the Revised Code. 1520

(E) No licensed wholesaler of fireworks shall knowingly 1521
fail to comply with the rules adopted by the state fire marshal 1522
pursuant to section 3743.18 or the requirements of section 1523
3743.19 of the Revised Code. 1524

(F) No licensed wholesaler of fireworks shall fail to 1525
maintain complete inventory, wholesale sale, and retail records 1526
as required by section 3743.20 of the Revised Code, or to permit 1527
inspection of these records or the premises of the wholesaler 1528
pursuant to section 3743.21 of the Revised Code. 1529

(G) No licensed wholesaler of fireworks shall fail to 1530
comply with an order of the state fire marshal issued pursuant 1531
to division (B) (1) of section 3743.21 of the Revised Code, 1532
within the specified period of time. 1533

(H) No licensed wholesaler of fireworks shall fail to 1534

comply with an order of the state fire marshal issued pursuant 1535
to division (B) (2) of section 3743.21 of the Revised Code until 1536
the nonconformities are eliminated, corrected, or otherwise 1537
remedied or the seventy-two hour period specified in that 1538
division has expired, whichever first occurs. 1539

(I) No person shall smoke or shall carry a pipe, 1540
cigarette, or cigar, or a match, lighter, other flame-producing 1541
item, or open flame on, or shall carry a concealed source of 1542
ignition into, the premises of a wholesaler of fireworks, except 1543
as smoking is authorized in specified lunchrooms or restrooms by 1544
a wholesaler pursuant to division (D) of section 3743.19 of the 1545
Revised Code. 1546

(J) No person shall have possession or control of, or be 1547
under the influence of, any intoxicating liquor, beer, or 1548
controlled substance, while on the premises of a wholesaler of 1549
fireworks. 1550

(K) No licensed wholesaler of fireworks shall negligently 1551
fail to furnish a safety pamphlet to a purchaser of 1.4G 1552
fireworks as required by division (A) of section 3743.47 of the 1553
Revised Code. 1554

(L) No licensed wholesaler of fireworks shall negligently 1555
fail to have safety glasses available for sale as required by 1556
division (B) of section 3743.47 of the Revised Code. 1557

Sec. 3743.63. (A) No person who ~~resides in another state~~ 1558
~~and~~ purchases fireworks in this state shall obtain possession of 1559
the fireworks in this state unless the person complies with 1560
~~section~~ sections 3743.44 to 3743.46 of the Revised Code. 1561

(B) ~~No~~ Except for the purchase of 1.4G fireworks made 1562
under section 3743.45 of the Revised Code, no person who resides 1563

in another state and who purchases fireworks in this state shall 1564
obtain possession of fireworks in this state other than from a 1565
licensed manufacturer or wholesaler, or fail, when transporting 1566
1.3G fireworks, to transport them directly out of this state 1567
within seventy-two hours after the time of their purchase. ~~No~~ 1568
~~such person shall give or sell to any other person in this state~~ 1569
~~fireworks that the person has acquired in this state.~~ 1570

~~(C) No person who resides in this state and purchases~~ 1571
~~fireworks in this state shall obtain possession of the fireworks~~ 1572
~~in this state unless the person complies with section 3743.45 of~~ 1573
~~the Revised Code.~~ 1574

~~(D) No person who resides in this state and who purchases~~ 1575
fireworks in this state under section 3743.45 of the Revised 1576
Code shall ~~obtain possession of fireworks in this state other~~ 1577
~~than from a licensed manufacturer or licensed wholesaler, or~~ 1578
~~fail, when transporting the fireworks, to transport them~~ 1579
~~directly out of this state within forty eight hours after the~~ 1580
~~time of their purchase. No such person shall give or sell to any~~ 1581
other person in this state fireworks that the person has 1582
acquired in this state. 1583

Sec. 3743.65. (A) No person shall possess fireworks in 1584
this state or shall possess for sale or sell fireworks in this 1585
state, except a licensed manufacturer of fireworks as authorized 1586
by sections 3743.02 to 3743.08 of the Revised Code, a licensed 1587
wholesaler of fireworks as authorized by sections 3743.15 to 1588
3743.21 of the Revised Code, a shipping permit holder as 1589
authorized by section 3743.40 of the Revised Code, ~~an out-of-~~ 1590
~~state resident~~ a licensed fountain device retailer as authorized 1591
by section 3743.27 of the Revised Code, a person as authorized 1592
by ~~section~~ sections 3743.44 of the Revised Code, a resident of- 1593

~~this state as authorized by section and~~ 3743.45 of the Revised 1594
Code, or a licensed exhibitor of fireworks as authorized by 1595
sections 3743.50 to 3743.55 of the Revised Code, and except as 1596
provided in section 3743.80 of the Revised Code. 1597

(B) Except as provided in ~~section~~ sections 3743.45 and 1598
3743.80 of the Revised Code and except for licensed exhibitors 1599
of fireworks authorized to conduct a fireworks exhibition 1600
pursuant to sections 3743.50 to 3743.55 of the Revised Code, no 1601
person shall discharge, ignite, or explode any fireworks in this 1602
state. 1603

(C) No person shall use in a theater or public hall, what 1604
is technically known as fireworks showers, or a mixture 1605
containing potassium chlorate and sulphur. 1606

(D) No person shall sell fireworks of any kind to a person 1607
under eighteen years of age. No person under eighteen years of 1608
age shall enter a fireworks sales showroom unless that person is 1609
accompanied by a parent, legal guardian, or other responsible 1610
adult. No person under eighteen years of age shall touch or 1611
possess fireworks on a licensed premises without the consent of 1612
the licensee. A licensee may eject any person from a licensed 1613
premises that is in any way disruptive to the safe operation of 1614
the premises. 1615

(E) Except as otherwise provided in section 3743.44 of the 1616
Revised Code, no person, other than a licensed manufacturer, 1617
licensed wholesaler, licensed exhibitor, or shipping permit 1618
holder, shall possess 1.3G fireworks in this state. 1619

(F) Except as otherwise provided in division (J) of 1620
section 3743.06 and division (K) of section 3743.19 of the 1621
Revised Code, no person shall knowingly disable a fire 1622

suppression system as defined in section 3781.108 of the Revised Code on the premises of a fireworks plant of a licensed manufacturer of fireworks or on the premises of the business operations of a licensed wholesaler of fireworks.

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

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

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

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

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

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

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

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

(B) The committee shall meet periodically, with the first

meeting not later than ten days after the effective date of this 1651
section, and shall submit its report and recommendations to the 1652
state fire marshal not later than one hundred days after the 1653
effective date of this section. 1654

(C) The committee shall be made up of the following 1655
individuals: 1656

(1) The state fire marshal, or the state fire marshal's 1657
designee; 1658

(2) Four local fire chiefs appointed by the Ohio fire 1659
chiefs' association, or appointed by the association's designee; 1660

(3) A local police chief appointed by the attorney 1661
general, or the attorney general's designee; 1662

(4) Five members of the Ohio state pyrotechnics 1663
association, appointed by the president of the association, one 1664
of whom shall be a licensed wholesaler, one of whom shall be a 1665
licensed exhibitor, and one of whom shall be a licensed 1666
manufacturer; 1667

(5) One member of prevent blindness Ohio, or the 1668
organization's designee; 1669

(6) One member of the Ohio optometric association or the 1670
association's designee; 1671

(7) One member of the Ohio pyrotechnic arts guild or the 1672
organization's designee; 1673

(8) One representative of the Ohio chapter of the American 1674
academy of pediatrics, appointed by the president of the Ohio 1675
chapter; 1676

(9) One member of the Ohio council of retail merchants or 1677

the council's designee. 1678

Sec. 3743.75. (A) Except as provided in division (B) of 1679
this section, during the period beginning on June 29, 2001, and 1680
ending on ~~December 31, 2021~~January 1, 2023, the state fire 1681
marshal shall not do any of the following: 1682

(1) Issue a license as a manufacturer of fireworks under 1683
sections 3743.02 and 3743.03 of the Revised Code to a person for 1684
a particular fireworks plant unless that person possessed such a 1685
license for that fireworks plant immediately prior to June 29, 1686
2001, or pursuant to a transfer authorized under division (D) of 1687
this section; 1688

(2) Issue a license as a wholesaler of fireworks under 1689
sections 3743.15 and 3743.16 of the Revised Code to a person for 1690
a particular location unless that person possessed such a 1691
license for that location immediately prior to June 29, 2001, or 1692
pursuant to a transfer authorized under division (D) of this 1693
section; 1694

(3) Approve the geographic transfer of a license as a 1695
manufacturer or wholesaler of fireworks issued under this 1696
chapter to any location other than a location for which a 1697
license was issued under this chapter immediately prior to June 1698
29, 2001. 1699

(B) Division (A) of this section does not apply to either 1700
of the following: 1701

(1) An ownership transfer that the state fire marshal 1702
approves under division (D) of section 3743.04 or division (D) 1703
of section 3743.17 of the Revised Code that is consistent with 1704
division ~~(E)~~(F) of this section; 1705

(2) A geographic transfer that the state fire marshal 1706

approves under division (D) of this section. 1707

(C) Notwithstanding section 3743.59 of the Revised Code, 1708
the prohibited activities established in divisions (A) (1) and 1709
(2) of this section, geographic transfers approved pursuant to 1710
division (D) of this section, and nonconstruction-related 1711
matters at storage locations allowed pursuant to division (I) of 1712
section 3743.04 of the Revised Code or division (F) of section 1713
3743.17 of the Revised Code are not subject to any variance, 1714
waiver, or exclusion. 1715

(D) (1) A licensed manufacturer of fireworks or a licensed 1716
wholesaler of fireworks may apply, on or after ~~the effective~~ 1717
~~date of this amendment~~ June 30, 2021, to geographically relocate 1718
the license to any location in the state if the license is in 1719
good standing, as defined in division (D) (6) of this section. 1720

(2) Notwithstanding any other provisions of this chapter, 1721
the state fire marshal shall approve the transfer if all of the 1722
following conditions are met: 1723

(a) The identity of the holder of the license remains the 1724
same in the new location. 1725

(b) The former licensed premises associated with the 1726
transferred license is closed prior to the opening of the new 1727
location and no fireworks business of any kind is conducted at 1728
the former licensed premises associated with the transferred 1729
license after the transfer of the license unless a separate 1730
fireworks manufacturer or wholesaler license is or has been 1731
issued for such location. 1732

(c) The new location has received a local certificate of 1733
zoning compliance and all structures on the new licensed 1734
location receive a valid certificate of occupancy, and are 1735

otherwise in compliance with all applicable laws, rules, and 1736
regulations, including the building code and fire code and this 1737
chapter. 1738

(d) Every building or structure at the new location is 1739
separated from occupied residential and nonresidential buildings 1740
or structures, railroads, highways, or any other buildings or 1741
structures located on the licensed premises in accordance with 1742
the distances specified in the rules adopted by the state fire 1743
marshal pursuant to sections 3743.05 and 3743.18 of the Revised 1744
Code. If the licensee fails to comply with the requirements of 1745
division (D) (2) (d) of this section by the licensee's own act, 1746
the license at the new location is forfeited. 1747

(e) Neither the licensee nor any person holding, owning, 1748
or controlling a five per cent or greater beneficial or equity 1749
interest in the licensee has been convicted of or has pleaded 1750
guilty to a felony under the laws of this state, any other 1751
state, or the United States after June 30, 1997. 1752

(f) The subject license is in active status and does not 1753
have any pending proceedings or final orders of revocation or 1754
denial under section 3743.08 or 3743.21 of the Revised Code. 1755

(g) The state fire marshal approves the request for the 1756
transfer. 1757

(h) All sales structures at the new location comply with 1758
the requirements specified in division (C) of section 3743.25 of 1759
the Revised Code. Each licensed premises may only contain one 1760
sales structure. A sales structure on any licensed premises may 1761
be converted from a representative sample showroom to a retail 1762
sales showroom or from a retail sales showroom to a 1763
representative sample showroom at any time in accordance with 1764

rules established by the state fire marshal under this chapter. 1765

(i) A completed geographic transfer application, including 1766
the designation of the new location, is received by the state 1767
fire marshal on or after ~~the effective date of this amendment~~ 1768
June 30, 2021, but not later than December 31, 2021. 1769

(3) All construction at the new location shall be 1770
authorized by the state fire marshal in writing before 1771
initiation and shall be completed not later than December 31, 1772
2022. The state fire marshal shall issue preliminary 1773
construction approvals and may set conditions thereon. The state 1774
fire marshal may authorize extensions of dates specified in this 1775
section upon a finding of good cause based upon evidence 1776
submitted by the applicant. Any final approvals of a geographic 1777
transfer shall occur only after full compliance with this 1778
section. 1779

(4) The filing of an application to geographically 1780
relocate a license and any conditional approvals issued under 1781
this section do not vest in the applicant any rights to the 1782
transfer. 1783

(5) A licensed premises subject to this section may be 1784
granted only one geographic transfer pursuant to this section 1785
prior to December 31, 2021. After that date, any existing 1786
license subject to this section may be geographically 1787
transferred to any location within this state upon application 1788
to the state fire marshal and compliance with divisions (D) (2) 1789
(a) to (h) of this section. 1790

(6) Notwithstanding any other section of the Revised Code, 1791
the license of a licensed manufacturer of fireworks or a 1792
licensed wholesaler of fireworks shall be deemed in good 1793

standing for purposes of a geographic transfer if any of the 1794
following applies to the license: 1795

(a) The license existed immediately prior to June 29, 1796
2001, and the owner of the license, including a license approved 1797
for transfers of ownership subsequent to June 29, 2001, was an 1798
active corporation in good standing as recognized by the 1799
secretary of state of the state where the company is 1800
incorporated as of December 1, 2019, or was a person, as defined 1801
by section 1.59 of the Revised Code, as of December 1, 2019. 1802

(b) The license existed on December 1, 1995, and the owner 1803
of the license, including a license approved for changes or 1804
transfers of ownership subsequent to December 1, 1995, was an 1805
active corporation in good standing as recognized by the 1806
secretary of state of the state where the company is 1807
incorporated as of December 1, 2019, or was a person, as defined 1808
by section 1.59 of the Revised Code, as of December 1, 2019. 1809

(c) For transfers requested after ~~December 31, 2021~~January 1810
1, 2023, the owner of the license, including a license approved 1811
for transfers of ownership subsequent to June 29, 2001, is an 1812
active corporation in good standing as recognized by the 1813
secretary of state of the state where the company is 1814
incorporated as of the date of the application, or is a person, 1815
as defined by section 1.59 of the Revised Code, as of the date 1816
of application. 1817

If, between December 1, 1995, and ~~the effective date of~~ 1818
~~this amendment~~June 30, 2021, a licensee, holding a license that 1819
has been deemed to be in good standing under division (D) (6) of 1820
this section, either converted the license type from a 1821
manufacturer to a wholesaler or has otherwise ceased operations 1822
at its licensed premises for any reason, the state fire marshal 1823

may geographically transfer under this section and reissue the 1824
license at the new location after full compliance with division 1825
(D) (2) of this section without first issuing a license at the 1826
premises where the license last existed. 1827

(E) After the end of the period described in division (A) 1828
of this section, the state fire marshal may issue new licenses 1829
as a manufacturer or wholesaler of fireworks. New licenses shall 1830
not be approved in such a manner that unduly burdens the state 1831
fire marshal's ability to ensure public safety. 1832

(F) As used in division (A) of this section: 1833

(1) "Person" includes any person or entity, in whatever 1834
form or name, that acquires possession of a manufacturer or 1835
wholesaler of fireworks license issued pursuant to this chapter 1836
by transfer of possession of a license, whether that transfer 1837
occurs by purchase, assignment, inheritance, bequest, stock 1838
transfer, or any other type of transfer, on the condition that 1839
the transfer is in accordance with division (D) of section 1840
3743.04 of the Revised Code or division (D) of section 3743.17 1841
of the Revised Code and is approved by the state fire marshal. 1842

(2) "Particular location" includes a licensed premises 1843
and, regardless of when approved, any storage location approved 1844
in accordance with section 3743.04 or 3743.17 of the Revised 1845
Code. 1846

(3) "Such a license" includes a wholesaler of fireworks 1847
license that was issued in place of a manufacturer of fireworks 1848
license that existed prior to June 29, 2001, and was requested 1849
to be canceled by the license holder pursuant to division (D) of 1850
section 3743.03 of the Revised Code. 1851

Sec. 3743.80. This chapter does not prohibit or apply to 1852

- the following: 1853
- (A) The manufacture, sale, possession, transportation, 1854
storage, or use in emergency situations, of pyrotechnic 1855
signaling devices and distress signals for marine, aviation, or 1856
highway use; 1857
- (B) The manufacture, sale, possession, transportation, 1858
storage, or use of fusees, torpedoes, or other signals necessary 1859
for the safe operation of railroads; 1860
- (C) The manufacture, sale, possession, transportation, 1861
storage, or use of blank cartridges in connection with theaters 1862
or shows, or in connection with athletics as signals or for 1863
ceremonial purposes; 1864
- (D) The manufacture for, the transportation, storage, 1865
possession, or use by, or sale to the armed forces of the United 1866
States and the militia of this state, as recognized by the 1867
adjutant general of Ohio, of pyrotechnic devices; 1868
- (E) The manufacture, sale, possession, transportation, 1869
storage, or use of toy pistols, toy canes, toy guns, or other 1870
devices in which paper or plastic caps containing twenty-five 1871
hundredths grains or less of explosive material are used, 1872
provided that they are constructed so that a hand cannot come 1873
into contact with a cap when it is in place for explosion, or 1874
apply to the manufacture, sale, possession, transportation, 1875
storage, or use of those caps; 1876
- (F) The manufacture, sale, possession, transportation, 1877
storage, or use of novelties and trick noisemakers, auto burglar 1878
alarms, or model rockets and model rocket motors designed, sold, 1879
and used for the purpose of propelling recoverable aero models; 1880
- (G) The manufacture, sale, possession, transportation, 1881

storage, or use of wire sparklers. 1882

(H) The conduct of radio-controlled special effect 1883
exhibitions that use an explosive black powder charge of not 1884
more than one-quarter pound per charge, and that are not 1885
connected in any manner to propellant charges, provided that the 1886
exhibition complies with all of following: 1887

(1) No explosive aerial display is conducted in the 1888
exhibition; 1889

(2) The exhibition is separated from spectators by not 1890
less than two hundred feet; 1891

(3) The person conducting the exhibition complies with 1892
regulations of the bureau of alcohol, tobacco, and firearms of 1893
the United States department of the treasury and the United 1894
States department of transportation with respect to the storage 1895
and transport of the explosive black powder used in the 1896
exhibition. 1897

Sec. 3743.99. (A) Whoever violates division (A) or (B) of 1898
section 3743.60 or division (H) of section 3743.64 of the 1899
Revised Code is guilty of a felony of the third degree. 1900

(B) Whoever violates division (C) or (D) of section 1901
3743.60, division (A), (B), (C), or (D) of section 3743.61, or 1902
division (A) or (B) of section 3743.64 of the Revised Code is 1903
guilty of a felony of the fourth degree. 1904

(C) Whoever violates division (E), (F), (G), (H), (I), or 1905
(J) of section 3743.60, division (E), (F), (G), (H), (I), or (J) 1906
of section 3743.61, section 3743.63, division (D), (E), (F), or 1907
(G) of section 3743.64, division (A), (B), (C), (D), or (E) of 1908
section 3743.65, or section 3743.66 of the Revised Code is 1909
guilty of a misdemeanor of the first degree. If the offender 1910

previously has been convicted of or pleaded guilty to a 1911
violation of division (I) of section 3743.60 or 3743.61 of the 1912
Revised Code, a violation of either of these divisions is a 1913
felony of the fifth degree. 1914

(D) Whoever violates division (C) of section 3743.64 of 1915
the Revised Code is guilty of a misdemeanor of the first degree. 1916
In addition to any other penalties that may be imposed on a 1917
licensed exhibitor of fireworks under this division and unless 1918
the third sentence of this division applies, the person's 1919
license as an exhibitor of fireworks or as an assistant 1920
exhibitor of fireworks shall be suspended, and the person is 1921
ineligible to apply for either type of license, for a period of 1922
five years. If the violation of division (C) of section 3743.64 1923
of the Revised Code results in serious physical harm to persons 1924
or serious physical harm to property, the person's license as an 1925
exhibitor of fireworks or as an assistant exhibitor of fireworks 1926
shall be revoked, and that person is ineligible to apply for a 1927
license as or to be licensed as an exhibitor of fireworks or as 1928
an assistant exhibitor of fireworks in this state. 1929

(E) Whoever violates division (F) of section 3743.65 of 1930
the Revised Code is guilty of a felony of the fifth degree. 1931

(F) Whoever violates division (G) of section 3743.65 of 1932
the Revised Code is guilty of a misdemeanor of the first degree. 1933
Notwithstanding any other provision of law to the contrary, a 1934
person may be convicted at the same trial or proceeding of a 1935
violation of division (G) of section 3743.65 of the Revised Code 1936
and a violation of division (B) of section 2917.11 of the 1937
Revised Code that constitutes the basis of the charge of the 1938
violation of division (G) of section 3743.65 of the Revised 1939
Code. 1940

(G) Whoever violates division (B) or (C) of section 3743.27 or division (K) or (L) of section 3743.60 or division (K) or (L) of section 3743.61 of the Revised Code is guilty of a misdemeanor of the second degree. 1941
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(H) Whoever violates division (H) of section 3743.65 of the Revised Code is guilty of a minor misdemeanor. 1945
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Sec. 5703.21. (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in the agent's report to the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. 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 department. 1947
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(B) (1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to that chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division (A) (7) or (9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with conducting the audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the 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 audit or unless the officers and employees are 1957
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required to testify in a court or proceeding under compulsion of 1971
legal process. Whoever violates this provision shall thereafter 1972
be disqualified from acting as an officer or employee or in any 1973
other capacity under appointment or employment of the auditor of 1974
state. 1975

(2) For purposes of an internal audit pursuant to section 1976
126.45 of the Revised Code, the officers and employees of the 1977
office of internal audit in the office of budget and management 1978
charged with directing the internal audit shall have access to 1979
and the right to examine any state tax returns and state tax 1980
return information in the possession of the department to the 1981
extent that the access and examination are necessary for 1982
purposes of the internal audit. Any information acquired as the 1983
result of that access and examination shall not be divulged for 1984
any purpose other than as required for the internal audit or 1985
unless the officers and employees are required to testify in a 1986
court or proceeding under compulsion of legal process. Whoever 1987
violates this provision shall thereafter be disqualified from 1988
acting as an officer or employee or in any other capacity under 1989
appointment or employment of the office of internal audit. 1990

(3) As provided by section 6103(d)(2) of the Internal 1991
Revenue Code, any federal tax returns or federal tax information 1992
that the department has acquired from the internal revenue 1993
service, through federal and state statutory authority, may be 1994
disclosed to the auditor of state or the office of internal 1995
audit solely for purposes of an audit of the department. 1996

(4) For purposes of Chapter 3739. of the Revised Code, an 1997
agent of the department of taxation may share information with 1998
the division of state fire marshal that the agent finds during 1999
the course of an investigation. 2000

(C) Division (A) of this section does not prohibit any of the following:	2001 2002
(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;	2003 2004 2005 2006 2007
(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;	2008 2009 2010
(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;	2011 2012 2013 2014 2015
(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;	2016 2017 2018
(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;	2019 2020 2021
(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code;	2022 2023 2024 2025
(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031	2026 2027 2028 2029

of the Revised Code, or a seller having a use tax account 2030
maintained pursuant to section 5741.17 of the Revised Code, or 2031
information regarding the active or inactive status of a 2032
vendor's license, direct payment permit, or seller's use tax 2033
account; 2034

(8) Releasing invoices or invoice information furnished 2035
under section 4301.433 of the Revised Code pursuant to that 2036
section; 2037

(9) Providing to a county auditor notices or documents 2038
concerning or affecting the taxable value of property in the 2039
county auditor's county. Unless authorized by law to disclose 2040
documents so provided, the county auditor shall not disclose 2041
such documents; 2042

(10) Providing to a county auditor sales or use tax return 2043
or audit information under section 333.06 of the Revised Code; 2044

(11) Subject to section 4301.441 of the Revised Code, 2045
disclosing to the appropriate state agency information in the 2046
possession of the department of taxation that is necessary to 2047
verify a permit holder's gallonage or noncompliance with taxes 2048
levied under Chapter 4301. or 4305. of the Revised Code; 2049

(12) Disclosing to the department of natural resources 2050
information in the possession of the department of taxation that 2051
is necessary for the department of taxation to verify the 2052
taxpayer's compliance with section 5749.02 of the Revised Code 2053
or to allow the department of natural resources to enforce 2054
Chapter 1509. of the Revised Code; 2055

(13) Disclosing to the department of job and family 2056
services, industrial commission, and bureau of workers' 2057
compensation information in the possession of the department of 2058

taxation solely for the purpose of identifying employers that 2059
misclassify employees as independent contractors or that fail to 2060
properly report and pay employer tax liabilities. The department 2061
of taxation shall disclose only such information that is 2062
necessary to verify employer compliance with law administered by 2063
those agencies. 2064

(14) Disclosing to the Ohio casino control commission 2065
information in the possession of the department of taxation that 2066
is necessary to verify a casino operator's compliance with 2067
section 5747.063 or 5753.02 of the Revised Code and sections 2068
related thereto; 2069

(15) Disclosing to the state lottery commission 2070
information in the possession of the department of taxation that 2071
is necessary to verify a lottery sales agent's compliance with 2072
section 5747.064 of the Revised Code; 2073

(16) Disclosing to the development services agency 2074
information in the possession of the department of taxation that 2075
is necessary to ensure compliance with the laws of this state 2076
governing taxation and to verify information reported to the 2077
development services agency for the purpose of evaluating 2078
potential tax credits, grants, or loans. Such information shall 2079
not include information received from the internal revenue 2080
service the disclosure of which is prohibited by section 6103 of 2081
the Internal Revenue Code. No officer, employee, or agent of the 2082
development services agency shall disclose any information 2083
provided to the development services agency by the department of 2084
taxation under division (C) (16) of this section except when 2085
disclosure of the information is necessary for, and made solely 2086
for the purpose of facilitating, the evaluation of potential tax 2087
credits, grants, or loans. 2088

(17) Disclosing to the department of insurance information 2089
in the possession of the department of taxation that is 2090
necessary to ensure a taxpayer's compliance with the 2091
requirements with any tax credit administered by the development 2092
services agency and claimed by the taxpayer against any tax 2093
administered by the superintendent of insurance. No officer, 2094
employee, or agent of the department of insurance shall disclose 2095
any information provided to the department of insurance by the 2096
department of taxation under division (C) (17) of this section. 2097

(18) Disclosing to the division of liquor control 2098
information in the possession of the department of taxation that 2099
is necessary for the division and department to comply with the 2100
requirements of sections 4303.26 and 4303.271 of the Revised 2101
Code; 2102

(19) Disclosing to the state fire marshal information in 2103
the possession of the department of taxation that is necessary 2104
for the state fire marshal to verify the compliance of a 2105
licensed manufacturer of fireworks or a licensed wholesaler of 2106
fireworks with section 3743.22 of the Revised Code. No officer, 2107
employee, or agent of the state fire marshal shall disclose any 2108
information provided to the state fire marshal by the department 2109
of taxation under division (C) (19) of this section. 2110

Section 2. That existing sections 3743.01, 3743.04, 2111
3743.08, 3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 3743.57, 2112
3743.59, 3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 3743.80, 2113
3743.99, and 5703.21 of the Revised Code are hereby repealed. 2114

Section 3. The amendments to sections 3743.08, 3743.21, 2115
3743.44, 3743.45, 3743.57, 3743.59, 3743.60, 3743.61, 3743.63, 2116
3743.65, 3743.99, and 5703.21 of the Revised Code made in 2117
Sections 1 and 2 of this act and the enactment of sections 2118

3743.46, and 3743.47 of the Revised Code by Sections 1 and 2 of 2119
this act, take effect two hundred sixty days after the effective 2120
date of this section. The amendments to sections 3743.04, 2121
3743.17, 3743.25, 3743.75, and 3743.80 and the enactment of 2122
sections 3743.151, 3743.171, 3743.22, 3743.26 to 3743.29, 2123
3743.451, and 3743.67 of the Revised Code in Sections 1 and 2 of 2124
this act shall take effect at the earliest time permitted by 2125
law. 2126

Section 4. Notwithstanding divisions (A) and (B) of 2127
section 3743.26 of the Revised Code, as enacted by this act, the 2128
State Fire Marshal shall not issue any licenses to sell fountain 2129
devices at retail in 2021. 2130