

As Introduced

124th General Assembly
Regular Session
2001-2002

H. B. No. 161

REPRESENTATIVES Flowers, DeWine, Ford, Damschroder, Goodman,
Fessler, Schaffer, Schmidt, Carey, Seitz, Raga, Coates, Widowfield, Wolpert,
Clancy, Carmichael

A BILL

To amend sections 3743.01, 3743.02, 3743.03, 3743.04, 1
3743.05, 3743.06, 3743.07, 3743.08, 3743.15, 2
3743.16, 3743.17, 3743.18, 3743.19, 3743.20, 3
3743.21, 3743.40, 3743.44, 3743.45, 3743.50, 4
3743.51, 3743.52, 3743.53, 3743.54, 3743.58, 5
3743.59, 3743.60, 3743.61, 3743.64, 3743.65, 6
3743.66, 3743.68, 3743.80, and 3743.99 and to enact 7
sections 3743.25, 3743.56, and 3743.70 of the 8
Revised Code to reenact the amendments and the 9
enactments made to the Fireworks Law by Am. Sub. 10
H.B. 215 of the 122nd General Assembly to protect 11
the sections against a challenge that their 12
amendment or enactment violated the one-subject 13
rule and to further amend sections 3743.01, 14
3743.52, 3743.53, 3743.54, 3743.64, and 3743.99 and 15
to enact section 3743.541 of the Revised Code to 16
make other changes in the Fireworks Law relating to 17
fireworks incidents and their investigation. 18
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3743.01, 3743.02, 3743.03, 3743.04, 20
3743.05, 3743.06, 3743.07, 3743.08, 3743.15, 3743.16, 3743.17, 21
3743.18, 3743.19, 3743.20, 3743.21, 3743.40, 3743.44, 3743.45, 22
3743.50, 3743.51, 3743.52, 3743.53, 3743.54, 3743.58, 3743.59, 23
3743.60, 3743.61, 3743.64, 3743.65, 3743.66, 3743.68, 3743.80, and 24
3743.99 be amended and sections 3743.25, 3743.56, and 3743.70 of 25
the Revised Code be enacted to read as follows: 26

Sec. 3743.01. As used in this chapter: 27

(A) "Beer" and "intoxicating liquor" have the same meanings 28
as in section 4301.01 of the Revised Code. 29

(B) "Booby trap" means a small tube that has a string 30
protruding from both ends, that has a friction-sensitive 31
composition, and that is ignited by pulling the ends of the 32
string. 33

(C) "Cigarette load" means a small wooden peg that is coated 34
with a small quantity of explosive composition and that is ignited 35
in a cigarette. 36

(D) ~~"Class C fireworks" means fireworks classified as Class C 37
fireworks by the fire marshal in rules adopted pursuant to 38
division (A) of section 3743.05 of the Revised Code (1) "1.3G 39
fireworks" means display fireworks consistent with regulations of 40
the United States department of transportation as expressed using 41
the designation "division 1.3" in Title 49, Code of Federal 42
Regulations.~~ 43

(2) "1.4G fireworks" means consumer fireworks consistent with 44
regulations of the United States department of transportation as 45
expressed using the designation "division 1.4" in Title 49, Code 46
of Federal Regulations. 47

(E) "Controlled substance" has the same meaning as in section 48

3719.01 of the Revised Code.	49
(F) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in section 3743.80 of the Revised Code.	50 51 52 53
(G) "Fireworks plant" means all buildings and other structures in which the manufacturing of fireworks, or the storage <u>or sale</u> of manufactured fireworks by a manufacturer, takes place.	54 55 56
(H) "Highway" means any public street, road, alley, way, lane, or other public thoroughfare.	57 58
(I) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to sections 3743.50 to 3743.55 of the Revised Code.	59 60 61
(J) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to sections 3743.02 to 3743.08 of the Revised Code.	62 63 64
(K) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to sections 3743.15 to 3743.21 of the Revised Code.	65 66 67
(L) "List of licensed exhibitors" means the list required by division (C) of section 3743.51 of the Revised Code.	68 69
(M) "List of licensed manufacturers" means the list required by division (C) of section 3743.03 of the Revised Code.	70 71
(N) "List of licensed wholesalers" means the list required by division (C) of section 3743.16 of the Revised Code.	72 73
(O) "Manufacturing of fireworks" means the making of fireworks from raw materials, none of which in and of themselves constitute a fireworks, or the processing of fireworks.	74 75 76
(P) "Navigable waters" means any body of water susceptible of	77

being used in its ordinary condition as a highway of commerce over
which trade and travel is or may be conducted in the customary
modes, but does not include a body of water that is not capable of
navigation by barges, tugboats, and other large vessels.

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(Q) "Novelties and trick noisemakers" include the following
items:

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

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(2) Snakes or glow worms;

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(3) Smoke devices;

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(4) Trick matches.

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

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

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

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

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(V) "Smoke device" means a tube or sphere that contains

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pyrotechnic composition that, upon ignition, produces white or
colored smoke as the primary effect.

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

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

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

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

(AA) "Wholesale sale" or "sell at wholesale" means a sale of
fireworks to a purchaser who intends to resell the fireworks that
he purchases so purchased.

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

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

Sec. 3743.02. (A) Any person who wishes to manufacture
fireworks in this state shall submit to the fire marshal an
application for licensure as a manufacturer of fireworks before
the first day of ~~December~~ October of each year. The application

shall be submitted prior to the operation of a fireworks plant, 138
shall be on a form prescribed by the fire marshal, shall contain 139
all information required by this section or requested by the fire 140
marshal, and shall be accompanied by the license fee, 141
~~fingerprints, and bond, letter of credit, certificate of deposit,~~ 142
~~or~~ proof of insurance coverage described in division (B) of this 143
section. 144

The fire marshal shall prescribe a form for applications for 145
licensure as a manufacturer of fireworks and make a copy of the 146
form available, upon request, to persons who seek that licensure. 147

(B) An applicant for licensure as a manufacturer of fireworks 148
shall submit with the application ~~both~~ all of the following: 149
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(1) A license fee of ~~one two thousand five seven~~ hundred 151
fifty dollars, which the fire marshal shall use to pay for 152
fireworks safety education, training programs, and inspections; 153

(2) ~~An indemnity bond, with surety satisfactory to the fire~~ 154
~~marshal, or a letter of credit or certificate of deposit, in such~~ 155
~~amounts as may be determined by the fire marshal not in excess of~~ 156
~~fifty thousand dollars nor less than twenty thousand dollars,~~ 157
~~conditioned for the payment of all final judgments that may be~~ 158
~~rendered against the manufacturer on account of an explosion at~~ 159
~~the fireworks plant, or proof of insurance coverage of at least~~ 160
~~five hundred thousand dollars for liability arising from an~~ 161
~~explosion at the fireworks plant~~ Proof of comprehensive general 162
liability insurance coverage, specifically including fire and 163
smoke casualty on premises and products, in an amount not less 164
than one million dollars for each occurrence for bodily injury 165
liability and wrongful death liability at the fireworks plant. All 166
applicants shall submit evidence of comprehensive general 167
liability insurance coverage verified by the insurer and certified 168
as to its provision of the minimum coverage required under this 169

division. 170

(3) One complete set of the applicant's fingerprints and a 171
complete set of fingerprints of any individual holding, owning, or 172
controlling a five per cent or greater beneficial or equity 173
interest in the applicant for the license. 174

(C) A separate application for licensure as a manufacturer of 175
fireworks shall be submitted for each fireworks plant that a 176
person wishes to operate in this state. 177

(D) If an applicant intends to include the processing of 178
fireworks as any part of its proposed manufacturing of fireworks, 179
a statement indicating that intent shall be included in its 180
application for licensure. 181

Sec. 3743.03. (A) If a person submits an application for 182
licensure as a manufacturer of fireworks, together with the 183
license fee, fingerprints, and ~~bond, letter of credit, certificate~~ 184
~~of deposit,~~ or proof of the insurance coverage, as required by 185
section 3743.02 of the Revised Code, the fire marshal shall review 186
the application and accompanying matter, request the criminal 187
records check described in division (E) of this section, inspect 188
the premises of the fireworks plant described in the application, 189
and determine whether the applicant will be issued the license. In 190
determining whether to issue the license, the fire marshal shall 191
consider the results of the criminal records check and the 192
inspection, and the information set forth in the application, and 193
shall decide whether the applicant and the fireworks plant 194
described in the application conform to sections 3743.02 to 195
3743.08 of the Revised Code and the rules adopted by the fire 196
marshal pursuant to section 3743.05 of the Revised Code, and are 197
in full compliance with Chapters 3781. and 3791. of the Revised 198
Code, and any applicable building or zoning regulations. 199

(B) ~~The~~ Subject to section 3743.70 of the Revised Code, the 200

fire marshal shall issue a license ~~pursuant to~~ in accordance with 201
Chapter 119. of the Revised Code to an applicant for licensure as 202
a manufacturer of fireworks only if the applicant and the 203
fireworks plant described in the application conform to sections 204
3743.02 to 3743.08 of the Revised Code and the rules adopted by 205
the fire marshal pursuant to section 3743.05 of the Revised Code, 206
only if the fireworks plant described in the application complies 207
with the Ohio building code adopted under Chapter 3781. of the 208
Revised Code, if that fireworks plant was constructed after May 209
30, 1986, and only if the fire marshal is satisfied that the 210
application and accompanying matter are complete and in conformity 211
with section 3743.02 of the Revised Code. The requirements of this 212
chapter and of the rules adopted under this chapter as applicable 213
to the structure of a building do not apply to a building in a 214
fireworks plant if the building was inspected and approved by the 215
department of industrial relations or by any building department 216
certified pursuant to division (E) of section 3781.10 of the 217
Revised Code prior to May 30, 1986. 218

(C) Each license issued pursuant to this section shall 219
contain a distinct number assigned to the licensed manufacturer 220
and, if the licensed manufacturer will engage in the processing of 221
fireworks as any part of its manufacturing of fireworks at the 222
fireworks plants, a notation indicating that fact. The fire 223
marshal shall maintain a list of all licensed manufacturers of 224
fireworks. In the list next to each manufacturer's name, the fire 225
marshal shall insert the period of licensure, the license number 226
of the manufacturer, and, if applicable, a notation that the 227
manufacturer will engage in the processing of fireworks as part of 228
its manufacturing of fireworks. 229

(D) The holder of a license issued pursuant to this section 230
may request the fire marshal to cancel that license and issue in 231
its place a license to sell fireworks at wholesale under section 232

3743.16 of the Revised Code. Upon receipt of such a request, the
fire marshal shall cancel the license issued under this section
and issue a license under section 3743.16 of the Revised Code if
the applicant meets the requirements of that section.

(E) Upon receipt of an application and the required
accompanying matter under section 3743.02 of the Revised Code, the
fire marshal shall forward to the superintendent of the bureau of
criminal identification and investigation a request that the
bureau conduct an investigation of the applicant and, if
applicable, additional individuals who hold, own, or control a
five per cent or greater beneficial or equity interest in the
applicant, to determine whether the applicant or the additional
associated individuals have been convicted of or pled guilty to a
felony under the laws of this state, another state, or the United
States.

If the applicant for initial licensure has resided in this
state for less than five continuous years immediately prior to the
date the applicant submits an initial application, the
superintendent also shall request that the federal bureau of
investigation conduct an investigation of the applicant and, if
applicable, additional individuals who hold, own, or control a
five per cent or greater beneficial or equity interest in the
applicant, to determine whether the applicant or the additional
associated individuals have been convicted of or pled guilty to a
felony under the laws of this state, another state, or the United
States.

The superintendent shall forward the results of an
investigation conducted pursuant to this division to the fire
marshal and may charge a reasonable fee for providing the results.
The fire marshal shall assess any fee charged by the
superintendent for the results to the applicant.

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Sec. 3743.04. (A) The license of a manufacturer of fireworks 264
is effective for one year beginning on the first day of December. 265
The fire marshal shall issue or renew a license only on that date 266
and at no other time. If a manufacturer of fireworks wishes to 267
continue manufacturing fireworks at the designated fireworks plant 268
after its then effective license expires, it shall apply no later 269
than the first day of October for a new license pursuant to 270
section 3743.02 of the Revised Code. The fire marshal shall send a 271
written notice of the expiration of its license to a licensed 272
manufacturer at least ~~two~~ three months before the expiration date. 273

(B) If, during the effective period of its licensure, a 275
licensed manufacturer of fireworks wishes to construct, locate, or 276
relocate any buildings or other structures on the premises of its 277
fireworks plant, to make any structural change or renovation in 278
any building or other structure on the premises of its fireworks 279
plant, or to change the nature of its manufacturing of fireworks 280
so as to include the processing of fireworks, the manufacturer 281
shall notify the fire marshal in writing. The fire marshal may 282
require a licensed manufacturer also to submit documentation, 283
including, but not limited to, plans covering the proposed 284
construction, location, relocation, structural change or 285
renovation, or change in manufacturing of fireworks, if ~~he~~ the 286
fire marshal determines the documentation is necessary for 287
evaluation purposes in light of the proposed construction, 288
location, relocation, structural change or renovation, or change 289
in manufacturing of fireworks. 290

Upon receipt of the notification and additional documentation 291
required by the fire marshal, the fire marshal shall inspect the 292
premises of the fireworks plant to determine if the proposed 293
construction, location, relocation, structural change or 294
renovation, or change in manufacturing of fireworks conforms to 295

sections 3743.02 to 3743.08 of the Revised Code and the rules
adopted by the fire marshal pursuant to section 3743.05 of the
Revised Code. The fire marshal shall issue a written authorization
to the manufacturer for the construction, location, relocation,
structural change or renovation, or change in manufacturing of
fireworks if ~~he~~ the fire marshal determines, upon the inspection
and a review of submitted documentation, that the construction,
location, relocation, structural change or renovation, or change
in manufacturing of fireworks conforms to those sections and
rules. Upon authorizing a change in manufacturing of fireworks to
include the processing of fireworks, the fire marshal shall make
notations on the manufacturer's license and in the list of
licensed manufacturers in accordance with section 3743.03 of the
Revised Code.

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

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

(1) The manufacturing of fireworks on the premises of the
fireworks plant as described in the application for licensure or
in the notification submitted under division (B) of this section,

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except that a licensed manufacturer shall not engage in the
processing of fireworks unless authorized to do so by its license.

(2) To possess for sale at wholesale and sell at wholesale
the fireworks manufactured by the manufacturer, to persons who are
licensed wholesalers of fireworks, to out-of-state residents in
accordance with section 3743.44 of the Revised Code, to residents
of this state in accordance with section 3743.45 of the Revised
Code, or to persons located in another state provided the
fireworks are shipped directly out of this state to them by the
manufacturer. A person who is licensed as a manufacturer of
fireworks on ~~the effective date of this amendment~~ may June 14,
1988, also may possess for sale and sell pursuant to division
(C)(2) of this section fireworks other than those ~~he~~ the person
manufactures. The possession for sale shall be on the premises of
the fireworks plant described in the application for licensure or
in the notification submitted under division (B) of this section,
and the sale shall be from ~~those premises~~ the inside of a licensed
building and from no other structure or device outside a licensed
building. At no time shall a licensed manufacturer sell any class
of fireworks outside a licensed building.

(3) Possess for sale at retail and sell at retail the
fireworks manufactured by the manufacturer, other than ~~Class C~~
1.4G fireworks as designated by the fire marshal in rules adopted
pursuant to division (A) of section 3743.05 of the Revised Code,
to licensed exhibitors in accordance with sections 3743.50 to
3743.55 of the Revised Code, and possess for sale at retail and
sell at retail the fireworks manufactured by the manufacturer,
including ~~such Class C~~ 1.4G fireworks, to out-of-state residents
in accordance with section 3743.44 of the Revised Code, to
residents of this state in accordance with section 3743.45 of the
Revised Code, or to persons located in another state provided the
fireworks are shipped directly out of this state to them by the

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manufacturer. A person who is licensed as a manufacturer of 360
fireworks on ~~the effective date of this amendment~~ June 14, 1988, 361
may also possess for sale and sell pursuant to division (C)(3) of 362
this section fireworks other than those ~~he~~ the person 363
manufactures. The possession for sale shall be on the premises of 364
the fireworks plant described in the application for licensure or 365
in the notification submitted under division (B) of this section, 366
and the sale shall be from ~~those premises~~ the inside of a licensed 367
building and from no other structure or device outside a licensed 368
building. At no time shall a licensed manufacturer sell any class 369
of fireworks outside a licensed building. 370

A licensed manufacturer of fireworks shall sell under 371
division (C) of this section only fireworks that meet the 372
standards set by the consumer product safety commission or by the 373
American fireworks standard laboratories or that have received an 374
EX number from the United States department of transportation. 375

(D) The license of a manufacturer of fireworks shall be 376
protected under glass and posted in a conspicuous place on the 377
premises of the fireworks plant. Except as otherwise provided in 378
this division, the license is not transferable or assignable. A 379
license may be transferred to another person for the same 380
fireworks plant for which the license was issued if the assets of 381
the plant are transferred to that person by inheritance or by a 382
sale approved by the fire marshal. The license is subject to 383
revocation in accordance with section 3743.08 of the Revised Code. 384

(E) The fire marshal shall not place the license of a 385
manufacturer of fireworks in a temporarily inactive status while 386
the holder of the license is attempting to qualify to retain the 387
license. 388

(F) Each licensed manufacturer of fireworks that possesses 389
fireworks for sale and sells fireworks under division (C) of 390
section 3743.04 of the Revised Code, or a designee of the 391

manufacturer, whose identity is provided to the fire marshal by 392
the manufacturer, annually shall attend a continuing education 393
program consisting of not less than eight hours of instruction. 394
The fire marshal shall develop the program and the fire marshal or 395
a person or public agency approved by the fire marshal shall 396
conduct it. A licensed manufacturer or the manufacturer's designee 397
who attends a program as required under this division, within one 398
year after attending the program, shall conduct in-service 399
training for other employees of the licensed manufacturer 400
regarding the information obtained in the program. A licensed 401
manufacturer shall provide the fire marshal with notice of the 402
date, time, and place of all in-service training not less than 403
thirty days prior to an in-service training event. 404

(G) A licensed manufacturer shall maintain comprehensive 405
general liability insurance coverage in the amount and type 406
specified under division (B)(2) of section 3743.02 of the Revised 407
Code at all times. Each policy of insurance required under this 408
division shall contain a provision requiring the insurer to give 409
not less than fifteen days' prior written notice to the fire 410
marshal before termination, lapse, or cancellation of the policy, 411
or any change in the policy that reduces the coverage below the 412
minimum required under this division. Prior to canceling or 413
reducing the amount of coverage of any comprehensive general 414
liability insurance coverage required under this division, a 415
licensed manufacturer shall secure supplemental insurance in an 416
amount and type that satisfies the requirements of this division 417
so that no lapse in coverage occurs at any time. A licensed 418
manufacturer who secures supplemental insurance shall file 419
evidence of the supplemental insurance with the fire marshal prior 420
to canceling or reducing the amount of coverage of any 421
comprehensive general liability insurance coverage required under 422
this division. 423

Sec. 3743.05. The fire marshal shall adopt rules pursuant to 424
in accordance with Chapter 119. of the Revised Code governing the 425
classification of fireworks that are consistent with the 426
classification of fireworks by the United States department of 427
transportation as set forth in Title 49, Code of Federal 428
Regulations, and the manufacture of fireworks and the storage of 429
manufactured fireworks by licensed manufacturers of fireworks. The 430
rules shall be designed to promote the safety and security of 431
employees of manufacturers, members of the public, and the 432
fireworks plant. 433

The rules shall be consistent with sections 3743.02 to 434
3743.08 of the Revised Code, shall be ~~limited~~ substantially 435
equivalent to the most recent versions of chapters 1123, 1124, and 436
1126 of the most recent national fire protection association 437
standards, and shall apply to, but not be limited to, the 438
following subject matters: 439

(A) A classification of fireworks by number and letter 440
designation, including, specifically, a ~~Class C 1.4G~~ designation 441
of fireworks. The classes of fireworks established by the fire 442
marshal shall be substantially equivalent to those defined by the 443
United States department of transportation by regulation, except 444
that, if the fire marshal determines that a type of fireworks 445
designated as common fireworks by the United States department of 446
transportation meets the criteria of any class of fireworks, other 447
than ~~Class C 1.4G~~ fireworks, as adopted by the fire marshal 448
pursuant to this section, the fire marshal may include the type of 449
fireworks in the other class instead of ~~Class C 1.4G~~. 450

(B) Appropriate standards for the manufacturing of types of 451
fireworks that are consistent with standards adopted by the United 452
States department of transportation and the consumer product 453
safety commission, including, but not limited to, the following: 454

(1) Permissible amounts of pyrotechnic or explosive composition;	455 456
(2) Interior and exterior dimensions;	457
(3) Structural specifications.	458
(C) Cleanliness and orderliness in, the heating, lighting, and use of stoves and flame-producing items in, smoking in, the prevention of fire and explosion in, the availability of fire extinguishers or other fire-fighting equipment and their use in, and emergency procedures relative to the buildings and other structures located on the premises of a fireworks plant.	459 460 461 462 463 464
(D) Appropriate uniforms to be worn by employees of manufacturers in the course of the manufacturing, handling, and storing of fireworks, and the use of protective clothing and equipment by the employees.	465 466 467 468
(E) The manner in which fireworks are to be packed, packaged, and stored.	469 470
Sec. 3743.06. In addition to conforming to the rules of the fire marshal adopted pursuant to section 3743.05 of the Revised Code, licensed manufacturers of fireworks shall operate their fireworks plants in accordance with the following:	471 472 473 474
(A) Signs indicating that smoking is generally forbidden and trespassing is prohibited on the premises of a fireworks plant shall be posted on the premises in a manner determined by the fire marshal.	475 476 477 478
(B) Reasonable precautions shall be taken to protect the premises of a fireworks plant from trespass, loss, theft, or destruction. Only persons employed by the manufacturer, authorized governmental personnel, and persons who have obtained permission from a member of the manufacturer's office to be on the premises, are to be allowed to enter and remain on the premises.	479 480 481 482 483 484

(C) Smoking or the carrying of ~~lighted~~ pipes, cigarettes, or 485
cigars, matches, lighters, other flame-producing items, or open 486
flame on, or the carrying of a concealed source of ignition into, 487
the premises of a fireworks plant is prohibited, except that a 488
manufacturer may permit smoking in specified lunchrooms or 489
restrooms in buildings or other structures in which no 490
manufacturing, handling, sales, or storage of fireworks ~~take~~ takes 491
place. "NO SMOKING" signs shall be posted on the premises as 492
required by the fire marshal. 493

(D) Fire and explosion prevention and other reasonable safety 494
measures and precautions shall be implemented by a manufacturer. 495
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(E) Persons shall not be permitted to have in their 497
possession or under their control, while they are on the premises 498
of the fireworks plant, any intoxicating liquor, beer, or 499
controlled substance, and they shall not be permitted to enter or 500
remain on the premises if they are found to be under the influence 501
of any intoxicating liquor, beer, or controlled substance. 502

(F) A manufacturer shall conform to all building, safety, and 503
zoning statutes, ordinances, rules, or other enactments that apply 504
to the premises of its fireworks plant. 505

(G) No building used in the manufacture, storage, or sale of 506
fireworks shall be situated nearer than one thousand feet to any 507
structure that is not located on the property of and that does not 508
belong to the licensed fireworks manufacturer, or nearer than 509
three hundred feet to any highway or railroad, or nearer than one 510
hundred feet to any building used for the storage of explosives or 511
fireworks, or nearer than fifty feet to any factory building. This 512
division does not apply to factory buildings in fireworks plants 513
that were erected on or before May 30, 1986, and that were legally 514
being used for fireworks activities under authority of a valid 515
license issued by the fire marshal as of December 1, 1990, 516

pursuant to sections 3743.03 and 3743.04 of the Revised Code. 517

(H) Each fireworks plant shall have at least one class 1 518
magazine that is approved by the bureau of alcohol, tobacco, and 519
firearms of the United States department of the treasury and that 520
is otherwise in conformity with federal law. This division does 521
not apply to fireworks plants existing on or before August 3, 522
1931. 523

(I) Awnings, tents, and canopies shall not be used as 524
facilities for the sale or storage of fireworks. This division 525
does not prohibit the use of an awning or canopy attached to a 526
public access showroom for storing nonflammable shopping 527
convenience items such as shopping carts or baskets or providing a 528
shaded area for patrons waiting to enter the public sales area. 529

(J) Fireworks may be stored in trailers if the trailers are 530
properly enclosed, secured, and grounded and are separated from 531
any structure to which the public is admitted by a distance that 532
will, in the fire marshal's judgment, allow fire-fighting 533
equipment to have full access to the structures on the licensed 534
premises. Such trailers may be moved into closer proximity to any 535
structure only to accept or discharge cargo for a period not to 536
exceed forty-eight hours. Only two such trailers may be placed in 537
such closer proximity at any one time. At no time may trailers be 538
used for conducting sales of any class of fireworks, nor may 539
members of the public have access to the trailers. 540

Storage areas for fireworks that are in the same building 541
where fireworks are displayed and sold to the public shall be 542
separated from the areas to which the public has access by an 543
appropriately rated fire wall. 544

(K) A fire suppression system as defined in section 3781.108 545
of the Revised Code may be turned off only for repair, drainage of 546
the system to prevent damage by freezing during the period of 547

time, approved by the fire marshal, that the facility is closed to
all public access during winter months, or maintenance of the
system. If any repair or maintenance is necessary during times
when the facility is open for public access and business as
approved by the fire marshal, the licensed manufacturer shall
notify in advance the appropriate insurance company and fire chief
or fire prevention officer regarding the nature of the maintenance
or repair and the time when it will be performed.

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(L) If any fireworks item is removed from its original
package or is manufactured with any fuse other than a safety fuse
approved by the consumer product safety commission, then the item
shall be covered completely by repackaging or bagging or it shall
otherwise be covered so as to prevent ignition prior to sale.

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(M) A safety officer shall be present during regular business
hours at a building open to the public during the period
commencing fourteen days before, and ending two days after, each
fourth day of July. The officer shall be highly visible, enforce
this chapter and any applicable building codes to the extent the
officer is authorized by law, and be one of the following:

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(1) A deputy sheriff;

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(2) A law enforcement officer of a municipal corporation,
township, or township or joint township police district;

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(3) A private uniformed security guard registered under
section 4749.06 of the Revised Code.

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(N) All doors of all buildings on the licensed premises shall
swing outward.

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(O) All wholesale and commercial sales of fireworks shall be
packaged, shipped, placarded, and transported in accordance with
United States department of transportation regulations applicable
to the transportation, and the offering for transportation, of
hazardous materials. For purposes of this division, "wholesale and

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commercial sales" includes all sales for resale and any nonretail sale made in furtherance of a commercial enterprise. For purposes of enforcement of these regulations under section 4905.83 of the Revised Code, any sales transaction exceeding one thousand pounds shall be rebuttably presumed to be a wholesale or commercial sale.

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Sec. 3743.07. (A) Licensed manufacturers of fireworks shall keep complete records of all fireworks in their inventory.

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(B) Licensed manufacturers of fireworks shall keep the following records with respect to fireworks sold at wholesale or retail for a period of three years after the date of their sale:

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(1) In the case of a wholesale sale, the name and address of the purchaser; the destination to which the fireworks will be transported; if applicable, the number of the purchaser's wholesale license; the date of purchase; when the fireworks are to be shipped directly out of this state by a manufacturer to a purchaser, the manner in which the fireworks were shipped to the purchaser; and such other information as the fire marshal may require.

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(2) In the case of a retail sale, the name and address of the purchaser; the destination to which the fireworks will be transported; if applicable, the number of the purchaser's exhibitor's license and the number and political subdivision designation of the purchaser's permit for a fireworks exhibition; the date of purchase; when the fireworks are shipped directly out of this state by a manufacturer to a purchaser, the manner in which the fireworks were shipped to the purchaser; and such other information as the fire marshal may require.

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(C) The seller shall require each purchaser described in division (B) of this section to complete a purchaser's form, which shall be ~~furnished~~ prescribed by the fire marshal and furnished by

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the seller. On this form the purchaser shall include the 610
information described in division (B) of this section and the 611
purchaser's signature. Each purchaser's form shall contain a 612
statement printed in bold letters indicating that knowingly making 613
a false statement on the form is falsification under section 614
2921.13 of the Revised Code and is a misdemeanor of the first 615
degree. Each seller shall keep each purchaser's form for a period 616
of three years after the date of the purchase, and such forms 617
shall be open to inspection by the fire marshal or the fire 618
marshal's designated authority. 619

(D) A licensed manufacturer of fireworks shall keep its 620
wholesale sale and retail sale records in separate books. These 621
records and the inventory records shall be open to inspection by 622
the fire marshal or the fire marshal's designated authority. 623

Sec. 3743.08. (A) The fire marshal may inspect the premises 624
of a fireworks plant, and the inventory, wholesale sale, and 625
retail sale records, of a licensed manufacturer of fireworks 626
during the manufacturer's period of licensure to determine whether 627
the manufacturer is in compliance with ~~sections 3743.02 to 3743.08~~ 628
Chapter 3743. of the Revised Code and the rules adopted by the 629
fire marshal pursuant to section 3743.05 of the Revised Code. 630

(B) If the fire marshal determines during an inspection 631
conducted pursuant to division (A) of this section that a 632
manufacturer is not in compliance with ~~sections 3743.02 to 3743.08~~ 633
Chapter 3743. of the Revised Code or the rules adopted by the fire 634
marshal pursuant to section 3743.05 of the Revised Code, ~~he~~ the 635
fire marshal may take one or more of the following actions, 636
whichever ~~he~~ the fire marshal considers appropriate under the 637
circumstances: 638

(1) Order, in writing, the manufacturer to eliminate, 639
correct, or otherwise remedy the nonconformities within a 640

specified period of time; 641

(2) Order, in writing, the manufacturer to immediately cease 642
its operations, if a fire or explosion hazard exists that 643
reasonably can be regarded as posing an imminent danger of death 644
or serious physical harm to persons. The order shall be effective 645
until the nonconformities are eliminated, corrected, or otherwise 646
remedied or for a period of seventy-two hours from the time of 647
issuance, whichever first occurs. During the seventy-two hour 648
period, the fire marshal may obtain from the court of common pleas 649
of Franklin county or of the county in which the fireworks plant 650
is located an injunction restraining the manufacturer from 651
continuing its operations after the seventy-two hour period 652
expires until the nonconformities are eliminated, corrected, or 653
otherwise remedied. 654

(3) Revoke or deny renewal of the license of the manufacturer 655
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code; 656
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(4) Take action as authorized by section 3743.68 of the 658
Revised Code. 659

(C) This section does not affect the authority conferred by 660
Chapters 3781. and 3791. of the Revised Code to conduct 661
inspections to determine conformity with those chapters or the 662
rules adopted pursuant to them. 663

(D) If the license of a manufacturer of fireworks is revoked 664
or renewal is denied pursuant to division (B)(3) of this section 665
or section 3743.70 of the Revised Code, the manufacturer shall 666
cease its operations immediately. The manufacturer may not reapply 667
for licensure as a manufacturer of fireworks until two years 668
expire from the date of revocation. 669

The fire marshal shall remove from the list of licensed 670
manufacturers the name of a manufacturer whose license has been 671

revoked, and shall notify the law enforcement authorities for the
political subdivision in which the manufacturer's fireworks plant
is located, of the revocation or denial of renewal.

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Sec. 3743.15. (A) Except as provided in division (C) of this
section, any person who wishes to be a wholesaler of fireworks in
this state shall submit to the fire marshal an application for
licensure as a wholesaler of fireworks before the first day of
~~December~~ October of each year. The application shall be submitted
prior to commencement of business operations, shall be on a form
prescribed by the fire marshal, shall contain all information
requested by the fire marshal, and shall be accompanied by the
license fee, fingerprints, and ~~bond, letter of credit, certificate~~
~~of deposit, or proof of insurance coverage described in division~~
(B) of this section.

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

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

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(1) A license fee of ~~one~~ two thousand ~~five~~ seven hundred
fifty dollars, which the fire marshal shall use to pay for
fireworks safety education, training programs, and inspections;

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(2) ~~An indemnity bond, with surety satisfactory to the fire~~
~~marshal, or a letter of credit or certificate of deposit, in such~~
~~amounts as may be determined by the fire marshal not in excess of~~
~~fifty thousand dollars nor less than twenty thousand dollars,~~
~~conditioned for the payment of all final judgments that may be~~
~~rendered against the wholesaler on account of an explosion at its~~
~~business location, or proof of insurance coverage of at least five~~
~~hundred thousand dollars for liability arising from an explosion~~
~~at its business location~~ Proof of comprehensive general liability

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insurance coverage, specifically including fire and smoke casualty 703
on premises, in an amount not less than one million dollars for 704
each occurrence for bodily injury liability and wrongful death 705
liability at its business location. Proof of such insurance 706
coverage shall be submitted together with proof of coverage for 707
products liability on all inventory located at the business 708
location. All applicants shall submit evidence of comprehensive 709
general liability insurance coverage verified by the insurer and 710
certified as to its provision of the minimum coverage required 711
under this division. 712

(3) One complete set of the applicant's fingerprints and a 713
complete set of fingerprints of any individual holding, owning, or 714
controlling a five per cent or greater beneficial or equity 715
interest in the applicant for the license. 716

(C) A licensed manufacturer of fireworks is not required to 717
apply for and obtain a wholesaler of fireworks license in order to 718
engage in the wholesale sale of fireworks as authorized by 719
division (C)(2) of section 3743.04 of the Revised Code. A business 720
which is not a licensed manufacturer of fireworks may engage in 721
the wholesale and retail sale of fireworks in the same manner as a 722
licensed manufacturer of fireworks is authorized to do under this 723
chapter without the necessity of applying for and obtaining a 724
license pursuant to this section, but only if the business sells 725
the fireworks on the premises of a fireworks plant covered by a 726
license issued under section 3743.03 of the Revised Code and the 727
holder of that license owns at least a majority interest in that 728
business. However, if a licensed manufacturer of fireworks wishes 729
to engage in the wholesale sale of fireworks in this state at a 730
location other than the premises of the fireworks plant described 731
in its application for licensure as a manufacturer or in a 732
notification submitted under division (B) of section 3743.04 of 733
the Revised Code, the manufacturer shall first apply for and 734

obtain a wholesaler of fireworks license before engaging in
wholesale sales of fireworks at the other location.

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

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Sec. 3743.16. (A) If a person submits an application for
licensure as a wholesaler of fireworks, together with the license
fee, fingerprints, and ~~bond, letter of credit, certificate of
deposit, or~~ proof of the insurance coverage, as required by
section 3743.15 of the Revised Code, the fire marshal shall review
the application and accompanying matter, request the criminal
records check described in division (D) of this section, inspect
the premises on which the fireworks would be sold, and determine
whether the applicant will be issued the license. In determining
whether to issue the license, the fire marshal shall consider the
results of the criminal records check and the inspection, and the
information set forth in the application, and shall decide whether
the applicant and the premises on which the fireworks will be sold
conform to sections 3743.15 to 3743.21 of the Revised Code and the
rules adopted by the fire marshal pursuant to section 3743.18 of
the Revised Code, and are in full compliance with Chapters 3781.
and 3791. of the Revised Code, and any applicable building or
zoning regulations.

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(B) ~~The~~ Subject to section 3743.70 of the Revised Code, the
fire marshal shall issue a license ~~pursuant to~~ in accordance with
Chapter 119. of the Revised Code to the applicant for licensure as
a wholesaler of fireworks only if the applicant and the premises
on which the fireworks will be sold conform to sections 3743.15 to
3743.21 of the Revised Code and the rules adopted by the fire
marshal pursuant to section 3743.18 of the Revised Code, only if
the premises on which the fireworks will be sold complies with the

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Ohio building code adopted under Chapter 3781. of the Revised 766
Code, if that premises was constructed after May 30, 1986, and 767
only if the fire marshal is satisfied that the application and 768
accompanying matter are complete and in conformity with section 769
3743.15 of the Revised Code. The requirements of this chapter and 770
of the rules adopted under this chapter as applicable to the 771
structure of a building do not apply to a building used by a 772
wholesaler if the building was inspected and approved by the 773
department of industrial relations or by any building department 774
certified pursuant to division (E) of section 3781.10 of the 775
Revised Code prior to May 30, 1986. 776

(C) Each license issued pursuant to this section shall 777
contain a distinct number assigned to the particular wholesaler. 778
The fire marshal shall maintain a list of all licensed wholesalers 779
of fireworks. In this list next to each wholesaler's name, the 780
fire marshal shall insert the period of licensure and the license 781
number of the particular wholesaler. 782

(D) Upon receipt of an application and the required 783
accompanying matter under section 3743.15 of the Revised Code, the 784
fire marshal shall forward to the superintendent of the bureau of 785
criminal identification and investigation a request that the 786
bureau conduct an investigation of the applicant and, if 787
applicable, additional individuals who hold, own, or control a 788
five per cent or greater beneficial or equity interest in the 789
applicant, to determine whether the applicant or the additional 790
associated individuals have been convicted of or pled guilty to a 791
felony under the laws of this state, another state, or the United 792
States. 793

If the applicant for initial licensure has resided in this 794
state for less than five continuous years immediately prior to the 795
date the applicant submits an initial application, the 796
superintendent also shall request that the federal bureau of 797

investigation conduct an investigation of the applicant and, if applicable, additional individuals who hold, own, or control a five per cent or greater beneficial or equity interest in the applicant, to determine whether the applicant or the additional associated individuals have been convicted of or pled guilty to a felony under the laws of this state, another state, or the United States.

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The superintendent shall forward the results of an investigation conducted pursuant to this division to the fire marshal and may charge a reasonable fee for providing the results. The fire marshal shall assess any fee charged by the superintendent for the results to the applicant.

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

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(B) If, during the effective period of its licensure, a licensed wholesaler of fireworks wishes to perform any construction, or make any structural change or renovation, on the premises on which the fireworks are sold, the wholesaler shall notify the fire marshal in writing. The fire marshal may require a licensed wholesaler also to submit documentation, including, but not limited to, plans covering the proposed construction or structural change or renovation, if the fire marshal determines

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the documentation is necessary for evaluation purposes in light of 829
the proposed construction or structural change or renovation. 830

Upon receipt of the notification and additional documentation 831
required by the fire marshal, the fire marshal shall inspect the 832
premises on which the fireworks are sold to determine if the 833
proposed construction or structural change or renovation conforms 834
to sections 3743.15 to 3743.21 of the Revised Code and the rules 835
adopted by the fire marshal pursuant to section 3743.18 of the 836
Revised Code. The fire marshal shall issue a written authorization 837
to the wholesaler for the construction or structural change or 838
renovation if ~~he~~ the fire marshal determines, upon the inspection 839
and a review of submitted documentation, that the construction or 840
structural change or renovation conforms to those sections and 841
rules. 842

(C) The license of a wholesaler of fireworks authorizes the 843
wholesaler to engage only in the following activities: 844

(1) Possess for sale at wholesale and sell at wholesale 845
fireworks to persons who are licensed wholesalers of fireworks, to 846
out-of-state residents in accordance with section 3743.44 of the 847
Revised Code, to residents of this state in accordance with 848
section 3743.45 of the Revised Code, or to persons located in 849
another state provided the fireworks are shipped directly out of 850
this state to them by the wholesaler. The possession for sale 851
shall be at the location described in the application for 852
licensure or in the notification submitted under division (B) of 853
this section, and the sale shall be from ~~that location~~ the inside 854
of a licensed building and from no structure or device outside a 855
licensed building. At no time shall a licensed wholesaler sell any 856
class of fireworks outside a licensed building. 857

(2) Possess for sale at retail and sell at retail fireworks, 858
other than ~~Class C~~ 1.4G fireworks as designated by the fire 859
marshal in rules adopted pursuant to division (A) of section 860

3743.05 of the Revised Code, to licensed exhibitors in accordance 861
with sections 3743.50 to 3743.55 of the Revised Code, and possess 862
for sale at retail and sell at retail fireworks, including such 863
~~Class C~~ 1.4G fireworks, to out-of-state residents in accordance 864
with section 3743.44 of the Revised Code, to residents of this 865
state in accordance with section 3743.45 of the Revised Code, or 866
to persons located in another state provided the fireworks are 867
shipped directly out of this state to them by the wholesaler. The 868
possession for sale shall be at the location described in the 869
application for licensure or in the notification submitted under 870
division (B) of this section, and the sale shall be from ~~that~~ 871
location the inside of the licensed building and from no other 872
structure or device outside this licensed building. At no time 873
shall a licensed wholesaler sell any class of fireworks outside a 874
licensed building. 875

A licensed wholesaler of fireworks shall sell under division 876
(C) of this section only fireworks that meet the standards set by 877
the consumer product safety commission or by the American 878
fireworks standard laboratories or that have received an EX number 879
from the United States department of transportation. 880

(D)(1) The license of a wholesaler of fireworks shall be 881
protected under glass and posted in a conspicuous place at the 882
location described in the application for licensure or in the 883
notification submitted under division (B) of this section. Except 884
as otherwise provided in this division, the license is not 885
transferable or assignable. A license may be transferred to 886
another person for the same location for which the license was 887
issued if the assets of the wholesaler are transferred to that 888
person by inheritance or by a sale approved by the fire marshal. 889
The license is subject to revocation in accordance with section 890
3743.21 of the Revised Code. 891

(2) Upon application by a licensed wholesaler of fireworks, a 892

wholesaler license may be transferred from one geographic location 893
to another within the same municipal corporation or within the 894
unincorporated area of the same township, but only if all of the 895
following apply: 896

(a) The identity of the holder of the license remains the 897
same in the new location. 898

(b) The former location is closed prior to the opening of the 899
new location and no fireworks business of any kind is conducted at 900
the former location after the transfer of the license. 901

(c) The new location has received a local certificate of 903
zoning compliance and a local certificate of occupancy, and 904
otherwise is in compliance with all local building regulations. 905

(d) The transfer of the license is requested by the licensee 906
because the existing facility poses an immediate hazard to the 907
public. 908

(e) Any building at the new location is situated no closer 909
than one thousand feet to any property line or structure that does 910
not belong to the licensee requesting the transfer, no closer than 911
three hundred feet to any highway or railroad, no closer than one 912
hundred feet to any building used for the storage of explosives or 913
fireworks by the licensee, no closer than fifty feet to any 914
factory building owned or used by the licensee, and no closer than 915
two thousand feet to any building used for the sale, storage, or 916
manufacturing of fireworks that does not belong to the licensee. 917
If the licensee fails to comply with the requirements of division 918
(D)(2)(e) of this section by the licensee's own act, the license 919
at the new location is forfeited. 920

(f) Neither the licensee nor any person holding, owning, or 921
controlling a five per cent or greater beneficial or equity 922
interest in the licensee has been convicted of or has pleaded 923

guilty to a felony under the laws of this state, any other state, 924
or the United States after the effective date of this amendment. 925

(g) The fire marshal approves the request for the transfer. 926

The new location shall comply with the requirements specified 927
in divisions (A)(1) and (2) of section 3743.25 of the Revised Code 928
whether or not the fireworks showroom at the new location is 929
constructed, expanded, or first begins operating on and after the 930
effective date of this amendment. 931

(E) The fire marshal shall not place the license of a 932
wholesaler of fireworks in temporarily inactive status while the 933
holder of the license is attempting to qualify to retain the 934
license. 935

(F) Each licensed wholesaler of fireworks or a designee of 936
the wholesaler, whose identity is provided to the fire marshal by 937
the wholesaler, annually shall attend a continuing education 938
program consisting of not less than eight hours of instruction. 939
The fire marshal shall develop the program and the fire marshal or 940
a person or public agency approved by the fire marshal shall 941
conduct it. A licensed wholesaler or the wholesaler's designee who 942
attends a program as required under this division, within one year 943
after attending the program, shall conduct in-service training for 944
other employees of the licensed wholesaler regarding the 945
information obtained in the program. A licensed wholesaler shall 946
provide the fire marshal with notice of the date, time, and place 947
of all in-service training not less than thirty days prior to an 948
in-service training event. 949

(G) A licensed wholesaler shall maintain comprehensive 950
general liability insurance coverage in the amount and type 951
specified under division (B)(2) of section 3743.15 of the Revised 952
Code at all times. Each policy of insurance required under this 953
division shall contain a provision requiring the insurer to give 954
not less than fifteen days' prior written notice to the fire 955

marshal before termination, lapse, or cancellation of the policy, 956
or any change in the policy that reduces the coverage below the 957
minimum required under this division. Prior to canceling or 958
reducing the amount of coverage of any comprehensive general 959
liability insurance coverage required under this division, a 960
licensed wholesaler shall secure supplemental insurance in an 961
amount and type that satisfies the requirements of this division 962
so that no lapse in coverage occurs at any time. A licensed 963
wholesaler who secures supplemental insurance shall file evidence 964
of the supplemental insurance with the fire marshal prior to 965
canceling or reducing the amount of coverage of any comprehensive 966
general liability insurance coverage required under this division. 967

Sec. 3743.18. The fire marshal shall adopt rules pursuant to 968
Chapter 119. of the Revised Code governing the storage of 969
fireworks by and the business operations of licensed wholesalers 970
of fireworks. These rules shall be designed to promote the safety 971
and security of employees of wholesalers, members of the public, 972
and the premises upon which fireworks are sold. 973

The rules shall be consistent with sections 3743.15 to 974
3743.21 of the Revised Code, shall be ~~limited~~ substantially 975
equivalent to the most recent versions of chapters 1123, 1124, and 976
1126 of the most recent national fire protection association 977
standards, and shall apply to, but not be limited to, the 978
following subject matters: 979

(A) Cleanliness and orderliness in, the heating, lighting, 980
and use of stoves and flame-producing items in, smoking in, the 981
prevention of fire and explosion in, the availability of fire 982
extinguishers or other fire-fighting equipment and their use in, 983
and emergency procedures relative to the buildings and other 984
structures on a wholesaler's premises. 985

(B) Appropriate uniforms to be worn by employees of 986

wholesalers in the course of handling and storing of fireworks, 987
and the use of protective clothing and equipment by the employees. 988

(C) The manner in which fireworks are to be stored. 989

Sec. 3743.19. In addition to conforming to the rules of the 990
fire marshal adopted pursuant to section 3743.18 of the Revised 991
Code, licensed wholesalers of fireworks shall conduct their 992
business operations in accordance with the following: 993

(A) A wholesaler shall conduct its business operations from 994
the location described in its application for licensure or in a 995
notification submitted under division (B) of section 3743.17 of 996
the Revised Code. 997

(B) Signs indicating that smoking is generally forbidden and 998
trespassing is prohibited on the premises of a wholesaler shall be 999
posted on the premises as determined by the fire marshal. 1000

(C) Reasonable precautions shall be taken to protect the 1001
premises of a wholesaler from trespass, loss, theft, or 1002
destruction. 1003

(D) Smoking or the carrying of ~~lighted~~ pipes, cigarettes, or 1004
cigars, matches, lighters, other flame-producing items, or open 1005
flame on, or the carrying of a concealed source of ignition into, 1006
the premises of a wholesaler is prohibited, except that a 1007
wholesaler may permit smoking in specified lunchrooms or restrooms 1008
in buildings or other structures in which no sales, handling, or 1009
storage of fireworks takes place. "NO SMOKING" signs shall be 1010
posted on the premises as required by the fire marshal. 1011

(E) Fire and explosion prevention and other reasonable safety 1012
measures and precautions shall be implemented by a wholesaler. 1013
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(F) Persons shall not be permitted to have in their 1015
possession or under their control, while they are on the premises 1016

of a wholesaler, any intoxicating liquor, beer, or controlled
substance, and they shall not be permitted to enter or remain on
the premises if they are found to be under the influence of any
intoxicating liquor, beer, or controlled substance.

(G) A wholesaler shall conform to all building, safety, and
zoning statutes, ordinances, rules, or other enactments that apply
to its premises.

(H) No building used in the storage or sale of fireworks
shall be situated nearer than one thousand feet to any structure
that is not located on the property of and that does not belong to
the licensed fireworks wholesaler, nearer than three hundred feet
to any highway or railroad, or nearer than one hundred feet to any
building used for the storage of explosives or fireworks. This
division does not apply to buildings that were erected on or
before May 30, 1986, and that were legally being used for
fireworks activities under authority of a valid license issued by
the fire marshal as of December 1, 1990, pursuant to sections
3743.16 and 3743.17 of the Revised Code.

(I) Each building used in the ~~storage or~~ sale of fireworks
shall be kept open to the public for at least four hours each day
between the hours of eight a.m. and five p.m., five days of each
week, every week of the year. Upon application from a licensed
wholesaler, the fire marshal may waive any of the requirements of
this division.

(J) Awnings, tents, or canopies shall not be used as
facilities for the storage or sale of fireworks. This division
does not prohibit the use of an awning or canopy attached to a
public access showroom for storing nonflammable shopping
convenience items such as shopping carts or baskets or providing a
shaded area for patrons waiting to enter the public sales area.

(K) Fireworks may be stored in trailers if the trailers are

properly enclosed, secured, and grounded and are separated from 1048
any structure to which the public is admitted by a distance that 1049
will, in the fire marshal's judgment, allow fire-fighting 1050
equipment to have full access to the structures on the licensed 1051
premises. Such trailers may be moved into closer proximity to any 1052
structure only to accept or discharge cargo for a period not to 1053
exceed forty-eight hours. Only two such trailers may be placed in 1054
such closer proximity at any one time. At no time may trailers be 1055
used for conducting sales of any class of fireworks nor may 1056
members of the public have access to the trailers. 1057

Storage areas for fireworks that are in the same building 1058
where fireworks are displayed and sold to the public shall be 1059
separated from the areas to which the public has access by an 1060
appropriately rated fire wall. 1061

(L) A fire suppression system as defined in section 3781.108 1062
of the Revised Code may be turned off only for repair, drainage of 1063
the system to prevent damage by freezing during the period of 1064
time, approved by the fire marshal under division (I) of this 1065
section, that the facility is closed to public access during 1066
winter months, or maintenance of the system. If any repair or 1067
maintenance is necessary during times when the facility is open 1068
for public access and business, the licensed wholesaler shall 1069
notify in advance the appropriate insurance company and fire chief 1070
or fire prevention officer regarding the nature of the maintenance 1071
or repair and the time when it will be performed. 1072

(M) If any fireworks item is removed from its original 1073
package or is manufactured with any fuse other than a fuse 1074
approved by the consumer product safety commission, then the item 1075
shall be covered completely by repackaging or bagging or it shall 1076
otherwise be covered so as to prevent ignition prior to sale. 1077

(N) A safety officer shall be present during regular business 1078
hours at a building open to the public during the period 1079

commencing fourteen days before, and ending two days after, each 1080
fourth day of July. The officer shall be highly visible, enforce 1081
this chapter and any applicable building codes to the extent the 1082
officer is authorized by law, and be one of the following: 1083

(1) A deputy sheriff; 1084

(2) A law enforcement officer of a municipal corporation, 1085
township, or township or joint township police district; 1086

(3) A private uniformed security guard registered under 1087
section 4749.06 of the Revised Code. 1088

(O) All doors of all buildings on the licensed premises shall 1089
swing outward. 1090

(P) All wholesale and commercial sales of fireworks shall be 1091
packaged, shipped, placarded, and transported in accordance with 1092
United States department of transportation regulations applicable 1093
to the transportation, and the offering for transportation, of 1094
hazardous materials. For purposes of this division, "wholesale and 1095
commercial sales" includes all sales for resale and any nonretail 1096
sale made in furtherance of a commercial enterprise. For purposes 1097
of enforcement of these regulations under section 4905.83 of the 1098
Revised Code, any sales transaction exceeding one thousand pounds 1099
shall be rebuttably presumed to be a wholesale or commercial sale. 1100

Sec. 3743.20. (A) Licensed wholesalers of fireworks shall 1102
keep complete records of all fireworks in their inventory. 1103

(B) Licensed wholesalers of fireworks shall keep the 1104
following records with respect to fireworks sold at wholesale or 1105
retail for a period of three years after the date of their sale: 1106

(1) In the case of a wholesale sale, the name and address of 1107
the purchaser; the destination to which the fireworks will be 1108
transported; if applicable, the number of the purchaser's 1109

wholesale license; the date of the purchase; when the fireworks
are to be shipped directly out of this state by a wholesaler to a
purchaser, the manner in which the fireworks were shipped to the
purchaser; and such other information as the fire marshal may
require;

(2) In the case of a retail sale, the name and address of the
purchaser; the destination to which the fireworks will be
transported; if applicable, the number of the purchaser's
exhibitor's license and the number and political subdivision
designation of the purchaser's permit for a fireworks exhibition;
the date of purchase; when the fireworks are shipped directly out
of this state by a wholesaler to a purchaser, the manner in which
the fireworks were shipped to the purchaser; and such other
information as the fire marshal may require.

(C) The seller shall require each purchaser described in
division (B) of this section to complete a purchaser's form, which
shall be ~~furnished~~ prescribed by the fire marshal and furnished by
the seller. On this form the purchaser shall include the
information described in division (B) of this section and the
purchaser's signature. Each purchaser's form shall contain a
statement printed in bold letters indicating that knowingly making
a false statement on the form is falsification under section
2921.13 of the Revised Code and is a misdemeanor of the first
degree. Each seller shall keep each purchaser's form for a period
of three years after the date of the purchase, and such forms
shall be open to inspection by the fire marshal or the fire
marshal's designated authority.

(D) A licensed wholesaler of fireworks shall keep its
wholesale sale and retail sale records in separate books. These
records and the inventory records shall be open to inspection by
the fire marshal or the fire marshal's designated authority.

Sec. 3743.21. (A) The fire marshal may inspect the premises, 1141
and the inventory, wholesale sale, and retail sale records, of a 1142
licensed wholesaler of fireworks during the wholesaler's period of 1143
licensure to determine whether the wholesaler is in compliance 1144
with ~~sections 3743.15 to 3743.21~~ Chapter 3743. of the Revised Code 1145
and the rules adopted by the fire marshal pursuant to section 1146
3743.18 of the Revised Code. 1147

(B) If the fire marshal determines during an inspection 1148
conducted pursuant to division (A) of this section that a 1149
wholesaler is not in compliance with ~~sections 3743.15 to 3743.21~~ 1150
Chapter 3743. of the Revised Code or the rules adopted by the fire 1151
marshal pursuant to section 3743.18 of the Revised Code, ~~he~~ the 1152
fire marshal may take one or more of the following actions, 1153
whichever ~~he~~ the fire marshal considers appropriate under the 1154
circumstances: 1155

(1) Order, in writing, the wholesaler to eliminate, correct, 1156
or otherwise remedy the nonconformities within a specified period 1157
of time; 1158

(2) Order, in writing, the wholesaler to immediately cease 1159
its operations, if a fire or explosion hazard exists that 1160
reasonably can be regarded as posing an imminent danger of death 1161
or serious physical harm to persons. The order shall be effective 1162
until the nonconformities are eliminated, corrected, or otherwise 1163
remedied or for a period of seventy-two hours from the time of 1164
issuance, whichever first occurs. During the seventy-two hour 1165
period, the fire marshal may obtain from the court of common pleas 1166
of Franklin county or of the county in which the premises of the 1167
wholesaler are located an injunction restraining the wholesaler 1168
from continuing its operations after the seventy-two hour period 1169
expires until the nonconformities are eliminated, corrected, or 1170
otherwise remedied. 1171

(3) ~~Revoke, or deny renewal of,~~ the license of the wholesaler 1172
~~pursuant to in accordance with~~ Chapter 119. of the Revised Code; 1173
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(4) Take action as authorized by section 3743.68 of the 1175
Revised Code. 1176

(C) This section does not affect the authority conferred by 1177
Chapters 3781. and 3791. of the Revised Code to conduct 1178
inspections to determine conformity with those chapters or the 1179
rules adopted pursuant to them. 1180

(D) If the license of a wholesaler of fireworks is revoked or 1181
renewal is denied pursuant to division (B)(3) of this section or 1182
section 3743.70 of the Revised Code, the wholesaler shall cease 1183
its operations immediately. The wholesaler may not reapply for 1184
licensure as a wholesaler of fireworks until two years expire from 1185
the date of revocation. 1186

The fire marshal shall remove from the list of licensed 1187
wholesalers the name of a wholesaler whose license has been 1188
revoked ~~or renewal denied~~, and shall notify the law enforcement 1189
authorities for the political subdivision in which the 1190
wholesaler's premises are located, of the revocation or denial of 1191
renewal. 1192

Sec. 3743.25. (A) A licensed manufacturer, wholesaler, or 1193
exhibitor shall bring fireworks showroom structures, to which the 1194
public may have any access and in which employees are required to 1195
work, on all licensed premises, into compliance with the following 1196
safety requirements: 1197

(1) A fireworks showroom that is constructed or upon which 1198
expansion is undertaken on and after the effective date of this 1199
section, shall be equipped with interlinked fire detection, fire 1200
suppression, smoke exhaust, and smoke evacuation systems that are 1201

approved by the superintendent of the division of industrial 1202
compliance in the department of commerce. 1203

(2) A fireworks showroom that first begins to operate on or 1204
after the effective date of this section and to which the public 1205
has access for retail purposes shall not exceed five thousand 1206
square feet in floor area. 1207

(3) A fireworks showroom structure that exists on the 1208
effective date of this section but that, on or after the effective 1209
date of this section, is altered or added to in a manner requiring 1210
the submission of plans, drawings, specifications, or data 1211
pursuant to section 3791.04 of the Revised Code, shall comply with 1212
a graphic floor plan layout that is approved by the fire marshal 1213
and superintendent of the division of industrial compliance 1214
showing width of aisles, parallel arrangement of aisles to exits, 1215
number of exits per wall, maximum occupancy load, evacuation plan 1216
for occupants, height of storage or display of merchandise, and 1217
other information as may be required by the fire marshal and 1218
superintendent. 1219

(4)(a) Except as provided in division (A)(4)(b) of this 1220
section, a fireworks showroom structure that exists on the 1221
effective date of this section shall be retrofitted on or before 1222
June 1, 1998, with interlinked fire detection, smoke exhaust, and 1223
smoke evacuation systems that are approved by the superintendent 1224
of the division of industrial compliance. 1225

(b) If meeting the retrofitting requirements set forth in 1226
division (A)(4)(a) of this section would constitute an extreme 1227
financial hardship that would force a licensee to terminate 1228
business operations, the licensee shall conduct sales only on the 1229
basis of de-fused representative samples in closed and covered 1230
displays within the fireworks showroom. 1231

(5) A fireworks showroom structure that exists on the 1232

effective date of this section shall be in compliance on or before 1233
June 1, 1998, with floor plans showing occupancy load limits and 1234
internal circulation and egress patterns that are approved by the 1235
fire marshal and superintendent of industrial compliance, and that 1236
are submitted under seal as required by section 3791.04 of the 1237
Revised Code. 1238

(B) The safety requirements established in division (A) of 1239
this section are not subject to any variance, waiver, or exclusion 1240
pursuant to this chapter or any applicable building code. 1241

Sec. 3743.40. (A) Any person who resides in another state and 1242
who intends to ship fireworks into this state shall submit to the 1243
fire marshal an application for a shipping permit. As used in this 1244
section, "fireworks" includes only ~~class B 1.3G~~ and ~~class C 1.4G~~ 1245
fireworks. The application shall be submitted prior to shipping 1246
fireworks into this state, shall be on a form prescribed by the 1247
fire marshal, shall contain the information required by division 1248
(B) of this section and all information requested by the fire 1249
marshal, and shall be accompanied by the fee and the documentation 1250
described in division (C) of this section. 1251

The fire marshal shall prescribe a form for applications for 1252
shipping permits and make a copy of the form available, upon 1253
request, to persons who seek such a permit. 1254

(B) In an application for a shipping permit, the applicant 1255
shall specify the types of fireworks to be shipped into this 1256
state. 1257

(C) An application for a shipping permit shall be accompanied 1258
by a fee of ~~one~~ two thousand ~~five~~ seven hundred ~~five~~ fifty dollars. 1259
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An application for a shipping permit shall be accompanied by 1261
a certified copy of the applicant's license or permit issued in 1262
~~his~~ the applicant's state of residence and authorizing ~~him~~ the 1263

applicant to engage in the manufacture, wholesale sale, or 1264
transportation of fireworks in that state, if that state issues 1265
such a license or permit, and by a statement by the applicant that 1266
~~he~~ the applicant understands and will abide by rules adopted by 1267
the fire marshal pursuant to section 3743.58 of the Revised Code 1268
for transporting fireworks. 1269

(D) Except as otherwise provided in this division, and 1270
subject to section 3743.70 of the Revised Code, the fire marshal 1271
shall issue a shipping permit to an applicant only if the fire 1272
marshal determines that the applicant is a resident of another 1273
state and is the holder of a license or permit issued by that 1274
state authorizing it to engage in the manufacture, wholesale sale, 1275
or transportation of fireworks in that state, and the fire marshal 1276
is satisfied that the application and documentation are complete 1277
and in conformity with this section and that the applicant will 1278
transport fireworks into this state in accordance with rules 1279
adopted by the fire marshal pursuant to section 3743.58 of the 1280
Revised Code. The fire marshal shall issue a shipping permit to an 1281
applicant if the applicant meets all of the requirements of this 1282
section for the issuance of a shipping permit except that the 1283
applicant does not hold a license or permit issued by the state of 1284
residence authorizing the applicant to engage in the manufacture, 1285
wholesale sale, or transportation of fireworks in that state 1286
because that state does not issue such a license or permit. 1287

(E) Each permit issued pursuant to this section shall contain 1288
a distinct number assigned to the particular permit holder, and 1289
contain the information described in division (B) of this section. 1290

The fire marshal shall maintain a list of all persons issued 1291
shipping permits. In this list next to each person's name, the 1292
fire marshal shall insert the date upon which the permit was 1293
issued and the information described in division (B) of this 1294
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section.

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(F) A shipping permit is valid for one year from the date of issuance by the fire marshal and only if the permit holder ships the fireworks directly into this state to the holder of a license issued under section 3743.03 or 3743.16 of the Revised Code. The permit authorizes the permit holder to ship fireworks directly to the holder of a license issued under section 3743.03 or 3743.16 of the Revised Code, and to possess the fireworks in this state while the permit holder is in the course of shipping them directly into this state.

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The holder of a shipping permit shall have the permit in ~~his~~ the holder's possession in this state at all times while in the course of shipping the fireworks directly into this state. A shipping permit is not transferable or assignable.

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Sec. 3743.44. (A) Any person who resides in another state and who intends to obtain possession in this state of fireworks purchased in this state shall obtain possession of the fireworks only from a licensed manufacturer or licensed wholesaler and only possess the fireworks in this state while in the course of directly transporting them out of this state. No licensed manufacturer or licensed wholesaler shall sell ~~Class B 1.3G~~ fireworks to a person who resides in another state unless that person has been issued a license or permit in the state of the person's residence that authorizes the person to engage in the manufacture, wholesale sale, or retail sale of ~~Class B 1.3G~~ fireworks or that authorizes the person to conduct ~~Class B 1.3G~~ fireworks exhibitions in that state and that person presents a certified copy of the license. No licensed manufacturer or licensed wholesaler shall sell fireworks to a person who resides in another state unless that person has been issued a license or permit in the state of the person's residence that authorizes the

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person to engage in the manufacture, wholesale sale, or retail 1327
sale of fireworks in that state or that authorizes the person to 1328
conduct fireworks exhibitions in that state and that person 1329
presents a certified copy of the license, or, if that person does 1330
not possess a license or permit of that nature, only if the person 1331
presents a current valid motor vehicle operator's license issued 1332
to the person in the person's state of residence, or, if that 1333
person does not possess a motor vehicle operator's license issued 1334
in that state, an identification card issued to the person by a 1335
governmental agency in the person's state of residence indicating 1336
that the person is a resident of that state. If a person who is 1337
required to present a motor vehicle operator's license or other 1338
identification card intends to transport the fireworks purchased 1339
directly out of this state by a motor vehicle and the person will 1340
not also be the operator of that motor vehicle while so 1341
transporting the fireworks, the operator of the motor vehicle also 1342
shall present the operator's motor vehicle operator's license. 1343

(B) A licensed manufacturer or licensed wholesaler selling 1344
fireworks under this section shall require the purchaser to 1345
complete a purchaser's form. The ~~state~~ fire marshal shall 1346
prescribe the form, and the licensed manufacturer or licensed 1347
wholesaler shall furnish the form. On this form the purchaser 1348
shall include the purchaser's name and address; the date of the 1349
purchase; the destination to which the fireworks will be 1350
transported; the number of the purchaser's license or permit 1351
authorizing the purchaser to manufacture, sell at wholesale, or 1352
sell at retail fireworks or to conduct fireworks exhibitions, or 1353
the number of the purchaser's motor vehicle operator's license or 1354
other identification card, as applicable; such other information 1355
as the fire marshal may require; and the purchaser's signature. 1356
Each purchaser's form shall contain a statement printed in bold 1357
letters indicating that knowingly making a false statement on the 1358
form is falsification under section 2921.13 of the Revised Code 1359

and is a misdemeanor of the first degree. 1360

Each licensed manufacturer and licensed wholesaler shall keep 1361
each purchaser's form for a period of three years after the date 1362
of the purchase, and such forms shall be open to inspection by the 1363
fire marshal or the fire marshal's designated authority. 1364

(C) Each purchaser of fireworks under this section shall 1365
transport the fireworks so purchased directly out of this state 1366
within seventy-two hours after the time of their purchase. 1367

This section regulates wholesale sales and retail sales of 1368
fireworks in this state only insofar as purchasers of fireworks 1369
are residents of other states and will be obtaining possession in 1370
this state of purchased fireworks. This section does not prohibit 1371
licensed manufacturers or wholesalers from selling fireworks, in 1372
accordance with section 3743.04 or 3743.17 of the Revised Code, to 1373
a resident of another state and from shipping the purchased 1374
fireworks directly out of this state to the purchaser. 1375

Sec. 3743.45. (A) Any person who resides in this state and 1376
who intends to obtain possession in this state of ~~Class C~~ 1.4G 1377
fireworks purchased in this state shall obtain possession of the 1378
~~Class C~~ 1.4G fireworks only from a licensed manufacturer or 1379
licensed wholesaler. 1380

A licensed manufacturer or licensed wholesaler selling ~~Class~~ 1381
~~C~~ 1.4G fireworks under this division shall require the purchaser 1382
to complete a purchaser's form, which shall be ~~furnished~~ 1383
prescribed by the state fire marshal and furnished by the licensed 1384
manufacturer or licensed wholesaler. On this form the purchaser 1385
shall include the purchaser's name and address⁺, the date of the 1386
purchase⁺, the destination to which the fireworks will be 1387
transported⁺, such other information as the fire marshal may 1388
require⁺, and the purchaser's signature. Each purchaser's form 1389
shall contain a statement printed in bold letters indicating that 1390

knowingly making a false statement on the form is falsification 1391
under section 2921.13 of the Revised Code and is a misdemeanor of 1392
the first degree. 1393

Each licensed manufacturer and licensed wholesaler shall keep 1394
each purchaser's form for a period of three years after the date 1395
of the purchase, and such forms shall be open to inspection by the 1396
fire marshal or the fire marshal's designated authority. 1397

Each purchaser of ~~Class C~~ 1.4G fireworks under this division 1398
shall transport the fireworks so purchased directly out of this 1399
state within forty-eight hours after the time of their purchase. 1400

This division does not apply to a person who resides in this 1401
state and who is also a licensed manufacturer, licensed 1402
wholesaler, or licensed exhibitor of fireworks in this state. 1403

(B) No licensed manufacturer or licensed wholesaler shall 1404
sell ~~Class B~~ 1.3G fireworks to a person who resides in this state 1405
unless that person is a licensed manufacturer, licensed 1406
wholesaler, or licensed exhibitor of fireworks in this state. 1407

Sec. 3743.50. Any person who wishes to be an exhibitor of 1408
fireworks in this state shall submit to the fire marshal an 1409
application for licensure as an exhibitor of fireworks. Except as 1410
otherwise provided in this section, the application shall be on a 1411
form prescribed by the fire marshal, ~~shall~~ contain all information 1412
requested by the fire marshal, and ~~shall~~ be accompanied by a fee 1413
of one hundred fifty dollars, except that the application of an 1414
applicant who is employed by a licensed manufacturer or wholesaler 1415
of fireworks shall be accompanied by a fee of fifty dollars. ~~The~~ 1416
~~fire marshal may issue a temporary exhibitor's license to conduct~~ 1417
~~a public fireworks exhibition on only one date to an otherwise~~ 1418
~~qualified applicant for a fee of ten dollars. The temporary~~ 1419
~~exhibitor's license authorizes the person to whom it is issued to~~ 1420
~~conduct a public fireworks exhibition only on the date for which~~ 1421

~~it is issued.~~ The fire marshal shall prescribe a form for 1422
applications for licensure as an exhibitor of fireworks and make a 1423
copy of the form available, upon request, to persons who seek that 1424
licensure. An applicant for licensure as an exhibitor of fireworks 1425
shall be at least twenty-one years of age and be in compliance 1426
with Chapter 4123. of the Revised Code. 1427

Sec. 3743.51. (A) If a person submits an application for 1428
licensure as an exhibitor of fireworks, together with the fee, as 1429
required by section 3743.50 of the Revised Code, the fire marshal 1430
shall review the application and determine whether the applicant 1431
satisfies sections 3743.50 to 3743.55 of the Revised Code and the 1432
rules adopted by the fire marshal pursuant to division (A) of 1433
section 3743.53 of the Revised Code. 1434

(B) ~~The~~ Subject to section 3743.70 of the Revised Code, the 1435
fire marshal shall issue a license ~~pursuant to~~ in accordance with 1436
Chapter 119. of the Revised Code to the applicant for licensure as 1437
an exhibitor of fireworks only if the applicant satisfies sections 1438
3743.50 to 3743.55 of the Revised Code and the rules adopted by 1439
the fire marshal pursuant to division (A) of section 3743.53 of 1440
the Revised Code, and only if the fire marshal is satisfied that 1441
the application is complete and in conformity with section 3743.50 1442
of the Revised Code. 1443

(C) Each license issued pursuant to this section shall 1444
contain a distinct number assigned to the particular exhibitor. 1445
The fire marshal shall maintain a list of all licensed exhibitors 1446
of fireworks. In this list next to each exhibitor's name, the fire 1447
marshal shall insert the period of licensure and the license 1448
number of the particular exhibitor. 1449

Sec. 3743.52. (A) The license of an exhibitor of fireworks, ~~except for a temporary license,~~ 1450
is effective for one year from the 1451
date of its issuance by the fire marshal. If an exhibitor of 1452

fireworks wishes to continue as an exhibitor after its then 1453
effective license expires, it shall apply for a new license 1454
pursuant to section 3743.50 of the Revised Code. The fire marshal 1455
shall send a written notice of the expiration of its license to a 1456
licensed exhibitor, ~~except for a licensed exhibitor who has been~~ 1457
~~issued a temporary license,~~ at least two months before the 1458
expiration date. 1459

(B) The license of an exhibitor of fireworks authorizes the 1460
exhibitor to conduct public fireworks exhibitions in this state if 1461
it complies with sections 3743.50 to 3743.55 of the Revised Code 1462
and with the rules adopted by the fire marshal pursuant to section 1463
3743.53 of the Revised Code. 1464

The license is not transferable or assignable, and is subject 1465
to revocation as provided in section 3743.70 of the Revised Code 1466
or pursuant to Chapter 119. of the Revised Code if the exhibitor 1467
fails to comply with sections 3743.50 to 3743.55 of the Revised 1468
Code or the rules adopted by the fire marshal pursuant to section 1469
3743.53 of the Revised Code. 1470

If the license of an exhibitor is revoked, the exhibitor 1471
shall cease conducting public fireworks exhibitions immediately. 1472
The exhibitor may not reapply for licensure as an exhibitor of 1473
fireworks until two years expire from the date of revocation. The 1474
fire marshal shall remove from the list of licensed exhibitors the 1475
exhibitor's name, and shall notify fire chiefs, fire prevention 1476
officers, and police chiefs in this state of the revocation. 1477

(C) Each licensed exhibitor of fireworks or a designee of the 1478
exhibitor, whose identity is provided to the fire marshal by the 1479
exhibitor, shall attend a continuing education program consisting 1480
of not less than six hours of instruction once every three years. 1481
The fire marshal shall develop the program and the fire marshal or 1482
a person or public agency approved by the fire marshal shall 1483
conduct it. A licensed exhibitor or the exhibitor's designee who 1484

attends a program as required under this division, within one year 1485
after attending the program, and on an annual basis during the 1486
following two years, shall conduct in-service training for other 1487
employees of the licensee regarding the information obtained in 1488
the program. A licensed exhibitor shall provide the fire marshal 1489
with certified proof of full compliance with all applicable annual 1490
training requirements of the United States department of 1491
transportation and of the occupational safety and health 1492
administration. A licensed exhibitor shall provide the fire 1493
marshal with notice of the date, time, and place of all in-service 1494
training not less than thirty days prior to an in-service training 1495
event. An individual exhibitor who has no employees shall not 1496
fulfill continuing education requirements through a designee. 1497

Sec. 3743.53. (A) The fire marshal shall adopt rules ~~pursuant~~ 1498
~~to~~ in accordance with Chapter 119. of the Revised Code that 1499
establish qualifications that all applicants for licensure as an 1500
exhibitor of fireworks shall satisfy. These rules shall be 1501
designed to provide a reasonable degree of assurance that 1502
individuals conducting public fireworks exhibitions in this state 1503
are proficient in handling and discharging fireworks, are capable 1504
of handling the responsibilities associated with exhibitions as 1505
prescribed by rule of the fire marshal pursuant to division (B) of 1506
this section or as prescribed by sections 3743.50 to 3743.55 of 1507
the Revised Code, and will conduct fireworks exhibitions in a 1508
manner that emphasizes the safety and security of the public. The 1509
rules shall be consistent with sections 3743.50 to 3743.55 of the 1510
Revised Code and may include, in addition to other requirements 1511
prescribed by the fire marshal, a requirement that the applicant 1512
for licensure successfully complete a written examination or 1513
otherwise successfully demonstrate its proficiency in the handling 1514
and discharging of fireworks in a safe manner and its ability to 1515
handle the responsibilities associated with exhibitions. 1516

(B) The fire marshal shall adopt rules ~~pursuant to~~ in 1517
accordance with Chapter 119. of the Revised Code that govern the 1518
nature and conduct of public fireworks exhibitions by licensed 1519
exhibitors of fireworks. These rules shall be designed to promote 1520
the safety and security of persons viewing a fireworks exhibition, 1521
to promote the safety of persons who, although not viewing an 1522
exhibition, could be affected by fireworks used at it, and to 1523
promote the safety and security of exhibitors and their 1524
assistants. 1525

The rules shall be consistent with sections 3743.50 to 1526
3743.55 of the Revised Code, be ~~limited~~ substantially equivalent 1527
to the most recent versions of chapters 1123, 1124, and 1126 of 1528
the most recent national fire protection association standards, 1529
and apply to, but not be limited to, the following subject 1530
matters: 1531

(1) The construction of shells used in a fireworks 1532
exhibition; 1533

(2) The storage and supervision of fireworks pending their 1534
use in, and during the course of, a fireworks exhibition, and 1535
inspections by exhibitors of fireworks to be used in an exhibition 1536
prior to their use. These rules shall regulate, among other 1537
relevant matters, the storage of fireworks in manners that will 1538
effectively eliminate or reduce the likelihood of the fireworks 1539
becoming wet or being exposed to flame, and appropriate distances 1540
between storage sites and the sites at which fireworks will be 1541
discharged. 1542

(3) The installation and nature of mortars used in a 1543
fireworks exhibition, and inspections by exhibitors of mortars 1544
prior to their use; 1545

(4) Minimum distances between storage sites, discharge sites, 1546
spectator viewing sites, parking areas, and potential landing 1547

areas of fireworks, and minimum distances between discharge sites, 1548
potential landing areas, and residential or other types of 1549
buildings or structures; 1550

(5) The nature of discharge sites and potential landing 1551
sites; 1552

(6) Fire protection, the use and location of monitors for 1553
crowd control, the use of fences and rope barriers for crowd 1554
control, illumination, smoking and the use of open flame, and 1555
posting of warning signs concerning smoking or the use of open 1556
flame in connection with fireworks exhibitions. These rules may 1557
provide some authority to local officials in determining adequate 1558
fire protection, and numbers and locations of monitors. 1559

(7) Procedures to be followed in the discharging of 1560
fireworks; 1561

(8) Weather and crowd-related conditions under which 1562
fireworks may and may not be discharged, including circumstances 1563
under which exhibitions should be postponed; 1564

(9) Inspections of premises following a fireworks exhibition 1565
for purposes of locating and disposing of defective or unexploded 1566
fireworks. Inspections shall be required immediately following an 1567
exhibition, and, if an exhibition is conducted at night, also at 1568
sunrise the following morning. 1569

(C) All mortars used in a fireworks exhibition that are 1570
greater than or equal to eight inches in diameter shall be 1571
equipped with electronic ignition equipment in accordance with 1572
chapter 1123 of the most recent edition of the national fire 1573
protection association standards. 1574

(D) Only persons who are employees of licensed exhibitors of 1575
fireworks and who are registered with the fire marshal under 1576
section 3743.56 of the Revised Code shall be permitted within the 1577
discharge perimeter of an exhibition. 1578

Sec. 3743.54. (A) A licensed exhibitor of fireworks may 1579
acquire fireworks for use at a public fireworks exhibition only 1580
from a licensed manufacturer of fireworks or licensed wholesaler 1581
of fireworks, and only in accordance with the procedures specified 1582
in this section and section 3743.55 of the Revised Code. A 1583
licensed exhibitor shall not acquire, for any purpose, ~~Class C~~ 1584
1.4G fireworks as designated by the fire marshal in rules adopted 1585
pursuant to division (A) of section 3743.05 of the Revised Code. 1586

(B)(1) A licensed exhibitor of fireworks who wishes to 1587
conduct a public fireworks exhibition shall apply for approval to 1588
conduct the exhibition to whichever of the following persons is 1589
appropriate under the circumstances: 1590

(a) Unless division (B)(1)(c) or (d) of this section applies, 1591
if the exhibition will take place in a municipal corporation, the 1592
approval shall be obtained from the fire chief and the police 1593
chief of the particular municipal corporation; 1594

(b) Unless division (B)(1)(c) or (d) of this section applies, 1595
if the exhibition will take place in an unincorporated area, the 1596
approval shall be obtained from the fire chief of the particular 1597
township or township fire district and the police chief of the 1598
particular township or township police district; 1599

(c) If fire protection services for the premises on which the 1600
exhibition will take place are provided in accordance with a 1601
contract between political subdivisions, the approval shall be 1602
obtained from the fire chief of the political subdivision 1603
providing the fire protection services and the police chief of the 1604
political subdivision in which the premises on which the 1605
exhibition will take place are located. If police services for the 1606
premises on which the exhibition will take place are provided in 1607
accordance with a contract between political subdivisions, the 1608
approval shall be obtained from the police chief of the political 1609

subdivision providing the police services and the fire chief of
the political subdivision in which the premises on which the
exhibition will take place are located. If both fire and police
protection services for the premises on which the exhibition will
take place are provided in accordance with a contract between
political subdivisions, the approval shall be obtained from the
fire chief and police chief of the political subdivisions
providing the police and fire protection services;

(d) If there is no municipal corporation, township, or
township fire district fire department, no municipal corporation,
township, or township police district police department, and no
contract for police or fire protection services between political
subdivisions covering the premises on which the exhibition will
take place, the approval shall be obtained from the fire
prevention officer and law enforcement officer having jurisdiction
over the premises.

(2) The approval required by division (B)(1) of this section
shall be evidenced by the fire chief or fire prevention officer
and the police chief signing a permit for the exhibition. The fire
marshal shall prescribe the form of exhibition permits and
distribute copies of the form to fire chiefs, fire prevention
officers, and police chiefs in this state. Any exhibitor of
fireworks who wishes to conduct a public fireworks exhibition may
obtain a copy of the form from the fire marshal or, if it is
available, from a fire chief, fire prevention officer, or police
chief.

(C) Before signing a permit and issuing it to a licensed
exhibitor of fireworks, a fire chief or fire prevention officer
and the police chief shall inspect the premises on which the
exhibition will take place and shall determine that, in fact, the
applicant for the permit is a licensed exhibitor of fireworks.
Each applicant shall show ~~his~~ the applicant's license as an

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exhibitor of fireworks to the fire chief or fire prevention officer and the police chief. 1642
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The fire chief or fire prevention officer and the police chief shall give ~~his~~ approval to conduct a public fireworks exhibition only if ~~he is~~ satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the fire marshal pursuant to division (B) of section 3743.53 of the Revised Code and that the applicant is, in fact, a licensed exhibitor of fireworks. The fire chief or fire prevention officer and the police chief may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke a permit for noncompliance with the rules. 1644
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(D) If the legislative authorities of their political subdivisions have prescribed a fee for the issuance of a permit for a public fireworks exhibition, fire chiefs or fire prevention officers and police chiefs shall not issue a permit until the exhibitor pays the requisite fee. 1655
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Each exhibitor shall provide an indemnity bond in the amount of at least one ~~hundred thousand~~ million dollars, with surety satisfactory to the fire chief or fire prevention officer and the police chief, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death, or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least one ~~hundred thousand~~ million dollars for liability arising from injury, death, or loss to persons or property emanating from the fireworks exhibition. The legislative authority of a political subdivision in which a public fireworks exhibition will take place may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this division. Fire chiefs or fire prevention officers and police chiefs shall 1660
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not issue a permit until the exhibitor provides the bond or proof 1674
of the insurance coverage required by this division or by the 1675
political subdivision in which the fireworks exhibition will take 1676
place. 1677

(E)(1) Each permit for a fireworks exhibition issued by a 1678
fire chief or fire prevention officer and the police chief shall 1679
contain a distinct number, ~~together with a designation of~~ 1680
designate the municipal corporation, township, or township fire or 1681
police district of the fire chief or fire prevention officer and 1682
the police chief, and identify the certified fire safety 1683
inspector, fire chief, or fire prevention officer who will be 1684
present before, during, and after the exhibition, where 1685
appropriate. A copy of each permit issued shall be forwarded by 1686
the fire chief or fire prevention officer and the police chief 1687
issuing it to the fire marshal, who shall keep a record of the 1688
permits ~~he receives~~ received. A permit is not transferable or 1689
assignable. 1690

(2) Each fire chief, fire prevention officer, and police 1691
chief shall keep a record of issued permits for fireworks 1692
exhibitions. In this list, the fire chief, fire prevention 1693
officer, or police chief shall list the name of the exhibitor, ~~his~~ 1694
the exhibitor's license number, the premises on which the 1695
exhibition will be conducted, the date and time of the exhibition, 1696
and the number and political subdivision designation of the permit 1697
issued to the exhibitor for the exhibition. 1698

(F) The governing authority having jurisdiction in the 1699
location where an exhibition is to take place shall require that a 1700
certified fire safety inspector, fire chief, or fire prevention 1701
officer be present before, during, and after the exhibition, and 1702
shall require the certified fire safety inspector, fire chief, or 1703
fire prevention officer to inspect the premises where the 1704
exhibition is to take place and determine whether the exhibition 1705

is in compliance with this chapter. 1706

Sec. 3743.56. Each fireworks exhibitor licensed under section 1707
3743.51 of the Revised Code shall register with the fire marshal 1708
all employees who assist the licensed exhibitor in conducting 1709
fireworks exhibitions. The fire marshal shall maintain a record of 1710
each licensed exhibitor and registered employee and make it 1711
available, upon request, to any law enforcement agency. The fire 1712
marshal shall adopt rules that establish appropriate fees for the 1713
registration of employees of a licensed exhibitor. A licensed 1714
exhibitor shall file an application to register a new employee not 1715
later than seven days after the date on which the employee is 1716
hired. 1717

Sec. 3743.58. The fire marshal shall adopt rules governing 1718
the transportation of fireworks on the highways of this state. 1719
These rules shall be substantially equivalent to regulations of 1720
the United States department of transportation governing the 1721
transportation of fireworks, and to the fireworks transportation 1722
provisions of the most recent versions of chapters 1123, 1124, and 1723
1126 of the most recent national fire protection association 1724
standards. Fireworks shall be transported on the highways of this 1725
state only in accordance with such rules. Such rules shall not 1726
require that shipments of fireworks required by this Chapter to be 1727
made directly out of state be made solely by common carriers 1728
licensed by the federal government. No requirements of this 1729
Chapter that fireworks be shipped or transported directly out of 1730
this state require that these shipments be made personally by the 1731
seller or solely by common carriers licensed by the federal 1732
government. 1733

Sec. 3743.59. (A) Upon application by an affected party, the 1734
state fire marshal may grant variances from the requirements of 1735

this chapter or from the requirements of rules adopted pursuant to 1736
this chapter if ~~he~~ the fire marshal determines that a literal 1737
enforcement of the requirement will result in unnecessary hardship 1738
and that the variance will not be contrary to the public health, 1739
safety, or welfare. A variance shall not be granted to a person 1740
who is initially licensed as a manufacturer or wholesaler of 1741
fireworks after ~~the effective date of this amendment~~ June 14, 1742
1988. 1743

(B) The fire marshal may authorize a variance from the 1744
prohibitions in this chapter against the possession and use of 1745
pyrotechnic compounds to a person who submits proof that the 1746
person is certified and in good standing with the Ohio state board 1747
of education, provided that the pyrotechnic compounds are used for 1748
educational purposes only, or are used only at an authorized 1749
educational function approved by the governing board that 1750
exercises authority over the educational function. 1751

(C) The fire marshal may authorize a variance from the 1752
prohibitions in this chapter against the possession and use of 1753
pyrotechnic compounds to a person who possesses and uses the 1754
pyrotechnic compounds for personal and noncommercial purposes as a 1755
hobby. The fire marshal may rescind a variance authorized under 1756
this division at any time, exclusively at the fire marshal's 1757
discretion. 1758

Sec. 3743.60. (A) No person shall manufacture fireworks in 1759
this state unless it is a licensed manufacturer of fireworks, and 1760
no person shall operate a fireworks plant in this state unless it 1761
has been issued a license as a manufacturer of fireworks for the 1762
particular fireworks plant. 1763

(B) No person shall operate a fireworks plant in this state 1764
after its license as a manufacturer of fireworks for the 1765
particular fireworks plant has expired, been denied renewal, or 1766

been revoked, unless a new license has been obtained. 1767

(C) No licensed manufacturer of fireworks, during the 1768
effective period of its licensure, shall construct, locate, or 1769
relocate any buildings or other structures on the premises of its 1770
fireworks plant, make any structural change or renovation in any 1771
building or other structure on the premises of its fireworks 1772
plant, or change the nature of its manufacturing of fireworks so 1773
as to include the processing of fireworks without first obtaining 1774
a written authorization from the fire marshal pursuant to division 1775
(B) of section 3743.04 of the Revised Code. 1776

(D) No licensed manufacturer of fireworks shall manufacture 1777
fireworks, possess fireworks for sale at wholesale or retail, or 1778
sell fireworks at wholesale or retail, in a manner not authorized 1779
by division (C) of section 3743.04 of the Revised Code. 1780

(E) No licensed manufacturer of fireworks shall knowingly 1781
fail to comply with the rules adopted by the fire marshal pursuant 1782
to section 3743.05 of the Revised Code or the requirements of 1783
section 3743.06 of the Revised Code. 1784

(F) No licensed manufacturer of fireworks shall fail to 1785
maintain complete inventory, wholesale sale, and retail records as 1786
required by section 3743.07 of the Revised Code, or to permit 1787
inspection of these records or the premises of a fireworks plant 1788
pursuant to section 3743.08 of the Revised Code. 1789

(G) No licensed manufacturer of fireworks shall fail to 1790
comply with an order of the fire marshal issued pursuant to 1791
division (B)(1) of section 3743.08 of the Revised Code, within the 1792
specified period of time. 1793

(H) No licensed manufacturer of fireworks shall fail to 1794
comply with an order of the fire marshal issued pursuant to 1795
division (B)(2) of section 3743.08 of the Revised Code until the 1796
nonconformities are eliminated, corrected, or otherwise remedied 1797

or the seventy-two hour period specified in that division has 1798
expired, whichever first occurs. 1799

(I) No person shall smoke or shall carry a ~~lighted~~ pipe, 1800
cigarette, or cigar, or a match, lighter, other flame-producing 1801
item, or open flame on, or shall carry a concealed source of 1802
ignition into, the premises of a fireworks plant, except as 1803
smoking is authorized in specified lunchrooms or restrooms by a 1804
manufacturer pursuant to division (C) of section 3743.06 of the 1805
Revised Code. 1806

(J) No person shall have ~~in his possession or under his~~ 1807
control of, or be under the influence of, any intoxicating liquor, 1808
beer, or controlled substance, while ~~he is~~ on the premises of a 1809
fireworks plant. 1810

Sec. 3743.61. (A) No person, except a licensed manufacturer 1811
of fireworks engaging in the wholesale sale of fireworks as 1812
authorized by division (C)(2) of section 3743.04 of the Revised 1813
Code, shall operate as a wholesaler of fireworks in this state 1814
unless it is a licensed wholesaler of fireworks, or shall operate 1815
as a wholesaler of fireworks at any location in this state unless 1816
it has been issued a license as a wholesaler of fireworks for the 1817
particular location. 1818

(B) No person shall operate as a wholesaler of fireworks at a 1819
particular location in this state after its license as a 1820
wholesaler of fireworks for the particular location has expired, 1821
been denied renewal, or been revoked, unless a new license has 1822
been obtained. 1823

(C) No licensed wholesaler of fireworks, during the effective 1824
period of its licensure, shall perform any construction, or make 1825
any structural change or renovation, on the premises on which the 1826
fireworks are sold without first obtaining a written authorization 1827
from the fire marshal pursuant to division (B) of section 3743.17 1828

of the Revised Code. 1829

(D) No licensed wholesaler of fireworks shall possess 1830
fireworks for sale at wholesale or retail, or sell fireworks at 1831
wholesale or retail, in a manner not authorized by division (C) of 1832
section 3743.17 of the Revised Code. 1833

(E) No licensed wholesaler of fireworks shall knowingly fail 1834
to comply with the rules adopted by the fire marshal pursuant to 1835
section 3743.18 or the requirements of section 3743.19 of the 1836
Revised Code. 1837

(F) No licensed wholesaler of fireworks shall fail to 1838
maintain complete inventory, wholesale sale, and retail records as 1839
required by section 3743.20 of the Revised Code, or to permit 1840
inspection of these records or the premises of the wholesaler 1841
pursuant to section 3743.21 of the Revised Code. 1842

(G) No licensed wholesaler of fireworks shall fail to comply 1843
with an order of the fire marshal issued pursuant to division 1844
(B)(1) of section 3743.21 of the Revised Code, within the 1845
specified period of time. 1846

(H) No licensed wholesaler of fireworks shall fail to comply 1847
with an order of the fire marshal issued pursuant to division 1848
(B)(2) of section 3743.21 of the Revised Code until the 1849
nonconformities are eliminated, corrected, or otherwise remedied 1850
or the seventy-two hour period specified in that division has 1851
expired, whichever first occurs. 1852

(I) No person shall smoke or shall carry a ~~lighted~~ pipe, 1853
cigarette, or cigar, or a match, lighter, other flame-producing 1854
item, or open flame on, or shall carry a concealed source of 1855
ignition into, the premises of a wholesaler of fireworks, except 1856
as smoking is authorized in specified lunchrooms or restrooms by a 1857
wholesaler pursuant to division (D) of section 3743.19 of the 1858
Revised Code. 1859

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

Sec. 3743.64. (A) No person shall conduct a fireworks exhibition in this state or act as an exhibitor of fireworks in this state unless ~~it~~ the person is a licensed exhibitor of fireworks.

(B) No person shall conduct a fireworks exhibition in this state or act as an exhibitor of fireworks in this state after ~~its~~ the person's license as an exhibitor of fireworks has expired, been denied renewal, or been revoked, unless a new license has been obtained.

(C) No licensed exhibitor of fireworks shall fail to comply with the rules adopted by the fire marshal pursuant to division (B) of section 3743.53 of the Revised Code or to comply with divisions (C) and (D) of that section.

(D) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to section 3743.54 of the Revised Code or if a permit so secured is revoked by a fire chief or fire prevention officer and police chief pursuant to that section.

(E) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with sections 3743.54 and 3743.55 of the Revised Code.

(F) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have ~~in his~~ possession or ~~under his~~ control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance while on the premises on which the exhibition is being

conducted. 1890

(G) No licensed exhibitor of fireworks shall permit an 1891
employee to assist the licensed exhibitor in conducting fireworks 1892
exhibitions unless the employee is registered with the fire 1893
marshal under section 3743.56 of the Revised Code. 1894

Sec. 3743.65. (A) No person shall possess fireworks in this 1895
state or shall possess for sale or sell fireworks in this state, 1896
except a licensed manufacturer of fireworks as authorized by 1897
sections 3743.02 to 3743.08 of the Revised Code, a licensed 1898
wholesaler of fireworks as authorized by sections 3743.15 to 1899
3743.21 of the Revised Code, a shipping permit holder as 1900
authorized by section 3743.40 of the Revised Code, an out-of-state 1901
resident as authorized by section 3743.44 of the Revised Code, a 1902
resident of this state as authorized by section 3743.45 of the 1903
Revised Code, or a licensed exhibitor of fireworks as authorized 1904
by sections 3743.50 to 3743.55 of the Revised Code, and except as 1905
provided in section 3743.80 of the Revised Code. 1906

(B) Except as provided in section 3743.80 of the Revised Code 1907
and except for licensed exhibitors of fireworks authorized to 1908
conduct a fireworks exhibition pursuant to sections 3743.50 to 1909
3743.55 of the Revised Code, no person shall discharge, ignite, or 1910
explode any fireworks in this state. 1911

(C) No person shall use in a theater or public hall, what is 1912
technically known as fireworks showers, or a mixture containing 1913
potassium chlorate and sulphur. 1914

(D) No person shall sell fireworks of any kind to a person 1915
under eighteen years of age. 1916

(E) No person shall advertise ~~Class C~~ 1.4G fireworks for 1917
sale. A sign located on a seller's premises identifying the seller 1918
as a seller of fireworks is not the advertising of fireworks for 1919
sale. 1920

(F) No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess ~~class B~~ 1.3G fireworks in this state.

(G) Except as otherwise provided in division (K) of section 3743.06 and division (L) of section 3743.19 of the Revised Code, no person shall knowingly disable a fire suppression system as defined in section 3781.108 of the Revised Code on the premises of a fireworks plant of a licensed manufacturer of fireworks or on the premises of the business operations of a licensed wholesaler of fireworks.

Sec. 3743.66. (A) No person shall transport fireworks in this state except in accordance with rules adopted by the fire marshal pursuant to section 3743.58 of the Revised Code.

(B) As used in this division, "fireworks" includes only ~~Class B~~ 1.3G and ~~Class C~~ 1.4G fireworks. No person shall ship fireworks into this state by mail, parcel post, or common carrier unless the person possesses a valid shipping permit issued under section 3743.40 of the Revised Code, and the fireworks are shipped directly to the holder of a license issued under section 3743.03, 3743.16, or 3743.51 of the Revised Code.

No person shall ship fireworks within this state by mail, parcel post, or common carrier unless the fireworks are shipped directly to the holder of a license issued under section 3743.03, 3743.16, or 3743.51 of the Revised Code.

Sec. 3743.68. (A) The fire marshal, an assistant fire marshal, or a certified fire safety inspector may arrest, or may cause the arrest of, any person ~~who~~ whom the fire marshal, assistant fire marshal, or certified fire safety inspector finds in the act of violating, or who the fire marshal, assistant fire marshal, or certified fire safety inspector has reasonable cause

to believe has violated, sections 3743.60 to 3743.66 of the Revised Code. Any arrest shall be made in accordance with statutory and constitutional provisions governing arrests by law enforcement officers.

(B) If the fire marshal, an assistant fire marshal, or certified fire safety inspector has probable cause to believe that fireworks are being manufactured, sold, possessed, transported, or used in violation of this chapter, the fire marshal, assistant fire marshal, or certified fire safety inspector may seize the fireworks. Any seizure of fireworks shall be made in accordance with statutory and constitutional provisions governing searches and seizures by law enforcement officers. The fire marshal's or certified fire safety inspector's office shall impound at the site or safely keep seized fireworks pending the time they are no longer needed as evidence. A sample of the seized fireworks is sufficient for evidentiary purposes. The remainder of the seized fireworks may be disposed of pursuant to an order from a court of competent jurisdiction after notice and a hearing.

Fireworks manufactured, sold, possessed, transported, or used in violation of this chapter shall be forfeited by the violator. The fire marshal's or certified fire safety inspector's office shall dispose of seized fireworks pursuant to the procedures specified in section 2933.41 of the Revised Code for the disposal of forfeited property by law enforcement agencies, and the fire marshal or that office is not liable for claims for the loss of or damages to the seized fireworks.

(C) This section does not affect the authority of a peace officer, as defined in section 2935.01 of the Revised Code, to make arrests for violations of this chapter or to seize fireworks manufactured, sold, possessed, transported, or used in violation of this chapter.

(D) Any fines imposed for a violation of this chapter

relating to the sale, purchase, possession, or discharge of fireworks shall be distributed in the following manner if a municipal corporation, county, or township either filed or enforced the complaint regarding the violation. One-half of the amount of the fine shall be distributed to the municipal corporation, county, or township which filed the complaint regarding the violation and one-half of the amount of the fine shall be distributed to the municipal corporation, county, or township which enforced the complaint. If the same municipal corporation, county, or township both filed the complaint regarding the violation and enforced the complaint, the entire amount of the fine shall be distributed to that municipal corporation, county, or township.

Sec. 3743.70. The fire marshal shall not issue an initial license or permit under this chapter on or after the effective date of this section if the applicant for the license or permit, or any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the applicant for the license or permit, has been convicted of or pleaded guilty to a felony under the laws of this state, another state, or the United States. The fire marshal shall revoke or deny renewal of a license or permit first issued under this chapter on or after the effective date of this section if the holder of the license or permit, or any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the holder of the license or permit, is convicted of or pleads guilty to a felony under the laws of this state, another state, or the United States.

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

(A) The manufacture, sale, possession, transportation,

storage, or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation, or highway use;	2014 2015
(B) The manufacture, sale, possession, transportation, storage, or use of fusees, torpedos <u>torpedoes</u> , or other signals necessary for the safe operation of railroads;	2016 2017 2018
(C) The manufacture, sale, possession, transportation, storage, or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;	2019 2020 2021 2022
(D) The manufacture for, the transportation, storage, possession, or use by, or sale to the armed forces of the United States and the militia of this state of pyrotechnic devices;	2023 2024 2025
(E) The manufacture, sale, possession, transportation, storage, or use of toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage, or use of those caps;	2026 2027 2028 2029 2030 2031 2032 2033
(F) The manufacture, sale, possession, transportation, storage, or use of novelties and trick noisemakers, auto burglar alarms, or model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;	2034 2035 2036 2037
(G) The manufacture, sale, possession, transportation, storage, or use of <u>wire</u> sparklers on a wire stick, as this term is defined in the regulations of the United States department of transportation.	2038 2039 2040 2041
<u>(H) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in</u>	2042 2043 2044

any manner to propellant charges, provided that the exhibition 2045
complies with all of following: 2046

(1) No explosive aerial display is conducted in the 2047
exhibition; 2048

(2) The exhibition is separated from spectators by not less 2049
than two hundred feet; 2050

(3) The person conducting the exhibition complies with 2051
regulations of the bureau of alcohol, tobacco, and firearms of the 2052
United States department of the treasury and the United States 2053
department of transportation with respect to the storage and 2054
transport of the explosive black powder used in the exhibition. 2055

Sec. 3743.99. (A) Whoever violates division (A) or (B) of 2056
section 3743.60 of the Revised Code is guilty of a felony of the 2057
third degree. 2058

(B) Whoever violates division (C) or (D) of section 3743.60, 2059
division (A), (B), (C), or (D) of section 3743.61, or division (A) 2060
or (B) of section 3743.64 of the Revised Code is guilty of a 2061
felony of the fourth degree. 2062

(C) Whoever violates division (E), (F), (G), (H), (I), or (J) 2063
of section 3743.60, division (E), (F), (G), (H), (I), or (J) of 2064
section 3743.61, section 3743.63, division (C), (D), (E), ~~or~~ (F), or 2065
(G) of section 3743.64, division (A), (B), (C), (D), or (F) of 2066
section 3743.65, or section 3743.66 of the Revised Code is guilty 2067
of a misdemeanor of the first degree. If the offender previously 2068
has been convicted of or pleaded guilty to a violation of division 2069
(I) of section 3743.60 or 3743.61 of the Revised Code, a violation 2070
of either of these divisions is a felony of the fifth degree. 2071
2072

(D) Whoever violates division (G) of section 3743.65 of the 2073
Revised Code is guilty of a felony of the fifth degree. 2074

Section 2. That existing sections 3743.01, 3743.02, 3743.03, 2075
3743.04, 3743.05, 3743.06, 3743.07, 3743.08, 3743.15, 3743.16, 2076
3743.17, 3743.18, 3743.19, 3743.20, 3743.21, 3743.40, 3743.44, 2077
3743.45, 3743.50, 3743.51, 3743.52, 3743.53, 3743.54, 3743.58, 2078
3743.59, 3743.60, 3743.61, 3743.64, 3743.65, 3743.66, 3743.68, 2079
3743.80, and 3743.99 of the Revised Code are hereby repealed. 2080

Section 3. That sections 3743.01, 3743.52, 3743.53, 3743.54, 2081
3743.64, and 3743.99 be further amended and that section 3743.541 2082
of the Revised Code be enacted to read as follows: 2083

Sec. 3743.01. As used in this chapter: 2084

(A) "Beer" and "intoxicating liquor" have the same meanings 2085
as in section 4301.01 of the Revised Code. 2086

(B) "Booby trap" means a small tube that has a string 2087
protruding from both ends, that has a friction-sensitive 2088
composition, and that is ignited by pulling the ends of the 2089
string. 2090

(C) "Cigarette load" means a small wooden peg that is coated 2091
with a small quantity of explosive composition and that is ignited 2092
in a cigarette. 2093

(D)(1) "1.3G fireworks" means display fireworks consistent 2094
with regulations of the United States department of transportation 2095
as expressed using the designation "division 1.3" in Title 49, 2096
Code of Federal Regulations. 2097

(2) "1.4G fireworks" means consumer fireworks consistent with 2098
regulations of the United States department of transportation as 2099
expressed using the designation "division 1.4" in Title 49, Code 2100
of Federal Regulations. 2101

(E) "Controlled substance" has the same meaning as in section 2102

3719.01 of the Revised Code.	2103
(F) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in section 3743.80 of the Revised Code.	2104 2105 2106 2107
(G) "Fireworks plant" means all buildings and other structures in which the manufacturing of fireworks, or the storage or sale of manufactured fireworks by a manufacturer, takes place.	2108 2109 2110
(H) "Highway" means any public street, road, alley, way, lane, or other public thoroughfare.	2111 2112
(I) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to sections 3743.50 to 3743.55 of the Revised Code.	2113 2114 2115
(J) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to sections 3743.02 to 3743.08 of the Revised Code.	2116 2117 2118
(K) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to sections 3743.15 to 3743.21 of the Revised Code.	2119 2120 2121
(L) "List of licensed exhibitors" means the list required by division (C) of section 3743.51 of the Revised Code.	2122 2123
(M) "List of licensed manufacturers" means the list required by division (C) of section 3743.03 of the Revised Code.	2124 2125
(N) "List of licensed wholesalers" means the list required by division (C) of section 3743.16 of the Revised Code.	2126 2127
(O) "Manufacturing of fireworks" means the making of fireworks from raw materials, none of which in and of themselves constitute a fireworks, or the processing of fireworks.	2128 2129 2130
(P) "Navigable waters" means any body of water susceptible of	2131

being used in its ordinary condition as a highway of commerce over 2132
which trade and travel is or may be conducted in the customary 2133
modes, but does not include a body of water that is not capable of 2134
navigation by barges, tugboats, and other large vessels. 2135

2136

(Q) "Novelties and trick noisemakers" include the following 2137
items: 2138

(1) Devices that produce a small report intended to surprise 2139
the user, including, but not limited to, booby traps, cigarette 2140
loads, party poppers, and snappers; 2141

(2) Snakes or glow worms; 2142

(3) Smoke devices; 2143

(4) Trick matches. 2144

(R) "Party popper" means a small plastic or paper item that 2145
contains not more than sixteen milligrams of friction-sensitive 2146
explosive composition, that is ignited by pulling a string 2147
protruding from the item, and from which paper streamers are 2148
expelled when the item is ignited. 2149

(S) "Processing of fireworks" means the making of fireworks 2150
from materials all or part of which in and of themselves 2151
constitute a fireworks, but does not include the mere packaging or 2152
repackaging of fireworks. 2153

(T) "Railroad" means any railway or railroad that carries 2154
freight or passengers for hire, but does not include auxiliary 2155
tracks, spurs, and sidings installed and primarily used in serving 2156
a mine, quarry, or plant. 2157

(U) "Retail sale" or "sell at retail" means a sale of 2158
fireworks to a purchaser who intends to use the fireworks, and not 2159
resell them. 2160

(V) "Smoke device" means a tube or sphere that contains 2161

pyrotechnic composition that, upon ignition, produces white or
colored smoke as the primary effect.

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

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

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

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

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

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

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

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

(1) The handling or other use, or the results of the handling or other use, of fireworks or associated equipment or other materials; 2192
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(2) The failure of any person to comply with any applicable requirement imposed by this chapter or any applicable rule adopted under this chapter. 2195
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(EE) "Discharge site" means an area immediately surrounding the mortars used to fire aerial shells. 2198
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(FF) "Fireworks incident site" means a discharge site or other location at a fireworks exhibition where a fireworks incident occurs, a location where an injury or death associated with a fireworks incident occurs, or a location where evidence of a fireworks incident or an injury or death associated with a fireworks incident is found. 2200
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Sec. 3743.52. (A) The license of an exhibitor of fireworks is effective for one year from the date of its issuance by the fire marshal. If an exhibitor of fireworks wishes to continue as an exhibitor after its then effective license expires, it shall apply for a new license pursuant to section 3743.50 of the Revised Code. The fire marshal shall send a written notice of the expiration of its license to a licensed exhibitor at least two months before the expiration date. 2206
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(B) The license of an exhibitor of fireworks authorizes the exhibitor to conduct public fireworks exhibitions in this state if it complies with sections 3743.50 to 3743.55 of the Revised Code and with the rules adopted by the fire marshal pursuant to section 3743.53 of the Revised Code. 2214
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The license is not transferable or assignable, and is subject to revocation as provided in section 3743.70 or division (D) of section 3743.99 of the Revised Code or pursuant to Chapter 119. of 2219
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the Revised Code if the exhibitor fails to comply with sections 2222
3743.50 to 3743.55 of the Revised Code or the rules adopted by the 2223
fire marshal pursuant to section 3743.53 of the Revised Code. 2224

If the license of an exhibitor is revoked, the exhibitor 2225
shall cease conducting public fireworks exhibitions immediately. 2226
~~The~~ Subject to division (D) of section 3743.99 of the Revised 2227
Code, the exhibitor may not reapply for licensure as an exhibitor 2228
of fireworks until two years expire from the date of revocation. 2229
The fire marshal shall remove from the list of licensed exhibitors 2230
the exhibitor's name, and shall notify fire chiefs, fire 2231
prevention officers, and police chiefs or other similar chief law 2232
enforcement officers of municipal corporations, townships, or 2233
township police districts in this state of the revocation. 2234

(C) Each licensed exhibitor of fireworks or a designee of the 2235
exhibitor, whose identity is provided to the fire marshal by the 2236
exhibitor, shall attend a continuing education program consisting 2237
of not less than six hours of instruction once every three years. 2238
The fire marshal shall develop the program, and the fire marshal 2239
or a person or public agency approved by the fire marshal shall 2240
conduct it. A licensed exhibitor or the exhibitor's designee who 2241
attends a program as required under this division, within one year 2242
after attending the program, and on an annual basis during the 2243
following two years, shall conduct in-service training for other 2244
employees of the licensee regarding the information obtained in 2245
the program. A licensed exhibitor shall provide the fire marshal 2246
with certified proof of full compliance with all applicable annual 2247
training requirements of the United States department of 2248
transportation and of the occupational safety and health 2249
administration. A licensed exhibitor shall provide the fire 2250
marshal with notice of the date, time, and place of all in-service 2251
training not less than thirty days prior to an in-service training 2252
event. An individual exhibitor who has no employees shall not 2253

fulfill continuing education requirements through a designee. 2254
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Sec. 3743.53. (A) The fire marshal shall adopt rules in 2256
accordance with Chapter 119. of the Revised Code that establish 2257
qualifications that all applicants for licensure as an exhibitor 2258
of fireworks shall satisfy. These rules shall be designed to 2259
provide a reasonable degree of assurance that individuals 2260
conducting public fireworks exhibitions in this state are 2261
proficient in handling and discharging fireworks, are capable of 2262
handling the responsibilities associated with exhibitions as 2263
prescribed by rule of the fire marshal pursuant to divisions (B) 2264
and (E) of this section or as prescribed by sections 3743.50 to 2265
3743.55 of the Revised Code, and will conduct fireworks 2266
exhibitions in a manner that emphasizes the safety and security of 2267
the public. The rules shall be consistent with sections 3743.50 to 2268
3743.55 of the Revised Code and may include, in addition to other 2269
requirements prescribed by the fire marshal, a requirement that 2270
the applicant for licensure successfully complete a written 2271
examination or otherwise successfully demonstrate its proficiency 2272
in the handling and discharging of fireworks in a safe manner and 2273
its ability to handle the responsibilities associated with 2274
exhibitions. 2275

(B) The fire marshal shall adopt rules in accordance with 2276
Chapter 119. of the Revised Code that govern the nature and 2277
conduct of public fireworks exhibitions by licensed exhibitors of 2278
fireworks. These rules shall be designed to promote the safety and 2279
security of persons viewing a fireworks exhibition, to promote the 2280
safety of persons who, although not viewing an exhibition, could 2281
be affected by fireworks used at it, and to promote the safety and 2282
security of exhibitors and their assistants. 2283

The rules shall be consistent with sections 3743.50 to 2284
3743.55 of the Revised Code; except as otherwise provided in this 2285

section, shall be substantially equivalent to the most recent 2286
versions of chapters 1123, 1124, and 1126 of the most recent 2287
national fire protection association standards; and shall apply 2288
to, but not be limited to, the following subject matters: 2289

(1) The construction of shells used in a fireworks 2290
exhibition; 2291

(2) Except as the storage and securing of fireworks is 2292
addressed by the rules adopted under division (E) of this section, 2293
the storage, securing, and supervision of fireworks pending their 2294
use in, and during the course of, a fireworks exhibition, and 2295
inspections by exhibitors of fireworks to be used in an exhibition 2296
prior to their use. These rules shall regulate, among other 2297
relevant matters, the storage of fireworks in manners that will 2298
effectively eliminate or reduce the likelihood of the fireworks 2299
becoming wet or being exposed to flame, and appropriate distances 2300
between storage sites and the sites at which fireworks will be 2301
discharged. 2302

(3) The installation and nature of mortars used in a 2303
fireworks exhibition, and inspections by exhibitors of mortars 2304
prior to their use; 2305

(4) Minimum distances between storage sites, discharge sites, 2306
spectator viewing sites, parking areas, and potential landing 2307
areas of fireworks, and minimum distances between discharge sites, 2308
potential landing areas, and residential or other types of 2309
buildings or structures; 2310

(5) The nature of discharge sites and potential landing 2311
sites; 2312

(6) Fire protection, the use and location of monitors for 2313
crowd control, the use of fences and rope barriers for crowd 2314
control, illumination, smoking and the use of open flame, and 2315
posting of warning signs concerning smoking or the use of open 2316

flame in connection with fireworks exhibitions. These rules may
provide some authority to local officials in determining adequate
fire protection, and numbers and locations of monitors.

(7) Procedures to be followed in the discharging of
fireworks;

(8) Weather and crowd-related conditions under which
fireworks may and may not be discharged, including circumstances
under which exhibitions should be postponed;

(9) Inspections of premises following a fireworks exhibition
for purposes of locating and disposing of defective or unexploded
fireworks. Inspections shall be required immediately following an
exhibition, and, if an exhibition is conducted at night, also at
sunrise the following morning.

(C) All mortars used in a fireworks exhibition that are
greater than or equal to eight inches in diameter shall be
equipped with electronic ignition equipment in accordance with
chapter 1123 of the most recent edition of the national fire
protection association standards.

(D) Only persons who are employees of licensed exhibitors of
fireworks and who are registered with the fire marshal under
section 3743.56 of the Revised Code shall be permitted within the
discharge perimeter of an exhibition.

(E)(1) The fire marshal shall adopt rules in accordance with
Chapter 119. of the Revised Code and consistent with division
(E)(3) of this section that establish both of the following:

(a) Uniform standards for the stability and securing of
fireworks storage racks used at a fireworks exhibition;

(b) A detailed checklist that a fire chief or fire prevention
officer, in consultation with a police chief or other similar
chief law enforcement officer of a municipal corporation,

township, or township police district or with a designee of such a 2347
police chief or other similar chief law enforcement officer, shall 2348
complete, while conducting the inspection required under division 2349
(C) of section 3743.54 of the Revised Code at the premises at 2350
which a fireworks exhibition will take place, to ensure that the 2351
exhibition will comply with all applicable requirements of this 2352
chapter, and all applicable rules adopted under this chapter, that 2353
regulate the conduct of a fireworks exhibition. 2354

(2) Each licensed exhibitor of fireworks shall comply with 2355
the rules that the fire marshal adopts under division (E)(1)(a) of 2356
this section. 2357

(3) Prior to the fire marshal's adoption of the rules 2358
referred to in divisions (E)(1)(a) and (b) of this section, the 2359
director of commerce shall appoint a committee consisting of the 2360
fire marshal, three representatives of the fireworks industry, and 2361
three representatives of the fire service industry to assist the 2362
fire marshal in adopting those rules. The fire marshal shall adopt 2363
initial rules under those divisions by not later than May 1, 2001. 2364

(F) A fire chief or fire prevention officer, in consultation 2366
with a police chief or other similar chief law enforcement officer 2367
of a municipal corporation, township, or township police district 2368
or with a designee of such a police chief or other similar chief 2369
law enforcement officer, shall conduct the inspection referred to 2370
in division (E)(1)(b) of this section, complete the checklist 2371
referred to in division (E)(1)(b) of this section while conducting 2372
the inspection, and provide a copy of the completed checklist to 2373
the fire marshal. 2374

(G) A designee, if any, designated by a police chief or other 2375
similar chief law enforcement officer under this section or 2376
section 3743.54 of the Revised Code shall be a law enforcement 2377
officer serving in the same law enforcement agency as the police 2378

chief or other similar chief law enforcement officer. 2379

Sec. 3743.54. (A) A licensed exhibitor of fireworks may 2380
acquire fireworks for use at a public fireworks exhibition only 2381
from a licensed manufacturer of fireworks or licensed wholesaler 2382
of fireworks, and only in accordance with the procedures specified 2383
in this section and section 3743.55 of the Revised Code. A 2384
licensed exhibitor shall not acquire, for any purpose, 1.4G 2385
fireworks as designated by the fire marshal in rules adopted 2386
pursuant to division (A) of section 3743.05 of the Revised Code. 2387

(B)(1) A licensed exhibitor of fireworks who wishes to 2388
conduct a public fireworks exhibition shall apply for approval to 2389
conduct the exhibition to whichever of the following persons is 2390
appropriate under the circumstances: 2391

(a) Unless division (B)(1)(c) or (d) of this section applies, 2392
if the exhibition will take place in a municipal corporation, the 2393
approval shall be obtained from the fire chief, and from the 2394
police chief or other similar chief law enforcement officer, or 2395
the designee of the police chief or similar chief law enforcement 2396
officer, of the particular municipal corporation. 2397

(b) Unless division (B)(1)(c) or (d) of this section applies, 2398
if the exhibition will take place in an unincorporated area, the 2399
approval shall be obtained from the fire chief of the particular 2400
township or township fire district, and from the police chief or 2401
other similar chief law enforcement officer, or the designee of 2402
the police chief or similar chief law enforcement officer, of the 2403
particular township or township police district. 2404

(c) If fire protection services for the premises on which the 2405
exhibition will take place are provided in accordance with a 2406
contract between political subdivisions, the approval shall be 2407
obtained from the fire chief of the political subdivision 2408
providing the fire protection services and from the police chief 2409

or other similar chief law enforcement officer, or the designee of 2410
the police chief or similar chief law enforcement officer, of the 2411
political subdivision in which the premises on which the 2412
exhibition will take place are located. If police services for the 2413
premises on which the exhibition will take place are provided in 2414
accordance with a contract between political subdivisions, the 2415
approval shall be obtained from the police chief or other similar 2416
chief law enforcement officer, or the designee of the police chief 2417
or similar chief law enforcement officer, of the political 2418
subdivision providing the police services and from the fire chief 2419
of the political subdivision in which the premises on which the 2420
exhibition will take place are located. If both fire and police 2421
protection services for the premises on which the exhibition will 2422
take place are provided in accordance with a contract between 2423
political subdivisions, the approval shall be obtained from the 2424
fire chief, and from the police chief or other similar chief law 2425
enforcement officer, or the designee of the police chief or 2426
similar chief law enforcement officer, of the political 2427
subdivisions providing the police and fire protection services. 2428

(d) If there is no municipal corporation, township, or 2429
township fire district fire department, no municipal corporation, 2430
township, or township police district police department, and no 2431
contract for police or fire protection services between political 2432
subdivisions covering the premises on which the exhibition will 2433
take place, the approval shall be obtained from the fire 2434
prevention officer, and from the police chief or other similar 2435
chief law enforcement officer, or the designee of the police chief 2436
or other similar chief law enforcement officer, having 2437
jurisdiction over the premises. 2438

(2) The approval required by division (B)(1) of this section 2439
shall be evidenced by the fire chief or fire prevention officer 2440
and by the police chief or other similar chief law enforcement 2441

officer, or the designee of the police chief or other similar 2442
chief law enforcement officer, signing a permit for the 2443
exhibition. The fire marshal shall prescribe the form of 2444
exhibition permits and distribute copies of the form to fire 2445
chiefs, to fire prevention officers, and to police chiefs or other 2446
similar chief law enforcement officers of municipal corporations, 2447
townships, or township police districts, or their designees, in 2448
this state. Any exhibitor of fireworks who wishes to conduct a 2449
public fireworks exhibition may obtain a copy of the form from the 2450
fire marshal or, if it is available, from a fire chief, a fire 2451
prevention officer, or a police chief or other similar chief law 2452
enforcement officer of a municipal corporation, township, or 2453
township police district, or a designee of such a police chief or 2454
other similar chief law enforcement officer. 2455

(C) Before a permit is signed and issued to a licensed 2456
exhibitor of fireworks, the fire chief or fire prevention officer, 2457
in consultation with the police chief or other similar chief law 2458
enforcement officer or with the designee of the police chief or 2459
other similar chief law enforcement officer, shall inspect the 2460
premises on which the exhibition will take place and shall 2461
determine that, in fact, the applicant for the permit is a 2462
licensed exhibitor of fireworks. Each applicant shall show the 2463
applicant's license as an exhibitor of fireworks to the fire chief 2464
or fire prevention officer. 2465

The fire chief or fire prevention officer, and the police 2466
chief or other similar chief law enforcement officer, or the 2467
designee of the police chief or other similar chief law 2468
enforcement officer, shall give approval to conduct a public 2469
fireworks exhibition only if satisfied, based on the inspection, 2470
that the premises on which the exhibition will be conducted allow 2471
the exhibitor to comply with the rules adopted by the fire marshal 2472
pursuant to divisions (B) and (E) of section 3743.53 of the 2473

Revised Code and that the applicant is, in fact, a licensed 2474
exhibitor of fireworks. The fire chief or fire prevention officer, 2475
in consultation with the police chief or other similar chief law 2476
enforcement officer or with the designee of the police chief or 2477
other similar chief law enforcement officer, may inspect the 2478
premises immediately prior to the exhibition to determine if the 2479
exhibitor has complied with the rules, and may revoke a permit for 2480
noncompliance with the rules. 2481

(D) If the legislative authorities of their political 2482
subdivisions have prescribed a fee for the issuance of a permit 2483
for a public fireworks exhibition, fire chiefs or fire prevention 2484
officers, and police chiefs, other similar chief law enforcement 2485
officers, or their designee, shall not issue a permit until the 2486
exhibitor pays the requisite fee. 2487

Each exhibitor shall provide an indemnity bond in the amount 2488
of at least one million dollars, with surety satisfactory to the 2489
fire chief or fire prevention officer and to the police chief or 2490
other similar chief law enforcement officer, or the designee of 2491
the police chief or other similar chief law enforcement officer, 2492
conditioned for the payment of all final judgments that may be 2493
rendered against the exhibitor on account of injury, death, or 2494
loss to persons or property emanating from the fireworks 2495
exhibition, or proof of insurance coverage of at least one million 2496
dollars for liability arising from injury, death, or loss to 2497
persons or property emanating from the fireworks exhibition. The 2498
legislative authority of a political subdivision in which a public 2499
fireworks exhibition will take place may require the exhibitor to 2500
provide an indemnity bond or proof of insurance coverage in 2501
amounts greater than those required by this division. Fire chiefs 2502
or fire prevention officers, and police chiefs, other similar 2503
chief law enforcement officers, or their designee, shall not issue 2504
a permit until the exhibitor provides the bond or proof of the 2505

insurance coverage required by this division or by the political 2506
subdivision in which the fireworks exhibition will take place. 2507

(E)(1) Each permit for a fireworks exhibition issued by a 2508
fire chief or fire prevention officer, and by the police chief or 2509
other similar chief law enforcement officer, or the designee of 2510
the police chief or other similar chief law enforcement officer, 2511
shall contain a distinct number, designate the municipal 2512
corporation, township, or township fire or police district of the 2513
fire chief ~~or~~, fire prevention officer ~~and the~~, police chief or 2514
other similar chief law enforcement officer, or designee of the 2515
police chief or other similar chief law enforcement officer, and 2516
identify the certified fire safety inspector, fire chief, or fire 2517
prevention officer who will be present before, during, and after 2518
the exhibition, where appropriate. A copy of each permit issued 2519
shall be forwarded by the fire chief or fire prevention officer, 2520
and by the police chief or other similar chief law enforcement 2521
officer, or the designee of the police chief or other similar 2522
chief law enforcement officer, issuing it to the fire marshal, who 2523
shall keep a record of the permits received. A permit is not 2524
transferable or assignable. 2525

(2) Each fire chief, fire prevention officer, ~~and~~ police 2526
chief or other similar chief law enforcement officer, and designee 2527
of a police chief or other similar chief law enforcement officer 2528
shall keep a record of issued permits for fireworks exhibitions. 2529
In this list, the fire chief, fire prevention officer, ~~or~~ police 2530
chief or other similar chief law enforcement officer, and designee 2531
of a police chief or other similar chief law enforcement officer 2532
shall list the name of the exhibitor, the exhibitor's license 2533
number, the premises on which the exhibition will be conducted, 2534
the date and time of the exhibition, and the number and political 2535
subdivision designation of the permit issued to the exhibitor for 2536
the exhibition. 2537

(F) The governing authority having jurisdiction in the 2538
location where an exhibition is to take place shall require that a 2539
certified fire safety inspector, fire chief, or fire prevention 2540
officer be present before, during, and after the exhibition, and 2541
shall require the certified fire safety inspector, fire chief, or 2542
fire prevention officer to inspect the premises where the 2543
exhibition is to take place and determine whether the exhibition 2544
is in compliance with this chapter. 2545

Sec. 3743.541. (A) The appropriate state or local law 2546
enforcement authority with jurisdiction over a fireworks incident 2547
site shall immediately notify the state fire marshal, the state 2548
fire marshal's designee, or a member of the state fire marshal's 2549
staff regarding the occurrence of the fireworks incident and the 2550
location of the fireworks incident site. 2551

(B) At any time after a fireworks incident occurs, unless the 2552
fire marshal otherwise delegates the fire marshal's authority to 2553
the appropriate state or local law enforcement authority with 2554
jurisdiction over the fireworks incident site, the fire marshal, 2555
the fire marshal's designee, or a member of the fire marshal's 2556
staff shall supervise and coordinate the investigation of the 2557
fireworks incident and supervise any dismantling, repositioning, 2558
or other disturbance of fireworks, associated equipment or other 2559
materials, or other items within the fireworks incident site or of 2560
any evidence related to the fireworks incident. 2561

(C) A state or local law enforcement officer, prior to the 2562
arrival of the fire marshal, the fire marshal's designee, or a 2563
member of the fire marshal's staff at a fireworks incident site, 2564
may dismantle, reposition, or move any fireworks, any associated 2565
equipment or other materials, or any other items found within the 2566
site or any evidence related to the fireworks incident only as 2567
necessary to prevent an imminent fire, imminent explosion, or 2568

similar threat of additional injury or death to any member of the 2569
public at the site. 2570

Sec. 3743.64. (A) No person shall conduct a fireworks 2571
exhibition in this state or act as an exhibitor of fireworks in 2572
this state unless the person is a licensed exhibitor of fireworks. 2573

(B) No person shall conduct a fireworks exhibition in this 2574
state or act as an exhibitor of fireworks in this state after the 2575
person's license as an exhibitor of fireworks has expired, been 2576
denied renewal, or been revoked, unless a new license has been 2577
obtained. 2578

(C) No licensed exhibitor of fireworks shall fail to comply 2579
with the applicable requirements of the rules adopted by the fire 2580
marshal pursuant to divisions (B) and (E) of section 3743.53 of 2581
the Revised Code or to comply with divisions (C) and (D) of that 2582
section. 2583

(D) No licensed exhibitor of fireworks shall conduct a 2584
fireworks exhibition unless a permit has been secured for the 2585
exhibition pursuant to section 3743.54 of the Revised Code or if a 2586
permit so secured is revoked by a fire chief or fire prevention 2587
officer, in consultation with a police chief or other similar 2588
chief law enforcement officer of a municipal corporation, 2589
township, or township police district or with a designee of such a 2590
police chief or other similar chief law enforcement officer, 2591
pursuant to that section. 2592

(E) No licensed exhibitor of fireworks shall acquire 2593
fireworks for use at a fireworks exhibition other than in 2594
accordance with sections 3743.54 and 3743.55 of the Revised Code. 2595

(F) No licensed exhibitor of fireworks or other person 2596
associated with the conduct of a fireworks exhibition shall have 2597
possession or control of, or be under the influence of, any 2598

intoxicating liquor, beer, or controlled substance while on the 2599
premises on which the exhibition is being conducted. 2600

(G) No licensed exhibitor of fireworks shall permit an 2601
employee to assist the licensed exhibitor in conducting fireworks 2602
exhibitions unless the employee is registered with the fire 2603
marshal under section 3743.56 of the Revised Code. 2604

~~(H)(1) As used in this division:~~ 2605

~~(a) "Accident" means any action or omission that occurs at a 2606
fireworks exhibition, that results in injury or death, or a 2607
substantial risk of injury or death, to any person, and that 2608
involves either of the following:~~ 2609

~~(i) The handling or other use of fireworks or associated 2610
equipment or other materials;~~ 2611

~~(ii) The failure of any person to comply with any applicable 2612
requirement imposed by this chapter or any applicable rule adopted 2613
under this chapter.~~ 2614

~~(b) "Discharge site" means the area immediately surrounding 2615
the mortars used to fire aerial shells.~~ 2616

~~(c) "Accident site" means a discharge site or other location 2617
at a fireworks exhibition where an accident occurs, an injury or 2618
death associated with an accident occurs, or evidence of an 2619
accident or an injury or death associated with an accident is 2620
found.~~ 2621

~~(2) No Except as provided in division (C) of section 3743.541 2622
of the Revised Code, no person shall knowingly, or knowingly 2623
permit another person to, dismantle, reposition, or otherwise 2624
disturb any fireworks, associated equipment, fireworks, or other 2625
materials, or other items within an accident a fireworks incident 2626
site of a fireworks exhibition, or any evidence related to an 2627
accident a fireworks incident, at any time after that person has 2628~~

reason to believe ~~an accident~~ a fireworks incident has occurred, 2629
before the state fire marshal, the state fire marshal's designee, 2630
a member of the state fire marshal's staff, or other appropriate 2631
state or local law enforcement authorities permit in accordance 2632
with section 3743.541 of the Revised Code the dismantling, 2633
repositioning, or other disturbance of the fireworks, equipment, 2634
materials, or items within the ~~accident~~ fireworks incident site or 2635
of any evidence related to the ~~accident~~ fireworks incident. 2636

~~(3) It is an affirmative defense to a charge under division 2637
(H) of this section that, in order to secure an accident site of a 2638
fireworks exhibition or any evidence related to an accident, the 2639
person dismantled, repositioned, or otherwise disturbed materials 2640
within the accident site, or evidence related to the accident, 2641
which, at the time of the dismantling, repositioning, or other 2642
disturbance, still presented a danger of causing an explosion, 2643
fire, or similar threat of additional injury or death to members 2644
of the public.~~ 2645
2646

~~(I) No fire chief or fire prevention officer, in consultation 2647
with a police chief, shall fail to conduct an inspection, complete 2648
the requisite checklist while conducting the inspection, or 2649
provide a copy of the completed checklist to the fire marshal in 2650
accordance with division (F) of section 3743.53 of the Revised 2651
Code and the rules adopted by the fire marshal pursuant to 2652
division (E)(1)(b) of that section.~~ 2653

Sec. 3743.99. (A) Whoever violates division (A) or (B) of 2654
section 3743.60 or division (H) of section 3743.64 of the Revised 2655
Code is guilty of a felony of the third degree. 2656

(B) Whoever violates division (C) or (D) of section 3743.60, 2657
division (A), (B), (C), or (D) of section 3743.61, or division (A) 2658
or (B) of section 3743.64 of the Revised Code is guilty of a 2659

felony of the fourth degree.

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

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(D) Whoever violates division (C) of section 3743.64 of the Revised Code is guilty of a misdemeanor of the first degree. In addition to any other penalties that may be imposed on a licensed exhibitor of fireworks under this division and unless the third sentence of this division applies, the person's license as an exhibitor of fireworks or as an assistant exhibitor of fireworks shall be suspended, and the person is ineligible to apply for either type of license, for a period of five years. If the violation of division (C) of section 3743.64 of the Revised Code results in a serious ~~accident, as defined in division (H) of that section~~ physical harm to persons or serious physical harm to property, the person's license as an exhibitor of fireworks or as an assistant exhibitor of fireworks shall be revoked, and that person ~~shall not again be eligible~~ is ineligible to apply for a license as or to be licensed as an exhibitor of fireworks or as an assistant exhibitor of fireworks in this state.

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

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Section 4. That existing sections 3743.01, 3743.52, 3743.53, 3743.54, 3743.64, and 3743.99 of the Revised Code are hereby

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repealed. 2691

Section 5. (A) The intent of the General Assembly in amending 2692
sections 3743.01, 3743.02, 3743.03, 3743.04, 3743.05, 3743.06, 2693
3743.07, 3743.08, 3743.15, 3743.16, 3743.17, 3743.18, 3743.19, 2694
3743.20, 3743.21, 3743.40, 3743.44, 3743.45, 3743.50, 3743.51, 2695
3743.52, 3743.53, 3743.54, 3743.58, 3743.59, 3743.60, 3743.61, 2696
3743.64, 3743.65, 3743.66, 3743.68, 3743.80, and 3743.99 and in 2697
enacting sections 3743.25, 3743.56, and 3743.70 of the Revised 2698
Code in Section 1 of this act is to reenact the amendments to, or 2699
the enactment of, those sections by Am. Sub. H.B. 215 of the 122nd 2700
General Assembly to protect those sections against a challenge 2701
that their amendment or enactment was invalid because it violated 2702
the prohibition contained in Section 15 of Article II of the 2703
Constitution of Ohio against a bill containing more than one 2704
subject. For purposes of this act, all references in those 2705
sections to "the effective date of this section" or to "the 2706
effective date of this amendment" shall be construed to mean the 2707
effective date of a section or of an amendment to a section by Am. 2708
Sub. H.B. 215 of the 122nd General Assembly. 2709

(B) The intent of the General Assembly in further amending 2710
sections 3743.01, 3743.52, 3743.53, 3743.54, 3743.64, and 3743.99 2711
and in enacting section 3743.541 of the Revised Code in Section 3 2712
of this act is to: 2713

(1) Recognize the versions of sections 3743.01, 3743.52, 2714
3743.53, 3743.54, 3743.64, and 3743.99 of the Revised Code that 2715
result from Am. Sub. H.B. 215 of the 122nd General Assembly and 2716
Sub. H.B. 405 of the 123rd General Assembly; and 2717

(2) Further amend sections 3743.01, 3743.52, 3743.53, 2718
3743.54, 3743.64, and 3743.99 and enact section 3743.541 of the 2719
Revised Code to make changes relating to fireworks incidents and 2720
their investigation. 2721