

**As Passed by the House**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Sub. H. B. No. 253**

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

**Cosponsors: Representatives Seitz, Lipps, Carruthers, Cutrona, Miller, J.**

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**A BILL**

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

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

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

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

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

meanings as in section 4301.01 of the Revised Code. 19

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

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

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

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

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

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

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

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

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

(I) "Highway" means any public street, road, alley, way, 52  
lane, or other public thoroughfare. 53

~~(I)~~ (J) "Licensed exhibitor of fireworks" or "licensed 54  
exhibitor" means a person licensed pursuant to sections 3743.50 55  
to 3743.55 of the Revised Code. 56

~~(J)~~ (K) "Licensed fountain device retailer" or "licensed 57  
retailer" means a person licensed pursuant to section 3743.26 of 58  
the Revised Code. 59

(L) "Licensed manufacturer of fireworks" or "licensed 60  
manufacturer" means a person licensed pursuant to sections 61  
3743.02 to 3743.08 of the Revised Code. 62

~~(K)~~ (M) "Licensed wholesaler of fireworks" or "licensed 63  
wholesaler" means a person licensed pursuant to sections 3743.15 64  
to 3743.21 of the Revised Code. 65

~~(L)~~ (N) "List of licensed exhibitors" means the list 66  
required by division (C) of section 3743.51 of the Revised Code. 67

~~(M)~~ (O) "List of licensed manufacturers" means the list 68  
required by division (C) of section 3743.03 of the Revised Code. 69

~~(N)~~ (P) "List of licensed wholesalers" means the list 70  
required by division (C) of section 3743.16 of the Revised Code. 71

~~(O)~~ (Q) "Manufacturing of fireworks" means the making of 72  
fireworks from raw materials, none of which in and of themselves 73  
constitute a fireworks, or the processing of fireworks. 74

~~(P)~~—(R) "Navigable waters" means any body of water 75  
susceptible of being used in its ordinary condition as a highway 76  
of commerce over which trade and travel is or may be conducted 77  
in the customary modes, but does not include a body of water 78  
that is not capable of navigation by barges, tugboats, and other 79  
large vessels. 80

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

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

(2) Snakes or glow worms; 86

(3) Smoke devices; 87

(4) Trick matches. 88

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

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

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

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

fireworks to a purchaser who intends to use the fireworks, and 103  
not resell them. 104

~~(V)~~ (X) "Smoke device" means a tube or sphere that 105  
contains pyrotechnic composition that, upon ignition, produces 106  
white or colored smoke as the primary effect. 107

~~(W)~~ (Y) "Snake or glow worm" means a device that consists 108  
of a pressed pellet of pyrotechnic composition that produces a 109  
large, snake-like ash upon burning, which ash expands in length 110  
as the pellet burns. 111

~~(X)~~ (Z) "Snapper" means a small, paper-wrapped item that 112  
contains a minute quantity of explosive composition coated on 113  
small bits of sand, and that, when dropped, implodes. 114

~~(Y)~~ (AA) "Trick match" means a kitchen or book match that 115  
is coated with a small quantity of explosive composition and 116  
that, upon ignition, produces a small report or a shower of 117  
sparks. 118

~~(Z)~~ (BB) "Wire sparkler" means a sparkler consisting of a 119  
wire or stick coated with a nonexplosive pyrotechnic mixture 120  
that produces a shower of sparks upon ignition and that contains 121  
no more than one hundred grams of this mixture. 122

~~(AA)~~ (CC) "Wholesale sale" or "sell at wholesale" means a 123  
sale of fireworks to a purchaser who intends to resell the 124  
fireworks so purchased. 125

~~(BB)~~ (DD) "Licensed premises" means the real estate upon 126  
which a licensed manufacturer or wholesaler of fireworks 127  
conducts business. 128

~~(CC)~~ (EE) "Licensed building" means a building on the 129  
licensed premises of a licensed manufacturer or wholesaler of 130

fireworks that is approved for occupancy by the building 131  
official having jurisdiction. 132

~~(DD)~~ (FF) "Fireworks incident" means any action or 133  
omission that occurs at a fireworks exhibition, that results in 134  
injury or death, or a substantial risk of injury or death, to 135  
any person, and that involves either of the following: 136

(1) The handling or other use, or the results of the 137  
handling or other use, of fireworks or associated equipment or 138  
other materials; 139

(2) The failure of any person to comply with any 140  
applicable requirement imposed by this chapter or any applicable 141  
rule adopted under this chapter. 142

~~(EE)~~ (GG) "Discharge site" means an area immediately 143  
surrounding the mortars used to fire aerial shells. 144

~~(FF)~~ (HH) "Fireworks incident site" means a discharge site 145  
or other location at a fireworks exhibition where a fireworks 146  
incident occurs, a location where an injury or death associated 147  
with a fireworks incident occurs, or a location where evidence 148  
of a fireworks incident or an injury or death associated with a 149  
fireworks incident is found. 150

~~(GG)~~ (II) "Storage location" means a single parcel or 151  
contiguous parcels of real estate approved by the fire marshal 152  
pursuant to division (I) of section 3743.04 of the Revised Code 153  
or division ~~(G)~~ (F) of section 3743.17 of the Revised Code that 154  
are separate from a licensed premises containing a retail 155  
showroom, and which parcel or parcels a licensed manufacturer or 156  
wholesaler of fireworks may use only for the distribution, 157  
possession, and storage of fireworks in accordance with this 158  
chapter. 159

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

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

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

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

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

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



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

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

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

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

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

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

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

(D) The license of a manufacturer of fireworks shall be 289  
protected under glass and posted in a conspicuous place on the 290  
premises of the fireworks plant. Except as otherwise provided in 291  
this division, the license is not transferable or assignable to 292  
another person. A license may be transferred to another person 293  
for the same fireworks plant for which the license was issued, or 294  
approved pursuant to division (B) of this section, if the 295  
assets of the plant are transferred to that person by 296  
inheritance or by a sale approved by the state fire marshal. The 297  
license is subject to revocation in accordance with section 298  
3743.08 of the Revised Code. 299

(E) The state fire marshal shall not place the license of 300  
a manufacturer of fireworks in a temporarily inactive status 301  
while the holder of the license is attempting to qualify to 302  
retain the license. 303

(F) Each licensed manufacturer of fireworks that possesses 304  
fireworks for sale and sells fireworks under division (C) of 305  
section 3743.04 of the Revised Code, or a designee of the 306  
manufacturer, whose identity is provided to the state fire 307  
marshal by the manufacturer, annually shall attend a continuing 308  
education program. The state fire marshal shall develop the 309  
program and the state fire marshal or a person or public agency 310  
approved by the state fire marshal shall conduct it. A licensed 311  
manufacturer or the manufacturer's designee who attends a 312

program as required under this division, within one year after 313  
attending the program, shall conduct in-service training as 314  
approved by the state fire marshal for other employees of the 315  
licensed manufacturer regarding the information obtained in the 316  
program. A licensed manufacturer shall provide the state fire 317  
marshal with notice of the date, time, and place of all in- 318  
service training. For any program conducted under this division, 319  
the state fire marshal shall, in accordance with rules adopted 320  
by the state fire marshal under Chapter 119. of the Revised 321  
Code, establish the subjects to be taught, the length of 322  
classes, the standards for approval, and time periods for 323  
notification by the licensee to the state fire marshal of any 324  
in-service training. 325

(G) A licensed manufacturer shall maintain comprehensive 326  
general liability insurance coverage in the amount and type 327  
specified under division (B) (2) of section 3743.02 of the 328  
Revised Code at all times. Each policy of insurance required 329  
under this division shall contain a provision requiring the 330  
insurer to give not less than fifteen days' prior written notice 331  
to the state fire marshal before termination, lapse, or 332  
cancellation of the policy, or any change in the policy that 333  
reduces the coverage below the minimum required under this 334  
division. Prior to canceling or reducing the amount of coverage 335  
of any comprehensive general liability insurance coverage 336  
required under this division, a licensed manufacturer shall 337  
secure supplemental insurance in an amount and type that 338  
satisfies the requirements of this division so that no lapse in 339  
coverage occurs at any time. A licensed manufacturer who secures 340  
supplemental insurance shall file evidence of the supplemental 341  
insurance with the state fire marshal prior to canceling or 342  
reducing the amount of coverage of any comprehensive general 343

liability insurance coverage required under this division. 344

(H) The state fire marshal shall adopt rules for the 345  
expansion or contraction of a licensed premises and for approval 346  
of such expansions or contractions. The boundaries of a licensed 347  
premises, including any geographic expansion or contraction of 348  
those boundaries, shall be approved by the state fire marshal in 349  
accordance with rules the state fire marshal adopts. If the 350  
licensed premises consists of more than one parcel of real 351  
estate, those parcels shall be contiguous unless an exception is 352  
allowed pursuant to division (I) of this section. 353

(I) (1) A licensed manufacturer may expand its licensed 354  
premises within this state to include not more than two storage 355  
locations that are located upon one or more real estate parcels 356  
that are noncontiguous to the licensed premises as that licensed 357  
premises exists on the date a licensee submits an application as 358  
described below, if all of the following apply: 359

(a) The licensee submits an application to the state fire 360  
marshal and an application fee of one hundred dollars per 361  
storage location for which the licensee is requesting approval. 362

(b) The identity of the holder of the license remains the 363  
same at the storage location. 364

(c) The storage location has received a valid certificate 365  
of zoning compliance as applicable and a valid certificate of 366  
occupancy for each building or structure at the storage location 367  
issued by the authority having jurisdiction to issue the 368  
certificate for the storage location, and those certificates 369  
permit the distribution and storage of fireworks regulated under 370  
this chapter at the storage location and in the buildings or 371  
structures. The storage location shall be in compliance with all 372

other applicable federal, state, and local laws and regulations. 373

(d) Every building or structure located upon the storage 374  
location is separated from occupied residential and 375  
nonresidential buildings or structures, railroads, highways, or 376  
any other buildings or structures on the licensed premises in 377  
accordance with the distances specified in the rules adopted by 378  
the state fire marshal pursuant to section 3743.05 of the 379  
Revised Code. 380

(e) Neither the licensee nor any person holding, owning, 381  
or controlling a five per cent or greater beneficial or equity 382  
interest in the licensee has been convicted of or pleaded guilty 383  
to a felony under the laws of this state, any other state, or 384  
the United States, after September 29, 2005. 385

(f) The state fire marshal approves the application for 386  
expansion. 387

(2) The state fire marshal shall approve an application 388  
for expansion requested under division (I)(1) of this section if 389  
the state fire marshal receives the application fee and proof 390  
that the requirements of divisions (I)(1)(b) to (e) of this 391  
section are satisfied. The storage location shall be considered 392  
part of the original licensed premises and shall use the same 393  
distinct number assigned to the original licensed premises with 394  
any additional designations as the state fire marshal deems 395  
necessary in accordance with section 3743.03 of the Revised 396  
Code. 397

(J)(1) A licensee who obtains approval for the use of a 398  
storage location in accordance with division (I) of this section 399  
shall use the storage location exclusively for the following 400  
activities, in accordance with division (C) of this section: 401

(a) The packaging, assembling, or storing of fireworks, 402  
which shall only occur in buildings or structures approved for 403  
such hazardous uses by the building code official having 404  
jurisdiction for the storage location or, for 1.4G fireworks, in 405  
containers or trailers approved for such hazardous uses by the 406  
state fire marshal if such containers or trailers are not 407  
subject to regulation by the building code adopted in accordance 408  
with Chapter 3781. of the Revised Code. All such storage shall 409  
be in accordance with the rules adopted by the state fire 410  
marshal under division (G) of section 3743.05 of the Revised 411  
Code for the packaging, assembling, and storage of fireworks. 412

(b) Distributing fireworks to other parcels of real estate 413  
located on the manufacturer's licensed premises, to licensed 414  
wholesalers or other licensed manufacturers in this state or to 415  
similarly licensed persons located in another state or country; 416

(c) Distributing fireworks to a licensed exhibitor of 417  
fireworks pursuant to a properly issued permit in accordance 418  
with section 3743.54 of the Revised Code. 419

(2) A licensed manufacturer shall not engage in any sales 420  
activity, including the retail sale of fireworks otherwise 421  
permitted under division (C) (2) or (C) (3) of this section, or 422  
pursuant to section 3743.44 or 3743.45 of the Revised Code, at 423  
the storage location approved under this section. 424

(3) A storage location may not be relocated for a minimum 425  
period of five years after the storage location is approved by 426  
the state fire marshal in accordance with division (I) of this 427  
section. 428

(K) The licensee shall prohibit public access to the 429  
storage location. The state fire marshal shall adopt rules to 430

describe the acceptable measures a manufacturer shall use to 431  
prohibit access to the storage site. 432

Sec. 3743.041. Notwithstanding the requirements, contained 433  
in division (A) of section 3743.04 of the Revised Code, that the 434  
state fire marshal only issue the license of a manufacturer of 435  
fireworks on the first day of December and that the license is 436  
effective for one year: 437

(A) An applicant who applies for licensure pursuant to 438  
section 3743.021 of the Revised Code, and who meets the 439  
requirements for licensure contained in section 3743.03 of the 440  
Revised Code, shall be issued the license of a manufacturer of 441  
fireworks at the end of the period described in division (A)(1) 442  
of section 3743.75 of the Revised Code. 443

(B) A license issued pursuant to division (A) of this 444  
section shall be effective as follows: 445

(1) If the end of the period described in division (A)(1) 446  
of section 3743.75 of the Revised Code is in January, February, 447  
March, April, or May, a license issued pursuant to division (A) 448  
of this section shall be effective through the end of November 449  
in the same calendar year. 450

(2) If the end of the period described in division (A)(1) 451  
of section 3743.75 of the Revised Code is in June, July, August, 452  
September, October, November, or December, a license issued 453  
pursuant to division (A) of this section shall be effective 454  
through the end of November in the subsequent calendar year. 455

Sec. 3743.08. (A) The state fire marshal may inspect the 456  
premises of a fireworks plant, and the inventory, wholesale 457  
sale, and retail sale records, of a licensed manufacturer of 458  
fireworks during the manufacturer's period of licensure to 459



determine whether the manufacturer is in compliance with Chapter 460  
3743. of the Revised Code and the rules adopted by the state 461  
fire marshal pursuant to section 3743.05 or 3743.22 of the 462  
Revised Code. 463

(B) If the state fire marshal determines during an 464  
inspection conducted pursuant to division (A) of this section 465  
that a manufacturer is not in compliance with Chapter 3743. of 466  
the Revised Code or the rules adopted by the state fire marshal 467  
pursuant to section 3743.05 or 3743.22 of the Revised Code, the 468  
state fire marshal may take one or more of the following 469  
actions, whichever the state fire marshal considers appropriate 470  
under the circumstances: 471

(1) Order, in writing, the manufacturer to eliminate, 472  
correct, or otherwise remedy the nonconformities within a 473  
specified period of time; 474

(2) Order, in writing, the manufacturer to immediately 475  
cease its operations, if a fire or explosion hazard exists that 476  
reasonably can be regarded as posing an imminent danger of death 477  
or serious physical harm to persons. The order shall be 478  
effective until the nonconformities are eliminated, corrected, 479  
or otherwise remedied or for a period of seventy-two hours from 480  
the time of issuance, whichever first occurs. During the 481  
seventy-two hour period, the state fire marshal may obtain from 482  
the court of common pleas of Franklin county or of the county in 483  
which the fireworks plant is located an injunction restraining 484  
the manufacturer from continuing its operations after the 485  
seventy-two hour period expires until the nonconformities are 486  
eliminated, corrected, or otherwise remedied. 487

(3) Revoke or deny renewal of the license of the 488  
manufacturer in accordance with Chapter 119. of the Revised 489

Code; 490

(4) Take action as authorized by section 3743.68 of the 491  
Revised Code. 492

(C) This section does not affect the authority conferred 493  
by Chapters 3781. and 3791. of the Revised Code to conduct 494  
inspections to determine conformity with those chapters or the 495  
rules adopted pursuant to them. 496

(D) If the license of a manufacturer of fireworks is 497  
revoked or renewal is denied pursuant to division (B) (3) of this 498  
section or section 3743.70 of the Revised Code, the manufacturer 499  
shall cease its operations immediately. The manufacturer may not 500  
reapply for licensure as a manufacturer of fireworks until two 501  
years expire from the date of revocation. 502

The state fire marshal shall remove from the list of 503  
licensed manufacturers the name of a manufacturer whose license 504  
has been revoked, and shall notify the law enforcement 505  
authorities for the political subdivision in which the 506  
manufacturer's fireworks plant is located, of the revocation or 507  
denial of renewal. 508

**Sec. 3743.15.** (A) Except as provided in division (C) of 509  
this section, any person who wishes to be a wholesaler of 510  
fireworks in this state shall submit to the fire marshal an 511  
application for licensure as a wholesaler of fireworks before 512  
the first day of October of each year. The application shall be 513  
submitted prior to commencement of business operations, shall be 514  
on a form prescribed by the fire marshal, shall contain all 515  
information requested by the fire marshal, and shall be 516  
accompanied by the license fee, fingerprints, and proof of 517  
insurance coverage described in division (B) of this section. 518

The fire marshal shall prescribe a form for applications 519  
for licensure as a wholesaler of fireworks and make a copy of 520  
the form available, upon request, to persons who seek that 521  
licensure. 522

(B) An applicant for licensure as a wholesaler of 523  
fireworks shall submit with the application all of the 524  
following: 525

(1) A license fee of two thousand seven hundred fifty 526  
dollars, which the fire marshal shall use to pay for fireworks 527  
safety education, training programs, and inspections. If the 528  
applicant has any storage locations approved in accordance with 529  
division ~~(G)~~ (F) of section 3743.17 of the Revised Code, the 530  
applicant also shall submit a fee of one hundred dollars per 531  
storage location for the inspection of each storage location. 532

(2) Proof of comprehensive general liability insurance 533  
coverage, specifically including fire and smoke casualty on 534  
premises, in an amount not less than one million dollars for 535  
each occurrence for bodily injury liability and wrongful death 536  
liability at its business location. Proof of such insurance 537  
coverage shall be submitted together with proof of coverage for 538  
products liability on all inventory located at the business 539  
location. All applicants shall submit evidence of comprehensive 540  
general liability insurance coverage verified by the insurer and 541  
certified as to its provision of the minimum coverage required 542  
under this division. 543

(3) One set of the applicant's fingerprints or similar 544  
identifying information and a set of fingerprints or similar 545  
identifying information of any individual holding, owning, or 546  
controlling a five per cent or greater beneficial or equity 547  
interest in the applicant for the license. The fire marshal may 548

adopt rules in accordance with Chapter 119. of the Revised Code 549  
specifying the method to be used by the applicant to provide the 550  
fingerprint or similar identifying information, fees to be 551  
assessed by the fire marshal to conduct such background checks, 552  
and the procedures to be used by the fire marshal to verify 553  
compliance with this section. Such rules may include provisions 554  
establishing the frequency that license renewal applicants must 555  
update background check information filed by the applicant with 556  
previous license applications and provisions describing 557  
alternative forms of background check information that may be 558  
accepted by the fire marshal to verify compliance with this 559  
section. 560

(C) A licensed manufacturer of fireworks is not required 561  
to apply for and obtain a wholesaler of fireworks license in 562  
order to engage in the wholesale sale of fireworks as authorized 563  
by division (C) (2) of section 3743.04 of the Revised Code. A 564  
business which is not a licensed manufacturer of fireworks may 565  
engage in the wholesale and retail sale of fireworks in the same 566  
manner as a licensed manufacturer of fireworks is authorized to 567  
do under this chapter without the necessity of applying for and 568  
obtaining a license pursuant to this section, but only if the 569  
business sells the fireworks on the premises of a fireworks 570  
plant covered by a license issued under section 3743.03 of the 571  
Revised Code and the holder of that license owns at least a 572  
majority interest in that business. However, if a licensed 573  
manufacturer of fireworks wishes to engage in the wholesale sale 574  
of fireworks in this state at a location other than the premises 575  
of the fireworks plant described in its application for 576  
licensure as a manufacturer or in a notification submitted under 577  
division (B) of section 3743.04 of the Revised Code, the 578  
manufacturer shall first apply for and obtain a wholesaler of 579

fireworks license before engaging in wholesale sales of 580  
fireworks at the other location. 581

(D) A separate application for licensure as a wholesaler 582  
of fireworks shall be submitted for each location at which a 583  
person wishes to engage in wholesale sales of fireworks. 584

Sec. 3743.151. Notwithstanding the deadline in division 585  
(A) of section 3743.15 of the Revised Code, any person who 586  
wishes to be a licensed wholesaler of fireworks in this state 587  
beginning at the end of the period described in division (A)(1) 588  
of section 3743.75 of the Revised Code, and who does not already 589  
hold a license as a wholesaler of fireworks that will run 590  
through that date, may submit an application for licensure, 591  
pursuant to section 3743.15 of the Revised Code, not less than 592  
two months before the expiration of the period described in 593  
division (A)(1) of section 3743.75 of the Revised Code. 594

**Sec. 3743.17.** (A) The license of a wholesaler of fireworks 595  
is effective for one year beginning on the first day of 596  
December. ~~The~~, and the state fire marshal shall issue or renew a 597  
license only on that date and at no other time. If a wholesaler 598  
of fireworks wishes to continue engaging in the wholesale sale 599  
of fireworks at the particular location after its then effective 600  
license expires, it shall apply not later than the first day of 601  
October for a new license pursuant to section 3743.15 of the 602  
Revised Code. The state fire marshal shall send a written notice 603  
of the expiration of its license to a licensed wholesaler at 604  
least three months before the expiration date. 605

(B) If, during the effective period of its licensure, a 606  
licensed wholesaler of fireworks wishes to perform any 607  
construction, or make any structural change or renovation, on 608  
the premises on which the fireworks are sold, or to relocate its 609

sales operations to a new licensed premises, the wholesaler 610  
shall notify the state fire marshal in writing. The state fire 611  
marshal may require a licensed wholesaler also to submit 612  
documentation, including, but not limited to, plans covering the 613  
proposed construction or structural change or renovation, or 614  
proposed new licensed premises, if the state fire marshal 615  
determines the documentation is necessary for evaluation 616  
purposes in light of the proposed construction~~or,~~ structural 617  
change or renovation, or relocation. 618

Upon receipt of the notification and additional 619  
documentation required by the state fire marshal, the state fire 620  
marshal shall inspect the premises on which the fireworks are 621  
sold, or the proposed new licensed premises, to determine if the 622  
proposed construction~~or,~~ structural change or renovation, or 623  
relocation conforms to sections 3743.15 to 3743.21 of the 624  
Revised Code, divisions (C) (1) and (2) of section 3743.25 of the 625  
Revised Code, and the rules adopted by the state fire marshal 626  
pursuant to section 3743.18 of the Revised Code. The state fire 627  
marshal shall issue a written authorization to the wholesaler 628  
for the construction~~or,~~ structural change or renovation, or new 629  
licensed premises if the state fire marshal determines, upon the 630  
inspection and a review of submitted documentation, that the 631  
construction~~or,~~ structural change or renovation~~conforms,~~ or 632  
new licensed premises conform to those sections and rules. 633

(C) The license of a wholesaler of fireworks authorizes 634  
the wholesaler to engage only in the following activities: 635

(1) Possess for sale at wholesale and sell at wholesale 636  
fireworks to persons who are licensed wholesalers of fireworks, 637  
to ~~out of state residents persons~~ in accordance with ~~section~~ 638  
sections 3743.44 of the Revised Code, ~~to residents of this state~~ 639

~~in accordance with section 3743.45 to 3743.46~~ of the Revised 640  
Code, or to persons located in another state provided the 641  
fireworks are shipped directly out of this state to them by the 642  
wholesaler. The possession for sale shall be at the location 643  
described in the application for licensure or in the 644  
notification submitted under division (B) of this section, and 645  
the sale shall be from the inside of a licensed building and 646  
from no structure or device outside a licensed building. At no 647  
time shall a licensed wholesaler sell any class of fireworks 648  
outside a licensed building. 649

(2) Possess for sale at retail and sell at retail 650  
fireworks, other than 1.4G fireworks as designated by the state 651  
fire marshal in rules adopted pursuant to division (A) of 652  
section 3743.05 of the Revised Code, to licensed exhibitors in 653  
accordance with sections 3743.50 to 3743.55 of the Revised Code, 654  
and possess for sale at retail and sell at retail fireworks, 655  
including 1.4G fireworks, to ~~out-of-state residents persons in~~ 656  
accordance with ~~section sections~~ 3743.44 ~~of the Revised Code, to~~ 657  
~~residents of this state in accordance with section 3743.45 to~~ 658  
3743.46 of the Revised Code, or to persons located in another 659  
state provided the fireworks are shipped directly out of this 660  
state to them by the wholesaler. The possession for sale shall 661  
be at the location described in the application for licensure or 662  
in the notification submitted under division (B) of this 663  
section, and the sale shall be from the inside of the licensed 664  
building and from no other structure or device outside this 665  
licensed building. At no time shall a licensed wholesaler sell 666  
any class of fireworks outside a licensed building. 667

A licensed wholesaler of fireworks shall sell under 668  
division (C) of this section only fireworks that meet the 669  
standards set by the consumer product safety commission or by 670

the American fireworks standard laboratories or that have  
received an EX number from the United States department of  
transportation.

(D) The license of a wholesaler of fireworks shall be  
protected under glass and posted in a conspicuous place at the  
location described in the application for licensure or in the  
notification submitted under division (B) of this section.  
Except as otherwise provided in this section, the license is not  
transferable or assignable to another person. A license may be  
transferred to another person for the same location for which  
the license was issued, or approved pursuant to division (B) of  
this section, if the assets of the wholesaler are transferred to  
that person by inheritance or by a sale approved by the state  
fire marshal. The license is subject to revocation in accordance  
with section 3743.21 of the Revised Code.

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

~~(F) (1) Upon application by a licensed wholesaler of  
fireworks, a wholesaler license may be transferred from one  
geographic location to another within the same municipal  
corporation or within the unincorporated area of the same~~



~~township, but only if all of the following apply:~~

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

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

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

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

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

~~(f) The fire marshal approves the request for the transfer.~~

~~(2) The new location shall comply with the requirements specified in divisions (C) (1) and (2) of section 3743.25 of the Revised Code whether or not the fireworks showroom at the new~~

~~location is constructed, expanded, or first begins operating on-~~ 730  
~~and after June 30, 1997.~~ 731

~~(G)(1)~~ A licensed wholesaler may expand its licensed 732  
premises within this state to include not more than two storage 733  
locations that are located upon one or more real estate parcels 734  
that are noncontiguous to the licensed premises as that licensed 735  
premises exists on the date a licensee submits an application as 736  
described below, if all of the following apply: 737

(a) The licensee submits an application to the state fire 738  
marshal requesting the expansion and an application fee of one 739  
hundred dollars per storage location for which the licensee is 740  
requesting approval. 741

(b) The identity of the holder of the license remains the 742  
same at the storage location. 743

(c) The storage location has received a valid certificate 744  
of zoning compliance, as applicable, and a valid certificate of 745  
occupancy for each building or structure at the storage location 746  
issued by the authority having jurisdiction to issue the 747  
certificate for the storage location, and those certificates 748  
permit the distribution and storage of fireworks regulated under 749  
this chapter at the storage location and in the buildings or 750  
structures. The storage location shall be in compliance with all 751  
other applicable federal, state, and local laws and regulations. 752

(d) Every building or structure located upon the storage 753  
location is separated from occupied residential and 754  
nonresidential buildings or structures, railroads, highways, and 755  
any other buildings or structures on the licensed premises in 756  
accordance with the distances specified in the rules adopted by 757  
the state fire marshal pursuant to section 3743.18 of the 758

Revised Code. 759

(e) Neither the licensee nor any person holding, owning, 760  
or controlling a five per cent or greater beneficial or equity 761  
interest in the licensee has been convicted of or pleaded guilty 762  
to a felony under the laws of this state, any other state, or 763  
the United States, after September 29, 2005. 764

(f) The state fire marshal approves the application for 765  
expansion. 766

(2) The state fire marshal shall approve an application 767  
for expansion requested under division ~~(G) (1)~~ (F) (1) of this 768  
section if the state fire marshal receives the application fee 769  
and proof that the requirements of divisions ~~(G) (1) (b) to (e)~~ 770  
(F) (1) (b) to (e) of this section are satisfied. The storage 771  
location shall be considered part of the original licensed 772  
premises and shall use the same distinct number assigned to the 773  
original licensed premises with any additional designations as 774  
the state fire marshal deems necessary in accordance with 775  
section 3743.16 of the Revised Code. 776

~~(H) (1)~~ (G) (1) A licensee who obtains approval for use of a 777  
storage location in accordance with division ~~(G)~~ (F) of this 778  
section shall use the site exclusively for the following 779  
activities, in accordance with division (C) (1) of this section: 780

(a) Packaging, assembling, or storing fireworks, which 781  
shall occur only in buildings or structures approved for such 782  
hazardous uses by the building code official having jurisdiction 783  
for the storage location or, for 1.4G fireworks, in containers 784  
or trailers approved for such hazardous uses by the state fire 785  
marshal if such containers or trailers are not subject to 786  
regulation by the building code adopted in accordance with 787

Chapter 3781. of the Revised Code. All such storage shall be in 788  
accordance with the rules adopted by the state fire marshal 789  
under division (B) (4) of section 3743.18 of the Revised Code for 790  
the packaging, assembling, and storage of fireworks. 791

(b) Distributing fireworks to other parcels of real estate 792  
located on the wholesaler's licensed premises, to licensed 793  
manufacturers or other licensed wholesalers in this state or to 794  
similarly licensed persons located in another state or country; 795

(c) Distributing fireworks to a licensed exhibitor of 796  
fireworks pursuant to a properly issued permit in accordance 797  
with section 3743.54 of the Revised Code. 798

(2) A licensed wholesaler shall not engage in any sales 799  
activity, including the retail sale of fireworks otherwise 800  
permitted under division (C) (2) of this section or pursuant to 801  
section 3743.44 or 3743.45 of the Revised Code, at a storage 802  
location approved under this section. 803

(3) A storage location may not be relocated for a minimum 804  
period of five years after the storage location is approved by 805  
the state fire marshal in accordance with division ~~(G)~~ (F) of 806  
this section. 807

~~(I)~~ (H) A licensee shall prohibit public access to all 808  
storage locations it uses. The state fire marshal shall adopt 809  
rules establishing acceptable measures a wholesaler shall use to 810  
prohibit access to storage sites. 811

~~(J)~~ (I) The state fire marshal shall not place the license 812  
of a wholesaler of fireworks in temporarily inactive status 813  
while the holder of the license is attempting to qualify to 814  
retain the license. 815

~~(K)~~ (J) Each licensed wholesaler of fireworks or a 816

designee of the wholesaler, whose identity is provided to the 817  
state fire marshal by the wholesaler, annually shall attend a 818  
continuing education program. The state fire marshal shall 819  
develop the program and the state fire marshal or a person or 820  
public agency approved by the state fire marshal shall conduct 821  
it. A licensed wholesaler or the wholesaler's designee who 822  
attends a program as required under this division, within one 823  
year after attending the program, shall conduct in-service 824  
training as approved by the state fire marshal for other 825  
employees of the licensed wholesaler regarding the information 826  
obtained in the program. A licensed wholesaler shall provide the 827  
state fire marshal with notice of the date, time, and place of 828  
all in-service training. For any program conducted under this 829  
division, the state fire marshal shall, in accordance with rules 830  
adopted by the state fire marshal under Chapter 119. of the 831  
Revised Code, establish the subjects to be taught, the length of 832  
classes, the standards for approval, and time periods for 833  
notification by the licensee to the state fire marshal of any 834  
in-service training. 835

~~(L)~~ (K) A licensed wholesaler shall maintain comprehensive 836  
general liability insurance coverage in the amount and type 837  
specified under division (B) (2) of section 3743.15 of the 838  
Revised Code at all times. Each policy of insurance required 839  
under this division shall contain a provision requiring the 840  
insurer to give not less than fifteen days' prior written notice 841  
to the state fire marshal before termination, lapse, or 842  
cancellation of the policy, or any change in the policy that 843  
reduces the coverage below the minimum required under this 844  
division. Prior to canceling or reducing the amount of coverage 845  
of any comprehensive general liability insurance coverage 846  
required under this division, a licensed wholesaler shall secure 847

supplemental insurance in an amount and type that satisfies the 848  
requirements of this division so that no lapse in coverage 849  
occurs at any time. A licensed wholesaler who secures 850  
supplemental insurance shall file evidence of the supplemental 851  
insurance with the state fire marshal prior to canceling or 852  
reducing the amount of coverage of any comprehensive general 853  
liability insurance coverage required under this division. 854

Sec. 3743.171. Notwithstanding the requirements, contained 855  
in division (A) of section 3743.17 of the Revised Code, that the 856  
state fire marshal only issue the license of a wholesaler of 857  
fireworks on the first day of December and that the license is 858  
effective for one year: 859

(A) An applicant who applies pursuant to section 3743.151 860  
of the Revised Code, and who meets the requirements for 861  
licensure contained in section 3743.16 of the Revised Code, 862  
shall be issued the license of a wholesaler of fireworks at the 863  
end of the period described in division (A)(1) of section 864  
3743.75 of the Revised Code. 865

(B) A license issued pursuant to division (A) of this 866  
section shall be effective as follows: 867

(1) If the end of the period described in division (A)(1) 868  
of section 3743.75 of the Revised Code is in January, February, 869  
March, April, or May, a license issued pursuant to division (A) 870  
of this section shall be effective through the end of November 871  
in the same calendar year. 872

(2) If the end of the period described in division (A)(1) 873  
of section 3743.75 of the Revised Code is in June, July, August, 874  
September, October, November, or December, a license issued 875  
pursuant to division (A) of this section shall be effective 876

through the end of November in the subsequent calendar year.

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

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

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

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

the seventy-two hour period expires until the nonconformities 907  
are eliminated, corrected, or otherwise remedied. 908

(3) Revoke, or deny renewal of, the license of the 909  
wholesaler in accordance with Chapter 119. of the Revised Code; 910

(4) Take action as authorized by section 3743.68 of the 911  
Revised Code. 912

(C) This section does not affect the authority conferred 913  
by Chapters 3781. and 3791. of the Revised Code to conduct 914  
inspections to determine conformity with those chapters or the 915  
rules adopted pursuant to them. 916

(D) If the license of a wholesaler of fireworks is revoked 917  
or renewal is denied pursuant to division (B) (3) of this section 918  
or section 3743.70 of the Revised Code, the wholesaler shall 919  
cease its operations immediately. The wholesaler may not reapply 920  
for licensure as a wholesaler of fireworks until two years 921  
expire from the date of revocation. 922

The state fire marshal shall remove from the list of 923  
licensed wholesalers the name of a wholesaler whose license has 924  
been revoked, and shall notify the law enforcement authorities 925  
for the political subdivision in which the wholesaler's premises 926  
are located, of the revocation or denial of renewal. 927

**Sec. 3743.22.** (A) As used in this section: 928

(1) "Fee period" means the period beginning on the first 929  
day of October and ending on the thirtieth day of the following 930  
September. 931

(2) "Gross receipts" excludes the amount of taxes a 932  
licensed retailer, licensed manufacturer, or licensed wholesaler 933  
collects from a consumer under Chapter 5739. of the Revised Code 934



on behalf of the state or a political subdivision.

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

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

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

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firefighter training programs. Remaining money in the fund shall 965  
be used solely to pay expenses of the state fire marshal in 966  
performing the duties prescribed by this chapter. 967

(D) If the state fire marshal determines that a licensed 968  
retailer, licensed manufacturer, or licensed wholesaler fails to 969  
timely report and remit the full amount of the fee as required 970  
by this section, the state fire marshal may do either of the 971  
following: 972

(1) Order, in writing, the retailer, wholesaler, or 973  
manufacturer to report and remit to the state fire marshal, 974  
within a specified period of time, any such underpayment; 975

(2) Revoke or deny renewal of the license of the retailer, 976  
manufacturer, or wholesaler, which shall subject a manufacturer 977  
or wholesaler to the consequences prescribed in division (D) of 978  
section 3743.08 of the Revised Code or division (D) of section 979  
3743.21 of the Revised Code. 980

(E) The state fire marshal may adopt rules in accordance 981  
with Chapter 119. of the Revised Code as necessary to administer 982  
and enforce the fee imposed under this section. 983

**Sec. 3743.25.** (A) (1) Except as described in division (A) 984  
(2) of this section, all retail sales of 1.4G fireworks by a 985  
licensed manufacturer or wholesaler shall only occur from an 986  
approved retail sales showroom on a licensed premises or from a 987  
representative sample showroom as described in this section on a 988  
licensed premises. For the purposes of this section, a retail 989  
sale includes the transfer of the possession of the 1.4G 990  
fireworks from the licensed manufacturer or wholesaler to the 991  
purchaser of the fireworks. 992

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 993

properly permitted exhibition shall occur in accordance with the 994  
provisions of the Revised Code and rules adopted by the state 995  
fire marshal under Chapter 119. of the Revised Code. Such rules 996  
shall specify, at a minimum, that the licensed exhibitor holds a 997  
license under section 3743.51 of the Revised Code, that the 998  
exhibitor possesses a valid exhibition permit issued in 999  
accordance with section 3743.54 of the Revised Code, and that 1000  
the fireworks shipped are to be used at the specifically 1001  
permitted exhibition. 1002

(B) All wholesale sales of fireworks by a licensed 1003  
manufacturer or wholesaler shall only occur from a licensed 1004  
premises to persons who intend to resell the fireworks purchased 1005  
at wholesale. A wholesale sale by a licensed manufacturer or 1006  
wholesaler may occur as follows: 1007

(1) The direct sale and shipment of fireworks to a person 1008  
outside of this state; 1009

(2) From an approved retail sales showroom as described in 1010  
this section; 1011

(3) From a representative sample showroom as described in 1012  
this section; 1013

(4) By delivery of wholesale fireworks to a purchaser at a 1014  
licensed premises outside of a structure or building on that 1015  
premises. All other portions of the wholesale sales transaction 1016  
may occur at any location on a licensed premises. 1017

(5) Any other method as described in rules adopted by the 1018  
state fire marshal under Chapter 119. of the Revised Code. 1019

(C) A licensed manufacturer or wholesaler shall only sell 1020  
1.4G fireworks from a representative sample showroom or a retail 1021  
sales showroom. Each licensed premises shall only contain one 1022

sales structure. 1023

A representative sample showroom shall consist of a 1024  
structure constructed and maintained in accordance with the 1025  
nonresidential building code adopted under Chapter 3781. of the 1026  
Revised Code and the fire code adopted under section 3737.82 of 1027  
the Revised Code for a use and occupancy group that permits 1028  
mercantile sales. A representative sample showroom shall not 1029  
contain any pyrotechnics, pyrotechnic materials, fireworks, 1030  
explosives, explosive materials, or any similar hazardous 1031  
materials or substances. A representative sample showroom shall 1032  
be used only for the public viewing of fireworks product 1033  
representations, including paper materials, packaging materials, 1034  
catalogs, photographs, or other similar product depictions. The 1035  
delivery of product to a purchaser of fireworks at a licensed 1036  
premises that has a representative sample structure shall not 1037  
occur inside any structure on a licensed premises. Such product 1038  
delivery shall occur on the licensed premises in a manner 1039  
prescribed by rules adopted by the state fire marshal pursuant 1040  
to Chapter 119. of the Revised Code. 1041

If a manufacturer or wholesaler elects to conduct sales 1042  
from a retail sales showroom, the showroom structures, to which 1043  
the public may have any access and in which employees are 1044  
required to work, on all licensed premises, shall comply with 1045  
the following safety requirements: 1046

(1) A fireworks showroom that is constructed or upon which 1047  
expansion is undertaken on and after June 30, 1997, shall be 1048  
equipped with interlinked fire detection, fire suppression, 1049  
smoke exhaust, and smoke evacuation systems that are approved by 1050  
the superintendent of industrial compliance in the department of 1051  
commerce. 1052

(2) A fireworks showroom that first begins to operate on 1053  
or after June 30, 1997, and to which the public has access for 1054  
retail purposes shall not exceed ~~five~~ten thousand square feet 1055  
in floor area. 1056

(3) A newly constructed or an existing fireworks showroom 1057  
structure that exists on September 23, 2008, but that, on or 1058  
after September 23, 2008, is altered or added to in a manner 1059  
requiring the submission of plans, drawings, specifications, or 1060  
data pursuant to section 3791.04 of the Revised Code, shall 1061  
comply with a graphic floor plan layout that is approved by the 1062  
state fire marshal and superintendent showing width of aisles, 1063  
parallel arrangement of aisles to exits, number of exits per 1064  
wall, maximum occupancy load, evacuation plan for occupants, 1065  
height of storage or display of merchandise, and other 1066  
information as may be required by the state fire marshal and 1067  
superintendent. 1068

(4) A fireworks showroom structure that exists on June 30, 1069  
1997, shall be in compliance on or after June 30, 1997, with 1070  
floor plans showing occupancy load limits and internal 1071  
circulation and egress patterns that are approved by the state 1072  
fire marshal and superintendent, and that are submitted under 1073  
seal as required by section 3791.04 of the Revised Code. 1074

(D) The safety requirements established in division (C) of 1075  
this section are not subject to any variance, waiver, or 1076  
exclusion pursuant to this chapter or any applicable building 1077  
code. 1078

**Sec. 3743.26.** (A) (1) Except as provided in divisions (C) 1079  
and (D) of this section, in a given year, any person who wishes 1080  
to be a licensed fountain device retailer in this state shall 1081  
submit an application for licensure to the state fire marshal 1082

before the first day of October. The application shall be on a 1083  
form prescribed by the state fire marshal. 1084

The state fire marshal shall prescribe a form for 1085  
applications to become a licensed retailer and make a copy of 1086  
the form available, upon request, to persons who seek a license. 1087

(2) An applicant for licensure as a fountain device 1088  
retailer shall submit all of the following with the application: 1089

(a) A license fee in an amount set by the state fire 1090  
marshal, not to exceed twenty-five dollars; 1091

(b) An affidavit affirming that the applicant is in 1092  
compliance with the national fire protection association 1093  
standard "NFPA 1124, Code for the Manufacture, Transportation, 1094  
Storage, and Retail Sales of Fireworks and Pyrotechnic Articles 1095  
(2006 Edition)," or will be in compliance before engaging in the 1096  
storage or retail sale of fountain devices; 1097

(c) Proof of insurance in an amount and of a type 1098  
specified by the state fire marshal in rules adopted pursuant to 1099  
section 3743.28 of the Revised Code. 1100

(3) A separate application for licensure as a fountain 1101  
device retailer shall be submitted for each location at which a 1102  
person wishes to engage in the retail sale of fountain devices. 1103

(B)(1) If a person submits a timely application to become 1104  
a licensed fountain device retailer, together with the materials 1105  
required by division (A)(2) of this section, the state fire 1106  
marshal shall review the application and accompanying materials 1107  
and determine if they comply with this section. If the state 1108  
fire marshal concludes that the application and accompanying 1109  
matter comply with this section, the state fire marshal shall, 1110  
on the first day of December and, except as provided in 1111

divisions (C) and (D) of this section, at no other time, issue 1112  
the applicant a license to sell fountain devices at retail. 1113

(2) Except as provided in divisions (C) and (D) of this 1114  
section, a licensed retailer's license is effective for one year 1115  
beginning on the first day of December. If a licensed retailer 1116  
wishes to continue engaging in the retail sale of fountain 1117  
devices at the particular location after the then effective 1118  
license expires, the licensee shall apply before the first day 1119  
of October for a new license pursuant to this section. The state 1120  
fire marshal shall send a written notice of the expiration of a 1121  
license to a licensed retailer not later than the first day of 1122  
September. 1123

(C) (1) Any person who wishes to be a licensed retailer of 1124  
fountain devices in this state who was not yet open for 1125  
business, at the location the person seeks to be licensed, 1126  
before the first day of the preceding October may submit an 1127  
application pursuant to divisions (A) (2) and (3) of this section 1128  
at any time after the person opens for business but before the 1129  
first day of the following October. 1130

(2) If the state fire marshal determines that an 1131  
application submitted pursuant to division (C) (1) of this 1132  
section meets the requirements of this section, the state fire 1133  
marshal shall issue the applicant a license as follows: 1134

(a) If the application was submitted between the first day 1135  
of October and the last day of November, not earlier than the 1136  
first day of December but not later than two months after 1137  
receiving the application; 1138

(b) If division (D) (2) (a) of this section does not apply, 1139  
not later than two months after receiving the application. 1140

(3) A license issued pursuant to division (C) (2) of this 1141  
section is effective through the last day of the following 1142  
November. 1143

(D) (1) Any person who wishes to be a licensed retailer of 1144  
fountain devices in this state beginning two hundred sixty days 1145  
after the effective date of this section, shall submit an 1146  
application pursuant to divisions (A) (2) and (3) of this section 1147  
not later than one hundred ninety days after the effective date 1148  
of this section. 1149

(2) The state fire marshal shall issue a license two 1150  
hundred sixty days after the effective date of this section, to 1151  
any person who submits an application pursuant to division (D) 1152  
(1) of this section if the state fire marshal determines that 1153  
the application meets the requirements of this section. A 1154  
license issued pursuant to this division is effective as 1155  
follows: 1156

(a) If the two hundred sixtieth day after the effective 1157  
date of this section is in January, February, March, April, or 1158  
May, a license issued pursuant to division (D) (2) of this 1159  
section shall be effective through the end of November in the 1160  
same calendar year. 1161

(b) If the two hundred sixtieth day after the effective 1162  
date of this section is in June, July, August, September, 1163  
October, November, or December, a license issued pursuant to 1164  
division (D) (2) of this section shall be effective through the 1165  
end of November in the subsequent calendar year. 1166

**Sec. 3743.27.** (A) A licensed fountain device retailer is 1167  
authorized to possess fountain devices and sell fountain devices 1168  
at retail pursuant to this section: 1169



(1) A licensed retailer's possession and storage of 1170  
fountain devices shall comply with the national fire protection 1171  
association standard "NFPA 1124, Code for the Manufacture, 1172  
Transportation, Storage, and Retail Sales of Fireworks and 1173  
Pyrotechnic Articles (2006 Edition)." 1174

(2) A licensed retailer's possession, storage, and sale of 1175  
fountain devices shall comply with the state fire marshal's 1176  
rules adopted pursuant to section 3743.28 of the Revised Code. 1177

(3) No licensed retailer shall sell fountain devices to a 1178  
person who is under eighteen years of age. 1179

(4) A licensed fountain device retailer shall comply with 1180  
divisions (A) and (B) of section 3743.47 of the Revised Code. 1181

(5) A licensed fountain device retailer shall possess and 1182  
sell fountain devices only at the location described in the 1183  
application for licensure and the sale shall be from the inside 1184  
of a licensed building and from no structure or device outside a 1185  
licensed building. At no time shall a licensed retailer sell 1186  
fountain devices outside of a licensed building. 1187

(B) No licensed fountain device retailer shall negligently 1188  
fail to furnish a safety pamphlet to a purchaser of 1.4G 1189  
fireworks as required by division (A) of section 3743.47 of the 1190  
Revised Code. 1191

(C) No licensed fountain device retailer shall negligently 1192  
fail to have safety glasses available for sale as required by 1193  
division (B) of section 3743.47 of the Revised Code. 1194

**Sec. 3743.28.** (A) The state fire marshal shall adopt rules 1195  
pursuant to Chapter 119. of the Revised Code governing the 1196  
storage of fireworks by and the business operations of licensed 1197  
fountain device retailers. The rules shall be designed to 1198

promote the safety and security of employees of retailers, 1199  
members of the public, and the premises upon which fireworks are 1200  
sold. 1201

The state fire marshal shall file the rules required by 1202  
this division with the joint committee on agency rule review 1203  
pursuant to division (C) of section 119.03 of the Revised Code 1204  
not later than one hundred eighty days after the effective date 1205  
of this section. 1206

(B) The rules shall be consistent with sections 3743.26 to 1207  
3743.29 of the Revised Code and the national fire protection 1208  
association standard "NFPA 1124, Code for the Manufacture, 1209  
Transportation, Storage, and Retail Sales of Fireworks and 1210  
Pyrotechnic Articles (2006 Edition)" and shall apply to, but not 1211  
be limited to, the following subject matters: 1212

(1) Cleanliness and orderliness in, the heating, lighting, 1213  
and use of stoves and flame-producing items in, smoking in, the 1214  
prevention of fire and explosion in, the availability of fire 1215  
extinguishers or other fire-fighting equipment and their use in, 1216  
and emergency procedures relative to the buildings and other 1217  
structures on a retailer's premises; 1218

(2) The manner in which fountain devices are to be stored; 1219

(3) Insurance to be maintained by licensed fountain device 1220  
retailers. 1221

**Sec. 3743.29.** (A) The state fire marshal may inspect the 1222  
premises, the inventory, and retail sale records, of a licensed 1223  
fountain device retailer during the retailer's period of 1224  
licensure to determine whether the retailer is in compliance 1225  
with Chapter 3743. of the Revised Code and the rules adopted by 1226  
the state fire marshal pursuant to section 3743.28 of the 1227

Revised Code. 1228

(B) If the state fire marshal determines during an 1229  
inspection conducted pursuant to division (A) of this section 1230  
that a wholesaler is not in compliance with Chapter 3743. of the 1231  
Revised Code or the rules adopted by the state fire marshal 1232  
pursuant to section 3743.28 of the Revised Code, the state fire 1233  
marshal may take one or more of the following actions, whichever 1234  
the state fire marshal considers appropriate under the 1235  
circumstances: 1236

(1) Order, in writing, the retailer to eliminate, correct, 1237  
or otherwise remedy the nonconformities within a specified 1238  
period of time; 1239

(2) Order, in writing, the wholesaler to immediately cease 1240  
the storage and related sale of fountains. 1241

(3) Revoke, or deny renewal of, the license of the 1242  
retailers in accordance with Chapter 119. of the Revised Code. 1243

(C) This section does not affect the authority conferred 1244  
by Chapters 3781. and 3791. of the Revised Code to conduct 1245  
inspections to determine conformity with those chapters or the 1246  
rules adopted pursuant to them. 1247

The state fire marshal shall remove from the list of 1248  
licensed retailers the name of a retailer whose license has been 1249  
revoked, and shall notify the law enforcement authorities for 1250  
the political subdivision in which the retailer's premises are 1251  
located, of the revocation or denial of renewal. 1252

**Sec. 3743.44.** (A) Any person who ~~resides in another state~~ 1253  
~~and who~~ intends to obtain possession in this state of 1.3G 1254  
fireworks purchased in this state shall obtain possession of the 1255  
1.3G fireworks only from a licensed manufacturer or licensed 1256

wholesaler and only possess the fireworks in this state while in 1257  
the course of directly transporting them out of this state. 1258

No licensed manufacturer or licensed wholesaler shall sell 1259  
1.3G fireworks to a person who resides in another state unless 1260  
that person has been issued a license or permit in the state of 1261  
the person's residence that authorizes the person to engage in 1262  
the manufacture, wholesale sale, or retail sale of 1.3G 1263  
fireworks or that authorizes the person to conduct 1.3G 1264  
fireworks exhibitions in that state and that person presents a 1265  
certified copy of the license. 1266

~~No licensed manufacturer or licensed wholesaler shall sell 1267  
fireworks to a person who resides in another state unless that 1268  
person has been issued a license or permit in the state of the 1269  
person's residence that authorizes the person to engage in the 1270  
manufacture, wholesale sale, or retail sale of fireworks in that 1271  
state or that authorizes the person to conduct fireworks 1272  
exhibitions in that state and that person presents a certified 1273  
copy of the license, or, if that person does not possess a 1274  
license or permit of that nature, only if the person presents a 1275  
current valid motor vehicle operator's license issued to the 1276  
person in the person's state of residence, or, if that person 1277  
does not possess a motor vehicle operator's license issued in 1278  
that state, an identification card issued to the person by a 1279  
governmental agency in the person's state of residence 1280  
indicating that the person is a resident of that state. If a 1281  
person who is required to present a motor vehicle operator's 1282  
license or other identification card intends to transport the 1283  
fireworks purchased directly out of this state by a motor 1284  
vehicle and the person will not also be the operator of that 1285  
motor vehicle while so transporting the fireworks, the operator 1286  
of the motor vehicle also shall present the operator's motor 1287~~

~~vehicle operator's license.~~ 1288

~~(B) Each purchaser of fireworks under this section shall~~ 1289  
~~transport the fireworks so purchased directly out of this state~~ 1290  
~~within forty-eight hours after the time of their purchase.~~ 1291

~~This section regulates wholesale sales and retail sales of~~ 1292  
~~fireworks in this state only insofar as purchasers of fireworks~~ 1293  
~~are residents of other states and will be obtaining possession~~ 1294  
~~in this state of purchased fireworks. This section does not~~ 1295  
prohibit licensed manufacturers or wholesalers from selling 1296  
fireworks, in accordance with section 3743.04 or sections 1297  
3743.17 and 3743.25 of the Revised Code, to a resident of 1298  
another state and from shipping the purchased fireworks directly 1299  
out of this state to the purchaser. 1300

**Sec. 3743.45.** (A) Any person who ~~resides in this state and~~ 1301  
~~who~~ intends to obtain possession in this state of 1.4G fireworks 1302  
purchased in this state shall obtain possession of the 1.4G 1303  
fireworks only from a licensed retailer, licensed manufacturer, 1304  
or licensed wholesaler and shall be subject to this section. 1305

~~Each purchaser of 1.4G fireworks under this division shall~~ 1306  
~~transport the fireworks so purchased directly out of this state~~ 1307  
~~within forty-eight hours after the time of their purchase.~~ 1308

~~This division does not apply to a person who resides in~~ 1309  
~~this state and who is also a licensed manufacturer, licensed~~ 1310  
~~wholesaler, or licensed exhibitor of fireworks in this state.~~ 1311

~~(B) No licensed manufacturer or licensed wholesaler shall~~ 1312  
~~sell 1.3G fireworks to a person who resides in this state unless~~ 1313  
~~that person is a licensed manufacturer, licensed wholesaler, or~~ 1314  
~~licensed exhibitor of fireworks in this state. Any person~~ 1315  
authorized under this section to possess 1.4G fireworks in this 1316

state may discharge, ignite, or explode those fireworks in 1317  
either of the following locations in this state: 1318

(1) On the property of the person; 1319

(2) On the property of another who has given permission to 1320  
the person. 1321

(C) Fireworks discharged, ignited, or exploded pursuant to 1322  
this section shall not be considered a public exhibition. 1323

(D) A county, with respect to the unincorporated territory 1324  
of the county, a township, with respect to the unincorporated 1325  
territory of the township, or a municipal corporation may do 1326  
either of the following: 1327

(1) Restrict the dates and times a person may discharge, 1328  
ignite, or explode fireworks purchased pursuant to this section. 1329

(2) Ban the discharge, ignition, or explosion of fireworks 1330  
purchased pursuant to this section. A resolution adopted by a 1331  
board of township trustees under this division prevails over a 1332  
conflicting resolution adopted under this division by the board 1333  
of county commissioners in the county within which the township 1334  
is located. 1335

(E) This section does not limit the enforcement of any 1336  
ordinance, resolution, or statute that regulates noise, 1337  
disturbance of the peace, or disorderly conduct. 1338

**Sec. 3743.451.** (A) (1) The state fire marshal shall adopt 1339  
rules in accordance with Chapter 119. of the Revised Code 1340  
regulating the time, manner, and location of 1.4G fireworks 1341  
discharged, ignited, or exploded under section 3743.45 of the 1342  
Revised Code. The rules may include provisions requiring that 1343  
all fireworks be used only in accordance with manufacturer's 1344

instructions and provisions for all of the following: 1345

(a) The use of aerial fireworks; 1346

(b) Separation distances between the location of fireworks 1347  
discharges, ignitions, or explosions and adjacent structures, 1348  
roadways, railroads, airports, publicly owned or controlled 1349  
places, and places where hazardous materials are manufactured, 1350  
used, or stored; 1351

(c) Fireworks usage at common areas of multitenant 1352  
properties; 1353

(d) The suspension of fireworks discharges, ignitions, or 1354  
explosions during times of drought or similar conditions; 1355

(e) The proximity of fireworks discharges, ignitions, or 1356  
explosions to persons under eighteen years of age; 1357

(f) Any other matters similar to those listed in division 1358  
(A) (1) of this section. 1359

(2) The state fire marshal shall file the rules required 1360  
by this division with the joint committee on agency rule review 1361  
pursuant to division (C) of section 119.03 of the Revised Code 1362  
not later than one hundred eighty days after the effective date 1363  
of this section. 1364

(B) (1) Nothing in division (A) of this section shall be 1365  
construed to limit the authority of a county, township, or 1366  
municipal corporation under division (D) of section 3743.45 of 1367  
the Revised Code to restrict the dates and times or ban the 1368  
discharge, ignition, or explosion of fireworks purchased under 1369  
section 3743.45 of the Revised Code. 1370

(2) Rules adopted pursuant to this section shall permit 1371  
consumers, who are at least eighteen years of age, to safely and 1372

responsibly use 1.4G fireworks on their own private property, or 1373  
any private property to which they have express consent from the 1374  
property owner. 1375

(3) Rules adopted pursuant to this section shall not be 1376  
constructed as a de facto ban on the consumer discharge of 1377  
fireworks. It is the intent of the general assembly to allow 1378  
consumers to discharge 1.4G fireworks in a safe and reasonable 1379  
manner. 1380

**Sec. 3743.46.** (A) Except as otherwise provided in section 1381  
3743.44 or 3743.45 of the Revised Code, no licensed manufacturer 1382  
or licensed wholesaler shall sell fireworks to a person who 1383  
resides in another state unless one of the following applies: 1384

(1) The person has been issued a license or permit in the 1385  
state of the person's residence that authorizes the person to 1386  
engage in the manufacture, wholesale sale, or retail sale of 1387  
fireworks in that state or that authorizes the person to conduct 1388  
fireworks exhibitions in that state and that person presents a 1389  
certified copy of the license. 1390

(2) If the person does not possess a license or permit 1391  
described in division (A) (1) of this section, the person 1392  
presents a current, valid motor vehicle operator's license 1393  
issued to the person in the person's state of residence. 1394

(3) If the person does not possess a license or permit 1395  
issued in that state as described in division (A) (1) or (2) of 1396  
this section, the person presents an identification card issued 1397  
to the person by a governmental agency in the person's state of 1398  
residence indicating that the person is a resident of that 1399  
state. 1400

(B) If a person who is required to present a motor vehicle 1401



operator's license or other identification card intends to 1402  
transport the fireworks purchased directly out of this state by 1403  
a motor vehicle and the person will not also be the operator of 1404  
that motor vehicle while so transporting the fireworks, the 1405  
operator of the motor vehicle also shall present the operator's 1406  
motor vehicle operator's license. 1407

Sec. 3743.47. (A) A licensed retailer, licensed 1408  
manufacturer, or licensed wholesaler shall furnish a copy of a 1409  
safety pamphlet to each purchaser of 1.4G fireworks. In addition 1410  
to any safety information the licensed retailer, licensed 1411  
wholesaler, or licensed manufacturer wishes to include, the 1412  
pamphlet shall include all of the following statements, or 1413  
substantially similar statements: 1414

"Do not allow children to play with fireworks. Sparklers, 1415  
a firework often considered by many to be the ideal "safe" 1416  
device for children, burn at very high temperatures and should 1417  
not be handled by children. Children may not understand the 1418  
danger involved with fireworks and may not act appropriately 1419  
while using the devices or in case of emergency. 1420

Set off fireworks outdoors in a clear area, away from 1421  
houses, dry leaves, or grass and other flammable materials. 1422

Keep a bucket of water nearby for emergencies and for 1423  
pouring on fireworks that fail to ignite or explode. 1424

Do not try to relight or handle malfunctioning fireworks. 1425  
Soak them with water and throw them away. 1426

Be sure other people are out of range before lighting 1427  
fireworks. 1428

Never light fireworks in a container, especially a glass 1429  
or metal container. 1430

Keep unused fireworks away from firing areas. 1431

Store fireworks in a cool, dry place. 1432

Check instructions for special storage directions. 1433

Observe state and local law. 1434

Never have any portion of your body directly over a 1435  
firework while lighting. 1436

Do not experiment with homemade fireworks." 1437

(B) A licensed retailer, licensed manufacturer, or 1438  
licensed wholesaler selling 1.4G fireworks shall have safety 1439  
glasses available for a nominal charge or free at the site of 1440  
the 1.4G fireworks purchase. 1441

(C) Divisions (A) and (B) of this section do not apply 1442  
when a purchaser is a licensed retailer, licensed manufacturer, 1443  
licensed wholesaler, or licensed exhibitor of fireworks in this 1444  
state. 1445

**Sec. 3743.57.** (A) All fees collected by the state fire 1446  
marshal for licenses or permits issued pursuant to this chapter, 1447  
except the fee imposed under section 3743.22 of the Revised 1448  
Code, shall be deposited into the state fire marshal's fund, and 1449  
interest earned on the amounts in the fund shall be credited by 1450  
the treasurer of state to the fund. 1451

(B) The state fire marshal shall in the state fire 1452  
marshal's discretion use amounts in the state fire marshal's 1453  
fund for fireworks training and education purposes, including, 1454  
but not limited to, the creation of educational and training 1455  
programs, attendance by the state fire marshal and the state 1456  
fire marshal's employees at conferences and seminars, the 1457  
payment of travel and meal expenses associated with such 1458

attendance, participation by the state fire marshal and the 1459  
state fire marshal's employees in committee meetings and other 1460  
meetings related to pyrotechnic codes, and the payment of travel 1461  
and meal expenses associated with such participation. The use of 1462  
the fund shall comply with rules of the department of commerce, 1463  
policies and procedures established by the director of budget 1464  
and management, and all other applicable laws. 1465

**Sec. 3743.59.** (A) Upon application by an affected party, 1466  
the state fire marshal may grant variances from the requirements 1467  
of this chapter or from the requirements of rules adopted 1468  
pursuant to this chapter if the state fire marshal determines 1469  
that a literal enforcement of the requirement will result in 1470  
practical difficulty in complying with the requirements of this 1471  
chapter or the rules adopted pursuant to this chapter and that 1472  
the variance will not be contrary to the public health, safety, 1473  
or welfare. A variance shall not be granted to a person who is 1474  
initially licensed as a manufacturer or wholesaler of fireworks 1475  
after June 14, 1988. 1476

(B) The state fire marshal may authorize a variance from 1477  
the prohibitions in this chapter against the possession and use 1478  
of pyrotechnic compounds to a person who submits proof that the 1479  
person is certified and in good standing with the Ohio state 1480  
board of education, provided that the pyrotechnic compounds are 1481  
used for educational purposes only, or are used only at an 1482  
authorized educational function approved by the governing board 1483  
that exercises authority over the educational function. 1484

(C) (1) The state fire marshal may authorize a variance 1485  
from the prohibitions in this chapter against the possession and 1486  
use of pyrotechnic compounds to a person who possesses and uses 1487  
the pyrotechnic compounds for personal and noncommercial 1488

purposes as a hobby. ~~The~~ 1489

(2) The state fire marshal shall not unreasonably withhold 1490  
a variance that the state fire marshal may authorize pursuant to 1491  
division (C) (1) of this section. 1492

(3) The state fire marshal may rescind a variance 1493  
authorized under this division (C) (1) of this section, for cause 1494  
at any time, exclusively at the fire marshal's discretion. 1495

**Sec. 3743.60.** (A) No person shall manufacture fireworks in 1496  
this state unless it is a licensed manufacturer of fireworks, 1497  
and no person shall operate a fireworks plant in this state 1498  
unless it has been issued a license as a manufacturer of 1499  
fireworks for the particular fireworks plant. 1500

(B) No person shall operate a fireworks plant in this 1501  
state after its license as a manufacturer of fireworks for the 1502  
particular fireworks plant has expired, been denied renewal, or 1503  
been revoked, unless a new license has been obtained. 1504

(C) No licensed manufacturer of fireworks, during the 1505  
effective period of its licensure, shall construct, locate, or 1506  
relocate any buildings or other structures on the premises of 1507  
its fireworks plant, make any structural change or renovation in 1508  
any building or other structure on the premises of its fireworks 1509  
plant, or change the nature of its manufacturing of fireworks so 1510  
as to include the processing of fireworks without first 1511  
obtaining a written authorization from the state fire marshal 1512  
pursuant to division (B) of section 3743.04 of the Revised Code. 1513

(D) No licensed manufacturer of fireworks shall 1514  
manufacture fireworks, possess fireworks for sale at wholesale 1515  
or retail, or sell fireworks at wholesale or retail, in a manner 1516  
not authorized by division (C) of section 3743.04 of the Revised 1517

Code. 1518

(E) No licensed manufacturer of fireworks shall knowingly 1519  
fail to comply with the rules adopted by the state fire marshal 1520  
pursuant to section 3743.05 of the Revised Code or the 1521  
requirements of section 3743.06 of the Revised Code. 1522

(F) No licensed manufacturer of fireworks shall fail to 1523  
maintain complete inventory, wholesale sale, and retail records 1524  
as required by section 3743.07 of the Revised Code, or to permit 1525  
inspection of these records or the premises of a fireworks plant 1526  
pursuant to section 3743.08 of the Revised Code. 1527

(G) No licensed manufacturer of fireworks shall fail to 1528  
comply with an order of the state fire marshal issued pursuant 1529  
to division (B) (1) of section 3743.08 of the Revised Code, 1530  
within the specified period of time. 1531

(H) No licensed manufacturer of fireworks shall fail to 1532  
comply with an order of the state fire marshal issued pursuant 1533  
to division (B) (2) of section 3743.08 of the Revised Code until 1534  
the nonconformities are eliminated, corrected, or otherwise 1535  
remedied or the seventy-two hour period specified in that 1536  
division has expired, whichever first occurs. 1537

(I) No person shall smoke or shall carry a pipe, 1538  
cigarette, or cigar, or a match, lighter, other flame-producing 1539  
item, or open flame on, or shall carry a concealed source of 1540  
ignition into, the premises of a fireworks plant, except as 1541  
smoking is authorized in specified lunchrooms or restrooms by a 1542  
manufacturer pursuant to division (C) of section 3743.06 of the 1543  
Revised Code. 1544

(J) No person shall have possession or control of, or be 1545  
under the influence of, any intoxicating liquor, beer, or 1546

controlled substance, while on the premises of a fireworks 1547  
plant. 1548

(K) No licensed manufacturer of fireworks shall 1549  
negligently fail to furnish a safety pamphlet to a purchaser of 1550  
1.4G fireworks as required by division (A) of section 3743.47 of 1551  
the Revised Code. 1552

(L) No licensed manufacturer of fireworks shall 1553  
negligently fail to have safety glasses available for sale as 1554  
required by division (B) of section 3743.47 of the Revised Code. 1555

**Sec. 3743.61.** (A) No person, except a licensed 1556  
manufacturer of fireworks engaging in the wholesale sale of 1557  
fireworks as authorized by division (C) (2) of section 3743.04 of 1558  
the Revised Code, shall operate as a wholesaler of fireworks in 1559  
this state unless it is a licensed wholesaler of fireworks, or 1560  
shall operate as a wholesaler of fireworks at any location in 1561  
this state unless it has been issued a license as a wholesaler 1562  
of fireworks for the particular location. 1563

(B) No person shall operate as a wholesaler of fireworks 1564  
at a particular location in this state after its license as a 1565  
wholesaler of fireworks for the particular location has expired, 1566  
been denied renewal, or been revoked, unless a new license has 1567  
been obtained. 1568

(C) No licensed wholesaler of fireworks, during the 1569  
effective period of its licensure, shall perform any 1570  
construction, or make any structural change or renovation, on 1571  
the premises on which the fireworks are sold without first 1572  
obtaining a written authorization from the state fire marshal 1573  
pursuant to division (B) of section 3743.17 of the Revised Code. 1574

(D) No licensed wholesaler of fireworks shall possess 1575

fireworks for sale at wholesale or retail, or sell fireworks at 1576  
wholesale or retail, in a manner not authorized by division (C) 1577  
of section 3743.17 of the Revised Code. 1578

(E) No licensed wholesaler of fireworks shall knowingly 1579  
fail to comply with the rules adopted by the state fire marshal 1580  
pursuant to section 3743.18 or the requirements of section 1581  
3743.19 of the Revised Code. 1582

(F) No licensed wholesaler of fireworks shall fail to 1583  
maintain complete inventory, wholesale sale, and retail records 1584  
as required by section 3743.20 of the Revised Code, or to permit 1585  
inspection of these records or the premises of the wholesaler 1586  
pursuant to section 3743.21 of the Revised Code. 1587

(G) No licensed wholesaler of fireworks shall fail to 1588  
comply with an order of the state fire marshal issued pursuant 1589  
to division (B) (1) of section 3743.21 of the Revised Code, 1590  
within the specified period of time. 1591

(H) No licensed wholesaler of fireworks shall fail to 1592  
comply with an order of the state fire marshal issued pursuant 1593  
to division (B) (2) of section 3743.21 of the Revised Code until 1594  
the nonconformities are eliminated, corrected, or otherwise 1595  
remedied or the seventy-two hour period specified in that 1596  
division has expired, whichever first occurs. 1597

(I) No person shall smoke or shall carry a pipe, 1598  
cigarette, or cigar, or a match, lighter, other flame-producing 1599  
item, or open flame on, or shall carry a concealed source of 1600  
ignition into, the premises of a wholesaler of fireworks, except 1601  
as smoking is authorized in specified lunchrooms or restrooms by 1602  
a wholesaler pursuant to division (D) of section 3743.19 of the 1603  
Revised Code. 1604

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

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

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

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

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

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

~~(D) No person who resides in this state and who purchases~~



fireworks in this state under section 3743.45 of the Revised 1634  
Code shall ~~obtain possession of fireworks in this state other~~ 1635  
~~than from a licensed manufacturer or licensed wholesaler, or~~ 1636  
~~fail, when transporting the fireworks, to transport them~~ 1637  
~~directly out of this state within forty eight hours after the~~ 1638  
~~time of their purchase. No such person shall give or sell to any~~ 1639  
other person in this state fireworks that the person has 1640  
acquired in this state. 1641

**Sec. 3743.65.** (A) No person shall possess fireworks in 1642  
this state or shall possess for sale or sell fireworks in this 1643  
state, except a licensed manufacturer of fireworks as authorized 1644  
by sections 3743.02 to 3743.08 of the Revised Code, a licensed 1645  
wholesaler of fireworks as authorized by sections 3743.15 to 1646  
3743.21 of the Revised Code, a shipping permit holder as 1647  
authorized by section 3743.40 of the Revised Code, ~~an out-of-~~ 1648  
~~state resident a licensed fountain device retailer as authorized~~ 1649  
~~by section 3743.27 of the Revised Code, a person as authorized~~ 1650  
~~by section sections 3743.44 of the Revised Code, a resident of~~ 1651  
~~this state as authorized by section and 3743.45 of the Revised~~ 1652  
Code, or a licensed exhibitor of fireworks as authorized by 1653  
sections 3743.50 to 3743.55 of the Revised Code, and except as 1654  
provided in section 3743.80 of the Revised Code. 1655

(B) Except as provided in ~~section sections 3743.45 and~~ 1656  
3743.80 of the Revised Code and except for licensed exhibitors 1657  
of fireworks authorized to conduct a fireworks exhibition 1658  
pursuant to sections 3743.50 to 3743.55 of the Revised Code, no 1659  
person shall discharge, ignite, or explode any fireworks in this 1660  
state. 1661

(C) No person shall use in a theater or public hall, what 1662  
is technically known as fireworks showers, or a mixture 1663

containing potassium chlorate and sulphur. 1664

(D) No person shall sell fireworks of any kind to a person 1665  
under eighteen years of age. No person under eighteen years of 1666  
age shall enter a fireworks sales showroom unless that person is 1667  
accompanied by a parent, legal guardian, or other responsible 1668  
adult. No person under eighteen years of age shall touch or 1669  
possess fireworks on a licensed premises without the consent of 1670  
the licensee. A licensee may eject any person from a licensed 1671  
premises that is in any way disruptive to the safe operation of 1672  
the premises. 1673

(E) Except as otherwise provided in section 3743.44 of the 1674  
Revised Code, no person, other than a licensed manufacturer, 1675  
licensed wholesaler, licensed exhibitor, or shipping permit 1676  
holder, shall possess 1.3G fireworks in this state. 1677

(F) Except as otherwise provided in division (J) of 1678  
section 3743.06 and division (K) of section 3743.19 of the 1679  
Revised Code, no person shall knowingly disable a fire 1680  
suppression system as defined in section 3781.108 of the Revised 1681  
Code on the premises of a fireworks plant of a licensed 1682  
manufacturer of fireworks or on the premises of the business 1683  
operations of a licensed wholesaler of fireworks. 1684

(G) No person shall negligently discharge, ignite, or 1685  
explode fireworks while in possession or control of, or under 1686  
the influence of, any intoxicating liquor, beer, or controlled 1687  
substance. 1688

(H) No person shall negligently discharge, ignite, or 1689  
explode fireworks on the property of another person without that 1690  
person's permission to use fireworks on that property. 1691

Sec. 3743.67. (A) The Ohio fire code rule recommendation 1692

committee is hereby created to review Chapter 3743. of the 1693  
Revised Code and make a recommendation to the state fire 1694  
marshal. At a minimum, the committee shall make a recommendation 1695  
to the state fire marshal relating to all of the following: 1696

(1) Sections 3743.02, 3743.03, 3743.04, 3743.06, 3743.15, 1697  
3743.16, 3743.17, 3743.18, and 3743.19 of the Revised Code; 1698

(2) Section 3743.45 of the Revised Code relating to the 1699  
purchase of 1.4G fireworks from licensed manufacturers or 1700  
wholesalers; 1701

(3) Section 3743.75 of the Revised Code relating to the 1702  
moratorium on licenses; 1703

(4) State fire marshal rulemaking of building code 1704  
requirements for 1.3G manufacturing facilities. 1705

(5) Development of a state licensing program pursuant to 1706  
section 3743.75 of the Revised Code. 1707

(B) The committee shall meet periodically, with the first 1708  
meeting not later than ten days after the effective date of this 1709  
section, and shall submit its report and recommendations to the 1710  
state fire marshal not later than one hundred days after the 1711  
effective date of this section. 1712

(C) The committee shall be made up of the following 1713  
individuals: 1714

(1) The state fire marshal, or the state fire marshal's 1715  
designee; 1716

(2) Four local fire chiefs appointed by the Ohio fire 1717  
chiefs' association, or appointed by the association's designee; 1718

(3) A local police chief appointed by the attorney 1719

general, or the attorney general's designee; 1720

(4) Five members of the Ohio state pyrotechnics 1721  
association, appointed by the president of the association, one 1722  
of whom shall be a licensed wholesaler, one of whom shall be a 1723  
licensed exhibitor, and one of whom shall be a licensed 1724  
manufacturer; 1725

(5) One member of prevent blindness Ohio, or the 1726  
organization's designee; 1727

(6) One member of the Ohio optometric association or the 1728  
association's designee; 1729

(7) One member of the Ohio pyrotechnic arts guild or the 1730  
organization's designee; 1731

(8) One representative of the Ohio chapter of the American 1732  
academy of pediatrics, appointed by the president of the Ohio 1733  
chapter; 1734

(9) One member of the Ohio council of retail merchants or 1735  
the council's designee. 1736

**Sec. 3743.75.** (A) (1) During the period beginning on June 1737  
29, 2001, and ending on December 31, 2020 eighteen months after 1738  
the end of the period described in division (A) (2) of this 1739  
section, the state fire marshal shall not do any of the 1740  
following: 1741

~~(1)~~ (a) Issue a license as a manufacturer of fireworks 1742  
under sections 3743.02 and 3743.03 of the Revised Code to a 1743  
person for a particular fireworks plant unless that person 1744  
possessed such a license for that fireworks plant immediately 1745  
prior to June 29, 2001; 1746

~~(2)~~ (b) Issue a license as a wholesaler of fireworks under 1747

sections 3743.15 and 3743.16 of the Revised Code to a person for 1748  
a particular location unless that person possessed such a 1749  
license for that location immediately prior to June 29, 2001; 1750

~~(3) Except as provided in division (B) of this section,~~ 1751  
(2) During the period beginning on June 29, 2001, and ending two 1752  
hundred sixty days after the effective date of this amendment, 1753  
the state fire marshal shall not approve the geographic transfer 1754  
of a license as a manufacturer or wholesaler of fireworks issued 1755  
under this chapter to any location other than a location for 1756  
which a license was issued under this chapter immediately prior 1757  
to June 29, 2001. 1758

~~(B) Division (A) (3) of this section does not apply to a~~ 1759  
~~transfer that the state fire marshal approves under division (F)~~ 1760  
~~of section 3743.17 of the Revised Code.~~ 1761

~~(C)~~ Notwithstanding section 3743.59 of the Revised Code, 1762  
the prohibited activities established in ~~divisions~~ division (A) 1763  
(1) ~~and (2)~~ of this section, ~~geographic transfers approved~~ 1764  
~~pursuant to division (F) of section 3743.17 of the Revised Code,~~ 1765  
and storage locations allowed pursuant to division (I) of 1766  
section 3743.04 of the Revised Code or division ~~(G)~~ (F) of 1767  
section 3743.17 of the Revised Code are not subject to any 1768  
variance, waiver, or exclusion. 1769

~~(D)~~ (C) After the end of the period described in division 1770  
(A) (1) of this section, the state fire marshal may issue new 1771  
licenses as a manufacturer or wholesaler of fireworks. New 1772  
licenses shall not be approved in such a manner that unduly 1773  
burdens the state fire marshal's ability to ensure public 1774  
safety. 1775

(D) As used in division (A) of this section: 1776

(1) "Person" includes any person or entity, in whatever 1777  
form or name, that acquires possession of a manufacturer or 1778  
wholesaler of fireworks license issued pursuant to this chapter 1779  
by transfer of possession of a license, whether that transfer 1780  
occurs by purchase, assignment, inheritance, bequest, stock 1781  
transfer, or any other type of transfer, on the condition that 1782  
the transfer is in accordance with division (D) of section 1783  
3743.04 of the Revised Code or division (D) of section 3743.17 1784  
of the Revised Code and is approved by the fire marshal. 1785

(2) "Particular location" includes a licensed premises 1786  
and, regardless of when approved, any storage location approved 1787  
in accordance with section 3743.04 or 3743.17 of the Revised 1788  
Code. 1789

(3) "Such a license" includes a wholesaler of fireworks 1790  
license that was issued in place of a manufacturer of fireworks 1791  
license that existed prior to June 29, 2001, and was requested 1792  
to be canceled by the license holder pursuant to division (D) of 1793  
section 3743.03 of the Revised Code. 1794

**Sec. 3743.99.** (A) Whoever violates division (A) or (B) of 1795  
section 3743.60 or division (H) of section 3743.64 of the 1796  
Revised Code is guilty of a felony of the third degree. 1797

(B) Whoever violates division (C) or (D) of section 1798  
3743.60, division (A), (B), (C), or (D) of section 3743.61, or 1799  
division (A) or (B) of section 3743.64 of the Revised Code is 1800  
guilty of a felony of the fourth degree. 1801

(C) Whoever violates division (E), (F), (G), (H), (I), or 1802  
(J) of section 3743.60, division (E), (F), (G), (H), (I), or (J) 1803  
of section 3743.61, section 3743.63, division (D), (E), (F), or 1804  
(G) of section 3743.64, division (A), (B), (C), (D), or (E) of 1805

section 3743.65, or section 3743.66 of the Revised Code is 1806  
guilty of a misdemeanor of the first degree. If the offender 1807  
previously has been convicted of or pleaded guilty to a 1808  
violation of division (I) of section 3743.60 or 3743.61 of the 1809  
Revised Code, a violation of either of these divisions is a 1810  
felony of the fifth degree. 1811

(D) Whoever violates division (C) of section 3743.64 of 1812  
the Revised Code is guilty of a misdemeanor of the first degree. 1813  
In addition to any other penalties that may be imposed on a 1814  
licensed exhibitor of fireworks under this division and unless 1815  
the third sentence of this division applies, the person's 1816  
license as an exhibitor of fireworks or as an assistant 1817  
exhibitor of fireworks shall be suspended, and the person is 1818  
ineligible to apply for either type of license, for a period of 1819  
five years. If the violation of division (C) of section 3743.64 1820  
of the Revised Code results in serious physical harm to persons 1821  
or serious physical harm to property, the person's license as an 1822  
exhibitor of fireworks or as an assistant exhibitor of fireworks 1823  
shall be revoked, and that person is ineligible to apply for a 1824  
license as or to be licensed as an exhibitor of fireworks or as 1825  
an assistant exhibitor of fireworks in this state. 1826

(E) Whoever violates division (F) of section 3743.65 of 1827  
the Revised Code is guilty of a felony of the fifth degree. 1828

(F) Whoever violates division (G) of section 3743.65 of 1829  
the Revised Code is guilty of a misdemeanor of the first degree. 1830  
Notwithstanding any other provision of law to the contrary, a 1831  
person may be convicted at the same trial or proceeding of a 1832  
violation of division (G) of section 3743.65 of the Revised Code 1833  
and a violation of division (B) of section 2917.11 of the 1834  
Revised Code that constitutes the basis of the charge of the 1835

violation of division (G) of section 3743.65 of the Revised 1836  
Code. 1837

(G) Whoever violates division (B) or (C) of section 1838  
3743.27 or division (K) or (L) of section 3743.60 or division 1839  
(K) or (L) of section 3743.61 of the Revised Code is guilty of a 1840  
misdemeanor of the second degree. 1841

(H) Whoever violates division (H) of section 3743.65 of 1842  
the Revised Code is guilty of a minor misdemeanor. 1843

**Sec. 5703.21.** (A) Except as provided in divisions (B) and 1844  
(C) of this section, no agent of the department of taxation, 1845  
except in the agent's report to the department or when called on 1846  
to testify in any court or proceeding, shall divulge any 1847  
information acquired by the agent as to the transactions, 1848  
property, or business of any person while acting or claiming to 1849  
act under orders of the department. Whoever violates this 1850  
provision shall thereafter be disqualified from acting as an 1851  
officer or employee or in any other capacity under appointment 1852  
or employment of the department. 1853

(B) (1) For purposes of an audit pursuant to section 117.15 1854  
of the Revised Code, or an audit of the department pursuant to 1855  
Chapter 117. of the Revised Code, or an audit, pursuant to that 1856  
chapter, the objective of which is to express an opinion on a 1857  
financial report or statement prepared or issued pursuant to 1858  
division (A) (7) or (9) of section 126.21 of the Revised Code, 1859  
the officers and employees of the auditor of state charged with 1860  
conducting the audit shall have access to and the right to 1861  
examine any state tax returns and state tax return information 1862  
in the possession of the department to the extent that the 1863  
access and examination are necessary for purposes of the audit. 1864  
Any information acquired as the result of that access and 1865



examination shall not be divulged for any purpose other than as 1866  
required for the audit or unless the officers and employees are 1867  
required to testify in a court or proceeding under compulsion of 1868  
legal process. Whoever violates this provision shall thereafter 1869  
be disqualified from acting as an officer or employee or in any 1870  
other capacity under appointment or employment of the auditor of 1871  
state. 1872

(2) For purposes of an internal audit pursuant to section 1873  
126.45 of the Revised Code, the officers and employees of the 1874  
office of internal audit in the office of budget and management 1875  
charged with directing the internal audit shall have access to 1876  
and the right to examine any state tax returns and state tax 1877  
return information in the possession of the department to the 1878  
extent that the access and examination are necessary for 1879  
purposes of the internal audit. Any information acquired as the 1880  
result of that access and examination shall not be divulged for 1881  
any purpose other than as required for the internal audit or 1882  
unless the officers and employees are required to testify in a 1883  
court or proceeding under compulsion of legal process. Whoever 1884  
violates this provision shall thereafter be disqualified from 1885  
acting as an officer or employee or in any other capacity under 1886  
appointment or employment of the office of internal audit. 1887

(3) As provided by section 6103(d)(2) of the Internal 1888  
Revenue Code, any federal tax returns or federal tax information 1889  
that the department has acquired from the internal revenue 1890  
service, through federal and state statutory authority, may be 1891  
disclosed to the auditor of state or the office of internal 1892  
audit solely for purposes of an audit of the department. 1893

(4) For purposes of Chapter 3739. of the Revised Code, an 1894  
agent of the department of taxation may share information with 1895

the division of state fire marshal that the agent finds during 1896  
the course of an investigation. 1897

(C) Division (A) of this section does not prohibit any of 1898  
the following: 1899

(1) Divulging information contained in applications, 1900  
complaints, and related documents filed with the department 1901  
under section 5715.27 of the Revised Code or in applications 1902  
filed with the department under section 5715.39 of the Revised 1903  
Code; 1904

(2) Providing information to the office of child support 1905  
within the department of job and family services pursuant to 1906  
section 3125.43 of the Revised Code; 1907

(3) Disclosing to the motor vehicle repair board any 1908  
information in the possession of the department that is 1909  
necessary for the board to verify the existence of an 1910  
applicant's valid vendor's license and current state tax 1911  
identification number under section 4775.07 of the Revised Code; 1912

(4) Providing information to the administrator of workers' 1913  
compensation pursuant to sections 4123.271 and 4123.591 of the 1914  
Revised Code; 1915

(5) Providing to the attorney general information the 1916  
department obtains under division (J) of section 1346.01 of the 1917  
Revised Code; 1918

(6) Permitting properly authorized officers, employees, or 1919  
agents of a municipal corporation from inspecting reports or 1920  
information pursuant to section 718.84 of the Revised Code or 1921  
rules adopted under section 5745.16 of the Revised Code; 1922

(7) Providing information regarding the name, account 1923

number, or business address of a holder of a vendor's license 1924  
issued pursuant to section 5739.17 of the Revised Code, a holder 1925  
of a direct payment permit issued pursuant to section 5739.031 1926  
of the Revised Code, or a seller having a use tax account 1927  
maintained pursuant to section 5741.17 of the Revised Code, or 1928  
information regarding the active or inactive status of a 1929  
vendor's license, direct payment permit, or seller's use tax 1930  
account; 1931

(8) Releasing invoices or invoice information furnished 1932  
under section 4301.433 of the Revised Code pursuant to that 1933  
section; 1934

(9) Providing to a county auditor notices or documents 1935  
concerning or affecting the taxable value of property in the 1936  
county auditor's county. Unless authorized by law to disclose 1937  
documents so provided, the county auditor shall not disclose 1938  
such documents; 1939

(10) Providing to a county auditor sales or use tax return 1940  
or audit information under section 333.06 of the Revised Code; 1941

(11) Subject to section 4301.441 of the Revised Code, 1942  
disclosing to the appropriate state agency information in the 1943  
possession of the department of taxation that is necessary to 1944  
verify a permit holder's gallonage or noncompliance with taxes 1945  
levied under Chapter 4301. or 4305. of the Revised Code; 1946

(12) Disclosing to the department of natural resources 1947  
information in the possession of the department of taxation that 1948  
is necessary for the department of taxation to verify the 1949  
taxpayer's compliance with section 5749.02 of the Revised Code 1950  
or to allow the department of natural resources to enforce 1951  
Chapter 1509. of the Revised Code; 1952

(13) Disclosing to the department of job and family 1953  
services, industrial commission, and bureau of workers' 1954  
compensation information in the possession of the department of 1955  
taxation solely for the purpose of identifying employers that 1956  
misclassify employees as independent contractors or that fail to 1957  
properly report and pay employer tax liabilities. The department 1958  
of taxation shall disclose only such information that is 1959  
necessary to verify employer compliance with law administered by 1960  
those agencies. 1961

(14) Disclosing to the Ohio casino control commission 1962  
information in the possession of the department of taxation that 1963  
is necessary to verify a casino operator's compliance with 1964  
section 5747.063 or 5753.02 of the Revised Code and sections 1965  
related thereto; 1966

(15) Disclosing to the state lottery commission 1967  
information in the possession of the department of taxation that 1968  
is necessary to verify a lottery sales agent's compliance with 1969  
section 5747.064 of the Revised Code-; 1970

(16) Disclosing to the development services agency 1971  
information in the possession of the department of taxation that 1972  
is necessary to ensure compliance with the laws of this state 1973  
governing taxation and to verify information reported to the 1974  
development services agency for the purpose of evaluating 1975  
potential tax credits, grants, or loans. Such information shall 1976  
not include information received from the internal revenue 1977  
service the disclosure of which is prohibited by section 6103 of 1978  
the Internal Revenue Code. No officer, employee, or agent of the 1979  
development services agency shall disclose any information 1980  
provided to the development services agency by the department of 1981  
taxation under division (C) (16) of this section except when 1982

disclosure of the information is necessary for, and made solely 1983  
for the purpose of facilitating, the evaluation of potential tax 1984  
credits, grants, or loans. 1985

(17) Disclosing to the department of insurance information 1986  
in the possession of the department of taxation that is 1987  
necessary to ensure a taxpayer's compliance with the 1988  
requirements with any tax credit administered by the development 1989  
services agency and claimed by the taxpayer against any tax 1990  
administered by the superintendent of insurance. No officer, 1991  
employee, or agent of the department of insurance shall disclose 1992  
any information provided to the department of insurance by the 1993  
department of taxation under division (C) (17) of this section. 1994

(18) Disclosing to the division of liquor control 1995  
information in the possession of the department of taxation that 1996  
is necessary for the division and department to comply with the 1997  
requirements of sections 4303.26 and 4303.271 of the Revised 1998  
Code; 1999

(19) Disclosing to the state fire marshal information in 2000  
the possession of the department of taxation that is necessary 2001  
for the state fire marshal to verify the compliance of a 2002  
licensed manufacturer of fireworks or a licensed wholesaler of 2003  
fireworks with section 3743.22 of the Revised Code. No officer, 2004  
employee, or agent of the state fire marshal shall disclose any 2005  
information provided to the state fire marshal by the department 2006  
of taxation under division (C) (19) of this section. 2007

**Section 2.** That existing sections 3743.01, 3743.04, 2008  
3743.08, 3743.15, 3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 2009  
3743.57, 3743.59, 3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 2010  
3743.99, and 5703.21 of the Revised Code are hereby repealed. 2011

**Section 3.** The amendments to sections 3743.08, 3743.21, 2012  
3743.44, 3743.45, 3743.57, 3743.59, 3743.60, 3743.61, 3743.63, 2013  
3743.65, 3743.99, and 5703.21 of the Revised Code made in 2014  
Sections 1 and 2 of this act and the enactment of sections 2015  
3743.46, and 3743.47 of the Revised Code by Sections 1 and 2 of 2016  
this act, take effect two hundred sixty days after the effective 2017  
date of this section. The amendments to sections 3743.01, 2018  
3743.04, 3743.15, 3743.17, 3743.22, 3743.25, 3743.26 to 3743.29, 2019  
and 3743.75 and the enactment of sections 3743.451 and 3743.67 2020  
of the Revised Code in Sections 1 and 2 of this act shall take 2021  
effect at the earliest time permitted by law. 2022

**Section 4.** Notwithstanding divisions (A) and (B) of 2023  
section 3743.26 of the Revised Code, as enacted by this act, the 2024  
State Fire Marshal shall not issue any licenses to sell fountain 2025  
devices at retail in 2020. 2026