

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 253**

**Representatives Manning, D., O'Brien**

**Cosponsors: Representatives Seitz, Lipps**

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**A BILL**

To amend sections 3743.01, 3743.04, 3743.08, 1  
3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 2  
3743.57, 3743.60, 3743.61, 3743.63, 3743.65, 3  
3743.75, 3743.99, and 5703.21 and to enact 4  
sections 3743.22, 3743.26, 3743.27, 3743.28, 5  
3743.29, 3743.451, 3743.46, 3743.47, 3743.591, 6  
and 3743.67 of the Revised Code to revise the 7  
Fireworks Law. 8

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

**Section 1.** That sections 3743.01, 3743.04, 3743.08, 9  
3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 3743.57, 3743.60, 10  
3743.61, 3743.63, 3743.65, 3743.75, 3743.99, and 5703.21 be 11  
amended and sections 3743.22, 3743.26, 3743.27, 3743.28, 12  
3743.29, 3743.451, 3743.46, 3743.47, 3743.591, and 3743.67 of 13  
the Revised Code be enacted to read as follows: 14

**Sec. 3743.01.** As used in this chapter: 15

(A) "Beer" and "intoxicating liquor" have the same 16  
meanings as in section 4301.01 of the Revised Code. 17

(B) "Booby trap" means a small tube that has a string 18

protruding from both ends, that has a friction-sensitive 19  
composition, and that is ignited by pulling the ends of the 20  
string. 21

(C) "Cigarette load" means a small wooden peg that is 22  
coated with a small quantity of explosive composition and that 23  
is ignited in a cigarette. 24

(D) (1) "1.3G fireworks" means display fireworks consistent 25  
with regulations of the United States department of 26  
transportation as expressed using the designation "division 1.3" 27  
in Title 49, Code of Federal Regulations. 28

(2) "1.4G fireworks" means consumer fireworks consistent 29  
with regulations of the United States department of 30  
transportation as expressed using the designation "division 1.4" 31  
in Title 49, Code of Federal Regulations. 32

(E) "Controlled substance" has the same meaning as in 33  
section 3719.01 of the Revised Code. 34

(F) "Fireworks" means any composition or device prepared 35  
for the purpose of producing a visible or an audible effect by 36  
combustion, deflagration, or detonation, except ordinary matches 37  
and except as provided in section 3743.80 of the Revised Code. 38

(G) "Fireworks plant" means all buildings and other 39  
structures in which the manufacturing of fireworks, or the 40  
storage or sale of manufactured fireworks by a manufacturer, 41  
takes place. 42

(H) "Fountain device" means a specific type of 1.4G 43  
firework, a ground-based or hand-held sparkler with one or more 44  
tubes containing a nonexplosive pyrotechnic mixture that 45  
produces a shower of sparks upon ignition and that contains not 46  
more than seventy-five grams of this mixture in any individual 47

tube and not more than five hundred grams of this mixture in 48  
total. 49

(I) "Highway" means any public street, road, alley, way, 50  
lane, or other public thoroughfare. 51

~~(I)~~(J) "Licensed exhibitor of fireworks" or "licensed 52  
exhibitor" means a person licensed pursuant to sections 3743.50 53  
to 3743.55 of the Revised Code. 54

~~(J)~~(K) "Licensed fountain device retailer" or "licensed 55  
retailer" means a person licensed pursuant to section 3743.26 of 56  
the Revised Code. 57

(L) "Licensed manufacturer of fireworks" or "licensed 58  
manufacturer" means a person licensed pursuant to sections 59  
3743.02 to 3743.08 of the Revised Code. 60

~~(K)~~(M) "Licensed wholesaler of fireworks" or "licensed 61  
wholesaler" means a person licensed pursuant to sections 3743.15 62  
to 3743.21 of the Revised Code. 63

~~(L)~~(N) "List of licensed exhibitors" means the list 64  
required by division (C) of section 3743.51 of the Revised Code. 65

~~(M)~~(O) "List of licensed manufacturers" means the list 66  
required by division (C) of section 3743.03 of the Revised Code. 67

~~(N)~~(P) "List of licensed wholesalers" means the list 68  
required by division (C) of section 3743.16 of the Revised Code. 69

~~(O)~~(Q) "Manufacturing of fireworks" means the making of 70  
fireworks from raw materials, none of which in and of themselves 71  
constitute a fireworks, or the processing of fireworks. 72

~~(P)~~(R) "Navigable waters" means any body of water 73  
susceptible of being used in its ordinary condition as a highway 74

of commerce over which trade and travel is or may be conducted 75  
in the customary modes, but does not include a body of water 76  
that is not capable of navigation by barges, tugboats, and other 77  
large vessels. 78

~~(Q)~~ (S) "Novelties and trick noisemakers" include the 79  
following items: 80

(1) Devices that produce a small report intended to 81  
surprise the user, including, but not limited to, booby traps, 82  
cigarette loads, party poppers, and snappers; 83

(2) Snakes or glow worms; 84

(3) Smoke devices; 85

(4) Trick matches. 86

~~(R)~~ (T) "Party popper" means a small plastic or paper item 87  
that contains not more than sixteen milligrams of friction- 88  
sensitive explosive composition, that is ignited by pulling a 89  
string protruding from the item, and from which paper streamers 90  
are expelled when the item is ignited. 91

~~(S)~~ (U) "Processing of fireworks" means the making of 92  
fireworks from materials all or part of which in and of 93  
themselves constitute a fireworks, but does not include the mere 94  
packaging or repackaging of fireworks. 95

~~(T)~~ (V) "Railroad" means any railway or railroad that 96  
carries freight or passengers for hire, but does not include 97  
auxiliary tracks, spurs, and sidings installed and primarily 98  
used in serving a mine, quarry, or plant. 99

~~(U)~~ (W) "Retail sale" or "sell at retail" means a sale of 100  
fireworks to a purchaser who intends to use the fireworks, and 101  
not resell them. 102

~~(V)~~—(X) "Smoke device" means a tube or sphere that 103  
contains pyrotechnic composition that, upon ignition, produces 104  
white or colored smoke as the primary effect. 105

~~(W)~~—(Y) "Snake or glow worm" means a device that consists 106  
of a pressed pellet of pyrotechnic composition that produces a 107  
large, snake-like ash upon burning, which ash expands in length 108  
as the pellet burns. 109

~~(X)~~—(Z) "Snapper" means a small, paper-wrapped item that 110  
contains a minute quantity of explosive composition coated on 111  
small bits of sand, and that, when dropped, implodes. 112

~~(Y)~~—(AA) "Trick match" means a kitchen or book match that 113  
is coated with a small quantity of explosive composition and 114  
that, upon ignition, produces a small report or a shower of 115  
sparks. 116

~~(Z)~~—(BB) "Wire sparkler" means a sparkler consisting of a 117  
wire or stick coated with a nonexplosive pyrotechnic mixture 118  
that produces a shower of sparks upon ignition and that contains 119  
no more than one hundred grams of this mixture. 120

~~(AA)~~—(CC) "Wholesale sale" or "sell at wholesale" means a 121  
sale of fireworks to a purchaser who intends to resell the 122  
fireworks so purchased. 123

~~(BB)~~—(DD) "Licensed premises" means the real estate upon 124  
which a licensed manufacturer or wholesaler of fireworks 125  
conducts business. 126

~~(CC)~~—(EE) "Licensed building" means a building on the 127  
licensed premises of a licensed manufacturer or wholesaler of 128  
fireworks that is approved for occupancy by the building 129  
official having jurisdiction. 130

~~(DD)~~ (FF) "Fireworks incident" means any action or 131  
omission that occurs at a fireworks exhibition, that results in 132  
injury or death, or a substantial risk of injury or death, to 133  
any person, and that involves either of the following: 134

(1) The handling or other use, or the results of the 135  
handling or other use, of fireworks or associated equipment or 136  
other materials; 137

(2) The failure of any person to comply with any 138  
applicable requirement imposed by this chapter or any applicable 139  
rule adopted under this chapter. 140

~~(EE)~~ (GG) "Discharge site" means an area immediately 141  
surrounding the mortars used to fire aerial shells. 142

~~(FF)~~ (HH) "Fireworks incident site" means a discharge site 143  
or other location at a fireworks exhibition where a fireworks 144  
incident occurs, a location where an injury or death associated 145  
with a fireworks incident occurs, or a location where evidence 146  
of a fireworks incident or an injury or death associated with a 147  
fireworks incident is found. 148

~~(GG)~~ (II) "Storage location" means a single parcel or 149  
contiguous parcels of real estate approved by the fire marshal 150  
pursuant to division (I) of section 3743.04 of the Revised Code 151  
or division (G) of section 3743.17 of the Revised Code that are 152  
separate from a licensed premises containing a retail showroom, 153  
and which parcel or parcels a licensed manufacturer or 154  
wholesaler of fireworks may use only for the distribution, 155  
possession, and storage of fireworks in accordance with this 156  
chapter. 157

**Sec. 3743.04.** (A) The license of a manufacturer of 158  
fireworks is effective for one year beginning on the first day 159

of December. The state fire marshal shall issue or renew a 160  
license only on that date and at no other time. If a 161  
manufacturer of fireworks wishes to continue manufacturing 162  
fireworks at the designated fireworks plant after its then 163  
effective license expires, it shall apply no later than the 164  
first day of October for a new license pursuant to section 165  
3743.02 of the Revised Code. The state fire marshal shall send a 166  
written notice of the expiration of its license to a licensed 167  
manufacturer at least three months before the expiration date. 168

(B) If, during the effective period of its licensure, a 169  
licensed manufacturer of fireworks wishes to construct, locate, 170  
or relocate any buildings or other structures on the premises of 171  
its fireworks plant, to make any structural change or renovation 172  
in any building or other structure on the premises of its 173  
fireworks plant, or to change the nature of its manufacturing of 174  
fireworks so as to include the processing of fireworks, the 175  
manufacturer shall notify the state fire marshal in writing. The 176  
state fire marshal may require a licensed manufacturer also to 177  
submit documentation, including, but not limited to, plans 178  
covering the proposed construction, location, relocation, 179  
structural change or renovation, or change in manufacturing of 180  
fireworks, if the state fire marshal determines the 181  
documentation is necessary for evaluation purposes in light of 182  
the proposed construction, location, relocation, structural 183  
change or renovation, or change in manufacturing of fireworks. 184

Upon receipt of the notification and additional 185  
documentation required by the state fire marshal, the state fire 186  
marshal shall inspect the premises of the fireworks plant to 187  
determine if the proposed construction, location, relocation, 188  
structural change or renovation, or change in manufacturing of 189  
fireworks conforms to sections 3743.02 to 3743.08 of the Revised 190

Code and the rules adopted by the state fire marshal pursuant to 191  
section 3743.05 of the Revised Code. The state fire marshal 192  
shall issue a written authorization to the manufacturer for the 193  
construction, location, relocation, structural change or 194  
renovation, or change in manufacturing of fireworks if the state 195  
fire marshal determines, upon the inspection and a review of 196  
submitted documentation, that the construction, location, 197  
relocation, structural change or renovation, or change in 198  
manufacturing of fireworks conforms to those sections and rules. 199  
Upon authorizing a change in manufacturing of fireworks to 200  
include the processing of fireworks, the state fire marshal 201  
shall make notations on the manufacturer's license and in the 202  
list of licensed manufacturers in accordance with section 203  
3743.03 of the Revised Code. 204

On or before June 1, 1998, a licensed manufacturer shall 205  
install, in every licensed building in which fireworks are 206  
manufactured, stored, or displayed and to which the public has 207  
access, interlinked fire detection, smoke exhaust, and smoke 208  
evacuation systems that are approved by the superintendent of 209  
industrial compliance, and shall comply with floor plans showing 210  
occupancy load limits and internal circulation and egress 211  
patterns that are approved by the state fire marshal and 212  
superintendent, and that are submitted under seal as required by 213  
section 3791.04 of the Revised Code. Notwithstanding section 214  
3743.59 of the Revised Code, the construction and safety 215  
requirements established in this division are not subject to any 216  
variance, waiver, or exclusion. 217

(C) The license of a manufacturer of fireworks authorizes 218  
the manufacturer to engage only in the following activities: 219

(1) The manufacturing of fireworks on the premises of the 220



fireworks plant as described in the application for licensure or 221  
in the notification submitted under division (B) of this 222  
section, except that a licensed manufacturer shall not engage in 223  
the processing of fireworks unless authorized to do so by its 224  
license. 225

(2) To possess for sale at wholesale and sell at wholesale 226  
the fireworks manufactured by the manufacturer, to persons who 227  
are licensed wholesalers of fireworks, to ~~out of state residents~~ 228  
persons in accordance with ~~section~~ sections 3743.44 of the 229  
~~Revised Code, to residents of this state in accordance with~~ 230  
~~section 3743.45 to 3743.46~~ of the Revised Code, or to persons 231  
located in another state provided the fireworks are shipped 232  
directly out of this state to them by the manufacturer. A person 233  
who is licensed as a manufacturer of fireworks on June 14, 1988, 234  
also may possess for sale and sell pursuant to division (C) (2) 235  
of this section fireworks other than those the person 236  
manufactures. The possession for sale shall be on the premises 237  
of the fireworks plant described in the application for 238  
licensure or in the notification submitted under division (B) of 239  
this section, and the sale shall be from the inside of a 240  
licensed building and from no other structure or device outside 241  
a licensed building. At no time shall a licensed manufacturer 242  
sell any class of fireworks outside a licensed building. 243

(3) Possess for sale at retail and sell at retail the 244  
fireworks manufactured by the manufacturer, other than 1.4G 245  
fireworks as designated by the state fire marshal in rules 246  
adopted pursuant to division (A) of section 3743.05 of the 247  
Revised Code, to licensed exhibitors in accordance with sections 248  
3743.50 to 3743.55 of the Revised Code, and possess for sale at 249  
retail and sell at retail the fireworks manufactured by the 250  
manufacturer, including 1.4G fireworks, to ~~out of state~~ 251

~~residents~~ persons in accordance with ~~section~~ sections 3743.44 ~~of~~ 252  
~~the Revised Code, to residents of this state in accordance with~~ 253  
~~section 3743.45 to 3743.46~~ of the Revised Code, or to persons 254  
located in another state provided the fireworks are shipped 255  
directly out of this state to them by the manufacturer. A person 256  
who is licensed as a manufacturer of fireworks on June 14, 1988, 257  
may also possess for sale and sell pursuant to division (C) (3) 258  
of this section fireworks other than those the person 259  
manufactures. The possession for sale shall be on the premises 260  
of the fireworks plant described in the application for 261  
licensure or in the notification submitted under division (B) of 262  
this section, and the sale shall be from the inside of a 263  
licensed building and from no other structure or device outside 264  
a licensed building. At no time shall a licensed manufacturer 265  
sell any class of fireworks outside a licensed building. 266

A licensed manufacturer of fireworks shall sell under 267  
division (C) of this section only fireworks that meet the 268  
standards set by the consumer product safety commission or by 269  
the American fireworks standard laboratories or that have 270  
received an EX number from the United States department of 271  
transportation. 272

(D) The license of a manufacturer of fireworks shall be 273  
protected under glass and posted in a conspicuous place on the 274  
premises of the fireworks plant. Except as otherwise provided in 275  
this division, the license is not transferable or assignable. A 276  
license may be transferred to another person for the same 277  
fireworks plant for which the license was issued if the assets 278  
of the plant are transferred to that person by inheritance or by 279  
a sale approved by the state fire marshal. The license is 280  
subject to revocation in accordance with section 3743.08 of the 281  
Revised Code. 282

(E) The state fire marshal shall not place the license of 283  
a manufacturer of fireworks in a temporarily inactive status 284  
while the holder of the license is attempting to qualify to 285  
retain the license. 286

(F) Each licensed manufacturer of fireworks that possesses 287  
fireworks for sale and sells fireworks under division (C) of 288  
section 3743.04 of the Revised Code, or a designee of the 289  
manufacturer, whose identity is provided to the state fire 290  
marshal by the manufacturer, annually shall attend a continuing 291  
education program. The state fire marshal shall develop the 292  
program and the state fire marshal or a person or public agency 293  
approved by the state fire marshal shall conduct it. A licensed 294  
manufacturer or the manufacturer's designee who attends a 295  
program as required under this division, within one year after 296  
attending the program, shall conduct in-service training as 297  
approved by the state fire marshal for other employees of the 298  
licensed manufacturer regarding the information obtained in the 299  
program. A licensed manufacturer shall provide the state fire 300  
marshal with notice of the date, time, and place of all in- 301  
service training. For any program conducted under this division, 302  
the state fire marshal shall, in accordance with rules adopted 303  
by the state fire marshal under Chapter 119. of the Revised 304  
Code, establish the subjects to be taught, the length of 305  
classes, the standards for approval, and time periods for 306  
notification by the licensee to the state fire marshal of any 307  
in-service training. 308

(G) A licensed manufacturer shall maintain comprehensive 309  
general liability insurance coverage in the amount and type 310  
specified under division (B) (2) of section 3743.02 of the 311  
Revised Code at all times. Each policy of insurance required 312  
under this division shall contain a provision requiring the 313

insurer to give not less than fifteen days' prior written notice 314  
to the state fire marshal before termination, lapse, or 315  
cancellation of the policy, or any change in the policy that 316  
reduces the coverage below the minimum required under this 317  
division. Prior to canceling or reducing the amount of coverage 318  
of any comprehensive general liability insurance coverage 319  
required under this division, a licensed manufacturer shall 320  
secure supplemental insurance in an amount and type that 321  
satisfies the requirements of this division so that no lapse in 322  
coverage occurs at any time. A licensed manufacturer who secures 323  
supplemental insurance shall file evidence of the supplemental 324  
insurance with the state fire marshal prior to canceling or 325  
reducing the amount of coverage of any comprehensive general 326  
liability insurance coverage required under this division. 327

(H) The state fire marshal shall adopt rules for the 328  
expansion or contraction of a licensed premises and for approval 329  
of such expansions or contractions. The boundaries of a licensed 330  
premises, including any geographic expansion or contraction of 331  
those boundaries, shall be approved by the state fire marshal in 332  
accordance with rules the state fire marshal adopts. If the 333  
licensed premises consists of more than one parcel of real 334  
estate, those parcels shall be contiguous unless an exception is 335  
allowed pursuant to division (I) of this section. 336

(I) (1) A licensed manufacturer may expand its licensed 337  
premises within this state to include not more than two storage 338  
locations that are located upon one or more real estate parcels 339  
that are noncontiguous to the licensed premises as that licensed 340  
premises exists on the date a licensee submits an application as 341  
described below, if all of the following apply: 342

(a) The licensee submits an application to the state fire 343

marshal and an application fee of one hundred dollars per 344  
storage location for which the licensee is requesting approval. 345

(b) The identity of the holder of the license remains the 346  
same at the storage location. 347

(c) The storage location has received a valid certificate 348  
of zoning compliance as applicable and a valid certificate of 349  
occupancy for each building or structure at the storage location 350  
issued by the authority having jurisdiction to issue the 351  
certificate for the storage location, and those certificates 352  
permit the distribution and storage of fireworks regulated under 353  
this chapter at the storage location and in the buildings or 354  
structures. The storage location shall be in compliance with all 355  
other applicable federal, state, and local laws and regulations. 356

(d) Every building or structure located upon the storage 357  
location is separated from occupied residential and 358  
nonresidential buildings or structures, railroads, highways, or 359  
any other buildings or structures on the licensed premises in 360  
accordance with the distances specified in the rules adopted by 361  
the state fire marshal pursuant to section 3743.05 of the 362  
Revised Code. 363

(e) Neither the licensee nor any person holding, owning, 364  
or controlling a five per cent or greater beneficial or equity 365  
interest in the licensee has been convicted of or pleaded guilty 366  
to a felony under the laws of this state, any other state, or 367  
the United States, after September 29, 2005. 368

(f) The state fire marshal approves the application for 369  
expansion. 370

(2) The state fire marshal shall approve an application 371  
for expansion requested under division (I)(1) of this section if 372

the state fire marshal receives the application fee and proof 373  
that the requirements of divisions (I) (1) (b) to (e) of this 374  
section are satisfied. The storage location shall be considered 375  
part of the original licensed premises and shall use the same 376  
distinct number assigned to the original licensed premises with 377  
any additional designations as the state fire marshal deems 378  
necessary in accordance with section 3743.03 of the Revised 379  
Code. 380

(J) (1) A licensee who obtains approval for the use of a 381  
storage location in accordance with division (I) of this section 382  
shall use the storage location exclusively for the following 383  
activities, in accordance with division (C) of this section: 384

(a) The packaging, assembling, or storing of fireworks, 385  
which shall only occur in buildings or structures approved for 386  
such hazardous uses by the building code official having 387  
jurisdiction for the storage location or, for 1.4G fireworks, in 388  
containers or trailers approved for such hazardous uses by the 389  
state fire marshal if such containers or trailers are not 390  
subject to regulation by the building code adopted in accordance 391  
with Chapter 3781. of the Revised Code. All such storage shall 392  
be in accordance with the rules adopted by the state fire 393  
marshal under division (G) of section 3743.05 of the Revised 394  
Code for the packaging, assembling, and storage of fireworks. 395

(b) Distributing fireworks to other parcels of real estate 396  
located on the manufacturer's licensed premises, to licensed 397  
wholesalers or other licensed manufacturers in this state or to 398  
similarly licensed persons located in another state or country; 399

(c) Distributing fireworks to a licensed exhibitor of 400  
fireworks pursuant to a properly issued permit in accordance 401  
with section 3743.54 of the Revised Code. 402

(2) A licensed manufacturer shall not engage in any sales 403  
activity, including the retail sale of fireworks otherwise 404  
permitted under division (C) (2) or (C) (3) of this section, or 405  
pursuant to section 3743.44 or 3743.45 of the Revised Code, at 406  
the storage location approved under this section. 407

(3) A storage location may not be relocated for a minimum 408  
period of five years after the storage location is approved by 409  
the state fire marshal in accordance with division (I) of this 410  
section. 411

(K) The licensee shall prohibit public access to the 412  
storage location. The state fire marshal shall adopt rules to 413  
describe the acceptable measures a manufacturer shall use to 414  
prohibit access to the storage site. 415

**Sec. 3743.08.** (A) The state fire marshal may inspect the 416  
premises of a fireworks plant, and the inventory, wholesale 417  
sale, and retail sale records, of a licensed manufacturer of 418  
fireworks during the manufacturer's period of licensure to 419  
determine whether the manufacturer is in compliance with Chapter 420  
3743. of the Revised Code and the rules adopted by the state 421  
fire marshal pursuant to section 3743.05 or 3743.22 of the 422  
Revised Code. 423

(B) If the state fire marshal determines during an 424  
inspection conducted pursuant to division (A) of this section 425  
that a manufacturer is not in compliance with Chapter 3743. of 426  
the Revised Code or the rules adopted by the state fire marshal 427  
pursuant to section 3743.05 or 3743.22 of the Revised Code, the 428  
state fire marshal may take one or more of the following 429  
actions, whichever the state fire marshal considers appropriate 430  
under the circumstances: 431

(1) Order, in writing, the manufacturer to eliminate, 432  
correct, or otherwise remedy the nonconformities within a 433  
specified period of time; 434

(2) Order, in writing, the manufacturer to immediately 435  
cease its operations, if a fire or explosion hazard exists that 436  
reasonably can be regarded as posing an imminent danger of death 437  
or serious physical harm to persons. The order shall be 438  
effective until the nonconformities are eliminated, corrected, 439  
or otherwise remedied or for a period of seventy-two hours from 440  
the time of issuance, whichever first occurs. During the 441  
seventy-two hour period, the state fire marshal may obtain from 442  
the court of common pleas of Franklin county or of the county in 443  
which the fireworks plant is located an injunction restraining 444  
the manufacturer from continuing its operations after the 445  
seventy-two hour period expires until the nonconformities are 446  
eliminated, corrected, or otherwise remedied. 447

(3) Revoke or deny renewal of the license of the 448  
manufacturer in accordance with Chapter 119. of the Revised 449  
Code; 450

(4) Take action as authorized by section 3743.68 of the 451  
Revised Code. 452

(C) This section does not affect the authority conferred 453  
by Chapters 3781. and 3791. of the Revised Code to conduct 454  
inspections to determine conformity with those chapters or the 455  
rules adopted pursuant to them. 456

(D) If the license of a manufacturer of fireworks is 457  
revoked or renewal is denied pursuant to division (B) (3) of this 458  
section or section 3743.70 of the Revised Code, the manufacturer 459  
shall cease its operations immediately. The manufacturer may not 460



reapply for licensure as a manufacturer of fireworks until two 461  
years expire from the date of revocation. 462

The state fire marshal shall remove from the list of 463  
licensed manufacturers the name of a manufacturer whose license 464  
has been revoked, and shall notify the law enforcement 465  
authorities for the political subdivision in which the 466  
manufacturer's fireworks plant is located, of the revocation or 467  
denial of renewal. 468

**Sec. 3743.17.** (A) The license of a wholesaler of fireworks 469  
is effective for one year beginning on the first day of 470  
December. The state fire marshal shall issue or renew a license 471  
only on that date and at no other time. If a wholesaler of 472  
fireworks wishes to continue engaging in the wholesale sale of 473  
fireworks at the particular location after its then effective 474  
license expires, it shall apply not later than the first day of 475  
October for a new license pursuant to section 3743.15 of the 476  
Revised Code. The state fire marshal shall send a written notice 477  
of the expiration of its license to a licensed wholesaler at 478  
least three months before the expiration date. 479

(B) If, during the effective period of its licensure, a 480  
licensed wholesaler of fireworks wishes to perform any 481  
construction, or make any structural change or renovation, on 482  
the premises on which the fireworks are sold, the wholesaler 483  
shall notify the state fire marshal in writing. The state fire 484  
marshal may require a licensed wholesaler also to submit 485  
documentation, including, but not limited to, plans covering the 486  
proposed construction or structural change or renovation, if the 487  
state fire marshal determines the documentation is necessary for 488  
evaluation purposes in light of the proposed construction or 489  
structural change or renovation. 490

Upon receipt of the notification and additional 491  
documentation required by the state fire marshal, the state fire 492  
marshal shall inspect the premises on which the fireworks are 493  
sold to determine if the proposed construction or structural 494  
change or renovation conforms to sections 3743.15 to 3743.21 of 495  
the Revised Code and the rules adopted by the state fire marshal 496  
pursuant to section 3743.18 of the Revised Code. The state fire 497  
marshal shall issue a written authorization to the wholesaler 498  
for the construction or structural change or renovation if the 499  
state fire marshal determines, upon the inspection and a review 500  
of submitted documentation, that the construction or structural 501  
change or renovation conforms to those sections and rules. 502

(C) The license of a wholesaler of fireworks authorizes 503  
the wholesaler to engage only in the following activities: 504

(1) Possess for sale at wholesale and sell at wholesale 505  
fireworks to persons who are licensed wholesalers of fireworks, 506  
to ~~out of state residents persons~~ in accordance with ~~section~~ 507  
~~sections~~ 3743.44 of the Revised Code, to residents of this state 508  
~~in accordance with section 3743.45 to 3743.46~~ of the Revised 509  
Code, or to persons located in another state provided the 510  
fireworks are shipped directly out of this state to them by the 511  
wholesaler. The possession for sale shall be at the location 512  
described in the application for licensure or in the 513  
notification submitted under division (B) of this section, and 514  
the sale shall be from the inside of a licensed building and 515  
from no structure or device outside a licensed building. At no 516  
time shall a licensed wholesaler sell any class of fireworks 517  
outside a licensed building. 518

(2) Possess for sale at retail and sell at retail 519  
fireworks, other than 1.4G fireworks as designated by the state 520

fire marshal in rules adopted pursuant to division (A) of 521  
section 3743.05 of the Revised Code, to licensed exhibitors in 522  
accordance with sections 3743.50 to 3743.55 of the Revised Code, 523  
and possess for sale at retail and sell at retail fireworks, 524  
including 1.4G fireworks, to ~~out-of-state residents~~ persons in 525  
accordance with ~~section~~ sections 3743.44 ~~of the Revised Code, to~~ 526  
~~residents of this state in accordance with section 3743.45 to~~ 527  
3743.46 of the Revised Code, or to persons located in another 528  
state provided the fireworks are shipped directly out of this 529  
state to them by the wholesaler. The possession for sale shall 530  
be at the location described in the application for licensure or 531  
in the notification submitted under division (B) of this 532  
section, and the sale shall be from the inside of the licensed 533  
building and from no other structure or device outside this 534  
licensed building. At no time shall a licensed wholesaler sell 535  
any class of fireworks outside a licensed building. 536

A licensed wholesaler of fireworks shall sell under 537  
division (C) of this section only fireworks that meet the 538  
standards set by the consumer product safety commission or by 539  
the American fireworks standard laboratories or that have 540  
received an EX number from the United States department of 541  
transportation. 542

(D) The license of a wholesaler of fireworks shall be 543  
protected under glass and posted in a conspicuous place at the 544  
location described in the application for licensure or in the 545  
notification submitted under division (B) of this section. 546  
Except as otherwise provided in this section, the license is not 547  
transferable or assignable. A license may be transferred to 548  
another person for the same location for which the license was 549  
issued if the assets of the wholesaler are transferred to that 550  
person by inheritance or by a sale approved by the state fire 551

marshal. The license is subject to revocation in accordance with 552  
section 3743.21 of the Revised Code. 553

(E) The state fire marshal shall adopt rules for the 554  
expansion or contraction of a licensed premises and for the 555  
approval of an expansion or contraction. The boundaries of a 556  
licensed premises, including any geographic expansion or 557  
contraction of those boundaries, shall be approved by the state 558  
fire marshal in accordance with rules the state fire marshal 559  
adopts. If the licensed premises of a licensed wholesaler from 560  
which the wholesaler operates consists of more than one parcel 561  
of real estate, those parcels must be contiguous, unless an 562  
exception is allowed pursuant to division (G) of this section. 563

(F)(1) Upon application by a licensed wholesaler of 564  
fireworks, a wholesaler license may be transferred from one 565  
geographic location to another within the same municipal 566  
corporation or within the unincorporated area of the same 567  
township, ~~but only~~ if all of the following apply: 568

(a) The identity of the holder of the license remains the 569  
same in the new location. 570

(b) The former location is closed prior to the opening of 571  
the new location and no fireworks business of any kind is 572  
conducted at the former location after the transfer of the 573  
license. 574

(c) The new location has received a local certificate of 575  
zoning compliance and a local certificate of occupancy, and 576  
otherwise is in compliance with all local building regulations. 577

(d) Every building or structure at the new location is 578  
separated from occupied residential and nonresidential buildings 579  
or structures, railroads, highways, or any other buildings or 580

structures located on the licensed premises in accordance with 581  
the distances specified in the rules adopted by the state fire 582  
marshal pursuant to section 3743.18 of the Revised Code. If the 583  
licensee fails to comply with the requirements of division (F) 584  
(1)(d) of this section by the licensee's own act, the license at 585  
the new location is forfeited. 586

(e) Neither the licensee nor any person holding, owning, 587  
or controlling a five per cent or greater beneficial or equity 588  
interest in the licensee has been convicted of or has pleaded 589  
guilty to a felony under the laws of this state, any other 590  
state, or the United States after June 30, 1997. 591

(f) The state fire marshal approves the request for the 592  
transfer. 593

(2) The new location shall comply with the requirements 594  
specified in divisions (C)(1) and (2) of section 3743.25 of the 595  
Revised Code whether or not the fireworks showroom at the new 596  
location is constructed, expanded, or first begins operating on 597  
and after June 30, 1997. 598

(G)(1) A licensed wholesaler may expand its licensed 599  
premises within this state to include not more than two storage 600  
locations that are located upon one or more real estate parcels 601  
that are noncontiguous to the licensed premises as that licensed 602  
premises exists on the date a licensee submits an application as 603  
described below, if all of the following apply: 604

(a) The licensee submits an application to the state fire 605  
marshal requesting the expansion and an application fee of one 606  
hundred dollars per storage location for which the licensee is 607  
requesting approval. 608

(b) The identity of the holder of the license remains the 609

same at the storage location. 610

(c) The storage location has received a valid certificate 611  
of zoning compliance, as applicable, and a valid certificate of 612  
occupancy for each building or structure at the storage location 613  
issued by the authority having jurisdiction to issue the 614  
certificate for the storage location, and those certificates 615  
permit the distribution and storage of fireworks regulated under 616  
this chapter at the storage location and in the buildings or 617  
structures. The storage location shall be in compliance with all 618  
other applicable federal, state, and local laws and regulations. 619

(d) Every building or structure located upon the storage 620  
location is separated from occupied residential and 621  
nonresidential buildings or structures, railroads, highways, and 622  
any other buildings or structures on the licensed premises in 623  
accordance with the distances specified in the rules adopted by 624  
the state fire marshal pursuant to section 3743.18 of the 625  
Revised Code. 626

(e) Neither the licensee nor any person holding, owning, 627  
or controlling a five per cent or greater beneficial or equity 628  
interest in the licensee has been convicted of or pleaded guilty 629  
to a felony under the laws of this state, any other state, or 630  
the United States, after September 29, 2005. 631

(f) The state fire marshal approves the application for 632  
expansion. 633

(2) The state fire marshal shall approve an application 634  
for expansion requested under division (G)(1) of this section if 635  
the state fire marshal receives the application fee and proof 636  
that the requirements of divisions (G)(1)(b) to (e) of this 637  
section are satisfied. The storage location shall be considered 638

part of the original licensed premises and shall use the same 639  
distinct number assigned to the original licensed premises with 640  
any additional designations as the state fire marshal deems 641  
necessary in accordance with section 3743.16 of the Revised 642  
Code. 643

(H) (1) A licensee who obtains approval for use of a 644  
storage location in accordance with division (G) of this section 645  
shall use the site exclusively for the following activities, in 646  
accordance with division (C) (1) of this section: 647

(a) Packaging, assembling, or storing fireworks, which 648  
shall occur only in buildings or structures approved for such 649  
hazardous uses by the building code official having jurisdiction 650  
for the storage location or, for 1.4G fireworks, in containers 651  
or trailers approved for such hazardous uses by the state fire 652  
marshal if such containers or trailers are not subject to 653  
regulation by the building code adopted in accordance with 654  
Chapter 3781. of the Revised Code. All such storage shall be in 655  
accordance with the rules adopted by the state fire marshal 656  
under division (B) (4) of section 3743.18 of the Revised Code for 657  
the packaging, assembling, and storage of fireworks. 658

(b) Distributing fireworks to other parcels of real estate 659  
located on the wholesaler's licensed premises, to licensed 660  
manufacturers or other licensed wholesalers in this state or to 661  
similarly licensed persons located in another state or country; 662

(c) Distributing fireworks to a licensed exhibitor of 663  
fireworks pursuant to a properly issued permit in accordance 664  
with section 3743.54 of the Revised Code. 665

(2) A licensed wholesaler shall not engage in any sales 666  
activity, including the retail sale of fireworks otherwise 667

permitted under division (C) (2) of this section or pursuant to 668  
section 3743.44 or 3743.45 of the Revised Code, at a storage 669  
location approved under this section. 670

(3) A storage location may not be relocated for a minimum 671  
period of five years after the storage location is approved by 672  
the state fire marshal in accordance with division (G) of this 673  
section. 674

(I) A licensee shall prohibit public access to all storage 675  
locations it uses. The state fire marshal shall adopt rules 676  
establishing acceptable measures a wholesaler shall use to 677  
prohibit access to storage sites. 678

(J) The state fire marshal shall not place the license of 679  
a wholesaler of fireworks in temporarily inactive status while 680  
the holder of the license is attempting to qualify to retain the 681  
license. 682

(K) Each licensed wholesaler of fireworks or a designee of 683  
the wholesaler, whose identity is provided to the state fire 684  
marshal by the wholesaler, annually shall attend a continuing 685  
education program. The state fire marshal shall develop the 686  
program and the state fire marshal or a person or public agency 687  
approved by the state fire marshal shall conduct it. A licensed 688  
wholesaler or the wholesaler's designee who attends a program as 689  
required under this division, within one year after attending 690  
the program, shall conduct in-service training as approved by 691  
the state fire marshal for other employees of the licensed 692  
wholesaler regarding the information obtained in the program. A 693  
licensed wholesaler shall provide the state fire marshal with 694  
notice of the date, time, and place of all in-service training. 695  
For any program conducted under this division, the state fire 696  
marshal shall, in accordance with rules adopted by the state 697



fire marshal under Chapter 119. of the Revised Code, establish 698  
the subjects to be taught, the length of classes, the standards 699  
for approval, and time periods for notification by the licensee 700  
to the state fire marshal of any in-service training. 701

(L) A licensed wholesaler shall maintain comprehensive 702  
general liability insurance coverage in the amount and type 703  
specified under division (B) (2) of section 3743.15 of the 704  
Revised Code at all times. Each policy of insurance required 705  
under this division shall contain a provision requiring the 706  
insurer to give not less than fifteen days' prior written notice 707  
to the state fire marshal before termination, lapse, or 708  
cancellation of the policy, or any change in the policy that 709  
reduces the coverage below the minimum required under this 710  
division. Prior to canceling or reducing the amount of coverage 711  
of any comprehensive general liability insurance coverage 712  
required under this division, a licensed wholesaler shall secure 713  
supplemental insurance in an amount and type that satisfies the 714  
requirements of this division so that no lapse in coverage 715  
occurs at any time. A licensed wholesaler who secures 716  
supplemental insurance shall file evidence of the supplemental 717  
insurance with the state fire marshal prior to canceling or 718  
reducing the amount of coverage of any comprehensive general 719  
liability insurance coverage required under this division. 720

**Sec. 3743.21.** (A) The state fire marshal may inspect the 721  
premises, and the inventory, wholesale sale, and retail sale 722  
records, of a licensed wholesaler of fireworks during the 723  
wholesaler's period of licensure to determine whether the 724  
wholesaler is in compliance with Chapter 3743. of the Revised 725  
Code and the rules adopted by the state fire marshal pursuant to 726  
section 3743.18 or 3743.22 of the Revised Code. 727

(B) If the state fire marshal determines during an 728  
inspection conducted pursuant to division (A) of this section 729  
that a wholesaler is not in compliance with Chapter 3743. of the 730  
Revised Code or the rules adopted by the state fire marshal 731  
pursuant to section 3743.18 or 3743.22 of the Revised Code, the 732  
state fire marshal may take one or more of the following 733  
actions, whichever the state fire marshal considers appropriate 734  
under the circumstances: 735

(1) Order, in writing, the wholesaler to eliminate, 736  
correct, or otherwise remedy the nonconformities within a 737  
specified period of time; 738

(2) Order, in writing, the wholesaler to immediately cease 739  
its operations, if a fire or explosion hazard exists that 740  
reasonably can be regarded as posing an imminent danger of death 741  
or serious physical harm to persons. The order shall be 742  
effective until the nonconformities are eliminated, corrected, 743  
or otherwise remedied or for a period of seventy-two hours from 744  
the time of issuance, whichever first occurs. During the 745  
seventy-two hour period, the state fire marshal may obtain from 746  
the court of common pleas of Franklin county or of the county in 747  
which the premises of the wholesaler are located an injunction 748  
restraining the wholesaler from continuing its operations after 749  
the seventy-two hour period expires until the nonconformities 750  
are eliminated, corrected, or otherwise remedied. 751

(3) Revoke, or deny renewal of, the license of the 752  
wholesaler in accordance with Chapter 119. of the Revised Code; 753

(4) Take action as authorized by section 3743.68 of the 754  
Revised Code. 755

(C) This section does not affect the authority conferred 756

by Chapters 3781. and 3791. of the Revised Code to conduct 757  
inspections to determine conformity with those chapters or the 758  
rules adopted pursuant to them. 759

(D) If the license of a wholesaler of fireworks is revoked 760  
or renewal is denied pursuant to division (B)(3) of this section 761  
or section 3743.70 of the Revised Code, the wholesaler shall 762  
cease its operations immediately. The wholesaler may not reapply 763  
for licensure as a wholesaler of fireworks until two years 764  
expire from the date of revocation. 765

The state fire marshal shall remove from the list of 766  
licensed wholesalers the name of a wholesaler whose license has 767  
been revoked, and shall notify the law enforcement authorities 768  
for the political subdivision in which the wholesaler's premises 769  
are located, of the revocation or denial of renewal. 770

**Sec. 3743.22.** (A) As used in this section: 771

(1) "Fee period" means the period beginning on the first 772  
day of October and ending on the thirtieth day of the following 773  
September. 774

(2) "Gross receipts" excludes the amount of taxes a 775  
licensed retailer, licensed manufacturer, or licensed wholesaler 776  
collects from a consumer under Chapter 5739. of the Revised Code 777  
on behalf of the state or a political subdivision. 778

(B) For the purpose of providing revenue to fund 779  
firefighter training programs and the enforcement and regulation 780  
of the fireworks industry, a fee is imposed on licensed 781  
retailers, licensed manufacturers, and licensed wholesalers 782  
selling 1.4G fireworks in this state. The fee shall equal four 783  
per cent of the gross receipts of a licensed manufacturer or 784  
licensed wholesaler from retail sales of 1.4G fireworks in this 785

state made on or after January 1, 2020. For the purpose of this 786  
section, a retail sale of 1.4G fireworks is made in this state 787  
only if the purchaser intends to use the fireworks, and not 788  
resell them, and receives the 1.4G fireworks at a location in 789  
this state. 790

The fee shall be reported, on a form prescribed by the 791  
state fire marshal, and remitted to the state fire marshal on or 792  
before the twenty-third day after the last day of each fee 793  
period. The amount of the fee due shall be computed on the basis 794  
of gross receipts from retail sales made in each fee period. A 795  
licensed retailer, licensed manufacturer, or licensed wholesaler 796  
whose license is issued, canceled or revoked, or not renewed 797  
after expiration during a fee period shall report and remit the 798  
fee based on sales of 1.4G fireworks made in that fee period as 799  
required under this section. A licensed retailer, licensed 800  
manufacturer, or licensed wholesaler may separately or 801  
proportionately bill or invoice a fee imposed under this section 802  
to another person. 803

(C) All money collected under this section shall be 804  
credited to the fireworks fee receipts fund, which is hereby 805  
created in the state treasury. Seven-eighths of the money in the 806  
fund shall be used by the state fire marshal solely to fund 807  
firefighter training programs. Remaining money in the fund shall 808  
be used solely to pay expenses of the state fire marshal in 809  
performing the duties prescribed by this chapter. 810

(D) If the state fire marshal determines that a licensed 811  
retailer, licensed manufacturer, or licensed wholesaler fails to 812  
timely report and remit the full amount of the fee as required 813  
by this section, the state fire marshal may do either of the 814  
following: 815

(1) Order, in writing, the retailer, wholesaler, or 816  
manufacturer to report and remit to the state fire marshal, 817  
within a specified period of time, any such underpayment; 818

(2) Revoke or deny renewal of the license of the retailer, 819  
manufacturer, or wholesaler, which shall subject a manufacturer 820  
or wholesaler to the consequences prescribed in division (D) of 821  
section 3743.08 of the Revised Code or division (D) of section 822  
3743.21 of the Revised Code. 823

(E) The state fire marshal may adopt rules in accordance 824  
with Chapter 119. of the Revised Code as necessary to administer 825  
and enforce the fee imposed under this section. 826

**Sec. 3743.25.** (A) (1) Except as described in division (A) 827  
(2) of this section, all retail sales of 1.4G fireworks by a 828  
licensed manufacturer or wholesaler shall only occur from an 829  
approved retail sales showroom on a licensed premises or from a 830  
representative sample showroom as described in this section on a 831  
licensed premises. For the purposes of this section, a retail 832  
sale includes the transfer of the possession of the 1.4G 833  
fireworks from the licensed manufacturer or wholesaler to the 834  
purchaser of the fireworks. 835

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 836  
properly permitted exhibition shall occur in accordance with the 837  
provisions of the Revised Code and rules adopted by the state 838  
fire marshal under Chapter 119. of the Revised Code. Such rules 839  
shall specify, at a minimum, that the licensed exhibitor holds a 840  
license under section 3743.51 of the Revised Code, that the 841  
exhibitor possesses a valid exhibition permit issued in 842  
accordance with section 3743.54 of the Revised Code, and that 843  
the fireworks shipped are to be used at the specifically 844  
permitted exhibition. 845

(B) All wholesale sales of fireworks by a licensed 846  
manufacturer or wholesaler shall only occur from a licensed 847  
premises to persons who intend to resell the fireworks purchased 848  
at wholesale. A wholesale sale by a licensed manufacturer or 849  
wholesaler may occur as follows: 850

(1) The direct sale and shipment of fireworks to a person 851  
outside of this state; 852

(2) From an approved retail sales showroom as described in 853  
this section; 854

(3) From a representative sample showroom as described in 855  
this section; 856

(4) By delivery of wholesale fireworks to a purchaser at a 857  
licensed premises outside of a structure or building on that 858  
premises. All other portions of the wholesale sales transaction 859  
may occur at any location on a licensed premises. 860

(5) Any other method as described in rules adopted by the 861  
state fire marshal under Chapter 119. of the Revised Code. 862

(C) A licensed manufacturer or wholesaler shall only sell 863  
1.4G fireworks from a representative sample showroom or a retail 864  
sales showroom. Each licensed premises shall only contain one 865  
sales structure. 866

A representative sample showroom shall consist of a 867  
structure constructed and maintained in accordance with the 868  
nonresidential building code adopted under Chapter 3781. of the 869  
Revised Code and the fire code adopted under section 3737.82 of 870  
the Revised Code for a use and occupancy group that permits 871  
mercantile sales. A representative sample showroom shall not 872  
contain any pyrotechnics, pyrotechnic materials, fireworks, 873  
explosives, explosive materials, or any similar hazardous 874

materials or substances. A representative sample showroom shall 875  
be used only for the public viewing of fireworks product 876  
representations, including paper materials, packaging materials, 877  
catalogs, photographs, or other similar product depictions. The 878  
delivery of product to a purchaser of fireworks at a licensed 879  
premises that has a representative sample structure shall not 880  
occur inside any structure on a licensed premises. Such product 881  
delivery shall occur on the licensed premises in a manner 882  
prescribed by rules adopted by the state fire marshal pursuant 883  
to Chapter 119. of the Revised Code. 884

If a manufacturer or wholesaler elects to conduct sales 885  
from a retail sales showroom, the showroom structures, to which 886  
the public may have any access and in which employees are 887  
required to work, on all licensed premises, shall comply with 888  
the following safety requirements: 889

(1) A fireworks showroom that is constructed or upon which 890  
expansion is undertaken on and after June 30, 1997, shall be 891  
equipped with interlinked fire detection, fire suppression, 892  
smoke exhaust, and smoke evacuation systems that are approved by 893  
the superintendent of industrial compliance in the department of 894  
commerce. 895

(2) A fireworks showroom that first begins to operate on 896  
or after June 30, 1997, and to which the public has access for 897  
retail purposes shall not exceed ~~five~~ten thousand square feet 898  
in floor area. 899

(3) A newly constructed or an existing fireworks showroom 900  
structure that exists on September 23, 2008, but that, on or 901  
after September 23, 2008, is altered or added to in a manner 902  
requiring the submission of plans, drawings, specifications, or 903  
data pursuant to section 3791.04 of the Revised Code, shall 904

comply with a graphic floor plan layout that is approved by the 905  
state fire marshal and superintendent showing width of aisles, 906  
parallel arrangement of aisles to exits, number of exits per 907  
wall, maximum occupancy load, evacuation plan for occupants, 908  
height of storage or display of merchandise, and other 909  
information as may be required by the state fire marshal and 910  
superintendent. 911

(4) A fireworks showroom structure that exists on June 30, 912  
1997, shall be in compliance on or after June 30, 1997, with 913  
floor plans showing occupancy load limits and internal 914  
circulation and egress patterns that are approved by the state 915  
fire marshal and superintendent, and that are submitted under 916  
seal as required by section 3791.04 of the Revised Code. 917

(D) The safety requirements established in division (C) of 918  
this section are not subject to any variance, waiver, or 919  
exclusion pursuant to this chapter or any applicable building 920  
code. 921

Sec. 3743.26. (A) (1) Except as provided in division (D) of 922  
this section, any person who wishes to be a licensed fountain 923  
device retailer in this state shall submit an application for 924  
licensure to the state fire marshal before the first day of 925  
October. The application shall be on a form prescribed by the 926  
state fire marshal. 927

The state fire marshal shall prescribe a form for 928  
applications to become a licensed retailer and make a copy of 929  
the form available, upon request, to persons who seek a license. 930

(2) An applicant for licensure as a fountain device 931  
retailer shall submit all of the following with the application: 932

(a) A license fee in an amount set by the state fire 933



marshal, not to exceed twenty-five dollars; 934

(b) An affidavit affirming that the applicant is in 935  
compliance with the national fire protection association 936  
standard "NFPA 1124, Code for the Manufacture, Transportation, 937  
Storage, and Retail Sales of Fireworks and Pyrotechnic Articles 938  
(2006 Edition)," or will be in compliance before engaging in the 939  
storage or retail sale of fountain devices; 940

(c) Proof of insurance in an amount and of a type 941  
specified by the state fire marshal in rules adopted pursuant to 942  
section 3743.28 of the Revised Code. 943

(3) A separate application for licensure as a fountain 944  
device retailer shall be submitted for each location at which a 945  
person wishes to engage in the retail sale of fountain devices. 946

(B) If a person submits an application to become a 947  
licensed fountain device retailer, together with the materials 948  
required by division (A) of this section, the state fire marshal 949  
shall review the application and accompanying materials and 950  
determine if they comply with this section. If the state fire 951  
marshal concludes that the application and accompanying matter 952  
comply with this section, the state fire marshal shall issue the 953  
applicant a license to sell fountain devices at retail. 954

(C) Except as provided in division (E) of this section, a 955  
licensed retailer's license is effective for one year beginning 956  
on the first day of December, and the state fire marshal shall 957  
issue or renew a license only on that date and at no other time. 958  
If a licensed retailer wishes to continue engaging in the retail 959  
sale of fountain devices at the particular location after the 960  
then effective license expires, the licensee shall apply not 961  
later than the first day of October for a new license pursuant 962

to this section. The state fire marshal shall send a written 963  
notice of the expiration of a license to a licensed retailer at 964  
least three months before the expiration date. 965

(D) Any person who wishes to be a licensed retailer of 966  
fountain devices in this state beginning on the first day of 967  
June 2020 shall submit an application pursuant to divisions (A) 968  
(2) and (3) of this section on or before the first day of April 969  
2020. 970

(E) The state fire marshal shall issue a license on the 971  
first day of June 2020 to any person who submits an application 972  
on or before the first day of April 2020 if the state fire 973  
marshal determines that the application meets the requirements 974  
of this section. A license issued pursuant to this division is 975  
effective through the last day of November 2021. 976

**Sec. 3743.27.** (A) A licensed fountain device retailer is 977  
authorized to possess fountain devices and sell fountain devices 978  
at retail pursuant to this section: 979

(1) A licensed retailer's possession and storage of 980  
fountain devices shall comply with the national fire protection 981  
association standard "NFPA 1124, Code for the Manufacture, 982  
Transportation, Storage, and Retail Sales of Fireworks and 983  
Pyrotechnic Articles (2006 Edition)." 984

(2) A licensed retailer's possession, storage, and sale of 985  
fountain devices shall comply with the state fire marshal's 986  
rules adopted pursuant to section 3743.28 of the Revised Code. 987

(3) No licensed retailer shall sell fountain devices to a 988  
person who is under eighteen years of age. 989

(4) A licensed fountain device retailer shall comply with 990  
divisions (B) and (C) of section 3743.47 of the Revised Code. 991

(5) A licensed fountain device retailer shall possess and 992  
sell fountain devices only at the location described in the 993  
application for licensure and the sale shall be from the inside 994  
of a licensed building and from no structure or device outside a 995  
licensed building. At no time shall a licensed retailer sell 996  
fountain devices outside of a licensed building. 997

(B) No licensed fountain device retailer shall negligently 998  
fail to furnish a safety pamphlet to a purchaser of 1.4G 999  
fireworks as required by division (B) of section 3743.47 of the 1000  
Revised Code. 1001

(C) No licensed wholesaler of fireworks shall negligently 1002  
fail to have safety glasses available for sale as required by 1003  
division (C) of section 3743.47 of the Revised Code. 1004

**Sec. 3743.28.** (A) The state fire marshal shall adopt rules 1005  
pursuant to Chapter 119. of the Revised Code governing the 1006  
storage of fireworks by and the business operations of licensed 1007  
fountain device retailers. The rules shall be designed to 1008  
promote the safety and security of employees of retailers, 1009  
members of the public, and the premises upon which fireworks are 1010  
sold. 1011

The state fire marshal shall file the rules required by 1012  
this division with the joint committee on agency rule review 1013  
pursuant to division (C) of section 119.03 of the Revised Code 1014  
not later than March 17, 2020. 1015

(B) The rules shall be consistent with sections 3743.26 to 1016  
3743.29 of the Revised Code and the national fire protection 1017  
association standard "NFPA 1124, Code for the Manufacture, 1018  
Transportation, Storage, and Retail Sales of Fireworks and 1019  
Pyrotechnic Articles (2006 Edition)" and shall apply to, but not 1020

be limited to, the following subject matters: 1021

(1) Cleanliness and orderliness in, the heating, lighting, 1022  
and use of stoves and flame-producing items in, smoking in, the 1023  
prevention of fire and explosion in, the availability of fire 1024  
extinguishers or other fire-fighting equipment and their use in, 1025  
and emergency procedures relative to the buildings and other 1026  
structures on a retailer's premises; 1027

(2) The manner in which fountain devices are to be stored; 1028

(3) Insurance to be maintained by licensed fountain device 1029  
retailers. 1030

**Sec. 3743.29.** (A) The state fire marshal may inspect the 1031  
premises, the inventory, and retail sale records, of a licensed 1032  
fountain device retailer during the retailer's period of 1033  
licensure to determine whether the retailer is in compliance 1034  
with Chapter 3743. of the Revised Code and the rules adopted by 1035  
the state fire marshal pursuant to section 3743.28 of the 1036  
Revised Code. 1037

(B) If the state fire marshal determines during an 1038  
inspection conducted pursuant to division (A) of this section 1039  
that a wholesaler is not in compliance with Chapter 3743. of the 1040  
Revised Code or the rules adopted by the state fire marshal 1041  
pursuant to section 3743.28 of the Revised Code, the state fire 1042  
marshal may take one or more of the following actions, whichever 1043  
the state fire marshal considers appropriate under the 1044  
circumstances: 1045

(1) Order, in writing, the retailer to eliminate, correct, 1046  
or otherwise remedy the nonconformities within a specified 1047  
period of time; 1048

(2) Order, in writing, the wholesaler to immediately cease 1049

the storage and related sale of fountains. 1050

(3) Revoke, or deny renewal of, the license of the 1051  
retailers in accordance with Chapter 119. of the Revised Code. 1052

(C) This section does not affect the authority conferred 1053  
by Chapters 3781. and 3791. of the Revised Code to conduct 1054  
inspections to determine conformity with those chapters or the 1055  
rules adopted pursuant to them. 1056

The state fire marshal shall remove from the list of 1057  
licensed retailers the name of a retailer whose license has been 1058  
revoked, and shall notify the law enforcement authorities for 1059  
the political subdivision in which the retailer's premises are 1060  
located, of the revocation or denial of renewal. 1061

**Sec. 3743.44.** (A) Any person who ~~resides in another state~~ 1062  
~~and who~~ intends to obtain possession in this state of 1.3G 1063  
fireworks purchased in this state shall obtain possession of the 1064  
1.3G fireworks only from a licensed manufacturer or licensed 1065  
~~wholesaler and only possess the fireworks in this state while in~~ 1066  
~~the course of directly transporting them out of this state.~~ 1067

No licensed manufacturer or licensed wholesaler shall sell 1068  
1.3G fireworks to a person ~~who resides in another state unless~~ 1069  
that person has been issued a license or permit in the state of 1070  
the person's residence that authorizes the person to engage in 1071  
the manufacture, wholesale sale, or retail sale of 1.3G 1072  
fireworks or that authorizes the person to conduct 1.3G 1073  
fireworks exhibitions in that state and that person presents a 1074  
certified copy of the license. 1075

~~No licensed manufacturer or licensed wholesaler shall sell~~ 1076  
~~fireworks to a person who resides in another state unless that~~ 1077  
~~person has been issued a license or permit in the state of the~~ 1078

~~person's residence that authorizes the person to engage in the~~ 1079  
~~manufacture, wholesale sale, or retail sale of fireworks in that~~ 1080  
~~state or that authorizes the person to conduct fireworks~~ 1081  
~~exhibitions in that state and that person presents a certified~~ 1082  
~~copy of the license, or, if that person does not possess a~~ 1083  
~~license or permit of that nature, only if the person presents a~~ 1084  
~~current valid motor vehicle operator's license issued to the~~ 1085  
~~person in the person's state of residence, or, if that person~~ 1086  
~~does not possess a motor vehicle operator's license issued in~~ 1087  
~~that state, an identification card issued to the person by a~~ 1088  
~~governmental agency in the person's state of residence~~ 1089  
~~indicating that the person is a resident of that state. If a~~ 1090  
~~person who is required to present a motor vehicle operator's~~ 1091  
~~license or other identification card intends to transport the~~ 1092  
~~fireworks purchased directly out of this state by a motor~~ 1093  
~~vehicle and the person will not also be the operator of that~~ 1094  
~~motor vehicle while so transporting the fireworks, the operator~~ 1095  
~~of the motor vehicle also shall present the operator's motor~~ 1096  
~~vehicle operator's license.~~ 1097

~~(B) Each purchaser of fireworks under this section shall~~ 1098  
~~transport the fireworks so purchased directly out of this state~~ 1099  
~~within forty eight hours after the time of their purchase.~~ 1100

~~This section regulates wholesale sales and retail sales of~~ 1101  
~~fireworks in this state only insofar as purchasers of fireworks~~ 1102  
~~are residents of other states and will be obtaining possession~~ 1103  
~~in this state of purchased fireworks. This section does not~~ 1104  
prohibit licensed manufacturers or wholesalers from selling 1105  
fireworks, in accordance with section 3743.04 or sections 1106  
3743.17 and 3743.25 of the Revised Code, to a resident of 1107  
another state and from shipping the purchased fireworks directly 1108  
out of this state to the purchaser. 1109

**Sec. 3743.45.** (A) Any person who ~~resides in this state and~~ 1110  
~~who~~ intends to obtain possession in this state of 1.4G fireworks 1111  
purchased in this state shall obtain possession of the 1.4G 1112  
fireworks only from a licensed retailer, licensed manufacturer, 1113  
or licensed wholesaler and shall be subject to this section. 1114

~~Each purchaser of 1.4G fireworks under this division shall~~ 1115  
~~transport the fireworks so purchased directly out of this state~~ 1116  
~~within forty eight hours after the time of their purchase.~~ 1117

~~This division does not apply to a person who resides in~~ 1118  
~~this state and who is also a licensed manufacturer, licensed~~ 1119  
~~wholesaler, or licensed exhibitor of fireworks in this state.~~ 1120

~~(B) No licensed manufacturer or licensed wholesaler shall~~ 1121  
~~sell 1.3G fireworks to a person who resides in this state unless~~ 1122  
~~that person is a licensed manufacturer, licensed wholesaler, or~~ 1123  
~~licensed exhibitor of fireworks in this state~~ Any person 1124  
authorized under this section to possess 1.4G fireworks in this 1125  
state may discharge, ignite, or explode those fireworks in 1126  
either of the following locations in this state: 1127

(1) On the property of the person; 1128

(2) On the property of another who has given permission to 1129  
the person. 1130

(C) Fireworks discharged, ignited, or exploded pursuant to 1131  
this section shall not be considered a public exhibition. 1132

(D) A county, with respect to the unincorporated territory 1133  
of the county, a township, with respect to the unincorporated 1134  
territory of the township, or a municipal corporation may do 1135  
either of the following: 1136

(1) Restrict the dates and times a person may discharge, 1137

ignite, or explode fireworks purchased pursuant to this section. 1138

(2) Ban the discharge, ignition, or explosion of fireworks 1139  
purchased pursuant to this section. A resolution adopted by a 1140  
board of township trustees under this division prevails over a 1141  
conflicting resolution adopted under this division by the board 1142  
of county commissioners in the county within which the township 1143  
is located. 1144

(E) This section does not limit the enforcement of any 1145  
ordinance, resolution, or statute that regulates noise, 1146  
disturbance of the peace, or disorderly conduct. 1147

**Sec. 3743.451.** (A) (1) The state fire marshal shall adopt 1148  
rules in accordance with Chapter 119. of the Revised Code 1149  
regulating the time, manner, and location of 1.4G fireworks 1150  
discharged, ignited, or exploded under section 3743.45 of the 1151  
Revised Code. The rules may include provisions requiring that 1152  
all fireworks be used only in accordance with manufacturer's 1153  
instructions and provisions for all of the following: 1154

(a) The use of aerial fireworks; 1155

(b) Separation distances between the location of fireworks 1156  
discharges, ignitions, or explosions and adjacent structures, 1157  
roadways, railroads, airports, publicly owned or controlled 1158  
places, and places where hazardous materials are manufactured, 1159  
used, or stored; 1160

(c) Fireworks usage at common areas of multitenant 1161  
properties; 1162

(d) The suspension of fireworks discharges, ignitions, or 1163  
explosions during times of drought or similar conditions; 1164

(e) The proximity of fireworks discharges, ignitions, or 1165



explosions to persons under eighteen years of age; 1166

(f) Any other matters similar to those listed in division 1167  
(A) (1) of this section. 1168

(2) The state fire marshal shall file the rules required 1169  
by this division with the joint committee on agency rule review 1170  
pursuant to division (C) of section 119.03 of the Revised Code 1171  
not later than March 17, 2020. 1172

(B) (1) Nothing in division (A) of this section shall be 1173  
construed to limit the authority of a county, township, or 1174  
municipal corporation under division (D) of section 3743.45 of 1175  
the Revised Code to restrict the dates and times or ban the 1176  
discharge, ignition, or explosion of fireworks purchased under 1177  
section 3743.45 of the Revised Code. 1178

(2) Rules adopted pursuant to this section shall permit 1179  
consumers, who are at least eighteen years of age, to safely and 1180  
responsibly use 1.4G fireworks on their own private property, or 1181  
any private property to which they have express consent from the 1182  
property owner. 1183

(3) Rules adopted pursuant to this section shall not be 1184  
constructed as a de facto ban on the consumer discharge of 1185  
fireworks. It is the intent of the general assembly to allow 1186  
consumers to discharge 1.4G fireworks in a safe and reasonable 1187  
manner. 1188

**Sec. 3743.46.** (A) Except as otherwise provided in section 1189  
3743.44 or 3743.45 of the Revised Code, no licensed manufacturer 1190  
or licensed wholesaler shall sell fireworks to a person who 1191  
resides in another state unless one of the following applies: 1192

(1) The person has been issued a license or permit in the 1193  
state of the person's residence that authorizes the person to 1194

engage in the manufacture, wholesale sale, or retail sale of 1195  
fireworks in that state or that authorizes the person to conduct 1196  
fireworks exhibitions in that state and that person presents a 1197  
certified copy of the license. 1198

(2) If the person does not possess a license or permit 1199  
described in division (A) (1) of this section, the person 1200  
presents a current, valid motor vehicle operator's license 1201  
issued to the person in the person's state of residence. 1202

(3) If the person does not possess a license or permit 1203  
issued in that state as described in division (A) (1) or (2) of 1204  
this section, the person presents an identification card issued 1205  
to the person by a governmental agency in the person's state of 1206  
residence indicating that the person is a resident of that 1207  
state. 1208

(B) If a person who is required to present a motor vehicle 1209  
operator's license or other identification card intends to 1210  
transport the fireworks purchased directly out of this state by 1211  
a motor vehicle and the person will not also be the operator of 1212  
that motor vehicle while so transporting the fireworks, the 1213  
operator of the motor vehicle also shall present the operator's 1214  
motor vehicle operator's license. 1215

**Sec. 3743.47.** (A) The state fire marshal shall design a 1216  
pamphlet that explains how to use 1.4G fireworks safely. The 1217  
state fire marshal shall distribute the pamphlet design to all 1218  
licensed retailers, licensed wholesalers, and licensed 1219  
manufacturers who sell 1.4G fireworks. 1220

(B) A licensed retailer, licensed manufacturer, or 1221  
licensed wholesaler shall furnish a copy of the pamphlet 1222  
prepared pursuant to division (A) of this section to each 1223

purchaser of 1.4G fireworks. 1224

(C) A licensed retailer, licensed manufacturer, or 1225  
licensed wholesaler selling 1.4G fireworks shall have safety 1226  
glasses available for a nominal charge or free at the site of 1227  
the 1.4G fireworks purchase. 1228

(D) Divisions (B) and (C) of this section do not apply 1229  
when a purchaser is a licensed retailer, licensed manufacturer, 1230  
licensed wholesaler, or licensed exhibitor of fireworks in this 1231  
state. 1232

**Sec. 3743.57.** (A) All fees collected by the state fire 1233  
marshal for licenses or permits issued pursuant to this chapter, 1234  
except the fee imposed under section 3743.22 of the Revised 1235  
Code, shall be deposited into the state fire marshal's fund, and 1236  
interest earned on the amounts in the fund shall be credited by 1237  
the treasurer of state to the fund. 1238

(B) The state fire marshal shall in the state fire 1239  
marshal's discretion use amounts in the state fire marshal's 1240  
fund for fireworks training and education purposes, including, 1241  
but not limited to, the creation of educational and training 1242  
programs, attendance by the state fire marshal and the state 1243  
fire marshal's employees at conferences and seminars, the 1244  
payment of travel and meal expenses associated with such 1245  
attendance, participation by the state fire marshal and the 1246  
state fire marshal's employees in committee meetings and other 1247  
meetings related to pyrotechnic codes, and the payment of travel 1248  
and meal expenses associated with such participation. The use of 1249  
the fund shall comply with rules of the department of commerce, 1250  
policies and procedures established by the director of budget 1251  
and management, and all other applicable laws. 1252

Sec. 3743.591. (A) The state fire marshal shall adopt 1253  
rules, in consultation with the fireworks industry and other 1254  
interested parties, that allow a licensed manufacturer or 1255  
licensed wholesaler of fireworks to transfer the manufacturer's 1256  
or wholesaler's license from one geographic location to another. 1257

The state fire marshal shall file the rules required by 1258  
this division with the joint committee on agency rule review 1259  
pursuant to division (C) of section 119.03 of the Revised Code 1260  
not later than March 17, 2020. 1261

(B) Upon application by a licensed manufacturer or 1262  
licensed wholesaler of fireworks to the state fire marshal, a 1263  
manufacturer license or wholesaler license may be transferred 1264  
from one geographic location to another if the state fire 1265  
marshal determines that the licensed wholesaler or licensed 1266  
manufacturer has complied with the rules adopted by the state 1267  
fire marshal under division (A) of this section. 1268

(C) A wholesaler license may be transferred from one 1269  
geographic location to another if the licensed wholesaler 1270  
satisfies the requirements specified in division (F) of section 1271  
3743.17 of the Revised Code or the rules adopted under division 1272  
(A) of this section. 1273

**Sec. 3743.60. (A)** No person shall manufacture fireworks in 1274  
this state unless it is a licensed manufacturer of fireworks, 1275  
and no person shall operate a fireworks plant in this state 1276  
unless it has been issued a license as a manufacturer of 1277  
fireworks for the particular fireworks plant. 1278

(B) No person shall operate a fireworks plant in this 1279  
state after its license as a manufacturer of fireworks for the 1280  
particular fireworks plant has expired, been denied renewal, or 1281

been revoked, unless a new license has been obtained. 1282

(C) No licensed manufacturer of fireworks, during the 1283  
effective period of its licensure, shall construct, locate, or 1284  
relocate any buildings or other structures on the premises of 1285  
its fireworks plant, make any structural change or renovation in 1286  
any building or other structure on the premises of its fireworks 1287  
plant, or change the nature of its manufacturing of fireworks so 1288  
as to include the processing of fireworks without first 1289  
obtaining a written authorization from the state fire marshal 1290  
pursuant to division (B) of section 3743.04 of the Revised Code. 1291

(D) No licensed manufacturer of fireworks shall 1292  
manufacture fireworks, possess fireworks for sale at wholesale 1293  
or retail, or sell fireworks at wholesale or retail, in a manner 1294  
not authorized by division (C) of section 3743.04 of the Revised 1295  
Code. 1296

(E) No licensed manufacturer of fireworks shall knowingly 1297  
fail to comply with the rules adopted by the state fire marshal 1298  
pursuant to section 3743.05 of the Revised Code or the 1299  
requirements of section 3743.06 of the Revised Code. 1300

(F) No licensed manufacturer of fireworks shall fail to 1301  
maintain complete inventory, wholesale sale, and retail records 1302  
as required by section 3743.07 of the Revised Code, or to permit 1303  
inspection of these records or the premises of a fireworks plant 1304  
pursuant to section 3743.08 of the Revised Code. 1305

(G) No licensed manufacturer of fireworks shall fail to 1306  
comply with an order of the state fire marshal issued pursuant 1307  
to division (B)(1) of section 3743.08 of the Revised Code, 1308  
within the specified period of time. 1309

(H) No licensed manufacturer of fireworks shall fail to 1310

comply with an order of the state fire marshal issued pursuant 1311  
to division (B) (2) of section 3743.08 of the Revised Code until 1312  
the nonconformities are eliminated, corrected, or otherwise 1313  
remedied or the seventy-two hour period specified in that 1314  
division has expired, whichever first occurs. 1315

(I) No person shall smoke or shall carry a pipe, 1316  
cigarette, or cigar, or a match, lighter, other flame-producing 1317  
item, or open flame on, or shall carry a concealed source of 1318  
ignition into, the premises of a fireworks plant, except as 1319  
smoking is authorized in specified lunchrooms or restrooms by a 1320  
manufacturer pursuant to division (C) of section 3743.06 of the 1321  
Revised Code. 1322

(J) No person shall have possession or control of, or be 1323  
under the influence of, any intoxicating liquor, beer, or 1324  
controlled substance, while on the premises of a fireworks 1325  
plant. 1326

(K) No licensed manufacturer of fireworks shall 1327  
negligently fail to furnish a safety pamphlet to a purchaser of 1328  
1.4G fireworks as required by division (B) of section 3743.47 of 1329  
the Revised Code. 1330

(L) No licensed manufacturer of fireworks shall 1331  
negligently fail to have safety glasses available for sale as 1332  
required by division (C) of section 3743.47 of the Revised Code. 1333

**Sec. 3743.61.** (A) No person, except a licensed 1334  
manufacturer of fireworks engaging in the wholesale sale of 1335  
fireworks as authorized by division (C) (2) of section 3743.04 of 1336  
the Revised Code, shall operate as a wholesaler of fireworks in 1337  
this state unless it is a licensed wholesaler of fireworks, or 1338  
shall operate as a wholesaler of fireworks at any location in 1339

this state unless it has been issued a license as a wholesaler 1340  
of fireworks for the particular location. 1341

(B) No person shall operate as a wholesaler of fireworks 1342  
at a particular location in this state after its license as a 1343  
wholesaler of fireworks for the particular location has expired, 1344  
been denied renewal, or been revoked, unless a new license has 1345  
been obtained. 1346

(C) No licensed wholesaler of fireworks, during the 1347  
effective period of its licensure, shall perform any 1348  
construction, or make any structural change or renovation, on 1349  
the premises on which the fireworks are sold without first 1350  
obtaining a written authorization from the state fire marshal 1351  
pursuant to division (B) of section 3743.17 of the Revised Code. 1352

(D) No licensed wholesaler of fireworks shall possess 1353  
fireworks for sale at wholesale or retail, or sell fireworks at 1354  
wholesale or retail, in a manner not authorized by division (C) 1355  
of section 3743.17 of the Revised Code. 1356

(E) No licensed wholesaler of fireworks shall knowingly 1357  
fail to comply with the rules adopted by the state fire marshal 1358  
pursuant to section 3743.18 or the requirements of section 1359  
3743.19 of the Revised Code. 1360

(F) No licensed wholesaler of fireworks shall fail to 1361  
maintain complete inventory, wholesale sale, and retail records 1362  
as required by section 3743.20 of the Revised Code, or to permit 1363  
inspection of these records or the premises of the wholesaler 1364  
pursuant to section 3743.21 of the Revised Code. 1365

(G) No licensed wholesaler of fireworks shall fail to 1366  
comply with an order of the state fire marshal issued pursuant 1367  
to division (B) (1) of section 3743.21 of the Revised Code, 1368

within the specified period of time. 1369

(H) No licensed wholesaler of fireworks shall fail to 1370  
comply with an order of the state fire marshal issued pursuant 1371  
to division (B) (2) of section 3743.21 of the Revised Code until 1372  
the nonconformities are eliminated, corrected, or otherwise 1373  
remedied or the seventy-two hour period specified in that 1374  
division has expired, whichever first occurs. 1375

(I) No person shall smoke or shall carry a pipe, 1376  
cigarette, or cigar, or a match, lighter, other flame-producing 1377  
item, or open flame on, or shall carry a concealed source of 1378  
ignition into, the premises of a wholesaler of fireworks, except 1379  
as smoking is authorized in specified lunchrooms or restrooms by 1380  
a wholesaler pursuant to division (D) of section 3743.19 of the 1381  
Revised Code. 1382

(J) No person shall have possession or control of, or be 1383  
under the influence of, any intoxicating liquor, beer, or 1384  
controlled substance, while on the premises of a wholesaler of 1385  
fireworks. 1386

(K) No licensed wholesaler of fireworks shall negligently 1387  
fail to furnish a safety pamphlet to a purchaser of 1.4G 1388  
fireworks as required by division (B) of section 3743.47 of the 1389  
Revised Code. 1390

(L) No licensed wholesaler of fireworks shall negligently 1391  
fail to have safety glasses available for sale as required by 1392  
division (C) of section 3743.47 of the Revised Code. 1393

**Sec. 3743.63.** (A) No person who ~~resides in another state~~ 1394  
~~and~~ purchases fireworks in this state shall obtain possession of 1395  
the fireworks in this state unless the person complies with 1396  
~~section~~ sections 3743.44 to 3743.46 of the Revised Code. 1397



(B) ~~No~~ Except for the purchase of 1.4G fireworks made 1398  
under section 3743.45 of the Revised Code, no person who resides 1399  
in another state and who purchases fireworks in this state shall 1400  
obtain possession of fireworks in this state other than from a 1401  
licensed manufacturer or wholesaler, or fail, when transporting 1402  
1.3G fireworks, to transport them directly out of this state 1403  
within seventy-two hours after the time of their purchase. ~~No~~ 1404  
~~such person shall give or sell to any other person in this state~~ 1405  
~~fireworks that the person has acquired in this state.~~ 1406

(C) ~~No person who resides in this state and purchases~~ 1407  
~~fireworks in this state shall obtain possession of the fireworks~~ 1408  
~~in this state unless the person complies with section 3743.45 of~~ 1409  
~~the Revised Code.~~ 1410

(D) ~~No person who resides in this state and who purchases~~ 1411  
fireworks in this state under section 3743.45 of the Revised 1412  
Code shall ~~obtain possession of fireworks in this state other~~ 1413  
~~than from a licensed manufacturer or licensed wholesaler, or~~ 1414  
~~fail, when transporting the fireworks, to transport them~~ 1415  
~~directly out of this state within forty-eight hours after the~~ 1416  
~~time of their purchase. No such person shall give or sell to any~~ 1417  
other person in this state fireworks that the person has 1418  
acquired in this state. 1419

**Sec. 3743.65.** (A) No person shall possess fireworks in 1420  
this state or shall possess for sale or sell fireworks in this 1421  
state, except a licensed manufacturer of fireworks as authorized 1422  
by sections 3743.02 to 3743.08 of the Revised Code, a licensed 1423  
wholesaler of fireworks as authorized by sections 3743.15 to 1424  
3743.21 of the Revised Code, a shipping permit holder as 1425  
authorized by section 3743.40 of the Revised Code, ~~an out-of-~~ 1426  
~~state resident~~ a licensed fountain device retailer as authorized 1427

by section 3743.27 of the Revised Code, a person as authorized 1428  
by ~~section~~ ~~sections~~ 3743.44 of the Revised Code, a resident of 1429  
this state as authorized by ~~section~~ ~~and~~ 3743.45 of the Revised 1430  
Code, or a licensed exhibitor of fireworks as authorized by 1431  
sections 3743.50 to 3743.55 of the Revised Code, and except as 1432  
provided in section 3743.80 of the Revised Code. 1433

(B) Except as provided in ~~section~~ ~~sections~~ 3743.45 and 1434  
3743.80 of the Revised Code and except for licensed exhibitors 1435  
of fireworks authorized to conduct a fireworks exhibition 1436  
pursuant to sections 3743.50 to 3743.55 of the Revised Code, no 1437  
person shall discharge, ignite, or explode any fireworks in this 1438  
state. 1439

(C) No person shall use in a theater or public hall, what 1440  
is technically known as fireworks showers, or a mixture 1441  
containing potassium chlorate and sulphur. 1442

(D) No person shall sell fireworks of any kind to a person 1443  
under eighteen years of age. No person under eighteen years of 1444  
age shall enter a fireworks sales showroom unless that person is 1445  
accompanied by a parent, legal guardian, or other responsible 1446  
adult. No person under eighteen years of age shall touch or 1447  
possess fireworks on a licensed premises without the consent of 1448  
the licensee. A licensee may eject any person from a licensed 1449  
premises that is in any way disruptive to the safe operation of 1450  
the premises. 1451

(E) Except as otherwise provided in section 3743.44 of the 1452  
Revised Code, no person, other than a licensed manufacturer, 1453  
licensed wholesaler, licensed exhibitor, or shipping permit 1454  
holder, shall possess 1.3G fireworks in this state. 1455

(F) Except as otherwise provided in division (J) of 1456

section 3743.06 and division (K) of section 3743.19 of the 1457  
Revised Code, no person shall knowingly disable a fire 1458  
suppression system as defined in section 3781.108 of the Revised 1459  
Code on the premises of a fireworks plant of a licensed 1460  
manufacturer of fireworks or on the premises of the business 1461  
operations of a licensed wholesaler of fireworks. 1462

(G) No person shall negligently discharge, ignite, or 1463  
explode fireworks while in possession or control of, or under 1464  
the influence of, any intoxicating liquor, beer, or controlled 1465  
substance. 1466

(H) No person shall negligently discharge, ignite, or 1467  
explode fireworks on the property of another person without that 1468  
person's permission to use fireworks on that property. 1469

**Sec. 3743.67.** (A) The Ohio fire code rule recommendation 1470  
committee is hereby created to review Chapter 3743. of the 1471  
Revised Code and make a recommendation to the state fire 1472  
marshal. At a minimum, the committee shall make a recommendation 1473  
to the state fire marshal relating to all of the following: 1474

(1) Sections 3743.02, 3743.03, 3743.04, 3743.06, 3743.15, 1475  
3743.16, 3743.17, 3743.18, and 3743.19 of the Revised Code; 1476

(2) Section 3743.45 of the Revised Code relating to the 1477  
purchase of 1.4G fireworks from licensed manufacturers or 1478  
wholesalers; 1479

(3) Section 3743.75 of the Revised Code relating to the 1480  
moratorium on licenses; 1481

(4) State fire marshal rulemaking of building code 1482  
requirements for 1.3G manufacturing facilities. 1483

(5) Development of a state licensing program pursuant to 1484

section 3743.75 of the Revised Code. 1485

(B) The committee shall meet periodically, with the first 1486  
meeting not later than September 30, 2019, and shall submit 1487  
their report and recommendations to the state fire marshal by 1488  
December 31, 2019. 1489

(C) The committee shall be made up of the following 1490  
individuals: 1491

(1) The state fire marshal, or the state fire marshal's 1492  
designee; 1493

(2) Four local fire chiefs appointed by the Ohio fire 1494  
chiefs' association, or appointed by the association's designee; 1495

(3) A local police chief appointed by the attorney 1496  
general, or the attorney general's designee; 1497

(4) Five members of the Ohio state pyrotechnics 1498  
association, appointed by the president of the association, one 1499  
of whom shall be a licensed wholesaler, one of whom shall be a 1500  
licensed exhibitor, and one of whom shall be a licensed 1501  
manufacturer; 1502

(5) One member of prevent blindness Ohio, or the 1503  
organization's designee; 1504

(6) One member of the Ohio optometric association or the 1505  
association's designee; 1506

(7) One member of the Ohio pyrotechnic arts guild or the 1507  
organization's designee; 1508

(8) One representative of the Ohio chapter of the American 1509  
academy of pediatrics, appointed by the president of the Ohio 1510  
chapter; 1511

(9) One member of the Ohio council of retail merchants or 1512  
the council's designee. 1513

**Sec. 3743.75.** (A) (1) During the period beginning on June 1514  
29, 2001, and ending on December ~~31~~ 15, ~~2019~~ 2021, the state 1515  
fire marshal shall not do ~~any~~ either of the following: 1516

~~(1)~~ (a) Issue a license as a manufacturer of fireworks 1517  
under sections 3743.02 and 3743.03 of the Revised Code to a 1518  
person for a particular fireworks plant unless that person 1519  
possessed such a license for that fireworks plant immediately 1520  
prior to June 29, 2001; 1521

~~(2)~~ (b) Issue a license as a wholesaler of fireworks under 1522  
sections 3743.15 and 3743.16 of the Revised Code to a person for 1523  
a particular location unless that person possessed such a 1524  
license for that location immediately prior to June 29, 2001; 1525

~~(3)~~ (2) Except as provided in division (B) of this 1526  
section, during the period beginning on June 29, 2001, and 1527  
ending on June 1, 2020, the state fire marshal shall not approve 1528  
the geographic transfer of a license as a manufacturer or 1529  
wholesaler of fireworks issued under this chapter to any 1530  
location other than a location for which a license was issued 1531  
under this chapter immediately prior to June 29, 2001. 1532

(B) Division (A) ~~(3)~~ (2) of this section does not apply to 1533  
a transfer that the state fire marshal approves under division 1534  
(F) of section 3743.17 of the Revised Code. 1535

(C) Notwithstanding section 3743.59 of the Revised Code, 1536  
the prohibited activities established in ~~divisions~~ division (A) 1537  
(1) ~~and (2)~~ of this section, geographic transfers approved 1538  
pursuant to division (F) of section 3743.17 of the Revised Code, 1539  
and storage locations allowed pursuant to division (I) of 1540

section 3743.04 of the Revised Code or division (G) of section 1541  
3743.17 of the Revised Code are not subject to any variance, 1542  
waiver, or exclusion. 1543

(D) After December 15, 2021, the state fire marshal may 1544  
issue new licenses as a manufacturer or wholesaler of fireworks. 1545  
New licenses shall not be approved in such a manner that unduly 1546  
burdens the state fire marshal's ability to ensure public 1547  
safety. 1548

(E) As used in division (A) of this section: 1549

(1) "Person" includes any person or entity, in whatever 1550  
form or name, that acquires possession of a manufacturer or 1551  
wholesaler of fireworks license issued pursuant to this chapter 1552  
by transfer of possession of a license, whether that transfer 1553  
occurs by purchase, assignment, inheritance, bequest, stock 1554  
transfer, or any other type of transfer, on the condition that 1555  
the transfer is in accordance with division (D) of section 1556  
3743.04 of the Revised Code or division (D) of section 3743.17 1557  
of the Revised Code and is approved by the state fire marshal. 1558

(2) "Particular location" includes a licensed premises 1559  
and, regardless of when approved, any storage location approved 1560  
in accordance with section 3743.04 or 3743.17 of the Revised 1561  
Code. 1562

(3) "Such a license" includes a wholesaler of fireworks 1563  
license that was issued in place of a manufacturer of fireworks 1564  
license that existed prior to June 29, 2001, and was requested 1565  
to be canceled by the license holder pursuant to division (D) of 1566  
section 3743.03 of the Revised Code. 1567

**Sec. 3743.99.** (A) Whoever violates division (A) or (B) of 1568  
section 3743.60 or division (H) of section 3743.64 of the 1569

Revised Code is guilty of a felony of the third degree. 1570

(B) Whoever violates division (C) or (D) of section 1571  
3743.60, division (A), (B), (C), or (D) of section 3743.61, or 1572  
division (A) or (B) of section 3743.64 of the Revised Code is 1573  
guilty of a felony of the fourth degree. 1574

(C) Whoever violates division (E), (F), (G), (H), (I), or 1575  
(J) of section 3743.60, division (E), (F), (G), (H), (I), or (J) 1576  
of section 3743.61, section 3743.63, division (D), (E), (F), or 1577  
(G) of section 3743.64, division (A), (B), (C), (D), or (E) of 1578  
section 3743.65, or section 3743.66 of the Revised Code is 1579  
guilty of a misdemeanor of the first degree. If the offender 1580  
previously has been convicted of or pleaded guilty to a 1581  
violation of division (I) of section 3743.60 or 3743.61 of the 1582  
Revised Code, a violation of either of these divisions is a 1583  
felony of the fifth degree. 1584

(D) Whoever violates division (C) of section 3743.64 of 1585  
the Revised Code is guilty of a misdemeanor of the first degree. 1586  
In addition to any other penalties that may be imposed on a 1587  
licensed exhibitor of fireworks under this division and unless 1588  
the third sentence of this division applies, the person's 1589  
license as an exhibitor of fireworks or as an assistant 1590  
exhibitor of fireworks shall be suspended, and the person is 1591  
ineligible to apply for either type of license, for a period of 1592  
five years. If the violation of division (C) of section 3743.64 1593  
of the Revised Code results in serious physical harm to persons 1594  
or serious physical harm to property, the person's license as an 1595  
exhibitor of fireworks or as an assistant exhibitor of fireworks 1596  
shall be revoked, and that person is ineligible to apply for a 1597  
license as or to be licensed as an exhibitor of fireworks or as 1598  
an assistant exhibitor of fireworks in this state. 1599

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

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

(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.

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

**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.

(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 1629  
chapter, the objective of which is to express an opinion on a 1630  
financial report or statement prepared or issued pursuant to 1631  
division (A) (7) or (9) of section 126.21 of the Revised Code, 1632  
the officers and employees of the auditor of state charged with 1633  
conducting the audit shall have access to and the right to 1634  
examine any state tax returns and state tax return information 1635  
in the possession of the department to the extent that the 1636  
access and examination are necessary for purposes of the audit. 1637  
Any information acquired as the result of that access and 1638  
examination shall not be divulged for any purpose other than as 1639  
required for the audit or unless the officers and employees are 1640  
required to testify in a court or proceeding under compulsion of 1641  
legal process. Whoever violates this provision shall thereafter 1642  
be disqualified from acting as an officer or employee or in any 1643  
other capacity under appointment or employment of the auditor of 1644  
state. 1645

(2) For purposes of an internal audit pursuant to section 1646  
126.45 of the Revised Code, the officers and employees of the 1647  
office of internal audit in the office of budget and management 1648  
charged with directing the internal audit shall have access to 1649  
and the right to examine any state tax returns and state tax 1650  
return information in the possession of the department to the 1651  
extent that the access and examination are necessary for 1652  
purposes of the internal audit. Any information acquired as the 1653  
result of that access and examination shall not be divulged for 1654  
any purpose other than as required for the internal audit or 1655  
unless the officers and employees are required to testify in a 1656  
court or proceeding under compulsion of legal process. Whoever 1657  
violates this provision shall thereafter be disqualified from 1658  
acting as an officer or employee or in any other capacity under 1659

appointment or employment of the office of internal audit. 1660

(3) As provided by section 6103(d)(2) of the Internal 1661  
Revenue Code, any federal tax returns or federal tax information 1662  
that the department has acquired from the internal revenue 1663  
service, through federal and state statutory authority, may be 1664  
disclosed to the auditor of state or the office of internal 1665  
audit solely for purposes of an audit of the department. 1666

(4) For purposes of Chapter 3739. of the Revised Code, an 1667  
agent of the department of taxation may share information with 1668  
the division of state fire marshal that the agent finds during 1669  
the course of an investigation. 1670

(C) Division (A) of this section does not prohibit any of 1671  
the following: 1672

(1) Divulging information contained in applications, 1673  
complaints, and related documents filed with the department 1674  
under section 5715.27 of the Revised Code or in applications 1675  
filed with the department under section 5715.39 of the Revised 1676  
Code; 1677

(2) Providing information to the office of child support 1678  
within the department of job and family services pursuant to 1679  
section 3125.43 of the Revised Code; 1680

(3) Disclosing to the motor vehicle repair board any 1681  
information in the possession of the department that is 1682  
necessary for the board to verify the existence of an 1683  
applicant's valid vendor's license and current state tax 1684  
identification number under section 4775.07 of the Revised Code; 1685

(4) Providing information to the administrator of workers' 1686  
compensation pursuant to sections 4123.271 and 4123.591 of the 1687  
Revised Code; 1688

(5) Providing to the attorney general information the 1689  
department obtains under division (J) of section 1346.01 of the 1690  
Revised Code; 1691

(6) Permitting properly authorized officers, employees, or 1692  
agents of a municipal corporation from inspecting reports or 1693  
information pursuant to section 718.84 of the Revised Code or 1694  
rules adopted under section 5745.16 of the Revised Code; 1695

(7) Providing information regarding the name, account 1696  
number, or business address of a holder of a vendor's license 1697  
issued pursuant to section 5739.17 of the Revised Code, a holder 1698  
of a direct payment permit issued pursuant to section 5739.031 1699  
of the Revised Code, or a seller having a use tax account 1700  
maintained pursuant to section 5741.17 of the Revised Code, or 1701  
information regarding the active or inactive status of a 1702  
vendor's license, direct payment permit, or seller's use tax 1703  
account; 1704

(8) Releasing invoices or invoice information furnished 1705  
under section 4301.433 of the Revised Code pursuant to that 1706  
section; 1707

(9) Providing to a county auditor notices or documents 1708  
concerning or affecting the taxable value of property in the 1709  
county auditor's county. Unless authorized by law to disclose 1710  
documents so provided, the county auditor shall not disclose 1711  
such documents; 1712

(10) Providing to a county auditor sales or use tax return 1713  
or audit information under section 333.06 of the Revised Code; 1714

(11) Subject to section 4301.441 of the Revised Code, 1715  
disclosing to the appropriate state agency information in the 1716  
possession of the department of taxation that is necessary to 1717

verify a permit holder's gallonage or noncompliance with taxes 1718  
levied under Chapter 4301. or 4305. of the Revised Code; 1719

(12) Disclosing to the department of natural resources 1720  
information in the possession of the department of taxation that 1721  
is necessary for the department of taxation to verify the 1722  
taxpayer's compliance with section 5749.02 of the Revised Code 1723  
or to allow the department of natural resources to enforce 1724  
Chapter 1509. of the Revised Code; 1725

(13) Disclosing to the department of job and family 1726  
services, industrial commission, and bureau of workers' 1727  
compensation information in the possession of the department of 1728  
taxation solely for the purpose of identifying employers that 1729  
misclassify employees as independent contractors or that fail to 1730  
properly report and pay employer tax liabilities. The department 1731  
of taxation shall disclose only such information that is 1732  
necessary to verify employer compliance with law administered by 1733  
those agencies. 1734

(14) Disclosing to the Ohio casino control commission 1735  
information in the possession of the department of taxation that 1736  
is necessary to verify a casino operator's compliance with 1737  
section 5747.063 or 5753.02 of the Revised Code and sections 1738  
related thereto; 1739

(15) Disclosing to the state lottery commission 1740  
information in the possession of the department of taxation that 1741  
is necessary to verify a lottery sales agent's compliance with 1742  
section 5747.064 of the Revised Code; ~~1743~~ 1743

(16) Disclosing to the development services agency 1744  
information in the possession of the department of taxation that 1745  
is necessary to ensure compliance with the laws of this state 1746

governing taxation and to verify information reported to the 1747  
development services agency for the purpose of evaluating 1748  
potential tax credits, grants, or loans. Such information shall 1749  
not include information received from the internal revenue 1750  
service the disclosure of which is prohibited by section 6103 of 1751  
the Internal Revenue Code. No officer, employee, or agent of the 1752  
development services agency shall disclose any information 1753  
provided to the development services agency by the department of 1754  
taxation under division (C)(16) of this section except when 1755  
disclosure of the information is necessary for, and made solely 1756  
for the purpose of facilitating, the evaluation of potential tax 1757  
credits, grants, or loans. 1758

(17) Disclosing to the department of insurance information 1759  
in the possession of the department of taxation that is 1760  
necessary to ensure a taxpayer's compliance with the 1761  
requirements with any tax credit administered by the development 1762  
services agency and claimed by the taxpayer against any tax 1763  
administered by the superintendent of insurance. No officer, 1764  
employee, or agent of the department of insurance shall disclose 1765  
any information provided to the department of insurance by the 1766  
department of taxation under division (C)(17) of this section. 1767

(18) Disclosing to the division of liquor control 1768  
information in the possession of the department of taxation that 1769  
is necessary for the division and department to comply with the 1770  
requirements of sections 4303.26 and 4303.271 of the Revised 1771  
Code; 1772

(19) Disclosing to the state fire marshal information in 1773  
the possession of the department of taxation that is necessary 1774  
for the state fire marshal to verify the compliance of a 1775  
licensed manufacturer of fireworks or a licensed wholesaler of 1776

fireworks with section 3743.22 of the Revised Code. No officer, 1777  
employee, or agent of the state fire marshal shall disclose any 1778  
information provided to the state fire marshal by the department 1779  
of taxation under division (C)(19) of this section. 1780

**Section 2.** That existing sections 3743.01, 3743.04, 1781  
3743.08, 3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 3743.57, 1782  
3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 3743.99, and 1783  
5703.21 of the Revised Code are hereby repealed. 1784

**Section 3.** The amendment of section 3743.01 and the 1785  
enactment of sections 3743.26 to 3743.29 of the Revised Code by 1786  
Section 1 of this act take effect on October 2, 2019. The 1787  
amendments to sections 3743.04, 3743.08, 3743.17, 3743.21, 1788  
3743.44, 3743.45, 3743.57, 3743.60, 3743.61, 3743.63, 3743.65, 1789  
3743.99, and 5703.21 of the Revised Code made in Sections 1 and 1790  
2 of this act and the enactment of sections 3743.22, 3743.46, 1791  
and 3743.47 of the Revised Code by Sections 1 and 2 of this act, 1792  
take effect June 1, 2020. The amendments to sections 3743.25 and 1793  
3743.75 and the enactment of sections 3743.451, 3743.591, and 1794  
3743.67 of the Revised Code in Sections 1 and 2 of this act 1795  
shall take effect at the earliest time permitted by law. 1796