

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

124th General Assembly

Regular Session

2001-2002

Sub. H. B. No. 161

**REPRESENTATIVES Flowers, DeWine, Ford, Damschroder, Goodman,
Fessler, Schaffer, Schmidt, Carey, Seitz, Raga, Coates, Widowfield, Wolpert,
Clancy, Carmichael, Trakas, Patton, Oakar, Latell, Peterson, Buehrer, Young,
Core, Reinhard, Grendell, Cates, Salerno, Hughes, Reidelbach, Allen,
Otterman, Collier, Niehaus, Barnes, DePiero, Redfern, Cirelli, Carano, Rhine
SENATORS Spada, Robert Gardner, Mumper**

A B I L L

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; to further amend sections 3743.01, 3743.50,	14
3743.52, 3743.53, 3743.54, 3743.64, and 3743.99, to	15
amend sections 3743.56 and 3743.57, and to enact	16
sections 3743.541 and 3743.75 of the Revised Code,	17
and to repeal Section 165 of Am. Sub. H.B. 215 of	18

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the 122nd General Assembly, as amended by Sub. H.B. 19
204 of the 123rd General Assembly, to make other 20
changes in the Fireworks Law pertaining to 21
fireworks incidents and their investigation, to the 22
fees charged for fireworks exhibitor licenses, to 23
the authority of fireworks exhibitor assistants to 24
work for any fireworks exhibitor, to the maximum 25
balance allowed in the Fire Marshal's Training and 26
Education Fund, and to the extension until December 27
15, 2005, of the general moratorium on the issuance 28
of new licenses to manufacturers and wholesalers of 29
fireworks and on approvals of the transfer of their 30
licenses to other locations; and to declare an 31
emergency. 32

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

Section 1. That sections 3743.01, 3743.02, 3743.03, 3743.04, 33
3743.05, 3743.06, 3743.07, 3743.08, 3743.15, 3743.16, 3743.17, 34
3743.18, 3743.19, 3743.20, 3743.21, 3743.40, 3743.44, 3743.45, 35
3743.50, 3743.51, 3743.52, 3743.53, 3743.54, 3743.58, 3743.59, 36
3743.60, 3743.61, 3743.64, 3743.65, 3743.66, 3743.68, 3743.80, and 37
3743.99 be amended and sections 3743.25, 3743.56, and 3743.70 of 38
the Revised Code be enacted to read as follows: 39

Sec. 3743.01. As used in this chapter: 40

(A) "Beer" and "intoxicating liquor" have the same meanings 41
as in section 4301.01 of the Revised Code. 42

(B) "Booby trap" means a small tube that has a string 43
protruding from both ends, that has a friction-sensitive 44
composition, and that is ignited by pulling the ends of the 45
string. 46

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

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

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

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

(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.

(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.

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

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

(J) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to sections 3743.02

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to 3743.08 of the Revised Code.	77
(K) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to sections 3743.15 to 3743.21 of the Revised Code.	78 79 80
(L) "List of licensed exhibitors" means the list required by division (C) of section 3743.51 of the Revised Code.	81 82
(M) "List of licensed manufacturers" means the list required by division (C) of section 3743.03 of the Revised Code.	83 84
(N) "List of licensed wholesalers" means the list required by division (C) of section 3743.16 of the Revised Code.	85 86
(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.	87 88 89
(P) "Navigable waters" means any body of water susceptible of 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.	90 91 92 93 94 95
(Q) "Novelties and trick noisemakers" include the following items:	96 97
(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;	98 99 100
(2) Snakes or glow worms;	101
(3) Smoke devices;	102
(4) Trick matches.	103
(R) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive	104 105

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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.

(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.

(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.

(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.

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

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one hundred grams of this mixture. 136

(AA) "Wholesale sale" or "sell at wholesale" means a sale of 137
fireworks to a purchaser who intends to resell the fireworks ~~that~~ 138
~~he purchases~~ so purchased. 139

(BB) "Licensed premises" means the real estate upon which a 140
licensed manufacturer or wholesaler of fireworks conducts 141
business. 142

(CC) "Licensed building" means a building on the licensed 143
premises of a licensed manufacturer or wholesaler of fireworks 144
that is approved for occupancy by the building official having 145
jurisdiction. 146

Sec. 3743.02. (A) Any person who wishes to manufacture 147
fireworks in this state shall submit to the fire marshal an 148
application for licensure as a manufacturer of fireworks before 149
the first day of ~~December~~ October of each year. The application 150
shall be submitted prior to the operation of a fireworks plant, 151
shall be on a form prescribed by the fire marshal, shall contain 152
all information required by this section or requested by the fire 153
marshal, and shall be accompanied by the license fee, 154
fingerprints, and ~~bond, letter of credit, certificate of deposit,~~ 155
~~or~~ proof of insurance coverage described in division (B) of this 156
section. 157

The fire marshal shall prescribe a form for applications for 158
licensure as a manufacturer of fireworks and make a copy of the 159
form available, upon request, to persons who seek that licensure. 160

(B) An applicant for licensure as a manufacturer of fireworks 161
shall submit with the application ~~both~~ all of the following: 162
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(1) A license fee of ~~one two~~ two thousand five seven hundred 164
fifty dollars, which the fire marshal shall use to pay for 165

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fireworks safety education, training programs, and inspections; 166

~~(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 manufacturer on account of an explosion at the fireworks plant, or proof of insurance coverage of at least five hundred thousand dollars for liability arising from an explosion at the fireworks plant~~ Proof of comprehensive general liability insurance coverage, specifically including fire and smoke casualty on premises and products, in an amount not less than one million dollars for each occurrence for bodily injury liability and wrongful death liability at the fireworks plant. All applicants shall submit evidence of comprehensive general liability insurance coverage verified by the insurer and certified as to its provision of the minimum coverage required under this division.

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

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

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

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Sec. 3743.03. (A) If a person submits an application for licensure as a manufacturer of fireworks, together with the

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license fee, fingerprints, and ~~bond, letter of credit, certificate~~ 197
~~of deposit, or~~ proof of the insurance coverage, as required by 198
section 3743.02 of the Revised Code, the fire marshal shall review 199
the application and accompanying matter, request the criminal 200
records check described in division (E) of this section, inspect 201
the premises of the fireworks plant described in the application, 202
and determine whether the applicant will be issued the license. In 203
determining whether to issue the license, the fire marshal shall 204
consider the results of the criminal records check and the 205
inspection, and the information set forth in the application, and 206
shall decide whether the applicant and the fireworks plant 207
described in the application conform to sections 3743.02 to 208
3743.08 of the Revised Code and the rules adopted by the fire 209
marshal pursuant to section 3743.05 of the Revised Code, and are 210
in full compliance with Chapters 3781. and 3791. of the Revised 211
Code, and any applicable building or zoning regulations. 212

(B) ~~The~~ Subject to section 3743.70 of the Revised Code, the 213
fire marshal shall issue a license ~~pursuant to~~ in accordance with 214
Chapter 119. of the Revised Code to an applicant for licensure as 215
a manufacturer of fireworks only if the applicant and the 216
fireworks plant described in the application conform to sections 217
3743.02 to 3743.08 of the Revised Code and the rules adopted by 218
the fire marshal pursuant to section 3743.05 of the Revised Code, 219
only if the fireworks plant described in the application complies 220
with the Ohio building code adopted under Chapter 3781. of the 221
Revised Code, if that fireworks plant was constructed after May 222
30, 1986, and only if the fire marshal is satisfied that the 223
application and accompanying matter are complete and in conformity 224
with section 3743.02 of the Revised Code. The requirements of this 225
chapter and of the rules adopted under this chapter as applicable 226
to the structure of a building do not apply to a building in a 227
fireworks plant if the building was inspected and approved by the 228
department of industrial relations or by any building department 229

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certified pursuant to division (E) of section 3781.10 of the Revised Code prior to May 30, 1986.

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

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

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state for less than five continuous years immediately prior to the 262
date the applicant submits an initial application, the 263
superintendent also shall request that the federal bureau of 264
investigation conduct an investigation of the applicant and, if 265
applicable, additional individuals who hold, own, or control a 266
five per cent or greater beneficial or equity interest in the 267
applicant, to determine whether the applicant or the additional 268
associated individuals have been convicted of or pled guilty to a 269
felony under the laws of this state, another state, or the United 270
States. 271

The superintendent shall forward the results of an 272
investigation conducted pursuant to this division to the fire 273
marshal and may charge a reasonable fee for providing the results. 274
The fire marshal shall assess any fee charged by the 275
superintendent for the results to the applicant. 276

Sec. 3743.04. (A) The license of a manufacturer of fireworks 277
is effective for one year beginning on the first day of December. 278
The fire marshal shall issue or renew a license only on that date 279
and at no other time. If a manufacturer of fireworks wishes to 280
continue manufacturing fireworks at the designated fireworks plant 281
after its then effective license expires, it shall apply no later 282
than the first day of October for a new license pursuant to 283
section 3743.02 of the Revised Code. The fire marshal shall send a 284
written notice of the expiration of its license to a licensed 285
manufacturer at least ~~two~~ three months before the expiration date. 286

(B) If, during the effective period of its licensure, a 288
licensed manufacturer of fireworks wishes to construct, locate, or 289
relocate any buildings or other structures on the premises of its 290
fireworks plant, to make any structural change or renovation in 291
any building or other structure on the premises of its fireworks 292

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plant, or to change the nature of its manufacturing of fireworks 293
so as to include the processing of fireworks, the manufacturer 294
shall notify the fire marshal in writing. The fire marshal may 295
require a licensed manufacturer also to submit documentation, 296
including, but not limited to, plans covering the proposed 297
construction, location, relocation, structural change or 298
renovation, or change in manufacturing of fireworks, if ~~he~~ the 299
fire marshal determines the documentation is necessary for 300
evaluation purposes in light of the proposed construction, 301
location, relocation, structural change or renovation, or change 302
in manufacturing of fireworks. 303

Upon receipt of the notification and additional documentation 304
required by the fire marshal, the fire marshal shall inspect the 305
premises of the fireworks plant to determine if the proposed 306
construction, location, relocation, structural change or 307
renovation, or change in manufacturing of fireworks conforms to 308
sections 3743.02 to 3743.08 of the Revised Code and the rules 309
adopted by the fire marshal pursuant to section 3743.05 of the 310
Revised Code. The fire marshal shall issue a written authorization 311
to the manufacturer for the construction, location, relocation, 312
structural change or renovation, or change in manufacturing of 313
fireworks if ~~he~~ the fire marshal determines, upon the inspection 314
and a review of submitted documentation, that the construction, 315
location, relocation, structural change or renovation, or change 316
in manufacturing of fireworks conforms to those sections and 317
rules. Upon authorizing a change in manufacturing of fireworks to 318
include the processing of fireworks, the fire marshal shall make 319
notations on the manufacturer's license and in the list of 320
licensed manufacturers in accordance with section 3743.03 of the 321
Revised Code. 322

On or before June 1, 1998, a licensed manufacturer shall 323
install, in every licensed building in which fireworks are 324

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manufactured, stored, or displayed and to which the public has 325
access, interlinked fire detection, smoke exhaust, and smoke 326
evacuation systems that are approved by the superintendent of the 327
division of industrial compliance, and shall comply with floor 328
plans showing occupancy load limits and internal circulation and 329
egress patterns that are approved by the fire marshal and 330
superintendent, and that are submitted under seal as required by 331
section 3791.04 of the Revised Code. Notwithstanding section 332
3743.59 of the Revised Code, the construction and safety 333
requirements established in this division are not subject to any 334
variance, waiver, or exclusion. 335

(C) The license of a manufacturer of fireworks authorizes the 336
 manufacturer to engage only in the following activities: 337

(1) The manufacturing of fireworks on the premises of the 338
 fireworks plant as described in the application for licensure or 339
 in the notification submitted under division (B) of this section, 340
 except that a licensed manufacturer shall not engage in the 341
 processing of fireworks unless authorized to do so by its license. 342

(2) To possess for sale at wholesale and sell at wholesale 343
 the fireworks manufactured by the manufacturer, to persons who are 344
 licensed wholesalers of fireworks, to out-of-state residents in 345
 accordance with section 3743.44 of the Revised Code, to residents 346
 of this state in accordance with section 3743.45 of the Revised 347
 Code, or to persons located in another state provided the 348
 fireworks are shipped directly out of this state to them by the 349
 manufacturer. A person who is licensed as a manufacturer of 350
 fireworks ~~on the effective date of this amendment~~ may June 14, 351
1988, also may possess for sale and sell pursuant to division 352
 (C)(2) of this section fireworks other than those ~~he~~ the person 353
 manufactures. The possession for sale shall be on the premises of 354
 the fireworks plant described in the application for licensure or 355
 in the notification submitted under division (B) of this section, 356

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and the sale shall be from ~~those premises~~ the inside of a licensed 357
building and from no other structure or device outside a licensed 358
building. At no time shall a licensed manufacturer sell any class 359
of fireworks outside a licensed building. 360

(3) Possess for sale at retail and sell at retail the 361
fireworks manufactured by the manufacturer, other than ~~Class C~~ 362
1.4G fireworks as designated by the fire marshal in rules adopted 363
pursuant to division (A) of section 3743.05 of the Revised Code, 364
to licensed exhibitors in accordance with sections 3743.50 to 365
3743.55 of the Revised Code, and possess for sale at retail and 366
sell at retail the fireworks manufactured by the manufacturer, 367
including ~~such Class C~~ 1.4G fireworks, to out-of-state residents 368
in accordance with section 3743.44 of the Revised Code, to 369
residents of this state in accordance with section 3743.45 of the 370
Revised Code, or to persons located in another state provided the 371
fireworks are shipped directly out of this state to them by the 372
manufacturer. A person who is licensed as a manufacturer of 373
fireworks on ~~the effective date of this amendment~~ June 14, 1988, 374
may also possess for sale and sell pursuant to division (C)(3) of 375
this section fireworks other than those ~~he~~ the person 376
manufactures. The possession for sale shall be on the premises of 377
the fireworks plant described in the application for licensure or 378
in the notification submitted under division (B) of this section, 379
and the sale shall be from ~~those premises~~ the inside of a licensed 380
building and from no other structure or device outside a licensed 381
building. At no time shall a licensed manufacturer sell any class 382
of fireworks outside a licensed building. 383

A licensed manufacturer of fireworks shall sell under 384
division (C) of this section only fireworks that meet the 385
standards set by the consumer product safety commission or by the 386
American fireworks standard laboratories or that have received an 387
EX number from the United States department of transportation. 388

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(D) The license of a manufacturer of fireworks shall be 389
 protected under glass and posted in a conspicuous place on the 390
 premises of the fireworks plant. Except as otherwise provided in 391
 this division, the license is not transferable or assignable. A 392
 license may be transferred to another person for the same 393
 fireworks plant for which the license was issued if the assets of 394
 the plant are transferred to that person by inheritance or by a 395
 sale approved by the fire marshal. The license is subject to 396
 revocation in accordance with section 3743.08 of the Revised Code. 397

(E) The fire marshal shall not place the license of a 398
 manufacturer of fireworks in a temporarily inactive status while 399
 the holder of the license is attempting to qualify to retain the 400
 license. 401

(F) Each licensed manufacturer of fireworks that possesses 402
 fireworks for sale and sells fireworks under division (C) of 403
 section 3743.04 of the Revised Code, or a designee of the 404
 manufacturer, whose identity is provided to the fire marshal by 405
 the manufacturer, annually shall attend a continuing education 406
 program consisting of not less than eight hours of instruction. 407
 The fire marshal shall develop the program and the fire marshal or 408
 a person or public agency approved by the fire marshal shall 409
 conduct it. A licensed manufacturer or the manufacturer's designee 410
 who attends a program as required under this division, within one 411
 year after attending the program, shall conduct in-service 412
 training for other employees of the licensed manufacturer 413
 regarding the information obtained in the program. A licensed 414
 manufacturer shall provide the fire marshal with notice of the 415
 date, time, and place of all in-service training not less than 416
 thirty days prior to an in-service training event. 417

(G) A licensed manufacturer shall maintain comprehensive 418
 general liability insurance coverage in the amount and type 419
 specified under division (B)(2) of section 3743.02 of the Revised 420

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Code at all times. Each policy of insurance required under this 421
division shall contain a provision requiring the insurer to give 422
not less than fifteen days' prior written notice to the fire 423
marshal before termination, lapse, or cancellation of the policy, 424
or any change in the policy that reduces the coverage below the 425
minimum required under this division. Prior to canceling or 426
reducing the amount of coverage of any comprehensive general 427
liability insurance coverage required under this division, a 428
licensed manufacturer shall secure supplemental insurance in an 429
amount and type that satisfies the requirements of this division 430
so that no lapse in coverage occurs at any time. A licensed 431
manufacturer who secures supplemental insurance shall file 432
evidence of the supplemental insurance with the fire marshal prior 433
to canceling or reducing the amount of coverage of any 434
comprehensive general liability insurance coverage required under 435
this division. 436

Sec. 3743.05. The fire marshal shall adopt rules ~~pursuant to~~ 437
in accordance with Chapter 119. of the Revised Code governing the 438
classification of fireworks that are consistent with the 439
classification of fireworks by the United States department of 440
transportation as set forth in Title 49, Code of Federal 441
Regulations, and the manufacture of fireworks and the storage of 442
manufactured fireworks by licensed manufacturers of fireworks. The 443
rules shall be designed to promote the safety and security of 444
employees of manufacturers, members of the public, and the 445
fireworks plant. 446

The rules shall be consistent with sections 3743.02 to 447
3743.08 of the Revised Code, shall be ~~limited~~ substantially 448
equivalent to the most recent versions of chapters 1123, 1124, and 449
1126 of the most recent national fire protection association 450
standards, and shall apply to, but not be limited to, the 451
following subject matters: 452

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(A) A classification of fireworks by number and letter 453
designation, including, specifically, a ~~Class C 1.4G~~ designation 454
of fireworks. The classes of fireworks established by the fire 455
marshal shall be substantially equivalent to those defined by the 456
United States department of transportation by regulation, except 457
that, if the fire marshal determines that a type of fireworks 458
designated as common fireworks by the United States department of 459
transportation meets the criteria of any class of fireworks, other 460
than ~~Class C 1.4G~~ fireworks, as adopted by the fire marshal 461
pursuant to this section, the fire marshal may include the type of 462
fireworks in the other class instead of ~~Class C 1.4G~~. 463

(B) Appropriate standards for the manufacturing of types of 464
fireworks that are consistent with standards adopted by the United 465
States department of transportation and the consumer product 466
safety commission, including, but not limited to, the following: 467

(1) Permissible amounts of pyrotechnic or explosive 468
composition; 469

(2) Interior and exterior dimensions; 470

(3) Structural specifications. 471

(C) Cleanliness and orderliness in, the heating, lighting, 472
and use of stoves and flame-producing items in, smoking in, the 473
prevention of fire and explosion in, the availability of fire 474
extinguishers or other fire-fighting equipment and their use in, 475
and emergency procedures relative to the buildings and other 476
structures located on the premises of a fireworks plant. 477

(D) Appropriate uniforms to be worn by employees of 478
manufacturers in the course of the manufacturing, handling, and 479
storing of fireworks, and the use of protective clothing and 480
equipment by the employees. 481

(E) The manner in which fireworks are to be packed, packaged, 482
and stored. 483

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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:

(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.

(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.

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

(D) Fire and explosion prevention and other reasonable safety measures and precautions shall be implemented by a manufacturer.

(E) Persons shall not be permitted to have in their possession or under their control, while they are on the premises of the fireworks plant, 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

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of any intoxicating liquor, beer, or controlled substance. 515

(F) A manufacturer shall conform to all building, safety, and 516
zoning statutes, ordinances, rules, or other enactments that apply 517
to the premises of its fireworks plant. 518

(G) No building used in the manufacture, storage, or sale of 519
fireworks shall be situated nearer than one thousand feet to any 520
structure that is not located on the property of and that does not 521
belong to the licensed fireworks manufacturer, or nearer than 522
three hundred feet to any highway or railroad, or nearer than one 523
hundred feet to any building used for the storage of explosives or 524
fireworks, or nearer than fifty feet to any factory building. This 525
division does not apply to factory buildings in fireworks plants 526
that were erected on or before May 30, 1986, and that were legally 527
being used for fireworks activities under authority of a valid 528
license issued by the fire marshal as of December 1, 1990, 529
pursuant to sections 3743.03 and 3743.04 of the Revised Code. 530

(H) Each fireworks plant shall have at least one class 1 531
magazine that is approved by the bureau of alcohol, tobacco, and 532
firearms of the United States department of the treasury and that 533
is otherwise in conformity with federal law. This division does 534
not apply to fireworks plants existing on or before August 3, 535
1931. 536

(I) Awnings, tents, and canopies shall not be used as 537
facilities for the sale or storage of fireworks. This division 538
does not prohibit the use of an awning or canopy attached to a 539
public access showroom for storing nonflammable shopping 540
convenience items such as shopping carts or baskets or providing a 541
shaded area for patrons waiting to enter the public sales area. 542

(J) Fireworks may be stored in trailers if the trailers are 543
properly enclosed, secured, and grounded and are separated from 544
any structure to which the public is admitted by a distance that 545

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will, in the fire marshal's judgment, allow fire-fighting equipment to have full access to the structures on the licensed premises. Such trailers may be moved into closer proximity to any structure only to accept or discharge cargo for a period not to exceed forty-eight hours. Only two such trailers may be placed in such closer proximity at any one time. At no time may trailers be used for conducting sales of any class of fireworks, nor may members of the public have access to the trailers.

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

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

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this chapter and any applicable building codes to the extent the officer is authorized by law, and be one of the following: 578
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(1) A deputy sheriff; 580

(2) A law enforcement officer of a municipal corporation, township, or township or joint township police district; 581
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(3) A private uniformed security guard registered under section 4749.06 of the Revised Code. 583
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(N) All doors of all buildings on the licensed premises shall swing outward. 585
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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 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. 587
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Sec. 3743.07. (A) Licensed manufacturers of fireworks shall keep complete records of all fireworks in their inventory. 598
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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: 600
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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 603
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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 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.

(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 manufacturer 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. 3743.08. (A) The fire marshal may inspect the premises of a fireworks plant, and the inventory, wholesale sale, and

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retail sale records, of a licensed manufacturer of fireworks 639
during the manufacturer's period of licensure to determine whether 640
the manufacturer is in compliance with ~~sections 3743.02 to 3743.08~~ 641
Chapter 3743. of the Revised Code and the rules adopted by the 642
fire marshal pursuant to section 3743.05 of the Revised Code. 643

(B) If the fire marshal determines during an inspection 644
conducted pursuant to division (A) of this section that a 645
manufacturer is not in compliance with ~~sections 3743.02 to 3743.08~~ 646
Chapter 3743. of the Revised Code or the rules adopted by the fire 647
marshal pursuant to section 3743.05 of the Revised Code, ~~he~~ the 648
fire marshal may take one or more of the following actions, 649
whichever ~~he~~ the fire marshal considers appropriate under the 650
circumstances: 651

(1) Order, in writing, the manufacturer to eliminate, 652
correct, or otherwise remedy the nonconformities within a 653
specified period of time; 654

(2) Order, in writing, the manufacturer to immediately cease 655
its operations, if a fire or explosion hazard exists that 656
reasonably can be regarded as posing an imminent danger of death 657
or serious physical harm to persons. The order shall be effective 658
until the nonconformities are eliminated, corrected, or otherwise 659
remedied or for a period of seventy-two hours from the time of 660
issuance, whichever first occurs. During the seventy-two hour 661
period, the fire marshal may obtain from the court of common pleas 662
of Franklin county or of the county in which the fireworks plant 663
is located an injunction restraining the manufacturer from 664
continuing its operations after the seventy-two hour period 665
expires until the nonconformities are eliminated, corrected, or 666
otherwise remedied. 667

(3) Revoke or deny renewal of the license of the manufacturer 668
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code; 669

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(4) Take action as authorized by section 3743.68 of the Revised Code. 671
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(C) This section does not affect the authority conferred by Chapters 3781. and 3791. of the Revised Code to conduct inspections to determine conformity with those chapters or the rules adopted pursuant to them. 673
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(D) If the license of a manufacturer of fireworks is revoked or renewal is denied pursuant to division (B)(3) of this section or section 3743.70 of the Revised Code, the manufacturer shall cease its operations immediately. The manufacturer may not reapply for licensure as a manufacturer of fireworks until two years expire from the date of revocation. 677
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The fire marshal shall remove from the list of licensed manufacturers the name of a manufacturer whose license has been 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. 683
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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. 688
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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. 699
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(B) An applicant for licensure as a wholesaler of fireworks shall submit with the application ~~both~~ all of the following:

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

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

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

(C) A licensed manufacturer of fireworks is not required to apply for and obtain a wholesaler of fireworks license in order to engage in the wholesale sale of fireworks as authorized by division (C)(2) of section 3743.04 of the Revised Code. A business

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which is not a licensed manufacturer of fireworks may engage in 734
the wholesale and retail sale of fireworks in the same manner as a 735
licensed manufacturer of fireworks is authorized to do under this 736
chapter without the necessity of applying for and obtaining a 737
license pursuant to this section, but only if the business sells 738
the fireworks on the premises of a fireworks plant covered by a 739
license issued under section 3743.03 of the Revised Code and the 740
holder of that license owns at least a majority interest in that 741
business. However, if a licensed manufacturer of fireworks wishes 742
to engage in the wholesale sale of fireworks in this state at a 743
location other than the premises of the fireworks plant described 744
in its application for licensure as a manufacturer or in a 745
notification submitted under division (B) of section 3743.04 of 746
the Revised Code, the manufacturer shall first apply for and 747
obtain a wholesaler of fireworks license before engaging in 748
wholesale sales of fireworks at the other location. 749

(D) A separate application for licensure as a wholesaler of 750
fireworks shall be submitted for each location at which a person 751
wishes to engage in wholesale sales of fireworks. 752

Sec. 3743.16. (A) If a person submits an application for 753
licensure as a wholesaler of fireworks, together with the license 754
fee, fingerprints, and ~~bond, letter of credit, certificate of~~ 755
~~deposit, or~~ proof of the insurance coverage, as required by 756
section 3743.15 of the Revised Code, the fire marshal shall review 757
the application and accompanying matter, request the criminal 758
records check described in division (D) of this section, inspect 759
the premises on which the fireworks would be sold, and determine 760
whether the applicant will be issued the license. In determining 761
whether to issue the license, the fire marshal shall consider the 762
results of the criminal records check and the inspection, and the 763
information set forth in the application, and shall decide whether 764
the applicant and the premises on which the fireworks will be sold 765

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conform to sections 3743.15 to 3743.21 of the Revised Code and the 766
rules adopted by the fire marshal pursuant to section 3743.18 of 767
the Revised Code, and are in full compliance with Chapters 3781. 768
and 3791. of the Revised Code, and any applicable building or 769
zoning regulations. 770

(B) ~~The~~ Subject to section 3743.70 of the Revised Code, the 771
fire marshal shall issue a license ~~pursuant to~~ in accordance with 772
Chapter 119. of the Revised Code to the applicant for licensure as 773
a wholesaler of fireworks only if the applicant and the premises 774
on which the fireworks will be sold conform to sections 3743.15 to 775
3743.21 of the Revised Code and the rules adopted by the fire 776
marshal pursuant to section 3743.18 of the Revised Code, only if 777
the premises on which the fireworks will be sold complies with the 778
Ohio building code adopted under Chapter 3781. of the Revised 779
Code, if that premises was constructed after May 30, 1986, and 780
only if the fire marshal is satisfied that the application and 781
accompanying matter are complete and in conformity with section 782
3743.15 of the Revised Code. The requirements of this chapter and 783
of the rules adopted under this chapter as applicable to the 784
structure of a building do not apply to a building used by a 785
wholesaler if the building was inspected and approved by the 786
department of industrial relations or by any building department 787
certified pursuant to division (E) of section 3781.10 of the 788
Revised Code prior to May 30, 1986. 789

(C) Each license issued pursuant to this section shall 790
contain a distinct number assigned to the particular wholesaler. 791
The fire marshal shall maintain a list of all licensed wholesalers 792
of fireworks. In this list next to each wholesaler's name, the 793
fire marshal shall insert the period of licensure and the license 794
number of the particular wholesaler. 795

(D) Upon receipt of an application and the required 796
accompanying matter under section 3743.15 of the Revised Code, the 797

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fire marshal shall forward to the superintendent of the bureau of 798
criminal identification and investigation a request that the 799
bureau conduct an investigation of the applicant and, if 800
applicable, additional individuals who hold, own, or control a 801
five per cent or greater beneficial or equity interest in the 802
applicant, to determine whether the applicant or the additional 803
associated individuals have been convicted of or pled guilty to a 804
felony under the laws of this state, another state, or the United 805
States. 806

If the applicant for initial licensure has resided in this 807
state for less than five continuous years immediately prior to the 808
date the applicant submits an initial application, the 809
superintendent also shall request that the federal bureau of 810
investigation conduct an investigation of the applicant and, if 811
applicable, additional individuals who hold, own, or control a 812
five per cent or greater beneficial or equity interest in the 813
applicant, to determine whether the applicant or the additional 814
associated individuals have been convicted of or pled guilty to a 815
felony under the laws of this state, another state, or the United 816
States. 817

The superintendent shall forward the results of an 818
investigation conducted pursuant to this division to the fire 819
marshal and may charge a reasonable fee for providing the results. 820
The fire marshal shall assess any fee charged by the 821
superintendent for the results to the applicant. 822

Sec. 3743.17. (A) The license of a wholesaler of fireworks is 823
effective for one year beginning on the first day of December. The 824
fire marshal shall issue or renew a license only on that date and 825
at no other time. If a wholesaler of fireworks wishes to continue 826
engaging in the wholesale sale of fireworks at the particular 827
location after its then effective license expires, it shall apply 828
not later than the first day of October for a new license pursuant 829

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to section 3743.15 of the Revised Code. The fire marshal shall 830
send a written notice of the expiration of its license to a 831
licensed wholesaler at least ~~two~~ three months before the 832
expiration date. 833

(B) If, during the effective period of its licensure, a 834
licensed wholesaler of fireworks wishes to perform any 835
construction, or make any structural change or renovation, on the 836
premises on which the fireworks are sold, the wholesaler shall 837
notify the fire marshal in writing. The fire marshal may require a 838
licensed wholesaler also to submit documentation, including, but 839
not limited to, plans covering the proposed construction or 840
structural change or renovation, if the fire marshal determines 841
the documentation is necessary for evaluation purposes in light of 842
the proposed construction or structural change or renovation. 843

Upon receipt of the notification and additional documentation 844
required by the fire marshal, the fire marshal shall inspect the 845
premises on which the fireworks are sold to determine if the 846
proposed construction or structural change or renovation conforms 847
to sections 3743.15 to 3743.21 of the Revised Code and the rules 848
adopted by the fire marshal pursuant to section 3743.18 of the 849
Revised Code. The fire marshal shall issue a written authorization 850
to the wholesaler for the construction or structural change or 851
renovation if ~~he~~ the fire marshal determines, upon the inspection 852
and a review of submitted documentation, that the construction or 853
structural change or renovation conforms to those sections and 854
rules. 855

(C) The license of a wholesaler of fireworks authorizes the 856
wholesaler to engage only in the following activities: 857

(1) Possess for sale at wholesale and sell at wholesale 858
fireworks to persons who are licensed wholesalers of fireworks, to 859
out-of-state residents in accordance with section 3743.44 of the 860
Revised Code, to residents of this state in accordance with 861

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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 wholesaler. The possession for sale
shall be at the location described in the application for
licensure or in the notification submitted under division (B) of
this section, and the sale shall be from ~~that location~~ the inside
of a licensed building and from no structure or device outside a
licensed building. At no time shall a licensed wholesaler sell any
class of fireworks outside a licensed building.

(2) Possess for sale at retail and sell at retail fireworks,
other than ~~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 fireworks, 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 wholesaler. The
possession for sale shall be at the location described in the
application for licensure or in the notification submitted under
division (B) of this section, and the sale shall be from ~~that
location~~ the inside of the licensed building and from no other
structure or device outside this licensed building. At no time
shall a licensed wholesaler sell any class of fireworks outside a
licensed building.

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

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(D)(1) The license of a wholesaler of fireworks shall be 894
protected under glass and posted in a conspicuous place at the 895
location described in the application for licensure or in the 896
notification submitted under division (B) of this section. Except 897
as otherwise provided in this division, the license is not 898
transferable or assignable. A license may be transferred to 899
another person for the same location for which the license was 900
issued if the assets of the wholesaler are transferred to that 901
person by inheritance or by a sale approved by the fire marshal. 902
The license is subject to revocation in accordance with section 903
3743.21 of the Revised Code. 904

(2) Upon application by a licensed wholesaler of fireworks, a 905
wholesaler license may be transferred from one geographic location 906
to another within the same municipal corporation or within the 907
unincorporated area of the same township, but only if all of the 908
following apply: 909

(a) The identity of the holder of the license remains the 910
same in the new location. 911

(b) The former location is closed prior to the opening of the 912
new location and no fireworks business of any kind is conducted at 913
the former location after the transfer of the license. 914
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(c) The new location has received a local certificate of 916
zoning compliance and a local certificate of occupancy, and 917
otherwise is in compliance with all local building regulations. 918

(d) The transfer of the license is requested by the licensee 919
because the existing facility poses an immediate hazard to the 920
public. 921

(e) Any building at the new location is situated no closer 922
than one thousand feet to any property line or structure that does 923
not belong to the licensee requesting the transfer, no closer than 924

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three hundred feet to any highway or railroad, no closer than one 925
hundred feet to any building used for the storage of explosives or 926
fireworks by the licensee, no closer than fifty feet to any 927
factory building owned or used by the licensee, and no closer than 928
two thousand feet to any building used for the sale, storage, or 929
manufacturing of fireworks that does not belong to the licensee. 930
If the licensee fails to comply with the requirements of division 931
(D)(2)(e) of this section by the licensee's own act, the license 932
at the new location is forfeited. 933

(f) Neither the licensee nor any person holding, owning, or 934
controlling a five per cent or greater beneficial or equity 935
interest in the licensee has been convicted of or has pleaded 936
guilty to a felony under the laws of this state, any other state, 937
or the United States after the effective date of this amendment. 938

(g) The fire marshal approves the request for the transfer. 939

The new location shall comply with the requirements specified 940
in divisions (A)(1) and (2) of section 3743.25 of the Revised Code 941
whether or not the fireworks showroom at the new location is 942
constructed, expanded, or first begins operating on and after the 943
effective date of this amendment. 944

(E) The fire marshal shall not place the license of a 945
wholesaler of fireworks in temporarily inactive status while the 946
holder of the license is attempting to qualify to retain the 947
license. 948

(F) Each licensed wholesaler of fireworks or a designee of 949
the wholesaler, whose identity is provided to the fire marshal by 950
the wholesaler, annually shall attend a continuing education 951
program consisting of not less than eight hours of instruction. 952
The fire marshal shall develop the program and the fire marshal or 953
a person or public agency approved by the fire marshal shall 954
conduct it. A licensed wholesaler or the wholesaler's designee who 955

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attends a program as required under this division, within one year 956
after attending the program, shall conduct in-service training for 957
other employees of the licensed wholesaler regarding the 958
information obtained in the program. A licensed wholesaler shall 959
provide the fire marshal with notice of the date, time, and place 960
of all in-service training not less than thirty days prior to an 961
in-service training event. 962

(G) A licensed wholesaler shall maintain comprehensive 963
general liability insurance coverage in the amount and type 964
specified under division (B)(2) of section 3743.15 of the Revised 965
Code at all times. Each policy of insurance required under this 966
division shall contain a provision requiring the insurer to give 967
not less than fifteen days' prior written notice to the fire 968
marshal before termination, lapse, or cancellation of the policy, 969
or any change in the policy that reduces the coverage below the 970
minimum required under this division. Prior to canceling or 971
reducing the amount of coverage of any comprehensive general 972
liability insurance coverage required under this division, a 973
licensed wholesaler shall secure supplemental insurance in an 974
amount and type that satisfies the requirements of this division 975
so that no lapse in coverage occurs at any time. A licensed 976
wholesaler who secures supplemental insurance shall file evidence 977
of the supplemental insurance with the fire marshal prior to 978
canceling or reducing the amount of coverage of any comprehensive 979
general liability insurance coverage required under this division. 980

Sec. 3743.18. The fire marshal shall adopt rules pursuant to 981
Chapter 119. of the Revised Code governing the storage of 982
fireworks by and the business operations of licensed wholesalers 983
of fireworks. These rules shall be designed to promote the safety 984
and security of employees of wholesalers, members of the public, 985
and the premises upon which fireworks are sold. 986

The rules shall be consistent with sections 3743.15 to 987

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3743.21 of the Revised Code, shall be ~~limited~~ substantially
equivalent to the most recent versions of chapters 1123, 1124, and
1126 of the most recent national fire protection association
standards, and shall apply to, but not be limited to, the
following subject matters:

(A) 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 on a wholesaler's premises.

(B) Appropriate uniforms to be worn by employees of
wholesalers in the course of handling and storing of fireworks,
and the use of protective clothing and equipment by the employees.

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

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

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

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

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

(D) Smoking or the carrying of ~~lighted~~ pipes, cigarettes, or

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cigars, matches, lighters, other flame-producing items, or open 1018
flame on, or the carrying of a concealed source of ignition into, 1019
the premises of a wholesaler is prohibited, except that a 1020
wholesaler may permit smoking in specified lunchrooms or restrooms 1021
in buildings or other structures in which no sales, handling, or 1022
storage of fireworks takes place. "NO SMOKING" signs shall be 1023
posted on the premises as required by the fire marshal. 1024

(E) Fire and explosion prevention and other reasonable safety 1025
measures and precautions shall be implemented by a wholesaler. 1026
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(F) Persons shall not be permitted to have in their 1028
possession or under their control, while they are on the premises 1029
of a wholesaler, any intoxicating liquor, beer, or controlled 1030
substance, and they shall not be permitted to enter or remain on 1031
the premises if they are found to be under the influence of any 1032
intoxicating liquor, beer, or controlled substance. 1033

(G) A wholesaler shall conform to all building, safety, and 1034
zoning statutes, ordinances, rules, or other enactments that apply 1035
to its premises. 1036

(H) No building used in the storage or sale of fireworks 1037
shall be situated nearer than one thousand feet to any structure 1038
that is not located on the property of and that does not belong to 1039
the licensed fireworks wholesaler, nearer than three hundred feet 1040
to any highway or railroad, or nearer than one hundred feet to any 1041
building used for the storage of explosives or fireworks. This 1042
division does not apply to buildings that were erected on or 1043
before May 30, 1986, and that were legally being used for 1044
fireworks activities under authority of a valid license issued by 1045
the fire marshal as of December 1, 1990, pursuant to sections 1046
3743.16 and 3743.17 of the Revised Code. 1047

(I) Each building used in the ~~storage or~~ sale of fireworks 1048
shall be kept open to the public for at least four hours each day 1049

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between the hours of eight a.m. and five p.m., five days of each 1050
week, every week of the year. Upon application from a licensed 1051
wholesaler, the fire marshal may waive any of the requirements of 1052
this division. 1053

(J) Awnings, tents, or canopies shall not be used as 1054
facilities for the storage or sale of fireworks. This division 1055
does not prohibit the use of an awning or canopy attached to a 1056
public access showroom for storing nonflammable shopping 1057
convenience items such as shopping carts or baskets or providing a 1058
shaded area for patrons waiting to enter the public sales area. 1059

(K) Fireworks may be stored in trailers if the trailers are 1060
properly enclosed, secured, and grounded and are separated from 1061
any structure to which the public is admitted by a distance that 1062
will, in the fire marshal's judgment, allow fire-fighting 1063
equipment to have full access to the structures on the licensed 1064
premises. Such trailers may be moved into closer proximity to any 1065
structure only to accept or discharge cargo for a period not to 1066
exceed forty-eight hours. Only two such trailers may be placed in 1067
such closer proximity at any one time. At no time may trailers be 1068
used for conducting sales of any class of fireworks nor may 1069
members of the public have access to the trailers. 1070

Storage areas for fireworks that are in the same building 1071
where fireworks are displayed and sold to the public shall be 1072
separated from the areas to which the public has access by an 1073
appropriately rated fire wall. 1074

(L) A fire suppression system as defined in section 3781.108 1075
of the Revised Code may be turned off only for repair, drainage of 1076
the system to prevent damage by freezing during the period of 1077
time, approved by the fire marshal under division (I) of this 1078
section, that the facility is closed to public access during 1079
winter months, or maintenance of the system. If any repair or 1080
maintenance is necessary during times when the facility is open 1081

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for public access and business, the licensed wholesaler shall 1082
notify in advance the appropriate insurance company and fire chief 1083
or fire prevention officer regarding the nature of the maintenance 1084
or repair and the time when it will be performed. 1085

(M) If any fireworks item is removed from its original 1086
package or is manufactured with any fuse other than a fuse 1087
approved by the consumer product safety commission, then the item 1088
shall be covered completely by repackaging or bagging or it shall 1089
otherwise be covered so as to prevent ignition prior to sale. 1090

(N) A safety officer shall be present during regular business 1091
hours at a building open to the public during the period 1092
commencing fourteen days before, and ending two days after, each 1093
fourth day of July. The officer shall be highly visible, enforce 1094
this chapter and any applicable building codes to the extent the 1095
officer is authorized by law, and be one of the following: 1096

(1) A deputy sheriff; 1097

(2) A law enforcement officer of a municipal corporation, 1098
township, or township or joint township police district; 1099

(3) A private uniformed security guard registered under 1100
section 4749.06 of the Revised Code. 1101

(O) All doors of all buildings on the licensed premises shall 1102
swing outward. 1103

(P) All wholesale and commercial sales of fireworks shall be 1104
packaged, shipped, placarded, and transported in accordance with 1105
United States department of transportation regulations applicable 1106
to the transportation, and the offering for transportation, of 1107
hazardous materials. For purposes of this division, "wholesale and 1108
commercial sales" includes all sales for resale and any nonretail 1109
sale made in furtherance of a commercial enterprise. For purposes 1110
of enforcement of these regulations under section 4905.83 of the 1111
Revised Code, any sales transaction exceeding one thousand pounds 1112

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shall be rebuttably presumed to be a wholesale or commercial sale. 1113

1114

Sec. 3743.20. (A) Licensed wholesalers of fireworks shall 1115
keep complete records of all fireworks in their inventory. 1116

(B) Licensed wholesalers of fireworks shall keep the 1117
following records with respect to fireworks sold at wholesale or 1118
retail for a period of three years after the date of their sale: 1119

(1) In the case of a wholesale sale, the name and address of 1120
the purchaser; the destination to which the fireworks will be 1121
transported; if applicable, the number of the purchaser's 1122
wholesale license; the date of the purchase; when the fireworks 1123
are to be shipped directly out of this state by a wholesaler to a 1124
purchaser, the manner in which the fireworks were shipped to the 1125
purchaser; and such other information as the fire marshal may 1126
require; 1127

(2) In the case of a retail sale, the name and address of the 1128
purchaser; the destination to which the fireworks will be 1129
transported; if applicable, the number of the purchaser's 1130
exhibitor's license and the number and political subdivision 1131
designation of the purchaser's permit for a fireworks exhibition; 1132
the date of purchase; when the fireworks are shipped directly out 1133
of this state by a wholesaler to a purchaser, the manner in which 1134
the fireworks were shipped to the purchaser; and such other 1135
information as the fire marshal may require. 1136

(C) The seller shall require each purchaser described in 1137
division (B) of this section to complete a purchaser's form, which 1138
shall be ~~furnished~~ prescribed by the fire marshal and furnished by 1139
the seller. On this form the purchaser shall include the 1140
information described in division (B) of this section and the 1141
purchaser's signature. Each purchaser's form shall contain a 1142
statement printed in bold letters indicating that knowingly making 1143

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a false statement on the form is falsification under section 1144
2921.13 of the Revised Code and is a misdemeanor of the first 1145
degree. Each seller shall keep each purchaser's form for a period 1146
of three years after the date of the purchase, and such forms 1147
shall be open to inspection by the fire marshal or the fire 1148
marshal's designated authority. 1149

(D) A licensed wholesaler of fireworks shall keep its 1150
wholesale sale and retail sale records in separate books. These 1151
records and the inventory records shall be open to inspection by 1152
the fire marshal or the fire marshal's designated authority. 1153

Sec. 3743.21. (A) The fire marshal may inspect the premises, 1154
and the inventory, wholesale sale, and retail sale records, of a 1155
licensed wholesaler of fireworks during the wholesaler's period of 1156
licensure to determine whether the wholesaler is in compliance 1157
with ~~sections 3743.15 to 3743.21~~ Chapter 3743. of the Revised Code 1158
and the rules adopted by the fire marshal pursuant to section 1159
3743.18 of the Revised Code. 1160

(B) If the fire marshal determines during an inspection 1161
conducted pursuant to division (A) of this section that a 1162
wholesaler is not in compliance with ~~sections 3743.15 to 3743.21~~ 1163
Chapter 3743. of the Revised Code or the rules adopted by the fire 1164
marshal pursuant to section 3743.18 of the Revised Code, ~~he~~ the 1165
fire marshal may take one or more of the following actions, 1166
whichever ~~he~~ the fire marshal considers appropriate under the 1167
circumstances: 1168

(1) Order, in writing, the wholesaler to eliminate, correct, 1169
or otherwise remedy the nonconformities within a specified period 1170
of time; 1171

(2) Order, in writing, the wholesaler to immediately cease 1172
its operations, if a fire or explosion hazard exists that 1173
reasonably can be regarded as posing an imminent danger of death 1174

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or serious physical harm to persons. The order shall be effective 1175
until the nonconformities are eliminated, corrected, or otherwise 1176
remedied or for a period of seventy-two hours from the time of 1177
issuance, whichever first occurs. During the seventy-two hour 1178
period, the fire marshal may obtain from the court of common pleas 1179
of Franklin county or of the county in which the premises of the 1180
wholesaler are located an injunction restraining the wholesaler 1181
from continuing its operations after the seventy-two hour period 1182
expires until the nonconformities are eliminated, corrected, or 1183
otherwise remedied. 1184

(3) ~~Revoke, or deny renewal of,~~ the license of the wholesaler 1185
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code; 1186
1187

(4) Take action as authorized by section 3743.68 of the 1188
Revised Code. 1189

(C) This section does not affect the authority conferred by 1190
Chapters 3781. and 3791. of the Revised Code to conduct 1191
inspections to determine conformity with those chapters or the 1192
rules adopted pursuant to them. 1193

(D) If the license of a wholesaler of fireworks is revoked or 1194
renewal is denied pursuant to division (B)(3) of this section or 1195
section 3743.70 of the Revised Code, the wholesaler shall cease 1196
its operations immediately. The wholesaler may not reapply for 1197
licensure as a wholesaler of fireworks until two years expire from 1198
the date of revocation. 1199

The fire marshal shall remove from the list of licensed 1200
wholesalers the name of a wholesaler whose license has been 1201
revoked ~~or renewal denied~~, and shall notify the law enforcement 1202
authorities for the political subdivision in which the 1203
wholesaler's premises are located, of the revocation or denial of 1204
renewal. 1205

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Sec. 3743.25. (A) A licensed manufacturer, wholesaler, or exhibitor shall bring fireworks showroom structures, to which the public may have any access and in which employees are required to work, on all licensed premises, into compliance with the following safety requirements: 1206
1207
1208
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1210

(1) A fireworks showroom that is constructed or upon which expansion is undertaken on and after the effective date of this section, shall be equipped with interlinked fire detection, fire suppression, smoke exhaust, and smoke evacuation systems that are approved by the superintendent of the division of industrial compliance in the department of commerce. 1211
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(2) A fireworks showroom that first begins to operate on or after the effective date of this section and to which the public has access for retail purposes shall not exceed five thousand square feet in floor area. 1217
1218
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(3) A fireworks showroom structure that exists on the effective date of this section but that, on or after the effective date of this section, is altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to section 3791.04 of the Revised Code, shall comply with a graphic floor plan layout that is approved by the fire marshal and superintendent of the division of industrial compliance showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the fire marshal and superintendent. 1221
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(4)(a) Except as provided in division (A)(4)(b) of this section, a fireworks showroom structure that exists on the effective date of this section shall be retrofitted on or before June 1, 1998, with interlinked fire detection, smoke exhaust, and 1233
1234
1235
1236

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smoke evacuation systems that are approved by the superintendent 1237
of the division of industrial compliance. 1238

(b) If meeting the retrofitting requirements set forth in 1239
division (A)(4)(a) of this section would constitute an extreme 1240
financial hardship that would force a licensee to terminate 1241
business operations, the licensee shall conduct sales only on the 1242
basis of de-fused representative samples in closed and covered 1243
displays within the fireworks showroom. 1244

(5) A fireworks showroom structure that exists on the 1245
effective date of this section shall be in compliance on or before 1246
June 1, 1998, with floor plans showing occupancy load limits and 1247
internal circulation and egress patterns that are approved by the 1248
fire marshal and superintendent of industrial compliance, and that 1249
are submitted under seal as required by section 3791.04 of the 1250
Revised Code. 1251

(B) The safety requirements established in division (A) of 1252
this section are not subject to any variance, waiver, or exclusion 1253
pursuant to this chapter or any applicable building code. 1254

Sec. 3743.40. (A) Any person who resides in another state and 1255
 who intends to ship fireworks into this state shall submit to the 1256
 fire marshal an application for a shipping permit. As used in this 1257
 section, "fireworks" includes only ~~class B~~ 1.3G and ~~class C~~ 1.4G 1258
 fireworks. The application shall be submitted prior to shipping 1259
 fireworks into this state, shall be on a form prescribed by the 1260
 fire marshal, shall contain the information required by division 1261
 (B) of this section and all information requested by the fire 1262
 marshal, and shall be accompanied by the fee and the documentation 1263
 described in division (C) of this section. 1264

The fire marshal shall prescribe a form for applications for 1265
 shipping permits and make a copy of the form available, upon 1266
 request, to persons who seek such a permit. 1267

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

(C) An application for a shipping permit shall be accompanied by a fee of ~~one~~ two thousand ~~five~~ seven hundred fifty dollars.

An application for a shipping permit shall be accompanied by a certified copy of the applicant's license or permit issued in ~~his~~ the applicant's state of residence and authorizing ~~him~~ the applicant to engage in the manufacture, wholesale sale, or transportation of fireworks in that state, if that state issues such a license or permit, and by a statement by the applicant that ~~he~~ the applicant understands and will abide by rules adopted by the fire marshal pursuant to section 3743.58 of the Revised Code for transporting fireworks.

(D) Except as otherwise provided in this division, and subject to section 3743.70 of the Revised Code, the fire marshal shall issue a shipping permit to an applicant only if the fire marshal determines that the applicant is a resident of another state and is the holder of a license or permit issued by that state authorizing it to engage in the manufacture, wholesale sale, or transportation of fireworks in that state, and the fire marshal is satisfied that the application and documentation are complete and in conformity with this section and that the applicant will transport fireworks into this state in accordance with rules adopted by the fire marshal pursuant to section 3743.58 of the Revised Code. The fire marshal shall issue a shipping permit to an applicant if the applicant meets all of the requirements of this section for the issuance of a shipping permit except that the applicant does not hold a license or permit issued by the state of residence authorizing the applicant to engage in the manufacture, wholesale sale, or transportation of fireworks in that state

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because that state does not issue such a license or permit. 1300

(E) Each permit issued pursuant to this section shall contain 1301
a distinct number assigned to the particular permit holder, and 1302
contain the information described in division (B) of this section. 1303
1304

The fire marshal shall maintain a list of all persons issued 1305
shipping permits. In this list next to each person's name, the 1306
fire marshal shall insert the date upon which the permit was 1307
issued and the information described in division (B) of this 1308
section. 1309

(F) A shipping permit is valid for one year from the date of 1310
issuance by the fire marshal and only if the permit holder ships 1311
the fireworks directly into this state to the holder of a license 1312
issued under section 3743.03 or 3743.16 of the Revised Code. The 1313
permit authorizes the permit holder to ship fireworks directly to 1314
the holder of a license issued under section 3743.03 or 3743.16 of 1315
the Revised Code, and to possess the fireworks in this state while 1316
the permit holder is in the course of shipping them directly into 1317
this state. 1318

The holder of a shipping permit shall have the permit in ~~his~~ 1319
the holder's possession in this state at all times while in the 1320
course of shipping the fireworks directly into this state. A 1321
shipping permit is not transferable or assignable. 1322

Sec. 3743.44. (A) Any person who resides in another state and 1323
who intends to obtain possession in this state of fireworks 1324
purchased in this state shall obtain possession of the fireworks 1325
only from a licensed manufacturer or licensed wholesaler and only 1326
possess the fireworks in this state while in the course of 1327
directly transporting them out of this state. No licensed 1328
manufacturer or licensed wholesaler shall sell ~~Class B 1.3G~~ 1329
fireworks to a person who resides in another state unless that 1330

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person has been issued a license or permit in the state of the 1331
person's residence that authorizes the person to engage in the 1332
manufacture, wholesale sale, or retail sale of ~~Class-B 1.3G~~ 1333
fireworks or that authorizes the person to conduct ~~Class-B 1.3G~~ 1334
fireworks exhibitions in that state and that person presents a 1335
certified copy of the license. No licensed manufacturer or 1336
licensed wholesaler shall sell fireworks to a person who resides 1337
in another state unless that person has been issued a license or 1338
permit in the state of the person's residence that authorizes the 1339
person to engage in the manufacture, wholesale sale, or retail 1340
sale of fireworks in that state or that authorizes the person to 1341
conduct fireworks exhibitions in that state and that person 1342
presents a certified copy of the license, or, if that person does 1343
not possess a license or permit of that nature, only if the person 1344
presents a current valid motor vehicle operator's license issued 1345
to the person in the person's state of residence, or, if that 1346
person does not possess a motor vehicle operator's license issued 1347
in that state, an identification card issued to the person by a 1348
governmental agency in the person's state of residence indicating 1349
that the person is a resident of that state. If a person who is 1350
required to present a motor vehicle operator's license or other 1351
identification card intends to transport the fireworks purchased 1352
directly out of this state by a motor vehicle and the person will 1353
not also be the operator of that motor vehicle while so 1354
transporting the fireworks, the operator of the motor vehicle also 1355
shall present the operator's motor vehicle operator's license. 1356

(B) A licensed manufacturer or licensed wholesaler selling 1357
fireworks under this section shall require the purchaser to 1358
complete a purchaser's form. The ~~state~~ fire marshal shall 1359
prescribe the form, and the licensed manufacturer or licensed 1360
wholesaler shall furnish the form. On this form the purchaser 1361
shall include the purchaser's name and address; the date of the 1362
purchase; the destination to which the fireworks will be 1363

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transported; the number of the purchaser's license or permit 1364
 authorizing the purchaser to manufacture, sell at wholesale, or 1365
 sell at retail fireworks or to conduct fireworks exhibitions, or 1366
 the number of the purchaser's motor vehicle operator's license or 1367
 other identification card, as applicable; such other information 1368
 as the fire marshal may require; and the purchaser's signature. 1369
 Each purchaser's form shall contain a statement printed in bold 1370
 letters indicating that knowingly making a false statement on the 1371
 form is falsification under section 2921.13 of the Revised Code 1372
 and is a misdemeanor of the first degree. 1373

Each licensed manufacturer and licensed wholesaler shall keep 1374
 each purchaser's form for a period of three years after the date 1375
 of the purchase, and such forms shall be open to inspection by the 1376
 fire marshal or the fire marshal's designated authority. 1377

(C) Each purchaser of fireworks under this section shall 1378
 transport the fireworks so purchased directly out of this state 1379
 within seventy-two hours after the time of their purchase. 1380

This section regulates wholesale sales and retail sales of 1381
 fireworks in this state only insofar as purchasers of fireworks 1382
 are residents of other states and will be obtaining possession in 1383
 this state of purchased fireworks. This section does not prohibit 1384
 licensed manufacturers or wholesalers from selling fireworks, in 1385
 accordance with section 3743.04 or 3743.17 of the Revised Code, to 1386
 a resident of another state and from shipping the purchased 1387
 fireworks directly out of this state to the purchaser. 1388

Sec. 3743.45. (A) Any person who resides in this state and 1389
 who intends to obtain possession in this state of ~~Class C 1.4G~~ 1390
 fireworks purchased in this state shall obtain possession of the 1391
~~Class C 1.4G~~ fireworks only from a licensed manufacturer or 1392
 licensed wholesaler. 1393

A licensed manufacturer or licensed wholesaler selling ~~Class~~ 1394

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e 1.4G fireworks under this division shall require the purchaser 1395
 to complete a purchaser's form, which shall be ~~furnished~~ 1396
prescribed by the state fire marshal and furnished by the licensed 1397
manufacturer or licensed wholesaler. On this form the purchaser 1398
 shall include the purchaser's name and address~~,~~ the date of the 1399
 purchase~~,~~ the destination to which the fireworks will be 1400
 transported~~,~~ such other information as the fire marshal may 1401
 require~~,~~ and the purchaser's signature. Each purchaser's form 1402
 shall contain a statement printed in bold letters indicating that 1403
 knowingly making a false statement on the form is falsification 1404
 under section 2921.13 of the Revised Code and is a misdemeanor of 1405
 the first degree. 1406

Each licensed manufacturer and licensed wholesaler shall keep 1407
 each purchaser's form for a period of three years after the date 1408
 of the purchase, and such forms shall be open to inspection by the 1409
 fire marshal or the fire marshal's designated authority. 1410

Each purchaser of ~~Class C~~ 1.4G fireworks under this division 1411
 shall transport the fireworks so purchased directly out of this 1412
 state within forty-eight hours after the time of their purchase. 1413

This division does not apply to a person who resides in this 1414
 state and who is also a licensed manufacturer, licensed 1415
 wholesaler, or licensed exhibitor of fireworks in this state. 1416

(B) No licensed manufacturer or licensed wholesaler shall 1417
 sell ~~Class B~~ 1.3G fireworks to a person who resides in this state 1418
 unless that person is a licensed manufacturer, licensed 1419
 wholesaler, or licensed exhibitor of fireworks in this state. 1420

Sec. 3743.50. Any person who wishes to be an exhibitor of 1421
 fireworks in this state shall submit to the fire marshal an 1422
 application for licensure as an exhibitor of fireworks. Except as 1423
 otherwise provided in this section, the application shall be on a 1424
 form prescribed by the fire marshal, ~~shall~~ contain all information 1425

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requested by the fire marshal, and shall be accompanied by a fee 1426
of one hundred fifty dollars, except that the application of an 1427
applicant who is employed by a licensed manufacturer or wholesaler 1428
of fireworks shall be accompanied by a fee of fifty dollars. The 1429
~~fire marshal may issue a temporary exhibitor's license to conduct~~ 1430
~~a public fireworks exhibition on only one date to an otherwise~~ 1431
~~qualified applicant for a fee of ten dollars. The temporary~~ 1432
~~exhibitor's license authorizes the person to whom it is issued to~~ 1433
~~conduct a public fireworks exhibition only on the date for which~~ 1434
~~it is issued.~~ The fire marshal shall prescribe a form for 1435
applications for licensure as an exhibitor of fireworks and make a 1436
copy of the form available, upon request, to persons who seek that 1437
licensure. An applicant for licensure as an exhibitor of fireworks 1438
shall be at least twenty-one years of age and be in compliance 1439
with Chapter 4123. of the Revised Code. 1440

Sec. 3743.51. (A) If a person submits an application for 1441
licensure as an exhibitor of fireworks, together with the fee, as 1442
required by section 3743.50 of the Revised Code, the fire marshal 1443
shall review the application and determine whether the applicant 1444
satisfies sections 3743.50 to 3743.55 of the Revised Code and the 1445
rules adopted by the fire marshal pursuant to division (A) of 1446
section 3743.53 of the Revised Code. 1447

(B) ~~The~~ Subject to section 3743.70 of the Revised Code, the 1448
fire marshal shall issue a license ~~pursuant to~~ in accordance with 1449
Chapter 119. of the Revised Code to the applicant for licensure as 1450
an exhibitor of fireworks only if the applicant satisfies sections 1451
3743.50 to 3743.55 of the Revised Code and the rules adopted by 1452
the fire marshal pursuant to division (A) of section 3743.53 of 1453
the Revised Code, and only if the fire marshal is satisfied that 1454
the application is complete and in conformity with section 3743.50 1455
of the Revised Code. 1456

(C) Each license issued pursuant to this section shall 1457

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contain a distinct number assigned to the particular exhibitor. 1458
The fire marshal shall maintain a list of all licensed exhibitors 1459
of fireworks. In this list next to each exhibitor's name, the fire 1460
marshal shall insert the period of licensure and the license 1461
number of the particular exhibitor. 1462

Sec. 3743.52. (A) The license of an exhibitor of fireworks, 1463
~~except for a temporary license,~~ is effective for one year from the 1464
date of its issuance by the fire marshal. If an exhibitor of 1465
fireworks wishes to continue as an exhibitor after its then 1466
effective license expires, it shall apply for a new license 1467
pursuant to section 3743.50 of the Revised Code. The fire marshal 1468
shall send a written notice of the expiration of its license to a 1469
licensed exhibitor, ~~except for a licensed exhibitor who has been~~ 1470
~~issued a temporary license,~~ at least two months before the 1471
expiration date. 1472

(B) The license of an exhibitor of fireworks authorizes the 1473
exhibitor to conduct public fireworks exhibitions in this state if 1474
it complies with sections 3743.50 to 3743.55 of the Revised Code 1475
and with the rules adopted by the fire marshal pursuant to section 1476
3743.53 of the Revised Code. 1477

The license is not transferable or assignable, and is subject 1478
to revocation as provided in section 3743.70 of the Revised Code 1479
or pursuant to Chapter 119. of the Revised Code if the exhibitor 1480
fails to comply with sections 3743.50 to 3743.55 of the Revised 1481
Code or the rules adopted by the fire marshal pursuant to section 1482
3743.53 of the Revised Code. 1483

If the license of an exhibitor is revoked, the exhibitor 1484
shall cease conducting public fireworks exhibitions immediately. 1485
The exhibitor may not reapply for licensure as an exhibitor of 1486
fireworks until two years expire from the date of revocation. The 1487
fire marshal shall remove from the list of licensed exhibitors the 1488

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exhibitor's name, and shall notify fire chiefs, fire prevention
officers, and police chiefs in this state of the revocation. 1489
1490

(C) Each licensed exhibitor of fireworks or a designee of the 1491
exhibitor, whose identity is provided to the fire marshal by the 1492
exhibitor, shall attend a continuing education program consisting 1493
of not less than six hours of instruction once every three years. 1494
The fire marshal shall develop the program and the fire marshal or 1495
a person or public agency approved by the fire marshal shall 1496
conduct it. A licensed exhibitor or the exhibitor's designee who 1497
attends a program as required under this division, within one year 1498
after attending the program, and on an annual basis during the 1499
following two years, shall conduct in-service training for other 1500
employees of the licensee regarding the information obtained in 1501
the program. A licensed exhibitor shall provide the fire marshal 1502
with certified proof of full compliance with all applicable annual 1503
training requirements of the United States department of 1504
transportation and of the occupational safety and health 1505
administration. A licensed exhibitor shall provide the fire 1506
marshal with notice of the date, time, and place of all in-service 1507
training not less than thirty days prior to an in-service training 1508
event. An individual exhibitor who has no employees shall not 1509
fulfill continuing education requirements through a designee. 1510

Sec. 3743.53. (A) The fire marshal shall adopt rules pursuant 1511
to in accordance with Chapter 119. of the Revised Code that 1512
establish qualifications that all applicants for licensure as an 1513
exhibitor of fireworks shall satisfy. These rules shall be 1514
designed to provide a reasonable degree of assurance that 1515
individuals conducting public fireworks exhibitions in this state 1516
are proficient in handling and discharging fireworks, are capable 1517
of handling the responsibilities associated with exhibitions as 1518
prescribed by rule of the fire marshal pursuant to division (B) of 1519
this section or as prescribed by sections 3743.50 to 3743.55 of 1520

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the Revised Code, and will conduct fireworks exhibitions in a 1521
manner that emphasizes the safety and security of the public. The 1522
rules shall be consistent with sections 3743.50 to 3743.55 of the 1523
Revised Code and may include, in addition to other requirements 1524
prescribed by the fire marshal, a requirement that the applicant 1525
for licensure successfully complete a written examination or 1526
otherwise successfully demonstrate its proficiency in the handling 1527
and discharging of fireworks in a safe manner and its ability to 1528
handle the responsibilities associated with exhibitions. 1529

(B) The fire marshal shall adopt rules ~~pursuant to~~ in 1530
accordance with Chapter 119. of the Revised Code that govern the 1531
nature and conduct of public fireworks exhibitions by licensed 1532
exhibitors of fireworks. These rules shall be designed to promote 1533
the safety and security of persons viewing a fireworks exhibition, 1534
to promote the safety of persons who, although not viewing an 1535
exhibition, could be affected by fireworks used at it, and to 1536
promote the safety and security of exhibitors and their 1537
assistants. 1538

The rules shall be consistent with sections 3743.50 to 1539
3743.55 of the Revised Code, be ~~limited~~ substantially equivalent 1540
to the most recent versions of chapters 1123, 1124, and 1126 of 1541
the most recent national fire protection association standards, 1542
and apply to, but not be limited to, the following subject 1543
matters: 1544

(1) The construction of shells used in a fireworks 1545
exhibition; 1546

(2) The storage and supervision of fireworks pending their 1547
use in, and during the course of, a fireworks exhibition, and 1548
inspections by exhibitors of fireworks to be used in an exhibition 1549
prior to their use. These rules shall regulate, among other 1550
relevant matters, the storage of fireworks in manners that will 1551
effectively eliminate or reduce the likelihood of the fireworks 1552

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becoming wet or being exposed to flame, and appropriate distances	1553
between storage sites and the sites at which fireworks will be	1554
discharged.	1555
(3) The installation and nature of mortars used in a	1556
fireworks exhibition, and inspections by exhibitors of mortars	1557
prior to their use;	1558
(4) Minimum distances between storage sites, discharge sites,	1559
spectator viewing sites, parking areas, and potential landing	1560
areas of fireworks, and minimum distances between discharge sites,	1561
potential landing areas, and residential or other types of	1562
buildings or structures;	1563
(5) The nature of discharge sites and potential landing	1564
sites;	1565
(6) Fire protection, the use and location of monitors for	1566
crowd control, the use of fences and rope barriers for crowd	1567
control, illumination, smoking and the use of open flame, and	1568
posting of warning signs concerning smoking or the use of open	1569
flame in connection with fireworks exhibitions. These rules may	1570
provide some authority to local officials in determining adequate	1571
fire protection, and numbers and locations of monitors.	1572
(7) Procedures to be followed in the discharging of	1573
fireworks;	1574
(8) Weather and crowd-related conditions under which	1575
fireworks may and may not be discharged, including circumstances	1576
under which exhibitions should be postponed;	1577
(9) Inspections of premises following a fireworks exhibition	1578
for purposes of locating and disposing of defective or unexploded	1579
fireworks. Inspections shall be required immediately following an	1580
exhibition, and, if an exhibition is conducted at night, also at	1581
sunrise the following morning.	1582

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(C) All mortars used in a fireworks exhibition that are 1583
greater than or equal to eight inches in diameter shall be 1584
equipped with electronic ignition equipment in accordance with 1585
chapter 1123 of the most recent edition of the national fire 1586
protection association standards. 1587

(D) Only persons who are employees of licensed exhibitors of 1588
fireworks and who are registered with the fire marshal under 1589
section 3743.56 of the Revised Code shall be permitted within the 1590
discharge perimeter of an exhibition. 1591

Sec. 3743.54. (A) A licensed exhibitor of fireworks may 1592
acquire fireworks for use at a public fireworks exhibition only 1593
from a licensed manufacturer of fireworks or licensed wholesaler 1594
of fireworks, and only in accordance with the procedures specified 1595
in this section and section 3743.55 of the Revised Code. A 1596
licensed exhibitor shall not acquire, for any purpose, ~~class C~~ 1597
1.4G fireworks as designated by the fire marshal in rules adopted 1598
pursuant to division (A) of section 3743.05 of the Revised Code. 1599

(B)(1) A licensed exhibitor of fireworks who wishes to 1600
conduct a public fireworks exhibition shall apply for approval to 1601
conduct the exhibition to whichever of the following persons is 1602
appropriate under the circumstances: 1603

(a) Unless division (B)(1)(c) or (d) of this section applies, 1604
if the exhibition will take place in a municipal corporation, the 1605
approval shall be obtained from the fire chief and the police 1606
chief of the particular municipal corporation; 1607

(b) Unless division (B)(1)(c) or (d) of this section applies, 1608
if the exhibition will take place in an unincorporated area, the 1609
approval shall be obtained from the fire chief of the particular 1610
township or township fire district and the police chief of the 1611
particular township or township police district; 1612

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(c) If fire 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 of the political subdivision providing the fire protection services and the police chief of the political subdivision in which the premises on which the exhibition will take place are located. If police 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 police chief of the political 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

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fireworks who wishes to conduct a public fireworks exhibition may 1645
obtain a copy of the form from the fire marshal or, if it is 1646
available, from a fire chief, fire prevention officer, or police 1647
chief. 1648

(C) Before signing a permit and issuing it to a licensed 1649
exhibitor of fireworks, a fire chief or fire prevention officer 1650
and the police chief shall inspect the premises on which the 1651
exhibition will take place and shall determine that, in fact, the 1652
applicant for the permit is a licensed exhibitor of fireworks. 1653
Each applicant shall show ~~his~~ the applicant's license as an 1654
exhibitor of fireworks to the fire chief or fire prevention 1655
officer and the police chief. 1656

The fire chief or fire prevention officer and the police 1657
chief shall give ~~his~~ approval to conduct a public fireworks 1658
exhibition only if ~~he is~~ satisfied, based on the inspection, that 1659
the premises on which the exhibition will be conducted allow the 1660
exhibitor to comply with the rules adopted by the fire marshal 1661
pursuant to division (B) of section 3743.53 of the Revised Code 1662
and that the applicant is, in fact, a licensed exhibitor of 1663
fireworks. The fire chief or fire prevention officer and the 1664
police chief may inspect the premises immediately prior to the 1665
exhibition to determine if the exhibitor has complied with the 1666
rules, and may revoke a permit for noncompliance with the rules. 1667

(D) If the legislative authorities of their political 1668
subdivisions have prescribed a fee for the issuance of a permit 1669
for a public fireworks exhibition, fire chiefs or fire prevention 1670
officers and police chiefs shall not issue a permit until the 1671
exhibitor pays the requisite fee. 1672

Each exhibitor shall provide an indemnity bond in the amount 1673
of at least one ~~hundred thousand~~ million dollars, with surety 1674
satisfactory to the fire chief or fire prevention officer and the 1675
police chief, conditioned for the payment of all final judgments 1676

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that may be rendered against the exhibitor on account of injury, 1677
 death, or loss to persons or property emanating from the fireworks 1678
 exhibition, or proof of insurance coverage of at least one ~~hundred~~ 1679
~~thousand~~ million dollars for liability arising from injury, death, 1680
 or loss to persons or property emanating from the fireworks 1681
 exhibition. The legislative authority of a political subdivision 1682
 in which a public fireworks exhibition will take place may require 1683
 the exhibitor to provide an indemnity bond or proof of insurance 1684
 coverage in amounts greater than those required by this division. 1685
 Fire chiefs or fire prevention officers and police chiefs shall 1686
 not issue a permit until the exhibitor provides the bond or proof 1687
 of the insurance coverage required by this division or by the 1688
 political subdivision in which the fireworks exhibition will take 1689
 place. 1690

(E)(1) Each permit for a fireworks exhibition issued by a 1691
 fire chief or fire prevention officer and the police chief shall 1692
 contain a distinct number, ~~together with a designation of~~ 1693
designate the municipal corporation, township, or township fire or 1694
 police district of the fire chief or fire prevention officer and 1695
 the police chief, and identify the certified fire safety 1696
inspector, fire chief, or fire prevention officer who will be 1697
present before, during, and after the exhibition, where 1698
appropriate. A copy of each permit issued shall be forwarded by 1699
 the fire chief or fire prevention officer and the police chief 1700
 issuing it to the fire marshal, who shall keep a record of the 1701
 permits ~~he receives~~ received. A permit is not transferable or 1702
 assignable. 1703

(2) Each fire chief, fire prevention officer, and police 1704
 chief shall keep a record of issued permits for fireworks 1705
 exhibitions. In this list, the fire chief, fire prevention 1706
 officer, or police chief shall list the name of the exhibitor, ~~his~~ 1707
the exhibitor's license number, the premises on which the 1708

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exhibition will be conducted, the date and time of the exhibition, 1709
 and the number and political subdivision designation of the permit 1710
 issued to the exhibitor for the exhibition. 1711

(F) The governing authority having jurisdiction in the 1712
location where an exhibition is to take place shall require that a 1713
certified fire safety inspector, fire chief, or fire prevention 1714
officer be present before, during, and after the exhibition, and 1715
shall require the certified fire safety inspector, fire chief, or 1716
fire prevention officer to inspect the premises where the 1717
exhibition is to take place and determine whether the exhibition 1718
is in compliance with this chapter. 1719

Sec. 3743.56. Each fireworks exhibitor licensed under section 1720
3743.51 of the Revised Code shall register with the fire marshal 1721
all employees who assist the licensed exhibitor in conducting 1722
fireworks exhibitions. The fire marshal shall maintain a record of 1723
each licensed exhibitor and registered employee and make it 1724
available, upon request, to any law enforcement agency. The fire 1725
marshal shall adopt rules that establish appropriate fees for the 1726
registration of employees of a licensed exhibitor. A licensed 1727
exhibitor shall file an application to register a new employee not 1728
later than seven days after the date on which the employee is 1729
hired. 1730

Sec. 3743.58. The fire marshal shall adopt rules governing 1731
the transportation of fireworks on the highways of this state. 1732
These rules shall be substantially equivalent to regulations of 1733
the United States department of transportation governing the 1734
transportation of fireworks, and to the fireworks transportation 1735
provisions of the most recent versions of chapters 1123, 1124, and 1736
1126 of the most recent national fire protection association 1737
standards. Fireworks shall be transported on the highways of this 1738
state only in accordance with such rules. Such rules shall not 1739

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require that shipments of fireworks required by this Chapter to be 1740
 made directly out of state be made solely by common carriers 1741
 licensed by the federal government. No requirements of this 1742
 Chapter that fireworks be shipped or transported directly out of 1743
 this state require that these shipments be made personally by the 1744
 seller or solely by common carriers licensed by the federal 1745
 government. 1746

Sec. 3743.59. (A) Upon application by an affected party, the 1747
 state fire marshal may grant variances from the requirements of 1748
 this chapter or from the requirements of rules adopted pursuant to 1749
 this chapter if ~~he~~ the fire marshal determines that a literal 1750
 enforcement of the requirement will result in unnecessary hardship 1751
 and that the variance will not be contrary to the public health, 1752
 safety, or welfare. A variance shall not be granted to a person 1753
 who is initially licensed as a manufacturer or wholesaler of 1754
 fireworks after ~~the effective date of this amendment~~ June 14, 1755
1988. 1756

(B) The fire marshal may authorize a variance from the 1757
prohibitions in this chapter against the possession and use of 1758
pyrotechnic compounds to a person who submits proof that the 1759
person is certified and in good standing with the Ohio state board 1760
of education, provided that the pyrotechnic compounds are used for 1761
educational purposes only, or are used only at an authorized 1762
educational function approved by the governing board that 1763
exercises authority over the educational function. 1764

(C) The fire marshal may authorize a variance from the 1765
prohibitions in this chapter against the possession and use of 1766
pyrotechnic compounds to a person who possesses and uses the 1767
pyrotechnic compounds for personal and noncommercial purposes as a 1768
hobby. The fire marshal may rescind a variance authorized under 1769
this division at any time, exclusively at the fire marshal's 1770
discretion. 1771

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Sec. 3743.60. (A) No person shall manufacture fireworks in 1772
this state unless it is a licensed manufacturer of fireworks, and 1773
no person shall operate a fireworks plant in this state unless it 1774
has been issued a license as a manufacturer of fireworks for the 1775
particular fireworks plant. 1776

(B) No person shall operate a fireworks plant in this state 1777
after its license as a manufacturer of fireworks for the 1778
particular fireworks plant has expired, been denied renewal, or 1779
been revoked, unless a new license has been obtained. 1780

(C) No licensed manufacturer of fireworks, during the 1781
effective period of its licensure, shall construct, locate, or 1782
relocate any buildings or other structures on the premises of its 1783
fireworks plant, make any structural change or renovation in any 1784
building or other structure on the premises of its fireworks 1785
plant, or change the nature of its manufacturing of fireworks so 1786
as to include the processing of fireworks without first obtaining 1787
a written authorization from the fire marshal pursuant to division 1788
(B) of section 3743.04 of the Revised Code. 1789

(D) No licensed manufacturer of fireworks shall manufacture 1790
fireworks, possess fireworks for sale at wholesale or retail, or 1791
sell fireworks at wholesale or retail, in a manner not authorized 1792
by division (C) of section 3743.04 of the Revised Code. 1793

(E) No licensed manufacturer of fireworks shall knowingly 1794
fail to comply with the rules adopted by the fire marshal pursuant 1795
to section 3743.05 of the Revised Code or the requirements of 1796
section 3743.06 of the Revised Code. 1797

(F) No licensed manufacturer of fireworks shall fail to 1798
maintain complete inventory, wholesale sale, and retail records as 1799
required by section 3743.07 of the Revised Code, or to permit 1800
inspection of these records or the premises of a fireworks plant 1801
pursuant to section 3743.08 of the Revised Code. 1802

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(G) No licensed manufacturer of fireworks shall fail to 1803
comply with an order of the fire marshal issued pursuant to 1804
division (B)(1) of section 3743.08 of the Revised Code, within the 1805
specified period of time. 1806

(H) No licensed manufacturer of fireworks shall fail to 1807
comply with an order of the fire marshal issued pursuant to 1808
division (B)(2) of section 3743.08 of the Revised Code until the 1809
nonconformities are eliminated, corrected, or otherwise remedied 1810
or the seventy-two hour period specified in that division has 1811
expired, whichever first occurs. 1812

(I) No person shall smoke or shall carry a ~~lighted~~ pipe, 1813
cigarette, or cigar, or a match, lighter, other flame-producing 1814
item, or open flame on, or shall carry a concealed source of 1815
ignition into, the premises of a fireworks plant, except as 1816
smoking is authorized in specified lunchrooms or restrooms by a 1817
manufacturer pursuant to division (C) of section 3743.06 of the 1818
Revised Code. 1819

(J) No person shall have ~~in his~~ possession or ~~under his~~ 1820
control of, or be under the influence of, any intoxicating liquor, 1821
beer, or controlled substance, while ~~he is~~ on the premises of a 1822
fireworks plant. 1823

Sec. 3743.61. (A) No person, except a licensed manufacturer 1824
of fireworks engaging in the wholesale sale of fireworks as 1825
authorized by division (C)(2) of section 3743.04 of the Revised 1826
Code, shall operate as a wholesaler of fireworks in this state 1827
unless it is a licensed wholesaler of fireworks, or shall operate 1828
as a wholesaler of fireworks at any location in this state unless 1829
it has been issued a license as a wholesaler of fireworks for the 1830
particular location. 1831

(B) No person shall operate as a wholesaler of fireworks at a 1832
particular location in this state after its license as a 1833

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wholesaler of fireworks for the particular location has expired,
been denied renewal, or been revoked, unless a new license has
been obtained.

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

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

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

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

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

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

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- expired, whichever first occurs. 1865
- (I) No person shall smoke or shall carry a ~~lighted~~ pipe, 1866
cigarette, or cigar, or a match, lighter, other flame-producing 1867
item, or open flame on, or shall carry a concealed source of 1868
ignition into, the premises of a wholesaler of fireworks, except 1869
as smoking is authorized in specified lunchrooms or restrooms by a 1870
wholesaler pursuant to division (D) of section 3743.19 of the 1871
Revised Code. 1872
- (J) No person shall have ~~in his~~ possession or ~~under his~~ 1873
control of, or be under the influence of, any intoxicating liquor, 1874
beer, or controlled substance, while ~~he is~~ on the premises of a 1875
wholesaler of fireworks. 1876
- Sec. 3743.64.** (A) No person shall conduct a fireworks 1877
exhibition in this state or act as an exhibitor of fireworks in 1878
this state unless ~~it~~ the person is a licensed exhibitor of 1879
fireworks. 1880
- (B) No person shall conduct a fireworks exhibition in this 1881
state or act as an exhibitor of fireworks in this state after ~~its~~ 1882
the person's license as an exhibitor of fireworks has expired, 1883
been denied renewal, or been revoked, unless a new license has 1884
been obtained. 1885
- (C) No licensed exhibitor of fireworks shall fail to comply 1886
with the rules adopted by the fire marshal pursuant to division 1887
(B) of section 3743.53 of the Revised Code or to comply with 1888
divisions (C) and (D) of that section. 1889
- (D) No licensed exhibitor of fireworks shall conduct a 1890
fireworks exhibition unless a permit has been secured for the 1891
exhibition pursuant to section 3743.54 of the Revised Code or if a 1892
permit so secured is revoked by a fire chief or fire prevention 1893
officer and police chief pursuant to that section. 1894

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(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.

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

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

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

(C) No person shall use in a theater or public hall, what is

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technically known as fireworks showers, or a mixture containing	1926
potassium chlorate and sulphur.	1927
(D) No person shall sell fireworks of any kind to a person	1928
under eighteen years of age.	1929
(E) No person shall advertise Class C <u>1.4G</u> fireworks for	1930
sale. A sign located on a seller's premises identifying the seller	1931
as a seller of fireworks is not the advertising of fireworks for	1932
sale.	1933
(F) No person, other than a licensed manufacturer, licensed	1934
wholesaler, licensed exhibitor, or shipping permit holder, shall	1935
possess class B <u>1.3G</u> fireworks in this state.	1936
<u>(G) Except as otherwise provided in division (K) of section</u>	1937
<u>3743.06 and division (L) of section 3743.19 of the Revised Code,</u>	1938
<u>no person shall knowingly disable a fire suppression system as</u>	1939
<u>defined in section 3781.108 of the Revised Code on the premises of</u>	1940
<u>a fireworks plant of a licensed manufacturer of fireworks or on</u>	1941
<u>the premises of the business operations of a licensed wholesaler</u>	1942
<u>of fireworks.</u>	1943
Sec. 3743.66. (A) No person shall transport fireworks in this	1944
state except in accordance with rules adopted by the fire marshal	1945
pursuant to section 3743.58 of the Revised Code.	1946
(B) As used in this division, "fireworks" includes only Class	1947
B <u>1.3G</u> and Class C <u>1.4G</u> fireworks. No person shall ship fireworks	1948
into this state by mail, parcel post, or common carrier unless the	1949
person possesses a valid shipping permit issued under section	1950
3743.40 of the Revised Code, and the fireworks are shipped	1951
directly to the holder of a license issued under section 3743.03,	1952
3743.16, or 3743.51 of the Revised Code.	1953
No person shall ship fireworks within this state by mail,	1954
parcel post, or common carrier unless the fireworks are shipped	1955

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directly to the holder of a license issued under section 3743.03,
3743.16, or 3743.51 of the Revised Code.

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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.

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(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.

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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

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of forfeited property by law enforcement agencies, and the fire 1987
marshal or that office is not liable for claims for the loss of or 1988
damages to the seized fireworks. 1989

(C) This section does not affect the authority of a peace 1990
officer, as defined in section 2935.01 of the Revised Code, to 1991
make arrests for violations of this chapter or to seize fireworks 1992
manufactured, sold, possessed, transported, or used in violation 1993
of this chapter. 1994

(D) Any fines imposed for a violation of this chapter 1995
relating to the sale, purchase, possession, or discharge of 1996
fireworks shall be distributed in the following manner if a 1997
municipal corporation, county, or township either filed or 1998
enforced the complaint regarding the violation. One-half of the 1999
amount of the fine shall be distributed to the municipal 2000
corporation, county, or township which filed the complaint 2001
regarding the violation and one-half of the amount of the fine 2002
shall be distributed to the municipal corporation, county, or 2003
township which enforced the complaint. If the same municipal 2004
corporation, county, or township both filed the complaint 2005
regarding the violation and enforced the complaint, the entire 2006
amount of the fine shall be distributed to that municipal 2007
corporation, county, or township. 2008

Sec. 3743.70. The fire marshal shall not issue an initial 2009
license or permit under this chapter on or after the effective 2010
date of this section if the applicant for the license or permit, 2011
or any individual holding, owning, or controlling a five per cent 2012
or greater beneficial or equity interest in the applicant for the 2013
license or permit, has been convicted of or pleaded guilty to a 2014
felony under the laws of this state, another state, or the United 2015
States. The fire marshal shall revoke or deny renewal of a license 2016
or permit first issued under this chapter on or after the 2017

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effective date of this section if the holder of the license or 2018
permit, or any individual holding, owning, or controlling a five 2019
per cent or greater beneficial or equity interest in the holder of 2020
the license or permit, is convicted of or pleads guilty to a 2021
felony under the laws of this state, another state, or the United 2022
States. 2023

Sec. 3743.80. This chapter does not prohibit or apply to the 2024
following: 2025

(A) The manufacture, sale, possession, transportation, 2026
storage, or use in emergency situations, of pyrotechnic signaling 2027
devices and distress signals for marine, aviation, or highway use; 2028

(B) The manufacture, sale, possession, transportation, 2029
storage, or use of fusees, ~~torpedos~~ torpedoes, or other signals 2030
necessary for the safe operation of railroads; 2031

(C) The manufacture, sale, possession, transportation, 2032
storage, or use of blank cartridges in connection with theaters or 2033
shows, or in connection with athletics as signals or for 2034
ceremonial purposes; 2035

(D) The manufacture for, the transportation, storage, 2036
possession, or use by, or sale to the armed forces of the United 2037
States and the militia of this state of pyrotechnic devices; 2038

(E) The manufacture, sale, possession, transportation, 2039
storage, or use of toy pistols, toy canes, toy guns, or other 2040
devices in which paper or plastic caps containing twenty-five 2041
hundredths grains or less of explosive material are used, provided 2042
that they are constructed so that a hand cannot come into contact 2043
with a cap when it is in place for explosion, or apply to the 2044
manufacture, sale, possession, transportation, storage, or use of 2045
those caps; 2046

(F) The manufacture, sale, possession, transportation, 2047

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storage, or use of novelties and trick noisemakers, auto burglar 2048
alarms, or model rockets and model rocket motors designed, sold, 2049
and used for the purpose of propelling recoverable aero models; 2050

(G) The manufacture, sale, possession, transportation, 2051
storage, or use of wire sparklers on a wire stick, as this term is 2052
defined in the regulations of the United States department of 2053
transportation. 2054

(H) The conduct of radio-controlled special effect 2055
exhibitions that use an explosive black powder charge of not more 2056
than one-quarter pound per charge, and that are not connected in 2057
any manner to propellant charges, provided that the exhibition 2058
complies with all of following: 2059

(1) No explosive aerial display is conducted in the 2060
exhibition; 2061

(2) The exhibition is separated from spectators by not less 2062
than two hundred feet; 2063

(3) The person conducting the exhibition complies with 2064
regulations of the bureau of alcohol, tobacco, and firearms of the 2065
United States department of the treasury and the United States 2066
department of transportation with respect to the storage and 2067
transport of the explosive black powder used in the exhibition. 2068

Sec. 3743.99. (A) Whoever violates division (A) or (B) of 2069
section 3743.60 of the Revised Code is guilty of a felony of the 2070
third degree. 2071

(B) Whoever violates division (C) or (D) of section 3743.60, 2072
division (A), (B), (C), or (D) of section 3743.61, or division (A) 2073
or (B) of section 3743.64 of the Revised Code is guilty of a 2074
felony of the fourth degree. 2075

(C) Whoever violates division (E), (F), (G), (H), (I), or (J) 2076
of section 3743.60, division (E), (F), (G), (H), (I), or (J) of 2077

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section 3743.61, section 3743.63, division (C), (D), (E), or (F),
 or (G) 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.

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

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

Section 3. That sections 3743.01, 3743.50, 3743.52, 3743.53,
 3743.54, 3743.64, and 3743.99 be further amended, that sections
 3743.56 and 3743.57 be amended, and that sections 3743.541 and
 3743.75 of the Revised Code be enacted to read as follows:

Sec. 3743.01. As used in this chapter:

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

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

(C) "Cigarette load" means a small wooden peg that is coated
 with a small quantity of explosive composition and that is ignited

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in a cigarette.	2107
(D)(1) "1.3G fireworks" means display fireworks consistent	2108
with regulations of the United States department of transportation	2109
as expressed using the designation "division 1.3" in Title 49,	2110
Code of Federal Regulations.	2111
(2) "1.4G fireworks" means consumer fireworks consistent with	2112
regulations of the United States department of transportation as	2113
expressed using the designation "division 1.4" in Title 49, Code	2114
of Federal Regulations.	2115
(E) "Controlled substance" has the same meaning as in section	2116
3719.01 of the Revised Code.	2117
(F) "Fireworks" means any composition or device prepared for	2118
the purpose of producing a visible or an audible effect by	2119
combustion, deflagration, or detonation, except ordinary matches	2120
and except as provided in section 3743.80 of the Revised Code.	2121
(G) "Fireworks plant" means all buildings and other	2122
structures in which the manufacturing of fireworks, or the storage	2123
or sale of manufactured fireworks by a manufacturer, takes place.	2124
(H) "Highway" means any public street, road, alley, way,	2125
lane, or other public thoroughfare.	2126
(I) "Licensed exhibitor of fireworks" or "licensed exhibitor"	2127
means a person licensed pursuant to sections 3743.50 to 3743.55 of	2128
the Revised Code.	2129
(J) "Licensed manufacturer of fireworks" or "licensed	2130
manufacturer" means a person licensed pursuant to sections 3743.02	2131
to 3743.08 of the Revised Code.	2132
(K) "Licensed wholesaler of fireworks" or "licensed	2133
wholesaler" means a person licensed pursuant to sections 3743.15	2134
to 3743.21 of the Revised Code.	2135
(L) "List of licensed exhibitors" means the list required by	2136

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division (C) of section 3743.51 of the Revised Code.	2137
(M) "List of licensed manufacturers" means the list required by division (C) of section 3743.03 of the Revised Code.	2138 2139
(N) "List of licensed wholesalers" means the list required by division (C) of section 3743.16 of the Revised Code.	2140 2141
(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.	2142 2143 2144
(P) "Navigable waters" means any body of water susceptible of 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.	2145 2146 2147 2148 2149 2150
(Q) "Novelties and trick noisemakers" include the following items:	2151 2152
(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;	2153 2154 2155
(2) Snakes or glow worms;	2156
(3) Smoke devices;	2157
(4) Trick matches.	2158
(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.	2159 2160 2161 2162 2163
(S) "Processing of fireworks" means the making of fireworks from materials all or part of which in and of themselves	2164 2165

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- constitute a fireworks, but does not include the mere packaging or
repackaging of fireworks. 2166
2167
- (T) "Railroad" means any railway or railroad that carries 2168
freight or passengers for hire, but does not include auxiliary 2169
tracks, spurs, and sidings installed and primarily used in serving 2170
a mine, quarry, or plant. 2171
- (U) "Retail sale" or "sell at retail" means a sale of 2172
fireworks to a purchaser who intends to use the fireworks, and not 2173
resell them. 2174
- (V) "Smoke device" means a tube or sphere that contains 2175
pyrotechnic composition that, upon ignition, produces white or 2176
colored smoke as the primary effect. 2177
- (W) "Snake or glow worm" means a device that consists of a 2178
pressed pellet of pyrotechnic composition that produces a large, 2179
snake-like ash upon burning, which ash expands in length as the 2180
pellet burns. 2181
- (X) "Snapper" means a small, paper-wrapped item that contains 2182
a minute quantity of explosive composition coated on small bits of 2183
sand, and that, when dropped, implodes. 2184
- (Y) "Trick match" means a kitchen or book match that is 2185
coated with a small quantity of explosive composition and that, 2186
upon ignition, produces a small report or a shower of sparks. 2187
- (Z) "Wire sparkler" means a sparkler consisting of a wire or 2188
stick coated with a nonexplosive pyrotechnic mixture that produces 2189
a shower of sparks upon ignition and that contains no more than 2190
one hundred grams of this mixture. 2191
- (AA) "Wholesale sale" or "sell at wholesale" means a sale of 2192
fireworks to a purchaser who intends to resell the fireworks so 2193
purchased. 2194
- (BB) "Licensed premises" means the real estate upon which a 2195

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licensed manufacturer or wholesaler of fireworks conducts
business. 2196
2197

(CC) "Licensed building" means a building on the licensed 2198
premises of a licensed manufacturer or wholesaler of fireworks 2199
that is approved for occupancy by the building official having 2200
jurisdiction. 2201

(DD) "Fireworks incident" means any action or omission that 2202
occurs at a fireworks exhibition, that results in injury or death, 2203
or a substantial risk of injury or death, to any person, and that 2204
involves either of the following: 2205

(1) The handling or other use, or the results of the handling 2206
or other use, of fireworks or associated equipment or other 2207
materials; 2208

(2) The failure of any person to comply with any applicable 2209
requirement imposed by this chapter or any applicable rule adopted 2210
under this chapter. 2211

(EE) "Discharge site" means an area immediately surrounding 2212
the mortars used to fire aerial shells. 2213

(FF) "Fireworks incident site" means a discharge site or 2214
other location at a fireworks exhibition where a fireworks 2215
incident occurs, a location where an injury or death associated 2216
with a fireworks incident occurs, or a location where evidence of 2217
a fireworks incident or an injury or death associated with a 2218
fireworks incident is found. 2219

Sec. 3743.50. Any person who wishes to be an exhibitor of 2220
fireworks in this state shall submit to the fire marshal an 2221
application for licensure as an exhibitor of fireworks. ~~Except as~~ 2222
~~otherwise provided in this section, the~~ The application shall be 2223
on a form prescribed by the fire marshal, contain all information 2224
requested by the fire marshal, and be accompanied by a fee of ~~one~~ 2225

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~~hundred fifty dollars, except that the application of an applicant~~ 2226
~~who is employed by a licensed manufacturer or wholesaler of~~ 2227
~~fireworks shall be accompanied by a fee of fifty dollars.~~ 2228
The fire 2229
marshal shall prescribe a form for applications for licensure as 2230
an exhibitor of fireworks and make a copy of the form available, 2231
upon request, to persons who seek that licensure. An applicant for 2232
licensure as an exhibitor of fireworks shall be at least 2233
twenty-one years of age and be in compliance with Chapter 4123. of 2234
the Revised Code.

Sec. 3743.52. (A) The license of an exhibitor of fireworks is 2235
effective for one year from the date of its issuance by the fire 2236
marshal. If an exhibitor of fireworks wishes to continue as an 2237
exhibitor after its then effective license expires, it shall apply 2238
for a new license pursuant to section 3743.50 of the Revised Code. 2239
The fire marshal shall send a written notice of the expiration of 2240
its license to a licensed exhibitor at least two months before the 2241
expiration date. 2242

(B) The license of an exhibitor of fireworks authorizes the 2243
exhibitor to conduct public fireworks exhibitions in this state if 2244
it complies with sections 3743.50 to 3743.55 of the Revised Code 2245
and with the rules adopted by the fire marshal pursuant to section 2246
3743.53 of the Revised Code. 2247

The license is not transferable or assignable, and is subject 2248
to revocation as provided in section 3743.70 or division (D) of 2249
section 3743.99 of the Revised Code or pursuant to Chapter 119. of 2250
the Revised Code if the exhibitor fails to comply with sections 2251
3743.50 to 3743.55 of the Revised Code or the rules adopted by the 2252
fire marshal pursuant to section 3743.53 of the Revised Code. 2253

If the license of an exhibitor is revoked, the exhibitor 2254
shall cease conducting public fireworks exhibitions immediately. 2255
The Subject to division (D) of section 3743.99 of the Revised 2256

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Code, the exhibitor may not reapply for licensure as an exhibitor 2257
of fireworks until two years expire from the date of revocation. 2258
The fire marshal shall remove from the list of licensed exhibitors 2259
the exhibitor's name, and shall notify fire chiefs, fire 2260
prevention officers, and police chiefs or other similar chief law 2261
enforcement officers of municipal corporations, townships, or 2262
township police districts in this state of the revocation. 2263

(C) Each licensed exhibitor of fireworks or a designee of the 2264
exhibitor, whose identity is provided to the fire marshal by the 2265
exhibitor, shall attend a continuing education program consisting 2266
of not less than six hours of instruction once every three years. 2267
The fire marshal shall develop the program, and the fire marshal 2268
or a person or public agency approved by the fire marshal shall 2269
conduct it. A licensed exhibitor or the exhibitor's designee who 2270
attends a program as required under this division, within one year 2271
after attending the program, and on an annual basis during the 2272
following two years, shall conduct in-service training for other 2273
employees of the licensee regarding the information obtained in 2274
the program. A licensed exhibitor shall provide the fire marshal 2275
with certified proof of full compliance with all applicable annual 2276
training requirements of the United States department of 2277
transportation and of the occupational safety and health 2278
administration. A licensed exhibitor shall provide the fire 2279
marshal with notice of the date, time, and place of all in-service 2280
training not less than thirty days prior to an in-service training 2281
event. An individual exhibitor who has no employees shall not 2282
fulfill continuing education requirements through a designee. 2283

Sec. 3743.53. (A) The fire marshal shall adopt rules in 2285
accordance with Chapter 119. of the Revised Code that establish 2286
qualifications that all applicants for licensure as an exhibitor 2287

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of fireworks shall satisfy. These rules shall be designed to 2288
provide a reasonable degree of assurance that individuals 2289
conducting public fireworks exhibitions in this state are 2290
proficient in handling and discharging fireworks, are capable of 2291
handling the responsibilities associated with exhibitions as 2292
prescribed by rule of the fire marshal pursuant to divisions (B) 2293
and (E) of this section or as prescribed by sections 3743.50 to 2294
3743.55 of the Revised Code, and will conduct fireworks 2295
exhibitions in a manner that emphasizes the safety and security of 2296
the public. The rules shall be consistent with sections 3743.50 to 2297
3743.55 of the Revised Code and may include, in addition to other 2298
requirements prescribed by the fire marshal, a requirement that 2299
the applicant for licensure successfully complete a written 2300
examination or otherwise successfully demonstrate its proficiency 2301
in the handling and discharging of fireworks in a safe manner and 2302
its ability to handle the responsibilities associated with 2303
exhibitions. 2304

(B) The fire marshal shall adopt rules in accordance with 2305
Chapter 119. of the Revised Code that govern the nature and 2306
conduct of public fireworks exhibitions by licensed exhibitors of 2307
fireworks. These rules shall be designed to promote the safety and 2308
security of persons viewing a fireworks exhibition, to promote the 2309
safety of persons who, although not viewing an exhibition, could 2310
be affected by fireworks used at it, and to promote the safety and 2311
security of exhibitors and their assistants. 2312

The rules shall be consistent with sections 3743.50 to 2313
3743.55 of the Revised Code; except as otherwise provided in this 2314
section, shall be substantially equivalent to the most recent 2315
versions of chapters 1123, 1124, and 1126 of the most recent 2316
national fire protection association standards; and shall apply 2317
to, but not be limited to, the following subject matters: 2318

(1) The construction of shells used in a fireworks 2319

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exhibition;	2320
(2) Except as the storage <u>and securing</u> of fireworks is	2321
addressed by the rules adopted under division (E) of this section,	2322
the storage, <u>securing</u> , and supervision of fireworks pending their	2323
use in, and during the course of, a fireworks exhibition, and	2324
inspections by exhibitors of fireworks to be used in an exhibition	2325
prior to their use. These rules shall regulate, among other	2326
relevant matters, the storage of fireworks in manners that will	2327
effectively eliminate or reduce the likelihood of the fireworks	2328
becoming wet or being exposed to flame, and appropriate distances	2329
between storage sites and the sites at which fireworks will be	2330
discharged.	2331
(3) The installation and nature of mortars used in a	2332
fireworks exhibition, and inspections by exhibitors of mortars	2333
prior to their use;	2334
(4) Minimum distances between storage sites, discharge sites,	2335
spectator viewing sites, parking areas, and potential landing	2336
areas of fireworks, and minimum distances between discharge sites,	2337
potential landing areas, and residential or other types of	2338
buildings or structures;	2339
(5) The nature of discharge sites and potential landing	2340
sites;	2341
(6) Fire protection, the use and location of monitors for	2342
crowd control, the use of fences and rope barriers for crowd	2343
control, illumination, smoking and the use of open flame, and	2344
posting of warning signs concerning smoking or the use of open	2345
flame in connection with fireworks exhibitions. These rules may	2346
provide some authority to local officials in determining adequate	2347
fire protection, and numbers and locations of monitors.	2348
(7) Procedures to be followed in the discharging of	2349
fireworks;	2350

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(8) Weather and crowd-related conditions under which fireworks may and may not be discharged, including circumstances under which exhibitions should be postponed;	2351 2352 2353
(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.	2354 2355 2356 2357 2358
(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.	2359 2360 2361 2362 2363
(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.	2364 2365 2366 2367
(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:	2368 2369 2370
(a) Uniform standards for the stability <u>and securing</u> of fireworks storage racks used at a fireworks exhibition;	2371 2372
(b) A detailed checklist that a fire chief or fire prevention officer, in consultation with a police chief <u>or other similar chief law enforcement officer of a municipal corporation, township, or township police district</u> or with a designee of such a police chief or other similar chief law enforcement officer, shall complete, while conducting the inspection required under division (C) of section 3743.54 of the Revised Code at the premises at which a fireworks exhibition will take place, to ensure that the exhibition will comply with all applicable requirements of this	2373 2374 2375 2376 2377 2378 2379 2380 2381

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chapter, and all applicable rules adopted under this chapter, that 2382
regulate the conduct of a fireworks exhibition. 2383

(2) Each licensed exhibitor of fireworks shall comply with 2384
the rules that the fire marshal adopts under division (E)(1)(a) of 2385
this section. 2386

(3) Prior to the fire marshal's adoption of the rules 2387
referred to in divisions (E)(1)(a) and (b) of this section, the 2388
director of commerce shall appoint a committee consisting of the 2389
fire marshal, three representatives of the fireworks industry, and 2390
three representatives of the fire service industry to assist the 2391
fire marshal in adopting those rules. The fire marshal shall adopt 2392
initial rules under those divisions by not later than May 1, 2001. 2393
2394

(F) A fire chief or fire prevention officer, in consultation 2395
with a police chief or other similar chief law enforcement officer 2396
of a municipal corporation, township, or township police district 2397
or with a designee of such a police chief or other similar chief 2398
law enforcement officer, shall conduct the inspection referred to 2399
in division (E)(1)(b) of this section, complete the checklist 2400
referred to in division (E)(1)(b) of this section while conducting 2401
the inspection, and provide a copy of the completed checklist to 2402
the fire marshal. 2403

(G) A designee, if any, designated by a police chief or other 2404
similar chief law enforcement officer under this section or 2405
section 3743.54 of the Revised Code shall be a law enforcement 2406
officer serving in the same law enforcement agency as the police 2407
chief or other similar chief law enforcement officer. 2408

Sec. 3743.54. (A) A licensed exhibitor of fireworks may 2409
acquire fireworks for use at a public fireworks exhibition only 2410
from a licensed manufacturer of fireworks or licensed wholesaler 2411
of fireworks, and only in accordance with the procedures specified 2412

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in this section and section 3743.55 of the Revised Code. A 2413
licensed exhibitor shall not acquire, for any purpose, 1.4G 2414
fireworks as designated by the fire marshal in rules adopted 2415
pursuant to division (A) of section 3743.05 of the Revised Code. 2416

(B)(1) A licensed exhibitor of fireworks who wishes to 2417
conduct a public fireworks exhibition shall apply for approval to 2418
conduct the exhibition to whichever of the following persons is 2419
appropriate under the circumstances: 2420

(a) Unless division (B)(1)(c) or (d) of this section applies, 2421
if the exhibition will take place in a municipal corporation, the 2422
approval shall be obtained from the fire chief, and from the 2423
police chief or other similar chief law enforcement officer, or 2424
the designee of the police chief or similar chief law enforcement 2425
officer, of the particular municipal corporation. 2426

(b) Unless division (B)(1)(c) or (d) of this section applies, 2427
if the exhibition will take place in an unincorporated area, the 2428
approval shall be obtained from the fire chief of the particular 2429
township or township fire district, and from the police chief or 2430
other similar chief law enforcement officer, or the designee of 2431
the police chief or similar chief law enforcement officer, of the 2432
particular township or township police district. 2433

(c) If fire protection services for the premises on which the 2434
exhibition will take place are provided in accordance with a 2435
contract between political subdivisions, the approval shall be 2436
obtained from the fire chief of the political subdivision 2437
providing the fire protection services and from the police chief 2438
or other similar chief law enforcement officer, or the designee of 2439
the police chief or similar chief law enforcement officer, of the 2440
political subdivision in which the premises on which the 2441
exhibition will take place are located. If police services for the 2442
premises on which the exhibition will take place are provided in 2443
accordance with a contract between political subdivisions, the 2444

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approval shall be obtained from the police chief or other similar 2445
chief law enforcement officer, or the designee of the police chief 2446
or similar chief law enforcement officer, of the political 2447
subdivision providing the police services and from the fire chief 2448
of the political subdivision in which the premises on which the 2449
exhibition will take place are located. If both fire and police 2450
protection services for the premises on which the exhibition will 2451
take place are provided in accordance with a contract between 2452
political subdivisions, the approval shall be obtained from the 2453
fire chief, and from the police chief or other similar chief law 2454
enforcement officer, or the designee of the police chief or 2455
similar chief law enforcement officer, of the political 2456
subdivisions providing the police and fire protection services. 2457

(d) If there is no municipal corporation, township, or 2458
township fire district fire department, no municipal corporation, 2459
township, or township police district police department, and no 2460
contract for police or fire protection services between political 2461
subdivisions covering the premises on which the exhibition will 2462
take place, the approval shall be obtained from the fire 2463
prevention officer, and from the police chief or other similar 2464
chief law enforcement officer, or the designee of the police chief 2465
or other similar chief law enforcement officer, having 2466
jurisdiction over the premises. 2467

(2) The approval required by division (B)(1) of this section 2468
shall be evidenced by the fire chief or fire prevention officer 2469
and by the police chief or other similar chief law enforcement 2470
officer, or the designee of the police chief or other similar 2471
chief law enforcement officer, signing a permit for the 2472
exhibition. The fire marshal shall prescribe the form of 2473
exhibition permits and distribute copies of the form to fire 2474
chiefs, to fire prevention officers, and to police chiefs or other 2475
similar chief law enforcement officers of municipal corporations, 2476

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townships, or township police districts, or their designees, in 2477
this state. Any exhibitor of fireworks who wishes to conduct a 2478
public fireworks exhibition may obtain a copy of the form from the 2479
fire marshal or, if it is available, from a fire chief, a fire 2480
prevention officer, or a police chief or other similar chief law 2481
enforcement officer of a municipal corporation, township, or 2482
township police district, or a designee of such a police chief or 2483
other similar chief law enforcement officer. 2484

(C) Before a permit is signed and issued to a licensed 2485
exhibitor of fireworks, the fire chief or fire prevention officer, 2486
in consultation with the police chief or other similar chief law 2487
enforcement officer or with the designee of the police chief or 2488
other similar chief law enforcement officer, shall inspect the 2489
premises on which the exhibition will take place and shall 2490
determine that, in fact, the applicant for the permit is a 2491
licensed exhibitor of fireworks. Each applicant shall show the 2492
applicant's license as an exhibitor of fireworks to the fire chief 2493
or fire prevention officer. 2494

The fire chief or fire prevention officer, and the police 2495
chief or other similar chief law enforcement officer, or the 2496
designee of the police chief or other similar chief law 2497
enforcement officer, shall give approval to conduct a public 2498
fireworks exhibition only if satisfied, based on the inspection, 2499
that the premises on which the exhibition will be conducted allow 2500
the exhibitor to comply with the rules adopted by the fire marshal 2501
pursuant to divisions (B) and (E) of section 3743.53 of the 2502
Revised Code and that the applicant is, in fact, a licensed 2503
exhibitor of fireworks. The fire chief or fire prevention officer, 2504
in consultation with the police chief or other similar chief law 2505
enforcement officer or with the designee of the police chief or 2506
other similar chief law enforcement officer, may inspect the 2507
premises immediately prior to the exhibition to determine if the 2508

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exhibitor has complied with the rules, and may revoke a permit for 2509
noncompliance with the rules. 2510

(D) If the legislative authorities of their political 2511
subdivisions have prescribed a fee for the issuance of a permit 2512
for a public fireworks exhibition, fire chiefs or fire prevention 2513
officers, and police chiefs, other similar chief law enforcement 2514
officers, or their designee, shall not issue a permit until the 2515
exhibitor pays the requisite fee. 2516

Each exhibitor shall provide an indemnity bond in the amount 2517
of at least one million dollars, with surety satisfactory to the 2518
fire chief or fire prevention officer and to the police chief or 2519
other similar chief law enforcement officer, or the designee of 2520
the police chief or other similar chief law enforcement officer, 2521
conditioned for the payment of all final judgments that may be 2522
rendered against the exhibitor on account of injury, death, or 2523
loss to persons or property emanating from the fireworks 2524
exhibition, or proof of insurance coverage of at least one million 2525
dollars for liability arising from injury, death, or loss to 2526
persons or property emanating from the fireworks exhibition. The 2527
legislative authority of a political subdivision in which a public 2528
fireworks exhibition will take place may require the exhibitor to 2529
provide an indemnity bond or proof of insurance coverage in 2530
amounts greater than those required by this division. Fire chiefs 2531
or fire prevention officers, and police chiefs, other similar 2532
chief law enforcement officers, or their designee, shall not issue 2533
a permit until the exhibitor provides the bond or proof of the 2534
insurance coverage required by this division or by the political 2535
subdivision in which the fireworks exhibition will take place. 2536

(E)(1) Each permit for a fireworks exhibition issued by a 2537
fire chief or fire prevention officer, and by the police chief or 2538
other similar chief law enforcement officer, or the designee of 2539
the police chief or other similar chief law enforcement officer, 2540

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shall contain a distinct number, designate the municipal 2541
corporation, township, or township fire or police district of the 2542
fire chief ~~or~~, fire prevention officer ~~and the~~, police chief or 2543
other similar chief law enforcement officer, or designee of the 2544
police chief or other similar chief law enforcement officer, and 2545
identify the certified fire safety inspector, fire chief, or fire 2546
prevention officer who will be present before, during, and after 2547
the exhibition, where appropriate. A copy of each permit issued 2548
shall be forwarded by the fire chief or fire prevention officer, 2549
and by the police chief or other similar chief law enforcement 2550
officer, or the designee of the police chief or other similar 2551
chief law enforcement officer, issuing it to the fire marshal, who 2552
shall keep a record of the permits received. A permit is not 2553
transferable or assignable. 2554

(2) Each fire chief, fire prevention officer, ~~and~~ police 2555
chief or other similar chief law enforcement officer, and designee 2556
of a police chief or other similar chief law enforcement officer 2557
shall keep a record of issued permits for fireworks exhibitions. 2558
In this list, the fire chief, fire prevention officer, ~~or~~ police 2559
chief or other similar chief law enforcement officer, and designee 2560
of a police chief or other similar chief law enforcement officer 2561
shall list the name of the exhibitor, the exhibitor's license 2562
number, the premises on which the exhibition will be conducted, 2563
the date and time of the exhibition, and the number and political 2564
subdivision designation of the permit issued to the exhibitor for 2565
the exhibition. 2566

(F) The governing authority having jurisdiction in the 2567
location where an exhibition is to take place shall require that a 2568
certified fire safety inspector, fire chief, or fire prevention 2569
officer be present before, during, and after the exhibition, and 2570
shall require the certified fire safety inspector, fire chief, or 2571
fire prevention officer to inspect the premises where the 2572

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exhibition is to take place and determine whether the exhibition 2573
is in compliance with this chapter. 2574

Sec. 3743.541. (A) The appropriate certified fire safety 2575
inspector, fire chief, or fire prevention officer or appropriate 2576
state or local law enforcement authority with jurisdiction over a 2577
fireworks incident site shall immediately notify the state fire 2578
marshal, the state fire marshal's designee, or a member of the 2579
state fire marshal's staff regarding the occurrence of the 2580
fireworks incident and the location of the fireworks incident 2581
site. 2582

(B) At any time after a fireworks incident occurs, unless the 2583
fire marshal otherwise delegates the fire marshal's authority to 2584
the appropriate state or local law enforcement authority with 2585
jurisdiction over the fireworks incident site, the fire marshal, 2586
the fire marshal's designee, or a member of the fire marshal's 2587
staff shall supervise and coordinate the investigation of the 2588
fireworks incident and supervise any dismantling, repositioning, 2589
or other disturbance of fireworks, associated equipment or other 2590
materials, or other items within the fireworks incident site or of 2591
any evidence related to the fireworks incident. 2592

(C) A state or local law enforcement officer, certified fire 2593
safety inspector, fire chief, or fire prevention officer, or any 2594
person authorized and supervised by a state or local law 2595
enforcement officer, certified fire safety inspector, fire chief, 2596
or fire prevention officer, prior to the arrival of the fire 2597
marshal, the fire marshal's designee, or a member of the fire 2598
marshal's staff at a fireworks incident site, may dismantle, 2599
reposition, or move any fireworks, any associated equipment or 2600
other materials, or any other items found within the site or any 2601
evidence related to the fireworks incident only as necessary to 2602
prevent an imminent fire, imminent explosion, or similar threat of 2603

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additional injury or death to any member of the public at the site. 2604
2605

Sec. 3743.56. Each fireworks exhibitor licensed under section 2606
3743.51 of the Revised Code shall register annually with the fire 2607
marshal all employees who assist the licensed exhibitor in 2608
conducting fireworks exhibitions. Once registered, such an 2609
employee may be employed by any other licensed fireworks 2610
exhibitor, without the need for that other licensed exhibitor to 2611
register the employee with the fire marshal. The fire marshal 2612
shall maintain a record of ~~each~~ licensed ~~exhibitor~~ exhibitors and 2613
registered ~~employee~~ employees and make it available, upon request, 2614
to any law enforcement agency. ~~The~~ 2615

The fire marshal shall adopt rules under Chapter 119. of the 2616
Revised Code that establish appropriate fees for the registration 2617
of employees of a licensed ~~exhibitor~~ exhibitors and otherwise 2618
implement this section. ~~A~~ 2619

In addition to the annual registration of employees required 2620
by this section, a licensed exhibitor shall file an application to 2621
register a new employee, unless the new employee is already 2622
registered under this section, not later than seven days after the 2623
date on which the employee is hired. 2624

Sec. 3743.57. (A) All fees collected by the fire marshal for 2625
licenses or permits issued pursuant to this chapter shall be 2626
deposited into the state fire marshal's fund, and interest earned 2627
on the amounts in the fund shall be credited by the treasurer of 2628
state to the fund. 2629

(B) There is hereby established in the state treasury the 2630
fire marshal's fireworks training and education fund. The fire 2631
marshal shall deposit all assessments paid under this division 2632
into the state treasury to the credit of the ~~fire marshal's~~ 2633

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~~fireworks training and education~~ fund. Each fireworks manufacturer 2634
and fireworks wholesaler licensed under this chapter shall pay 2635
assessments to the fire marshal for deposit into the fund as 2636
required by this division. 2637

The fire marshal shall impose an initial assessment upon each 2638
licensed fireworks manufacturer and wholesaler in order to 2639
establish a fund balance of ~~ten~~ fifteen thousand dollars. The fund 2640
balance shall at no time exceed ~~ten~~ fifteen thousand dollars, and 2641
the fire marshal shall impose no further assessments unless the 2642
fund balance is reduced to five thousand dollars or less. If the 2643
fund balance is reduced to five thousand dollars or less, the fire 2644
marshal shall impose an additional assessment upon each licensed 2645
fireworks manufacturer and wholesaler in order to increase the 2646
fund balance to ~~ten~~ fifteen thousand dollars. The fire marshal 2647
shall determine the amount of the initial assessment on each 2648
manufacturer or wholesaler and each additional assessment by 2649
dividing the total amount needed to be paid into the fund by the 2650
total number of fireworks manufacturers and wholesalers licensed 2651
under this chapter. If a licensed fireworks manufacturer or 2652
wholesaler fails to pay an assessment required by this division 2653
within thirty days after receiving notice of the assessment, the 2654
fire marshal, in accordance with Chapter 119. of the Revised Code, 2655
may refuse to issue, or may revoke, the appropriate license. 2656

The fire marshal shall in ~~his~~ the fire marshal's discretion 2657
use amounts in the ~~fire marshal's fireworks training and education~~ 2658
fund for fireworks training and education purposes, including, but 2659
not limited to, the creation of educational and training programs, 2660
attendance by the fire marshal and ~~his~~ the fire marshal's 2661
employees at conferences and seminars ~~and~~, the payment of travel 2662
and meal expenses associated with such attendance, ~~and~~ 2663
participation by the fire marshal and ~~his~~ the fire marshal's 2664
employees in committee meetings and other meetings related to 2665

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pyrotechnic codes, and the payment of travel and meal expenses 2666
 associated with such participation. The use of the fund shall 2667
 comply with rules of the department of commerce, policies and 2668
 procedures established by the director of budget and management, 2669
 and all other applicable laws. 2670

Sec. 3743.64. (A) No person shall conduct a fireworks 2671
 exhibition in this state or act as an exhibitor of fireworks in 2672
 this state unless the person is a licensed exhibitor of fireworks. 2673

(B) No person shall conduct a fireworks exhibition in this 2674
 state or act as an exhibitor of fireworks in this state after the 2675
 person's license as an exhibitor of fireworks has expired, been 2676
 denied renewal, or been revoked, unless a new license has been 2677
 obtained. 2678

(C) No licensed exhibitor of fireworks shall fail to comply 2679
 with the applicable requirements of the rules adopted by the fire 2680
 marshal pursuant to divisions (B) and (E) of section 3743.53 of 2681
 the Revised Code or to comply with divisions (C) and (D) of that 2682
 section. 2683

(D) No licensed exhibitor of fireworks shall conduct a 2684
 fireworks exhibition unless a permit has been secured for the 2685
 exhibition pursuant to section 3743.54 of the Revised Code or if a 2686
 permit so secured is revoked by a fire chief or fire prevention 2687
 officer, in consultation with a police chief or other similar 2688
chief law enforcement officer of a municipal corporation, 2689
township, or township police district or with a designee of such a 2690
police chief or other similar chief law enforcement officer, 2691
 pursuant to that section. 2692

(E) No licensed exhibitor of fireworks shall acquire 2693
 fireworks for use at a fireworks exhibition other than in 2694
 accordance with sections 3743.54 and 3743.55 of the Revised Code. 2695

(F) No licensed exhibitor of fireworks or other person 2696

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associated with the conduct of a fireworks exhibition shall have 2697
 possession or control of, or be under the influence of, any 2698
 intoxicating liquor, beer, or controlled substance while on the 2699
 premises on which the exhibition is being conducted. 2700

(G) No licensed exhibitor of fireworks shall permit an 2701
 employee to assist the licensed exhibitor in conducting fireworks 2702
 exhibitions unless the employee is registered with the fire 2703
 marshal under section 3743.56 of the Revised Code. 2704

~~(H)(1) As used in this division:~~ 2705

~~(a) "Accident" means any action or omission that occurs at a 2706
 fireworks exhibition, that results in injury or death, or a 2707
 substantial risk of injury or death, to any person, and that 2708
 involves either of the following:~~ 2709

~~(i) The handling or other use of fireworks or associated 2710
 equipment or other materials;~~ 2711

~~(ii) The failure of any person to comply with any applicable 2712
 requirement imposed by this chapter or any applicable rule adopted 2713
 under this chapter.~~ 2714

~~(b) "Discharge site" means the area immediately surrounding 2715
 the mortars used to fire aerial shells.~~ 2716

~~(c) "Accident site" means a discharge site or other location 2717
 at a fireworks exhibition where an accident occurs, an injury or 2718
 death associated with an accident occurs, or evidence of an 2719
 accident or an injury or death associated with an accident is 2720
 found.~~ 2721

~~(2) No Except as provided in division (C) of section 3743.541 2722
of the Revised Code, no person shall knowingly, or knowingly 2723
permit another person to, dismantle, reposition, or otherwise 2724
disturb any fireworks, associated equipment, fireworks, or other 2725
materials, or other items within an accident a fireworks incident 2726~~

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site of a fireworks exhibition, or any evidence related to an 2727
 accident a fireworks incident, at any time after that person has 2728
 reason to believe an accident a fireworks incident has occurred, 2729
 before the state fire marshal, the state fire marshal's designee, 2730
 a member of the state fire marshal's staff, or other appropriate 2731
 state or local law enforcement authorities permit in accordance 2732
 with section 3743.541 of the Revised Code the dismantling, 2733
 repositioning, or other disturbance of the fireworks, equipment, 2734
 materials, or items within the accident fireworks incident site or 2735
 of any evidence related to the accident fireworks incident. 2736

~~(3) It is an affirmative defense to a charge under division 2738
 (H) of this section that, in order to secure an accident site of a 2739
 fireworks exhibition or any evidence related to an accident, the 2740
 person dismantled, repositioned, or otherwise disturbed materials 2741
 within the accident site, or evidence related to the accident, 2742
 which, at the time of the dismantling, repositioning, or other 2743
 disturbance, still presented a danger of causing an explosion, 2744
 fire, or similar threat of additional injury or death to members 2745
 of the public. 2746~~

~~(I) No fire chief or fire prevention officer, in consultation 2747
 with a police chief, shall fail to conduct an inspection, complete 2748
 the requisite checklist while conducting the inspection, or 2749
 provide a copy of the completed checklist to the fire marshal in 2750
 accordance with division (F) of section 3743.53 of the Revised 2751
 Code and the rules adopted by the fire marshal pursuant to 2752
 division (E)(1)(b) of that section. 2753~~

Sec. 3743.75. (A) During the period beginning on the 2754
 effective date of this section and ending on December 15, 2005, 2755
the state fire marshal shall not do any of the following: 2756

(1) Issue a license as a manufacturer of fireworks under 2757

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sections 3743.02 and 3743.03 of the Revised Code to a person for a particular fireworks plant unless that person possessed such a license for that fireworks plant immediately prior to the effective date of this section;

(2) Issue a license as a wholesaler of fireworks under sections 3743.15 and 3743.16 of the Revised Code to a person for a particular location unless that person possessed such a license for that location immediately prior to the effective date of this section;

(3) Except as provided in division (B) of this section, approve the transfer of a license as a manufacturer or wholesaler of fireworks issued under this chapter to any location other than a location for which a license was issued under this chapter immediately prior to the effective date of this section.

(B) Division (A)(3) of this section does not apply to a transfer that the state fire marshal approves under division (D)(2) of section 3743.17 of the Revised Code. Section 3743.59 of the Revised Code does not apply to this section.

(C) The department of commerce and the division of state fire marshal shall devise, by December 15, 2005, a proposal to provide for the issuance of manufacturer and wholesaler of fireworks licenses that is based upon demographics and designed to ensure the safety of the public and send a copy of the proposal to the president of the senate and speaker of the house of representatives.

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

(B) Whoever violates division (C) or (D) of section 3743.60, division (A), (B), (C), or (D) of section 3743.61, or division (A)

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or (B) of section 3743.64 of the Revised Code is guilty of a 2788
felony of the fourth degree. 2789

(C) Whoever violates division (E), (F), (G), (H), (I), or (J) 2790
of section 3743.60, division (E), (F), (G), (H), (I), or (J) of 2791
section 3743.61, section 3743.63, division (D), (E), (F), or (G) 2792
~~or (I)~~ of section 3743.64, division (A), (B), (C), (D), or (F) of 2793
section 3743.65, or section 3743.66 of the Revised Code is guilty 2794
of a misdemeanor of the first degree. If the offender previously 2795
has been convicted of or pleaded guilty to a violation of division 2796
(I) of section 3743.60 or 3743.61 of the Revised Code, a violation 2797
of either of these divisions is a felony of the fifth degree. 2798
2799

(D) Whoever violates division (C) of section 3743.64 of the 2800
Revised Code is guilty of a misdemeanor of the first degree. In 2801
addition to any other penalties that may be imposed on a licensed 2802
exhibitor of fireworks under this division and unless the third 2803
sentence of this division applies, the person's license as an 2804
exhibitor of fireworks or as an assistant exhibitor of fireworks 2805
shall be suspended, and the person is ineligible to apply for 2806
either type of license, for a period of five years. If the 2807
violation of division (C) of section 3743.64 of the Revised Code 2808
results in ~~a serious accident, as defined in division (H) of that~~ 2809
~~section~~ physical harm to persons or serious physical harm to 2810
property, the person's license as an exhibitor of fireworks or as 2811
an assistant exhibitor of fireworks shall be revoked, and that 2812
person ~~shall not again be eligible~~ is ineligible to apply for a 2813
license as or to be licensed as an exhibitor of fireworks or as an 2814
assistant exhibitor of fireworks in this state. 2815

(E) Whoever violates division (G) of section 3743.65 of the 2816
Revised Code is guilty of a felony of the fifth degree. 2817

Section 4. That existing sections 3743.01, 3743.50, 3743.52, 2818

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3743.53, 3743.54, 3743.56, 3743.57, 3743.64, and 3743.99 of the 2819
Revised Code are hereby repealed. 2820

Section 5. That Section 165 of Am. Sub. H.B. 215 of the 122nd 2821
General Assembly, as amended by Sub. H.B. 204 of the 123rd General 2822
Assembly, is hereby repealed. 2823

Section 6. (A) The intent of the General Assembly in amending 2824
sections 3743.01, 3743.02, 3743.03, 3743.04, 3743.05, 3743.06, 2825
3743.07, 3743.08, 3743.15, 3743.16, 3743.17, 3743.18, 3743.19, 2826
3743.20, 3743.21, 3743.40, 3743.44, 3743.45, 3743.50, 3743.51, 2827
3743.52, 3743.53, 3743.54, 3743.58, 3743.59, 3743.60, 3743.61, 2828
3743.64, 3743.65, 3743.66, 3743.68, 3743.80, and 3743.99 and in 2829
enacting sections 3743.25, 3743.56, and 3743.70 of the Revised 2830
Code in Section 1 of this act is to reenact the amendments to, or 2831
the enactment of, those sections by Am. Sub. H.B. 215 of the 122nd 2832
General Assembly to protect those sections against a challenge 2833
that their amendment or enactment was invalid because it violated 2834
the prohibition contained in Section 15 of Article II of the 2835
Constitution of Ohio against a bill containing more than one 2836
subject. For purposes of this act, all references in those 2837
sections to "the effective date of this section" or to "the 2838
effective date of this amendment" shall be construed to mean the 2839
effective date of a section or of an amendment to a section by Am. 2840
Sub. H.B. 215 of the 122nd General Assembly. 2841

(B) The intent of the General Assembly in further amending 2842
sections 3743.01, 3743.50, 3743.52, 3743.53, 3743.54, 3743.64, and 2843
3743.99, in amending sections 3743.56 and 3743.57, and in enacting 2844
sections 3743.541 and 3743.75 of the Revised Code in Section 3 of 2845
this act is to: 2846

(1) Recognize the versions of sections 3743.01, 3743.50, 2847
3743.52, 3743.53, 3743.54, 3743.64, and 3743.99 of the Revised 2848
Code that result from Am. Sub. H.B. 215 of the 122nd General 2849

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Assembly and Sub. H.B. 405 of the 123rd General Assembly; and 2850

(2) Further amend sections 3743.01, 3743.50, 3743.52, 2851
3743.53, 3743.54, 3743.64, and 3743.99, amend sections 3743.56 and 2852
3743.57, and enact sections 3743.541 and 3743.75 of the Revised 2853
Code to make changes pertaining to fireworks incidents and their 2854
investigation, to the fees charged for fireworks exhibitor 2855
licenses, to the authority of fireworks exhibitor assistants to 2856
work for any fireworks exhibitor, to the maximum balance allowed 2857
in the Fire Marshal's Training and Education Fund, and to the 2858
extension until December 15, 2005, of the general moratorium on 2859
the issuance of new licenses to manufacturers and wholesalers of 2860
fireworks and on approvals of the transfer of their licenses to 2861
other locations. 2862

Section 7. This act is hereby declared to be an emergency 2863
measure necessary for the immediate preservation of the public 2864
peace, health, and safety. The reason for this necessity is that 2865
the provisions of this act relating to the investigation of 2866
fireworks incidents and securing of fireworks incident sites must 2867
be in effect very soon so that they may be enforced during the 2868
2001 summer fireworks exhibition season. Therefore, this act shall 2869
go into immediate effect. 2870