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134th General Assembly

Regular Session

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Sub. S. B. No. 113

Senators Rulli, Johnson

**Cosponsors: Senators Hoagland, Blessing, Brenner, Cirino, Hackett, Lang,
McColley, O'Brien, Reineke, Thomas, Wilson**

A BILL

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

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

Section 1. That sections 3743.01, 3743.04, 3743.08, 9
3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 3743.57 3743.60, 10
3743.61, 3743.63, 3743.65, 3743.75, 3743.99, and 5703.21 be 11
amended and sections 3743.021, 3743.041, 3743.151, 3743.171, 12
3743.22, 3743.26, 3743.27, 3743.28, 3743.29, 3743.451, 3743.46, 13
3743.47, and 3743.67 of the Revised Code be enacted to read as 14
follows: 15

Sec. 3743.01. As used in this chapter: 16

(A) "Beer" and "intoxicating liquor" have the same 17

meanings as in section 4301.01 of the Revised Code. 18

(B) "Booby trap" means a small tube that has a string 19
protruding from both ends, that has a friction-sensitive 20
composition, and that is ignited by pulling the ends of the 21
string. 22

(C) "Cigarette load" means a small wooden peg that is 23
coated with a small quantity of explosive composition and that 24
is ignited in a cigarette. 25

(D) (1) "1.3G fireworks" means display fireworks consistent 26
with regulations of the United States department of 27
transportation as expressed using the designation "division 1.3" 28
in Title 49, Code of Federal Regulations. 29

(2) "1.4G fireworks" means consumer fireworks consistent 30
with regulations of the United States department of 31
transportation as expressed using the designation "division 1.4" 32
in Title 49, Code of Federal Regulations. 33

(E) "Controlled substance" has the same meaning as in 34
section 3719.01 of the Revised Code. 35

(F) "Fireworks" means any composition or device prepared 36
for the purpose of producing a visible or an audible effect by 37
combustion, deflagration, or detonation, except ordinary matches 38
and except as provided in section 3743.80 of the Revised Code. 39

(G) "Fireworks plant" means all buildings and other 40
structures in which the manufacturing of fireworks, or the 41
storage or sale of manufactured fireworks by a manufacturer, 42
takes place. 43

(H) "Fountain device" means a specific type of 1.4G 44
firework, a ground-based or hand-held sparkler with one or more 45

tubes containing a nonexplosive pyrotechnic mixture that 46
produces a shower of sparks upon ignition and that contains not 47
more than seventy-five grams of this mixture in any individual 48
tube and not more than five hundred grams of this mixture in 49
total. 50

(I) "Highway" means any public street, road, alley, way,
lane, or other public thoroughfare. 51
52

~~(I)~~ (J) "Licensed exhibitor of fireworks" or "licensed
exhibitor" means a person licensed pursuant to sections 3743.50
to 3743.55 of the Revised Code. 53
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~~(J)~~ (K) "Licensed fountain device retailer" or "licensed
retailer" means a person licensed pursuant to section 3743.26 of
the Revised Code. 56
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(L) "Licensed manufacturer of fireworks" or "licensed
manufacturer" means a person licensed pursuant to sections
3743.02 to 3743.08 of the Revised Code. 59
60
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~~(K)~~ (M) "Licensed wholesaler of fireworks" or "licensed
wholesaler" means a person licensed pursuant to sections 3743.15
to 3743.21 of the Revised Code. 62
63
64

~~(L)~~ (N) "List of licensed exhibitors" means the list
required by division (C) of section 3743.51 of the Revised Code. 65
66

~~(M)~~ (O) "List of licensed manufacturers" means the list
required by division (C) of section 3743.03 of the Revised Code. 67
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~~(N)~~ (P) "List of licensed wholesalers" means the list
required by division (C) of section 3743.16 of the Revised Code. 69
70

~~(O)~~ (Q) "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. 71
72
73

~~(P)~~ (R) "Navigable waters" means any body of water 74
susceptible of being used in its ordinary condition as a highway 75
of commerce over which trade and travel is or may be conducted 76
in the customary modes, but does not include a body of water 77
that is not capable of navigation by barges, tugboats, and other 78
large vessels. 79

~~(Q)~~ (S) "Novelties and trick noisemakers" include the 80
following items: 81

(1) Devices that produce a small report intended to 82
surprise the user, including, but not limited to, booby traps, 83
cigarette loads, party poppers, and snappers; 84

(2) Snakes or glow worms; 85

(3) Smoke devices; 86

(4) Trick matches. 87

~~(R)~~ (T) "Party popper" means a small plastic or paper item 88
that contains not more than sixteen milligrams of friction- 89
sensitive explosive composition, that is ignited by pulling a 90
string protruding from the item, and from which paper streamers 91
are expelled when the item is ignited. 92

~~(S)~~ (U) "Processing of fireworks" means the making of 93
fireworks from materials all or part of which in and of 94
themselves constitute a fireworks, but does not include the mere 95
packaging or repackaging of fireworks. 96

~~(T)~~ (V) "Railroad" means any railway or railroad that 97
carries freight or passengers for hire, but does not include 98
auxiliary tracks, spurs, and sidings installed and primarily 99
used in serving a mine, quarry, or plant. 100

~~(U)~~ (W) "Retail sale" or "sell at retail" means a sale of 101

fireworks to a purchaser who intends to use the fireworks, and 102
not resell them. 103

~~(V)~~(X) "Smoke device" means a tube or sphere that 104
contains pyrotechnic composition that, upon ignition, produces 105
white or colored smoke as the primary effect. 106

~~(W)~~(Y) "Snake or glow worm" means a device that consists 107
of a pressed pellet of pyrotechnic composition that produces a 108
large, snake-like ash upon burning, which ash expands in length 109
as the pellet burns. 110

~~(X)~~(Z) "Snapper" means a small, paper-wrapped item that 111
contains a minute quantity of explosive composition coated on 112
small bits of sand, and that, when dropped, implodes. 113

~~(Y)~~(AA) "Trick match" means a kitchen or book match that 114
is coated with a small quantity of explosive composition and 115
that, upon ignition, produces a small report or a shower of 116
sparks. 117

~~(Z)~~(BB) "Wire sparkler" means a sparkler consisting of a 118
wire or stick coated with a nonexplosive pyrotechnic mixture 119
that produces a shower of sparks upon ignition and that contains 120
no more than one hundred grams of this mixture. 121

~~(AA)~~(CC) "Wholesale sale" or "sell at wholesale" means a 122
sale of fireworks to a purchaser who intends to resell the 123
fireworks so purchased. 124

~~(BB)~~(DD) "Licensed premises" means the real estate upon 125
which a licensed manufacturer or wholesaler of fireworks 126
conducts business. 127

~~(CC)~~(EE) "Licensed building" means a building on the 128
licensed premises of a licensed manufacturer or wholesaler of 129

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|---|-----|
| fireworks that is approved for occupancy by the building | 130 |
| official having jurisdiction. | 131 |
| (DD) <u>(FF)</u> "Fireworks incident" means any action or | 132 |
| omission that occurs at a fireworks exhibition, that results in | 133 |
| injury or death, or a substantial risk of injury or death, to | 134 |
| any person, and that involves either of the following: | 135 |
| (1) The handling or other use, or the results of the | 136 |
| handling or other use, of fireworks or associated equipment or | 137 |
| other materials; | 138 |
| (2) The failure of any person to comply with any | 139 |
| applicable requirement imposed by this chapter or any applicable | 140 |
| rule adopted under this chapter. | 141 |
| (EE) <u>(GG)</u> "Discharge site" means an area immediately | 142 |
| surrounding the mortars used to fire aerial shells. | 143 |
| (FF) <u>(HH)</u> "Fireworks incident site" means a discharge site | 144 |
| or other location at a fireworks exhibition where a fireworks | 145 |
| incident occurs, a location where an injury or death associated | 146 |
| with a fireworks incident occurs, or a location where evidence | 147 |
| of a fireworks incident or an injury or death associated with a | 148 |
| fireworks incident is found. | 149 |
| (GG) <u>(II)</u> "Storage location" means a single parcel or | 150 |
| contiguous parcels of real estate approved by the fire marshal | 151 |
| pursuant to division (I) of section 3743.04 of the Revised Code | 152 |
| or division (G) <u>(F)</u> of section 3743.17 of the Revised Code that | 153 |
| are separate from a licensed premises containing a retail | 154 |
| showroom, and which parcel or parcels a licensed manufacturer or | 155 |
| wholesaler of fireworks may use only for the distribution, | 156 |
| possession, and storage of fireworks in accordance with this | 157 |
| chapter. | 158 |

Sec. 3743.021. Notwithstanding the deadline in division 159
(A) of section 3743.02 of the Revised Code, any person who 160
wishes to be a licensed manufacturer of fireworks in this state 161
on January 1, 2023, and who does not already hold a license as a 162
manufacturer of fireworks that will run through that date, may 163
submit an application for licensure, pursuant to section 3743.02 164
of the Revised Code, not later than November 1, 2022. 165

Sec. 3743.04. (A) The license of a manufacturer of 166
fireworks is effective for one year beginning on the first day 167
of December, and the state fire marshal shall issue or renew a 168
license only on that date and at no other time. If a 169
manufacturer of fireworks wishes to continue manufacturing 170
fireworks at the designated fireworks plant after its then 171
effective license expires, it shall apply no later than the 172
first day of October for a new license pursuant to section 173
3743.02 of the Revised Code. The state fire marshal shall send a 174
written notice of the expiration of its license to a licensed 175
manufacturer at least three months before the expiration date. 176

(B) If, during the effective period of its licensure, a 177
licensed manufacturer of fireworks wishes to construct, locate, 178
or relocate any buildings or other structures on the premises of 179
its fireworks plant, to make any structural change or renovation 180
in any building or other structure on the premises of its 181
fireworks plant, to change the nature of its manufacturing of 182
fireworks so as to include the processing of fireworks, or to 183
relocate its fireworks plant to a new licensed premises, the 184
manufacturer shall notify the state fire marshal in writing. The 185
state fire marshal may require a licensed manufacturer also to 186
submit documentation, including, but not limited to, plans 187
covering the proposed construction, location, relocation, 188
structural change or renovation, change in manufacturing of 189

fireworks, or new licensed premises, if the state fire marshal 190
determines the documentation is necessary for evaluation 191
purposes in light of the proposed construction, location, 192
relocation, structural change or renovation, change in 193
manufacturing of fireworks, or new licensed premises. 194

Upon receipt of the notification and additional 195
documentation required by the state fire marshal, the state fire 196
marshal shall inspect the existing premises of the fireworks 197
plant, or proposed new licensed premises, to determine if the 198
proposed construction, location, relocation, structural change 199
or renovation, change in manufacturing of fireworks, or new 200
licensed premises conform to sections 3743.02 to 3743.08 of the 201
Revised Code and the rules adopted by the state fire marshal 202
pursuant to section 3743.05 of the Revised Code. The state fire 203
marshal shall issue a written authorization to the manufacturer 204
for the construction, location, relocation, structural change or 205
renovation, change in manufacturing of fireworks, or new 206
licensed premises, if the state fire marshal determines, upon 207
the inspection and a review of submitted documentation, that the 208
construction, location, relocation, structural change or 209
renovation, change in manufacturing of fireworks, or new 210
licensed premises conform to those sections and rules. Upon 211
authorizing a change in manufacturing of fireworks to include 212
the processing of fireworks, the state fire marshal shall make 213
notations on the manufacturer's license and in the list of 214
licensed manufacturers in accordance with section 3743.03 of the 215
Revised Code. 216

On or before June 1, 1998, a licensed manufacturer shall 217
install, in every licensed building in which fireworks are 218
manufactured, stored, or displayed and to which the public has 219
access, interlinked fire detection, smoke exhaust, and smoke 220

evacuation systems that are approved by the superintendent of 221
industrial compliance, and shall comply with floor plans showing 222
occupancy load limits and internal circulation and egress 223
patterns that are approved by the state fire marshal and 224
superintendent, and that are submitted under seal as required by 225
section 3791.04 of the Revised Code. Notwithstanding section 226
3743.59 of the Revised Code, the construction and safety 227
requirements established in this division are not subject to any 228
variance, waiver, or exclusion. 229

(C) The license of a manufacturer of fireworks authorizes 230
the manufacturer to engage only in the following activities: 231

(1) The manufacturing of fireworks on the premises of the 232
fireworks plant as described in the application for licensure or 233
in the notification submitted under division (B) of this 234
section, except that a licensed manufacturer shall not engage in 235
the processing of fireworks unless authorized to do so by its 236
license. 237

(2) To possess for sale at wholesale and sell at wholesale 238
the fireworks manufactured by the manufacturer, to persons who 239
are licensed wholesalers of fireworks, to ~~out-of-state residents~~ 240
persons in accordance with ~~section-sections~~ sections 3743.44 of the 241
~~Revised Code, to residents of this state in accordance with~~ 242
~~section 3743.45 to 3743.46~~ of the Revised Code, or to persons 243
located in another state provided the fireworks are shipped 244
directly out of this state to them by the manufacturer. A person 245
who is licensed as a manufacturer of fireworks on June 14, 1988, 246
also may possess for sale and sell pursuant to division (C) (2) 247
of this section fireworks other than those the person 248
manufactures. The possession for sale shall be on the premises 249
of the fireworks plant described in the application for 250

licensure or in the notification submitted under division (B) of 251
this section, and the sale shall be from the inside of a 252
licensed building and from no other structure or device outside 253
a licensed building. At no time shall a licensed manufacturer 254
sell any class of fireworks outside a licensed building. 255

(3) Possess for sale at retail and sell at retail the 256
fireworks manufactured by the manufacturer, other than 1.4G 257
fireworks as designated by the state fire marshal in rules 258
adopted pursuant to division (A) of section 3743.05 of the 259
Revised Code, to licensed exhibitors in accordance with sections 260
3743.50 to 3743.55 of the Revised Code, and possess for sale at 261
retail and sell at retail the fireworks manufactured by the 262
manufacturer, including 1.4G fireworks, to ~~out of state~~ 263
~~residents persons~~ in accordance with ~~section sections~~ 3743.44 ~~of~~ 264
~~the Revised Code, to residents of this state in accordance with~~ 265
~~section 3743.45 to 3743.46~~ of the Revised Code, or to persons 266
located in another state provided the fireworks are shipped 267
directly out of this state to them by the manufacturer. A person 268
who is licensed as a manufacturer of fireworks on June 14, 1988, 269
may also possess for sale and sell pursuant to division (C) (3) 270
of this section fireworks other than those the person 271
manufactures. The possession for sale shall be on the premises 272
of the fireworks plant described in the application for 273
licensure or in the notification submitted under division (B) of 274
this section, and the sale shall be from the inside of a 275
licensed building and from no other structure or device outside 276
a licensed building. At no time shall a licensed manufacturer 277
sell any class of fireworks outside a licensed building. 278

A licensed manufacturer of fireworks shall sell under 279
division (C) of this section only fireworks that meet the 280
standards set by the consumer product safety commission or by 281

the American fireworks standard laboratories or that have 282
received an EX number from the United States department of 283
transportation. 284

(D) The license of a manufacturer of fireworks shall be 285
protected under glass and posted in a conspicuous place on the 286
premises of the fireworks plant. Except as otherwise provided in 287
this division, the license is not transferable or assignable. 288

(1) The ownership of a manufacturer of fireworks license 289
may be transferred to another person for the same fireworks 290
plant for which the license was issued, or approved pursuant to 291
division (B) of this section, if the assets of the plant are 292
transferred to that person by inheritance or by a sale approved 293
by the state fire marshal. 294

(2) The license of a manufacturer of fireworks may be 295
geographically relocated in accordance with division (D) of 296
section 3743.75 of the Revised Code. 297

(3) The license is subject to revocation in accordance 298
with section 3743.08 of the Revised Code. 299

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

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

approved by the state fire marshal shall conduct it. A licensed 311
manufacturer or the manufacturer's designee who attends a 312
program as required under this division, within one year after 313
attending the program, shall conduct in-service training as 314
approved by the state fire marshal for other employees of the 315
licensed manufacturer regarding the information obtained in the 316
program. A licensed manufacturer shall provide the state fire 317
marshal with notice of the date, time, and place of all in- 318
service training. For any program conducted under this division, 319
the state fire marshal shall, in accordance with rules adopted 320
by the state fire marshal under Chapter 119. of the Revised 321
Code, establish the subjects to be taught, the length of 322
classes, the standards for approval, and time periods for 323
notification by the licensee to the state fire marshal of any 324
in-service training. 325

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

insurance with the state fire marshal prior to canceling or 342
reducing the amount of coverage of any comprehensive general 343
liability insurance coverage required under this division. 344

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

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

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

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

(c) The storage location has received a valid certificate 365
of zoning compliance as applicable and a valid certificate of 366
occupancy for each building or structure at the storage location 367
issued by the authority having jurisdiction to issue the 368
certificate for the storage location, and those certificates 369
permit the distribution and storage of fireworks regulated under 370

this chapter at the storage location and in the buildings or 371
structures. The storage location shall be in compliance with all 372
other applicable federal, state, and local laws and regulations. 373

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

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

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

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

(J) (1) A licensee who obtains approval for the use of a 398
storage location in accordance with division (I) of this section 399

shall use the storage location exclusively for the following 400
activities, in accordance with division (C) of this section: 401

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

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

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

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

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

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

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

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

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

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

under the circumstances: 459

(1) Order, in writing, the manufacturer to eliminate, 460
correct, or otherwise remedy the nonconformities within a 461
specified period of time; 462

(2) Order, in writing, the manufacturer to immediately 463
cease its operations, if a fire or explosion hazard exists that 464
reasonably can be regarded as posing an imminent danger of death 465
or serious physical harm to persons. The order shall be 466
effective until the nonconformities are eliminated, corrected, 467
or otherwise remedied or for a period of seventy-two hours from 468
the time of issuance, whichever first occurs. During the 469
seventy-two hour period, the state fire marshal may obtain from 470
the court of common pleas of Franklin county or of the county in 471
which the fireworks plant is located an injunction restraining 472
the manufacturer from continuing its operations after the 473
seventy-two hour period expires until the nonconformities are 474
eliminated, corrected, or otherwise remedied. 475

(3) Revoke or deny renewal of the license of the 476
manufacturer in accordance with Chapter 119. of the Revised 477
Code; 478

(4) Take action as authorized by section 3743.68 of the 479
Revised Code. 480

(C) This section does not affect the authority conferred 481
by Chapters 3781. and 3791. of the Revised Code to conduct 482
inspections to determine conformity with those chapters or the 483
rules adopted pursuant to them. 484

(D) If the license of a manufacturer of fireworks is 485
revoked or renewal is denied pursuant to division (B) (3) of this 486
section or section 3743.70 of the Revised Code, the manufacturer 487

shall cease its operations immediately. The manufacturer may not 488
reapply for licensure as a manufacturer of fireworks until two 489
years expire from the date of revocation. 490

The state fire marshal shall remove from the list of 491
licensed manufacturers the name of a manufacturer whose license 492
has been revoked, and shall notify the law enforcement 493
authorities for the political subdivision in which the 494
manufacturer's fireworks plant is located, of the revocation or 495
denial of renewal. 496

Sec. 3743.151. Notwithstanding the deadline in division 497
(A) of section 3743.15 of the Revised Code, any person who 498
wishes to be a licensed wholesaler of fireworks in this state 499
beginning on January 1, 2023, and who does not already hold a 500
license as a wholesaler of fireworks that will run through that 501
date, may submit an application for licensure, pursuant to 502
section 3743.15 of the Revised Code, not later than November 1, 503
2022. 504

Sec. 3743.17. (A) The license of a wholesaler of fireworks 505
is effective for one year beginning on the first day of 506
December, and the state fire marshal shall issue or renew a 507
license only on that date and at no other time. If a wholesaler 508
of fireworks wishes to continue engaging in the wholesale sale 509
of fireworks at the particular location after its then effective 510
license expires, it shall apply not later than the first day of 511
October for a new license pursuant to section 3743.15 of the 512
Revised Code. The state fire marshal shall send a written notice 513
of the expiration of its license to a licensed wholesaler at 514
least three months before the expiration date. 515

(B) If, during the effective period of its licensure, a 516
licensed wholesaler of fireworks wishes to perform any 517

construction, or make any structural change or renovation, on 518
the premises on which the fireworks are sold, or to relocate its 519
sales operations to a new licensed premises, the wholesaler 520
shall notify the state fire marshal in writing. The state fire 521
marshal may require a licensed wholesaler also to submit 522
documentation, including, but not limited to, plans covering the 523
proposed construction or structural change or renovation, or 524
proposed new licensed premises, if the state fire marshal 525
determines the documentation is necessary for evaluation 526
purposes in light of the proposed construction, structural 527
change or renovation, or relocation. 528

Upon receipt of the notification and additional 529
documentation required by the state fire marshal, the state fire 530
marshal shall inspect the premises on which the fireworks are 531
sold, or the proposed new licensed premises, to determine if the 532
proposed construction, structural change or renovation, or 533
relocation conforms to sections 3743.15 to 3743.21 of the 534
Revised Code, divisions (C) (1) and (2) of section 3743.25 of the 535
Revised Code, and the rules adopted by the state fire marshal 536
pursuant to section 3743.18 of the Revised Code. The state fire 537
marshal shall issue a written authorization to the wholesaler 538
for the construction, structural change or renovation, or new 539
licensed premises if the state fire marshal determines, upon the 540
inspection and a review of submitted documentation, that the 541
construction, structural change or renovation, or new licensed 542
premises conform to those sections and rules. 543

(C) The license of a wholesaler of fireworks authorizes 544
the wholesaler to engage only in the following activities: 545

(1) Possess for sale at wholesale and sell at wholesale 546
fireworks to persons who are licensed wholesalers of fireworks, 547

to ~~out of state residents persons~~ in accordance with ~~section-~~ 548
~~sections 3743.44 of the Revised Code, to residents of this state-~~ 549
~~in accordance with section 3743.45 to 3743.46~~ of the Revised 550
Code, or to persons located in another state provided the 551
fireworks are shipped directly out of this state to them by the 552
wholesaler. The possession for sale shall be at the location 553
described in the application for licensure or in the 554
notification submitted under division (B) of this section, and 555
the sale shall be from the inside of a licensed building and 556
from no structure or device outside a licensed building. At no 557
time shall a licensed wholesaler sell any class of fireworks 558
outside a licensed building. 559

(2) Possess for sale at retail and sell at retail 560
fireworks, other than 1.4G fireworks as designated by the state 561
fire marshal in rules adopted pursuant to division (A) of 562
section 3743.05 of the Revised Code, to licensed exhibitors in 563
accordance with sections 3743.50 to 3743.55 of the Revised Code, 564
and possess for sale at retail and sell at retail fireworks, 565
including 1.4G fireworks, to ~~out of state residents persons~~ in 566
accordance with ~~section sections 3743.44 of the Revised Code, to~~ 567
~~residents of this state in accordance with section 3743.45 to~~ 568
~~3743.46~~ of the Revised Code, or to persons located in another 569
state provided the fireworks are shipped directly out of this 570
state to them by the wholesaler. The possession for sale shall 571
be at the location described in the application for licensure or 572
in the notification submitted under division (B) of this 573
section, and the sale shall be from the inside of the licensed 574
building and from no other structure or device outside this 575
licensed building. At no time shall a licensed wholesaler sell 576
any class of fireworks outside a licensed building. 577

A licensed wholesaler of fireworks shall sell under 578

division (C) of this section only fireworks that meet the 579
standards set by the consumer product safety commission or by 580
the American fireworks standard laboratories or that have 581
received an EX number from the United States department of 582
transportation. 583

(D) The license of a wholesaler of fireworks shall be 584
protected under glass and posted in a conspicuous place at the 585
location described in the application for licensure or in the 586
notification submitted under division (B) of this section. 587
Except as otherwise provided in this section, the license is not 588
transferable or assignable. 589

(1) The ownership of a wholesaler of fireworks license may 590
be transferred to another person for the same location for which 591
the license was issued, or approved pursuant to division (B) of 592
this section, if the assets of the wholesaler are transferred to 593
that person by inheritance or by a sale approved by the state 594
fire marshal. 595

(2) The license of a wholesaler of fireworks may be 596
geographically relocated in accordance with division (D) of 597
section 3743.75 of the Revised Code. 598

(3) The license is subject to revocation in accordance 599
with section 3743.21 of the Revised Code. 600

(E) The state fire marshal shall adopt rules for the 601
expansion or contraction of a licensed premises and for the 602
approval of an expansion or contraction. The boundaries of a 603
licensed premises, including any geographic expansion or 604
contraction of those boundaries, shall be approved by the state 605
fire marshal in accordance with rules the state fire marshal 606
adopts. If the licensed premises of a licensed wholesaler from 607

which the wholesaler operates consists of more than one parcel 608
of real estate, those parcels must be contiguous, unless an 609
exception is allowed pursuant to division (F) of this section. 610

(F) (1) A licensed wholesaler may expand its licensed 611
premises within this state to include not more than two storage 612
locations that are located upon one or more real estate parcels 613
that are noncontiguous to the licensed premises as that licensed 614
premises exists on the date a licensee submits an application as 615
described below, if all of the following apply: 616

(a) The licensee submits an application to the state fire 617
marshal requesting the expansion and an application fee of one 618
hundred dollars per storage location for which the licensee is 619
requesting approval. 620

(b) The identity of the holder of the license remains the 621
same at the storage location. 622

(c) The storage location has received a valid certificate 623
of zoning compliance, as applicable, and a valid certificate of 624
occupancy for each building or structure at the storage location 625
issued by the authority having jurisdiction to issue the 626
certificate for the storage location, and those certificates 627
permit the distribution and storage of fireworks regulated under 628
this chapter at the storage location and in the buildings or 629
structures. The storage location shall be in compliance with all 630
other applicable federal, state, and local laws and regulations. 631

(d) Every building or structure located upon the storage 632
location is separated from occupied residential and 633
nonresidential buildings or structures, railroads, highways, and 634
any other buildings or structures on the licensed premises in 635
accordance with the distances specified in the rules adopted by 636

the state fire marshal pursuant to section 3743.18 of the Revised Code.

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

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

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

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

(a) Packaging, assembling, or storing fireworks, which shall occur only in buildings or structures approved for such hazardous uses by the building code official having jurisdiction for the storage location or, for 1.4G fireworks, in containers or trailers approved for such hazardous uses by the state fire marshal if such containers or trailers are not subject to

regulation by the building code adopted in accordance with 666
Chapter 3781. of the Revised Code. All such storage shall be in 667
accordance with the rules adopted by the state fire marshal 668
under division (B) (4) of section 3743.18 of the Revised Code for 669
the packaging, assembling, and storage of fireworks. 670

(b) Distributing fireworks to other parcels of real estate 671
located on the wholesaler's licensed premises, to licensed 672
manufacturers or other licensed wholesalers in this state or to 673
similarly licensed persons located in another state or country; 674

(c) Distributing fireworks to a licensed exhibitor of 675
fireworks pursuant to a properly issued permit in accordance 676
with section 3743.54 of the Revised Code. 677

(2) A licensed wholesaler shall not engage in any sales 678
activity, including the retail sale of fireworks otherwise 679
permitted under division (C) (2) of this section or pursuant to 680
section 3743.44 or 3743.45 of the Revised Code, at a storage 681
location approved under this section. 682

(3) A storage location may not be relocated for a minimum 683
period of five years after the storage location is approved by 684
the state fire marshal in accordance with division (F) of this 685
section. 686

(H) A licensee shall prohibit public access to all storage 687
locations it uses. The state fire marshal shall adopt rules 688
establishing acceptable measures a wholesaler shall use to 689
prohibit access to storage sites. 690

(I) The state fire marshal shall not place the license of 691
a wholesaler of fireworks in temporarily inactive status while 692
the holder of the license is attempting to qualify to retain the 693
license. 694

(J) Each licensed wholesaler of fireworks or a designee of the wholesaler, whose identity is provided to the state fire marshal by the wholesaler, annually shall attend a continuing education program. The state fire marshal shall develop the program and the state fire marshal or a person or public agency approved by the state fire marshal shall conduct it. A licensed wholesaler or the wholesaler's designee who attends a program as required under this division, within one year after attending the program, shall conduct in-service training as approved by the state fire marshal for other employees of the licensed wholesaler regarding the information obtained in the program. A licensed wholesaler shall provide the state fire marshal with notice of the date, time, and place of all in-service training. For any program conducted under this division, the state fire marshal shall, in accordance with rules adopted by the state fire marshal under Chapter 119. of the Revised Code, establish the subjects to be taught, the length of classes, the standards for approval, and time periods for notification by the licensee to the state fire marshal of any in-service training.

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

supplemental insurance in an amount and type that satisfies the 726
requirements of this division so that no lapse in coverage 727
occurs at any time. A licensed wholesaler who secures 728
supplemental insurance shall file evidence of the supplemental 729
insurance with the state fire marshal prior to canceling or 730
reducing the amount of coverage of any comprehensive general 731
liability insurance coverage required under this division. 732

Sec. 3743.171. (A) Notwithstanding the requirements, 733
contained in division (A) of section 3743.17 of the Revised 734
Code, that the state fire marshal only issue the license of a 735
wholesaler of fireworks on the first day of December and that 736
the license is effective for one year, an applicant who applies 737
pursuant to section 3743.151 of the Revised Code, and who meets 738
the requirements for licensure contained in section 3743.16 of 739
the Revised Code, shall be issued the license of a wholesaler of 740
fireworks on January 1, 2023. 741

(B) A license issued pursuant to division (A) of this 742
section shall be effective through November 30, 2023. 743

Sec. 3743.21. (A) The state fire marshal may inspect the 744
premises, and the inventory, wholesale sale, and retail sale 745
records, of a licensed wholesaler of fireworks during the 746
wholesaler's period of licensure to determine whether the 747
wholesaler is in compliance with Chapter 3743. of the Revised 748
Code and the rules adopted by the state fire marshal pursuant to 749
section 3743.18 or 3743.22 of the Revised Code. 750

(B) If the state fire marshal determines during an 751
inspection conducted pursuant to division (A) of this section 752
that a wholesaler is not in compliance with Chapter 3743. of the 753
Revised Code or the rules adopted by the state fire marshal 754
pursuant to section 3743.18 or 3743.22 of the Revised Code, the 755

state fire marshal may take one or more of the following 756
actions, whichever the state fire marshal considers appropriate 757
under the circumstances: 758

(1) Order, in writing, the wholesaler to eliminate, 759
correct, or otherwise remedy the nonconformities within a 760
specified period of time; 761

(2) Order, in writing, the wholesaler to immediately cease 762
its operations, if a fire or explosion hazard exists that 763
reasonably can be regarded as posing an imminent danger of death 764
or serious physical harm to persons. The order shall be 765
effective until the nonconformities are eliminated, corrected, 766
or otherwise remedied or for a period of seventy-two hours from 767
the time of issuance, whichever first occurs. During the 768
seventy-two hour period, the state fire marshal may obtain from 769
the court of common pleas of Franklin county or of the county in 770
which the premises of the wholesaler are located an injunction 771
restraining the wholesaler from continuing its operations after 772
the seventy-two hour period expires until the nonconformities 773
are eliminated, corrected, or otherwise remedied. 774

(3) Revoke, or deny renewal of, the license of the 775
wholesaler in accordance with Chapter 119. of the Revised Code; 776

(4) Take action as authorized by section 3743.68 of the 777
Revised Code. 778

(C) This section does not affect the authority conferred 779
by Chapters 3781. and 3791. of the Revised Code to conduct 780
inspections to determine conformity with those chapters or the 781
rules adopted pursuant to them. 782

(D) If the license of a wholesaler of fireworks is revoked 783
or renewal is denied pursuant to division (B) (3) of this section 784

or section 3743.70 of the Revised Code, the wholesaler shall 785
cease its operations immediately. The wholesaler may not reapply 786
for licensure as a wholesaler of fireworks until two years 787
expire from the date of revocation. 788

The state fire marshal shall remove from the list of 789
licensed wholesalers the name of a wholesaler whose license has 790
been revoked, and shall notify the law enforcement authorities 791
for the political subdivision in which the wholesaler's premises 792
are located, of the revocation or denial of renewal. 793

Sec. 3743.22. (A) As used in this section: 794

(1) "Fee period" means the period beginning on the first 795
day of October and ending on the thirtieth day of the following 796
September. 797

(2) "Gross receipts" excludes the amount of taxes a 798
licensed retailer, licensed manufacturer, or licensed wholesaler 799
collects from a consumer under Chapter 5739. of the Revised Code 800
on behalf of the state or a political subdivision. 801

(B) For the purpose of providing revenue to fund 802
firefighter training programs and the enforcement and regulation 803
of the fireworks industry, a fee is imposed on licensed 804
retailers, licensed manufacturers, and licensed wholesalers 805
selling 1.4G fireworks in this state. The fee shall equal four 806
per cent of the gross receipts of a licensed manufacturer or 807
licensed wholesaler from retail sales of 1.4G fireworks in this 808
state made one hundred or more days after the effective date of 809
this section. For the purpose of this section, a retail sale of 810
1.4G fireworks is made in this state only if the purchaser 811
intends to use the fireworks, and not resell them, and receives 812
the 1.4G fireworks at a location in this state. 813

The fee shall be reported, on a form prescribed by the 814
state fire marshal, and remitted to the state fire marshal on or 815
before the twenty-third day after the last day of each fee 816
period. The amount of the fee due shall be computed on the basis 817
of gross receipts from retail sales made in each fee period. A 818
licensed retailer, licensed manufacturer, or licensed wholesaler 819
whose license is issued, canceled or revoked, or not renewed 820
after expiration during a fee period shall report and remit the 821
fee based on sales of 1.4G fireworks made in that fee period as 822
required under this section. A licensed retailer, licensed 823
manufacturer, or licensed wholesaler may separately or 824
proportionately bill or invoice a fee imposed under this section 825
to another person. 826

(C) All money collected under this section shall be 827
credited to the fireworks fee receipts fund, which is hereby 828
created in the state treasury. Seven-eighths of the money in the 829
fund shall be used by the state fire marshal solely to fund 830
firefighter training programs. Remaining money in the fund shall 831
be used solely to pay expenses of the state fire marshal in 832
performing the duties prescribed by this chapter. 833

(D) If the state fire marshal determines that a licensed 834
retailer, licensed manufacturer, or licensed wholesaler fails to 835
timely report and remit the full amount of the fee as required 836
by this section, the state fire marshal may do either of the 837
following: 838

(1) Order, in writing, the retailer, wholesaler, or 839
manufacturer to report and remit to the state fire marshal, 840
within a specified period of time, any such underpayment; 841

(2) Revoke or deny renewal of the license of the retailer, 842
manufacturer, or wholesaler, which shall subject a manufacturer 843

or wholesaler to the consequences prescribed in division (D) of 844
section 3743.08 of the Revised Code or division (D) of section 845
3743.21 of the Revised Code. 846

(E) The state fire marshal may adopt rules in accordance 847
with Chapter 119. of the Revised Code as necessary to administer 848
and enforce the fee imposed under this section. 849

Sec. 3743.25. (A) (1) Except as described in division (A) 850
(2) of this section, all retail sales of 1.4G fireworks by a 851
licensed manufacturer or wholesaler shall only occur from an 852
approved retail sales showroom on a licensed premises or from a 853
representative sample showroom as described in this section on a 854
licensed premises. For the purposes of this section, a retail 855
sale includes the transfer of the possession of the 1.4G 856
fireworks from the licensed manufacturer or wholesaler to the 857
purchaser of the fireworks. 858

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 859
properly permitted exhibition shall occur in accordance with the 860
provisions of the Revised Code and rules adopted by the state 861
fire marshal under Chapter 119. of the Revised Code. Such rules 862
shall specify, at a minimum, that the licensed exhibitor holds a 863
license under section 3743.51 of the Revised Code, that the 864
exhibitor possesses a valid exhibition permit issued in 865
accordance with section 3743.54 of the Revised Code, and that 866
the fireworks shipped are to be used at the specifically 867
permitted exhibition. 868

(B) All wholesale sales of fireworks by a licensed 869
manufacturer or wholesaler shall only occur from a licensed 870
premises to persons who intend to resell the fireworks purchased 871
at wholesale. A wholesale sale by a licensed manufacturer or 872
wholesaler may occur as follows: 873

| | |
|--|---|
| (1) The direct sale and shipment of fireworks to a person outside of this state; | 874 875 |
| (2) From an approved retail sales showroom as described in this section; | 876 877 |
| (3) From a representative sample showroom as described in this section; | 878 879 |
| (4) By delivery of wholesale fireworks to a purchaser at a licensed premises outside of a structure or building on that premises. All other portions of the wholesale sales transaction may occur at any location on a licensed premises. | 880 881 882 883 |
| (5) Any other method as described in rules adopted by the state fire marshal under Chapter 119. of the Revised Code. | 884 885 |
| (C) A licensed manufacturer or wholesaler shall only sell 1.4G fireworks from a representative sample showroom or a retail sales showroom. Each licensed premises shall only contain one sales structure. | 886 887 888 889 |
| A representative sample showroom shall consist of a structure constructed and maintained in accordance with the nonresidential building code adopted under Chapter 3781. of the Revised Code and the fire code adopted under section 3737.82 of the Revised Code for a use and occupancy group that permits mercantile sales. A representative sample showroom shall not contain any pyrotechnics, pyrotechnic materials, fireworks, explosives, explosive materials, or any similar hazardous materials or substances. A representative sample showroom shall be used only for the public viewing of fireworks product representations, including paper materials, packaging materials, catalogs, photographs, or other similar product depictions. The delivery of product to a purchaser of fireworks at a licensed | 890 891 892 893 894 895 896 897 898 899 900 901 902 |

premises that has a representative sample structure shall not 903
occur inside any structure on a licensed premises. Such product 904
delivery shall occur on the licensed premises in a manner 905
prescribed by rules adopted by the state fire marshal pursuant 906
to Chapter 119. of the Revised Code. 907

If a manufacturer or wholesaler elects to conduct sales 908
from a retail sales showroom, the showroom structures, to which 909
the public may have any access and in which employees are 910
required to work, on all licensed premises, shall comply with 911
the following safety requirements: 912

(1) A fireworks showroom that is constructed or upon which 913
expansion is undertaken on and after June 30, 1997, shall be 914
equipped with interlinked fire detection, fire suppression, 915
smoke exhaust, and smoke evacuation systems that are approved by 916
the superintendent of industrial compliance in the department of 917
commerce. 918

(2) A fireworks showroom that first begins to operate on 919
or after June 30, 1997, and to which the public has access for 920
retail purposes shall not exceed ~~five~~ten thousand square feet 921
in floor area. 922

(3) A newly constructed or an existing fireworks showroom 923
structure that exists on September 23, 2008, but that, on or 924
after September 23, 2008, is altered or added to in a manner 925
requiring the submission of plans, drawings, specifications, or 926
data pursuant to section 3791.04 of the Revised Code, shall 927
comply with a graphic floor plan layout that is approved by the 928
state fire marshal and superintendent showing width of aisles, 929
parallel arrangement of aisles to exits, number of exits per 930
wall, maximum occupancy load, evacuation plan for occupants, 931
height of storage or display of merchandise, and other 932

information as may be required by the state fire marshal and 933
superintendent. 934

(4) A fireworks showroom structure that exists on June 30, 935
1997, shall be in compliance on or after June 30, 1997, with 936
floor plans showing occupancy load limits and internal 937
circulation and egress patterns that are approved by the state 938
fire marshal and superintendent, and that are submitted under 939
seal as required by section 3791.04 of the Revised Code. 940

(D) The safety requirements established in division (C) of 941
this section are not subject to any variance, waiver, or 942
exclusion pursuant to this chapter or any applicable building 943
code. 944

Sec. 3743.26. (A) (1) Except as provided in divisions (C) 945
and (D) of this section, in a given year, any person who wishes 946
to be a licensed fountain device retailer in this state shall 947
submit an application for licensure to the state fire marshal 948
before the first day of October. The application shall be on a 949
form prescribed by the state fire marshal. 950

The state fire marshal shall prescribe a form for 951
applications to become a licensed retailer and make a copy of 952
the form available, upon request, to persons who seek a license. 953

(2) An applicant for licensure as a fountain device 954
retailer shall submit all of the following with the application: 955

(a) A license fee in an amount set by the state fire 956
marshal, not to exceed twenty-five dollars; 957

(b) An affidavit affirming that the applicant is in 958
compliance with the national fire protection association 959
standard "NFPA 1124, Code for the Manufacture, Transportation, 960
Storage, and Retail Sales of Fireworks and Pyrotechnic Articles 961

(2006 Edition)," or will be in compliance before engaging in the 962
storage or retail sale of fountain devices; 963

(c) Proof of insurance in an amount and of a type 964
specified by the state fire marshal in rules adopted pursuant to 965
section 3743.28 of the Revised Code. 966

(3) A separate application for licensure as a fountain 967
device retailer shall be submitted for each location at which a 968
person wishes to engage in the retail sale of fountain devices. 969

(B) (1) If a person submits a timely application to become 970
a licensed fountain device retailer, together with the materials 971
required by division (A) (2) of this section, the state fire 972
marshal shall review the application and accompanying materials 973
and determine if they comply with this section. If the state 974
fire marshal concludes that the application and accompanying 975
matter comply with this section, the state fire marshal shall, 976
on the first day of December and, except as provided in 977
divisions (C) and (D) of this section, at no other time, issue 978
the applicant a license to sell fountain devices at retail. 979

(2) Except as provided in divisions (C) and (D) of this 980
section, a licensed retailer's license is effective for one year 981
beginning on the first day of December. If a licensed retailer 982
wishes to continue engaging in the retail sale of fountain 983
devices at the particular location after the then effective 984
license expires, the licensee shall apply before the first day 985
of October for a new license pursuant to this section. The state 986
fire marshal shall send a written notice of the expiration of a 987
license to a licensed retailer not later than the first day of 988
September. 989

(C) (1) Any person who wishes to be a licensed retailer of 990

fountain devices in this state who was not yet open for 991
business, at the location the person seeks to be licensed, 992
before the first day of the preceding October may submit an 993
application pursuant to divisions (A) (2) and (3) of this section 994
at any time after the person opens for business but before the 995
first day of the following October. 996

(2) If the state fire marshal determines that an 997
application submitted pursuant to division (C) (1) of this 998
section meets the requirements of this section, the state fire 999
marshal shall issue the applicant a license as follows: 1000

(a) If the application was submitted between the first day 1001
of October and the last day of November, not earlier than the 1002
first day of December but not later than two months after 1003
receiving the application; 1004

(b) If division (D) (2) (a) of this section does not apply, 1005
not later than two months after receiving the application. 1006

(3) A license issued pursuant to division (C) (2) of this 1007
section is effective through the last day of the following 1008
November. 1009

(D) (1) Any person who wishes to be a licensed retailer of 1010
fountain devices in this state beginning two hundred sixty days 1011
after the effective date of this section, shall submit an 1012
application pursuant to divisions (A) (2) and (3) of this section 1013
not later than one hundred ninety days after the effective date 1014
of this section. 1015

(2) The state fire marshal shall issue a license two 1016
hundred sixty days after the effective date of this section, to 1017
any person who submits an application pursuant to division (D) 1018
(1) of this section if the state fire marshal determines that 1019

the application meets the requirements of this section. A 1020
license issued pursuant to this division is effective as 1021
follows: 1022

(a) If the two hundred sixtieth day after the effective 1023
date of this section is in January, February, March, April, or 1024
May, a license issued pursuant to division (D) (2) of this 1025
section shall be effective through the end of November in the 1026
same calendar year. 1027

(b) If the two hundred sixtieth day after the effective 1028
date of this section is in June, July, August, September, 1029
October, November, or December, a license issued pursuant to 1030
division (D) (2) of this section shall be effective through the 1031
end of November in the subsequent calendar year. 1032

Sec. 3743.27. (A) A licensed fountain device retailer is 1033
authorized to possess fountain devices and sell fountain devices 1034
at retail pursuant to this section: 1035

(1) A licensed retailer's possession and storage of 1036
fountain devices shall comply with the national fire protection 1037
association standard "NFPA 1124, Code for the Manufacture, 1038
Transportation, Storage, and Retail Sales of Fireworks and 1039
Pyrotechnic Articles (2006 Edition)." 1040

(2) A licensed retailer's possession, storage, and sale of 1041
fountain devices shall comply with the state fire marshal's 1042
rules adopted pursuant to section 3743.28 of the Revised Code. 1043

(3) No licensed retailer shall sell fountain devices to a 1044
person who is under eighteen years of age. 1045

(4) A licensed fountain device retailer shall comply with 1046
divisions (A) and (B) of section 3743.47 of the Revised Code. 1047

(5) A licensed fountain device retailer shall possess and 1048
sell fountain devices only at the location described in the 1049
application for licensure and the sale shall be from the inside 1050
of a licensed building and from no structure or device outside a 1051
licensed building. At no time shall a licensed retailer sell 1052
fountain devices outside of a licensed building. 1053

(B) No licensed fountain device retailer shall negligently 1054
fail to furnish a safety pamphlet to a purchaser of 1.4G 1055
fireworks as required by division (A) of section 3743.47 of the 1056
Revised Code. 1057

(C) No licensed fountain device retailer shall negligently 1058
fail to have safety glasses available for sale as required by 1059
division (B) of section 3743.47 of the Revised Code. 1060

Sec. 3743.28. (A) The state fire marshal shall adopt rules 1061
pursuant to Chapter 119. of the Revised Code governing the 1062
storage of fireworks by and the business operations of licensed 1063
fountain device retailers. The rules shall be designed to 1064
promote the safety and security of employees of retailers, 1065
members of the public, and the premises upon which fireworks are 1066
sold. 1067

The state fire marshal shall file the rules required by 1068
this division with the joint committee on agency rule review 1069
pursuant to division (C) of section 119.03 of the Revised Code 1070
not later than one hundred eighty days after the effective date 1071
of this section. 1072

(B) The rules shall be consistent with sections 3743.26 to 1073
3743.29 of the Revised Code and the national fire protection 1074
association standard "NFPA 1124, Code for the Manufacture, 1075
Transportation, Storage, and Retail Sales of Fireworks and 1076

Pyrotechnic Articles (2006 Edition)" and shall apply to, but not 1077
be limited to, the following subject matters: 1078

(1) Cleanliness and orderliness in, the heating, lighting, 1079
and use of stoves and flame-producing items in, smoking in, the 1080
prevention of fire and explosion in, the availability of fire 1081
extinguishers or other fire-fighting equipment and their use in, 1082
and emergency procedures relative to the buildings and other 1083
structures on a retailer's premises; 1084

(2) The manner in which fountain devices are to be stored; 1085

(3) Insurance to be maintained by licensed fountain device 1086
retailers. 1087

Sec. 3743.29. (A) The state fire marshal may inspect the 1088
premises, the inventory, and retail sale records, of a licensed 1089
fountain device retailer during the retailer's period of 1090
licensure to determine whether the retailer is in compliance 1091
with Chapter 3743. of the Revised Code and the rules adopted by 1092
the state fire marshal pursuant to section 3743.28 of the 1093
Revised Code. 1094

(B) If the state fire marshal determines during an 1095
inspection conducted pursuant to division (A) of this section 1096
that a wholesaler is not in compliance with Chapter 3743. of the 1097
Revised Code or the rules adopted by the state fire marshal 1098
pursuant to section 3743.28 of the Revised Code, the state fire 1099
marshal may take one or more of the following actions, whichever 1100
the state fire marshal considers appropriate under the 1101
circumstances: 1102

(1) Order, in writing, the retailer to eliminate, correct, 1103
or otherwise remedy the nonconformities within a specified 1104
period of time; 1105

(2) Order, in writing, the wholesaler to immediately cease 1106
the storage and related sale of fountains. 1107

(3) Revoke, or deny renewal of, the license of the 1108
retailers in accordance with Chapter 119. of the Revised Code. 1109

(C) This section does not affect the authority conferred 1110
by Chapters 3781. and 3791. of the Revised Code to conduct 1111
inspections to determine conformity with those chapters or the 1112
rules adopted pursuant to them. 1113

The state fire marshal shall remove from the list of 1114
licensed retailers the name of a retailer whose license has been 1115
revoked, and shall notify the law enforcement authorities for 1116
the political subdivision in which the retailer's premises are 1117
located, of the revocation or denial of renewal. 1118

Sec. 3743.44. (A) Any person who ~~resides in another state~~ 1119
~~and who~~ intends to obtain possession in this state of 1.3G 1120
fireworks purchased in this state shall obtain possession of the 1121
1.3G fireworks only from a licensed manufacturer or licensed 1122
~~wholesaler and only possess the fireworks in this state while in~~ 1123
~~the course of directly transporting them out of this state.~~ 1124

No licensed manufacturer or licensed wholesaler shall sell 1125
1.3G fireworks to a person ~~who resides in another state~~ unless 1126
that person has been issued a license or permit in the state of 1127
the person's residence that authorizes the person to engage in 1128
the manufacture, wholesale sale, or retail sale of 1.3G 1129
fireworks or that authorizes the person to conduct 1.3G 1130
fireworks exhibitions in that state and that person presents a 1131
certified copy of the license. 1132

~~No licensed manufacturer or licensed wholesaler shall sell~~ 1133
~~fireworks to a person who resides in another state unless that~~ 1134

~~person has been issued a license or permit in the state of the~~ 1135
~~person's residence that authorizes the person to engage in the~~ 1136
~~manufacture, wholesale sale, or retail sale of fireworks in that~~ 1137
~~state or that authorizes the person to conduct fireworks~~ 1138
~~exhibitions in that state and that person presents a certified~~ 1139
~~copy of the license, or, if that person does not possess a~~ 1140
~~license or permit of that nature, only if the person presents a~~ 1141
~~current valid motor vehicle operator's license issued to the~~ 1142
~~person in the person's state of residence, or, if that person~~ 1143
~~does not possess a motor vehicle operator's license issued in~~ 1144
~~that state, an identification card issued to the person by a~~ 1145
~~governmental agency in the person's state of residence~~ 1146
~~indicating that the person is a resident of that state. If a~~ 1147
~~person who is required to present a motor vehicle operator's~~ 1148
~~license or other identification card intends to transport the~~ 1149
~~fireworks purchased directly out of this state by a motor~~ 1150
~~vehicle and the person will not also be the operator of that~~ 1151
~~motor vehicle while so transporting the fireworks, the operator~~ 1152
~~of the motor vehicle also shall present the operator's motor~~ 1153
~~vehicle operator's license.~~ 1154

~~(B) Each purchaser of fireworks under this section shall~~ 1155
~~transport the fireworks so purchased directly out of this state~~ 1156
~~within forty eight hours after the time of their purchase.~~ 1157

~~This section regulates wholesale sales and retail sales of~~ 1158
~~fireworks in this state only insofar as purchasers of fireworks~~ 1159
~~are residents of other states and will be obtaining possession~~ 1160
~~in this state of purchased fireworks. This section does not~~ 1161
prohibit licensed manufacturers or wholesalers from selling 1162
fireworks, in accordance with section 3743.04 or sections 1163
3743.17 and 3743.25 of the Revised Code, to a resident of 1164
another state and from shipping the purchased fireworks directly 1165

out of this state to the purchaser. 1166

Sec. 3743.45. (A) Any person who ~~resides in this state and~~ 1167
~~who~~ intends to obtain possession in this state of 1.4G fireworks 1168
purchased in this state shall obtain possession of the 1.4G 1169
fireworks only from a licensed retailer, licensed manufacturer, 1170
or licensed wholesaler and shall be subject to this section. 1171

~~Each purchaser of 1.4G fireworks under this division shall~~ 1172
~~transport the fireworks so purchased directly out of this state~~ 1173
~~within forty eight hours after the time of their purchase.~~ 1174

~~This division does not apply to a person who resides in~~ 1175
~~this state and who is also a licensed manufacturer, licensed~~ 1176
~~wholesaler, or licensed exhibitor of fireworks in this state.~~ 1177

(B) ~~No licensed manufacturer or licensed wholesaler shall~~ 1178
~~sell 1.3G fireworks to a person who resides in this state unless~~ 1179
~~that person is a licensed manufacturer, licensed wholesaler, or~~ 1180
~~licensed exhibitor of fireworks in this state.~~ Any person 1181
authorized under this section to possess 1.4G fireworks in this 1182
state may discharge, ignite, or explode those fireworks on 1183
private property, with authorization from the property owner, on 1184
the following days each year: 1185

(1) The first day of January; 1186

(2) Chinese new year's day; 1187

(3) The fifth day of May; 1188

(4) The last Monday in May, and the Saturday and Sunday 1189
immediately preceding that day; 1190

(5) The nineteenth day of June; 1191

(6) The third, fourth, and fifth days of July; 1192

| | |
|---|------|
| <u>(7) The first Friday, Saturday, and Sunday before and</u> | 1193 |
| <u>after the fourth day of July;</u> | 1194 |
| <u>(8) The first Monday of September, and the Saturday and</u> | 1195 |
| <u>Sunday immediately preceding that day;</u> | 1196 |
| <u>(9) Diwali;</u> | 1197 |
| <u>(10) The thirty-first day of December.</u> | 1198 |
| <u>(C) Fireworks discharged, ignited, or exploded pursuant to</u> | 1199 |
| <u>this section shall not be considered a public exhibition.</u> | 1200 |
| <u>(D) A county, with respect to the unincorporated territory</u> | 1201 |
| <u>of the county, a township, with respect to the unincorporated</u> | 1202 |
| <u>territory of the township, or a municipal corporation may do</u> | 1203 |
| <u>either of the following:</u> | 1204 |
| <u>(1) Restrict the dates and times a person may discharge,</u> | 1205 |
| <u>ignite, or explode fireworks purchased pursuant to this section.</u> | 1206 |
| <u>(2) Ban the discharge, ignition, or explosion of fireworks</u> | 1207 |
| <u>purchased pursuant to this section. A resolution adopted by a</u> | 1208 |
| <u>board of township trustees under this division prevails over a</u> | 1209 |
| <u>conflicting resolution adopted under this division by the board</u> | 1210 |
| <u>of county commissioners in the county within which the township</u> | 1211 |
| <u>is located.</u> | 1212 |
| <u>(E) This section does not limit the enforcement of any</u> | 1213 |
| <u>ordinance, resolution, or statute that regulates noise,</u> | 1214 |
| <u>disturbance of the peace, or disorderly conduct.</u> | 1215 |
| <u>Sec. 3743.451. (A) (1) The state fire marshal shall adopt</u> | 1216 |
| <u>rules in accordance with Chapter 119. of the Revised Code</u> | 1217 |
| <u>regulating the time, manner, and location of 1.4G fireworks</u> | 1218 |
| <u>discharged, ignited, or exploded under section 3743.45 of the</u> | 1219 |
| <u>Revised Code. The rules may include provisions requiring that</u> | 1220 |

all fireworks be used only in accordance with manufacturer's 1221
instructions and provisions for all of the following: 1222

(a) The use of aerial fireworks; 1223

(b) Separation distances between the location of fireworks 1224
discharges, ignitions, or explosions and adjacent structures, 1225
roadways, railroads, airports, publicly owned or controlled 1226
places, and places where hazardous materials are manufactured, 1227
used, or stored; 1228

(c) Fireworks usage at common areas of multitenant 1229
properties; 1230

(d) The suspension of fireworks discharges, ignitions, or 1231
explosions during times of drought or similar conditions; 1232

(e) The proximity of fireworks discharges, ignitions, or 1233
explosions to persons under eighteen years of age; 1234

(f) Any other matters similar to those listed in division 1235
(A)(1) of this section. 1236

(2) The state fire marshal shall file the rules required 1237
by this division with the joint committee on agency rule review 1238
pursuant to division (C) of section 119.03 of the Revised Code 1239
not later than one hundred eighty days after the effective date 1240
of this section. 1241

(B)(1) Nothing in division (A) of this section shall be 1242
construed to limit the authority of a county, township, or 1243
municipal corporation under division (D) of section 3743.45 of 1244
the Revised Code to restrict the dates and times or ban the 1245
discharge, ignition, or explosion of fireworks purchased under 1246
section 3743.45 of the Revised Code. 1247

(2) Rules adopted pursuant to this section shall permit 1248

consumers, who are at least eighteen years of age, to safely and 1249
responsibly use 1.4G fireworks on their own private property, or 1250
any private property to which they have express consent from the 1251
property owner. 1252

(3) Rules adopted pursuant to this section shall not be 1253
constructed as a de facto ban on the consumer discharge of 1254
fireworks. It is the intent of the general assembly to allow 1255
consumers to discharge 1.4G fireworks in a safe and reasonable 1256
manner. 1257

Sec. 3743.46. (A) Except as otherwise provided in section 1258
3743.44 or 3743.45 of the Revised Code, no licensed manufacturer 1259
or licensed wholesaler shall sell fireworks to a person who 1260
resides in another state unless one of the following applies: 1261

(1) The person has been issued a license or permit in the 1262
state of the person's residence that authorizes the person to 1263
engage in the manufacture, wholesale sale, or retail sale of 1264
fireworks in that state or that authorizes the person to conduct 1265
fireworks exhibitions in that state and that person presents a 1266
certified copy of the license. 1267

(2) If the person does not possess a license or permit 1268
described in division (A)(1) of this section, the person 1269
presents a current, valid motor vehicle operator's license 1270
issued to the person in the person's state of residence. 1271

(3) If the person does not possess a license or permit 1272
issued in that state as described in division (A)(1) or (2) of 1273
this section, the person presents an identification card issued 1274
to the person by a governmental agency in the person's state of 1275
residence indicating that the person is a resident of that 1276
state. 1277

(B) If a person who is required to present a motor vehicle operator's license or other identification card intends to transport the fireworks purchased directly out of this state by a motor vehicle and the person will not also be the operator of that motor vehicle while so transporting the fireworks, the operator of the motor vehicle also shall present the operator's motor vehicle operator's license. 1278
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Sec. 3743.47. (A) A licensed retailer, licensed manufacturer, or licensed wholesaler shall furnish a copy of a safety pamphlet to each purchaser of 1.4G fireworks. In addition to any safety information the licensed retailer, licensed wholesaler, or licensed manufacturer wishes to include, the pamphlet shall include all of the following statements, or substantially similar statements: 1285
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1291

"Do not allow children to play with fireworks. Sparklers, a firework often considered by many to be the ideal "safe" device for children, burn at very high temperatures and should not be handled by children. Children may not understand the danger involved with fireworks and may not act appropriately while using the devices or in case of emergency. 1292
1293
1294
1295
1296
1297

Set off fireworks outdoors in a clear area, away from houses, dry leaves, or grass and other flammable materials. 1298
1299

Keep a bucket of water nearby for emergencies and for pouring on fireworks that fail to ignite or explode. 1300
1301

Do not try to relight or handle malfunctioning fireworks. Soak them with water and throw them away. 1302
1303

Be sure other people are out of range before lighting fireworks. 1304
1305

Never light fireworks in a container, especially a glass 1306

or metal container. 1307

Keep unused fireworks away from firing areas. 1308

Store fireworks in a cool, dry place. 1309

Check instructions for special storage directions. 1310

Observe state and local law. 1311

Never have any portion of your body directly over a 1312
firework while lighting. 1313

Do not experiment with homemade fireworks." 1314

(B) A licensed retailer, licensed manufacturer, or 1315
licensed wholesaler selling 1.4G fireworks shall have safety 1316
glasses available for a nominal charge or free at the site of 1317
the 1.4G fireworks purchase. 1318

(C) Divisions (A) and (B) of this section do not apply 1319
when a purchaser is a licensed retailer, licensed manufacturer, 1320
licensed wholesaler, or licensed exhibitor of fireworks in this 1321
state. 1322

Sec. 3743.57. (A) All fees collected by the state fire 1323
marshal for licenses or permits issued pursuant to this chapter, 1324
except the fee imposed under section 3743.22 of the Revised 1325
Code, shall be deposited into the state fire marshal's fund, and 1326
interest earned on the amounts in the fund shall be credited by 1327
the treasurer of state to the fund. 1328

(B) The state fire marshal shall in the state fire 1329
marshal's discretion use amounts in the state fire marshal's 1330
fund for fireworks training and education purposes, including, 1331
but not limited to, the creation of educational and training 1332
programs, attendance by the state fire marshal and the state 1333

fire marshal's employees at conferences and seminars, the 1334
payment of travel and meal expenses associated with such 1335
attendance, participation by the state fire marshal and the 1336
state fire marshal's employees in committee meetings and other 1337
meetings related to pyrotechnic codes, and the payment of travel 1338
and meal expenses associated with such participation. The use of 1339
the fund shall comply with rules of the department of commerce, 1340
policies and procedures established by the director of budget 1341
and management, and all other applicable laws. 1342

Sec. 3743.60. (A) No person shall manufacture fireworks in 1343
this state unless it is a licensed manufacturer of fireworks, 1344
and no person shall operate a fireworks plant in this state 1345
unless it has been issued a license as a manufacturer of 1346
fireworks for the particular fireworks plant. 1347

(B) No person shall operate a fireworks plant in this 1348
state after its license as a manufacturer of fireworks for the 1349
particular fireworks plant has expired, been denied renewal, or 1350
been revoked, unless a new license has been obtained. 1351

(C) No licensed manufacturer of fireworks, during the 1352
effective period of its licensure, shall construct, locate, or 1353
relocate any buildings or other structures on the premises of 1354
its fireworks plant, make any structural change or renovation in 1355
any building or other structure on the premises of its fireworks 1356
plant, or change the nature of its manufacturing of fireworks so 1357
as to include the processing of fireworks without first 1358
obtaining a written authorization from the state fire marshal 1359
pursuant to division (B) of section 3743.04 of the Revised Code. 1360

(D) No licensed manufacturer of fireworks shall 1361
manufacture fireworks, possess fireworks for sale at wholesale 1362
or retail, or sell fireworks at wholesale or retail, in a manner 1363

not authorized by division (C) of section 3743.04 of the Revised Code. 1364
1365

(E) No licensed manufacturer of fireworks shall knowingly 1366
fail to comply with the rules adopted by the state fire marshal 1367
pursuant to section 3743.05 of the Revised Code or the 1368
requirements of section 3743.06 of the Revised Code. 1369

(F) No licensed manufacturer of fireworks shall fail to 1370
maintain complete inventory, wholesale sale, and retail records 1371
as required by section 3743.07 of the Revised Code, or to permit 1372
inspection of these records or the premises of a fireworks plant 1373
pursuant to section 3743.08 of the Revised Code. 1374

(G) No licensed manufacturer of fireworks shall fail to 1375
comply with an order of the state fire marshal issued pursuant 1376
to division (B) (1) of section 3743.08 of the Revised Code, 1377
within the specified period of time. 1378

(H) No licensed manufacturer of fireworks shall fail to 1379
comply with an order of the state fire marshal issued pursuant 1380
to division (B) (2) of section 3743.08 of the Revised Code until 1381
the nonconformities are eliminated, corrected, or otherwise 1382
remedied or the seventy-two hour period specified in that 1383
division has expired, whichever first occurs. 1384

(I) No person shall smoke or shall carry a pipe, 1385
cigarette, or cigar, or a match, lighter, other flame-producing 1386
item, or open flame on, or shall carry a concealed source of 1387
ignition into, the premises of a fireworks plant, except as 1388
smoking is authorized in specified lunchrooms or restrooms by a 1389
manufacturer pursuant to division (C) of section 3743.06 of the 1390
Revised Code. 1391

(J) No person shall have possession or control of, or be 1392

under the influence of, any intoxicating liquor, beer, or 1393
controlled substance, while on the premises of a fireworks 1394
plant. 1395

(K) No licensed manufacturer of fireworks shall 1396
negligently fail to furnish a safety pamphlet to a purchaser of 1397
1.4G fireworks as required by division (A) of section 3743.47 of 1398
the Revised Code. 1399

(L) No licensed manufacturer of fireworks shall 1400
negligently fail to have safety glasses available for sale as 1401
required by division (B) of section 3743.47 of the Revised Code. 1402

Sec. 3743.61. (A) No person, except a licensed 1403
manufacturer of fireworks engaging in the wholesale sale of 1404
fireworks as authorized by division (C) (2) of section 3743.04 of 1405
the Revised Code, shall operate as a wholesaler of fireworks in 1406
this state unless it is a licensed wholesaler of fireworks, or 1407
shall operate as a wholesaler of fireworks at any location in 1408
this state unless it has been issued a license as a wholesaler 1409
of fireworks for the particular location. 1410

(B) No person shall operate as a wholesaler of fireworks 1411
at a particular location in this state after its license as a 1412
wholesaler of fireworks for the particular location has expired, 1413
been denied renewal, or been revoked, unless a new license has 1414
been obtained. 1415

(C) No licensed wholesaler of fireworks, during the 1416
effective period of its licensure, shall perform any 1417
construction, or make any structural change or renovation, on 1418
the premises on which the fireworks are sold without first 1419
obtaining a written authorization from the state fire marshal 1420
pursuant to division (B) of section 3743.17 of the Revised Code. 1421

(D) No licensed wholesaler of fireworks shall possess 1422
fireworks for sale at wholesale or retail, or sell fireworks at 1423
wholesale or retail, in a manner not authorized by division (C) 1424
of section 3743.17 of the Revised Code. 1425

(E) No licensed wholesaler of fireworks shall knowingly 1426
fail to comply with the rules adopted by the state fire marshal 1427
pursuant to section 3743.18 or the requirements of section 1428
3743.19 of the Revised Code. 1429

(F) No licensed wholesaler of fireworks shall fail to 1430
maintain complete inventory, wholesale sale, and retail records 1431
as required by section 3743.20 of the Revised Code, or to permit 1432
inspection of these records or the premises of the wholesaler 1433
pursuant to section 3743.21 of the Revised Code. 1434

(G) No licensed wholesaler of fireworks shall fail to 1435
comply with an order of the state fire marshal issued pursuant 1436
to division (B) (1) of section 3743.21 of the Revised Code, 1437
within the specified period of time. 1438

(H) No licensed wholesaler of fireworks shall fail to 1439
comply with an order of the state fire marshal issued pursuant 1440
to division (B) (2) of section 3743.21 of the Revised Code until 1441
the nonconformities are eliminated, corrected, or otherwise 1442
remedied or the seventy-two hour period specified in that 1443
division has expired, whichever first occurs. 1444

(I) No person shall smoke or shall carry a pipe, 1445
cigarette, or cigar, or a match, lighter, other flame-producing 1446
item, or open flame on, or shall carry a concealed source of 1447
ignition into, the premises of a wholesaler of fireworks, except 1448
as smoking is authorized in specified lunchrooms or restrooms by 1449
a wholesaler pursuant to division (D) of section 3743.19 of the 1450

Revised Code. 1451

(J) No person shall have possession or control of, or be 1452
under the influence of, any intoxicating liquor, beer, or 1453
controlled substance, while on the premises of a wholesaler of 1454
fireworks. 1455

(K) No licensed wholesaler of fireworks shall negligently 1456
fail to furnish a safety pamphlet to a purchaser of 1.4G 1457
fireworks as required by division (A) of section 3743.47 of the 1458
Revised Code. 1459

(L) No licensed wholesaler of fireworks shall negligently 1460
fail to have safety glasses available for sale as required by 1461
division (B) of section 3743.47 of the Revised Code. 1462

Sec. 3743.63. (A) No person who ~~resides in another state~~ 1463
~~and~~ purchases fireworks in this state shall obtain possession of 1464
the fireworks in this state unless the person complies with 1465
~~section~~ sections 3743.44 to 3743.46 of the Revised Code. 1466

(B) ~~No~~ Except for the purchase of 1.4G fireworks made 1467
under section 3743.45 of the Revised Code, no person who resides 1468
in another state and who purchases fireworks in this state shall 1469
obtain possession of fireworks in this state other than from a 1470
licensed manufacturer or wholesaler, or fail, when transporting 1471
1.3G fireworks, to transport them directly out of this state 1472
within seventy-two hours after the time of their purchase. ~~No~~ 1473
~~such person shall give or sell to any other person in this state~~ 1474
~~fireworks that the person has acquired in this state.~~ 1475

(C) ~~No person who resides in this state and purchases~~ 1476
~~fireworks in this state shall obtain possession of the fireworks~~ 1477
~~in this state unless the person complies with section 3743.45 of~~ 1478
~~the Revised Code.~~ 1479

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

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~~ a licensed fountain device retailer as authorized by section 3743.27 of the Revised Code, a person as authorized by section sections 3743.44 of the Revised Code, a resident of this state as authorized by section and 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 sections 3743.45 and 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 technically known as fireworks showers, or a mixture 1510
containing potassium chlorate and sulphur. 1511

(D) No person shall sell fireworks of any kind to a person 1512
under eighteen years of age. No person under eighteen years of 1513
age shall enter a fireworks sales showroom unless that person is 1514
accompanied by a parent, legal guardian, or other responsible 1515
adult. No person under eighteen years of age shall touch or 1516
possess fireworks on a licensed premises without the consent of 1517
the licensee. A licensee may eject any person from a licensed 1518
premises that is in any way disruptive to the safe operation of 1519
the premises. 1520

(E) Except as otherwise provided in section 3743.44 of the 1521
Revised Code, no person, other than a licensed manufacturer, 1522
licensed wholesaler, licensed exhibitor, or shipping permit 1523
holder, shall possess 1.3G fireworks in this state. 1524

(F) Except as otherwise provided in division (J) of 1525
section 3743.06 and division (K) of section 3743.19 of the 1526
Revised Code, no person shall knowingly disable a fire 1527
suppression system as defined in section 3781.108 of the Revised 1528
Code on the premises of a fireworks plant of a licensed 1529
manufacturer of fireworks or on the premises of the business 1530
operations of a licensed wholesaler of fireworks. 1531

(G) No person shall negligently discharge, ignite, or 1532
explode fireworks while in possession or control of, or under 1533
the influence of, any intoxicating liquor, beer, or controlled 1534
substance. 1535

(H) No person shall negligently discharge, ignite, or 1536
explode fireworks on the property of another person without that 1537
person's permission to use fireworks on that property. 1538

Sec. 3743.67. (A) The Ohio fire code rule recommendation 1539
committee is hereby created to review Chapter 3743. of the 1540
Revised Code and make a recommendation to the state fire 1541
marshal. At a minimum, the committee shall make a recommendation 1542
to the state fire marshal relating to all of the following: 1543

(1) Sections 3743.02, 3743.03, 3743.04, 3743.06, 3743.15, 1544
3743.16, 3743.17, 3743.18, and 3743.19 of the Revised Code; 1545

(2) Section 3743.45 of the Revised Code relating to the 1546
purchase of 1.4G fireworks from licensed manufacturers or 1547
wholesalers; 1548

(3) Section 3743.75 of the Revised Code relating to the 1549
moratorium on licenses; 1550

(4) State fire marshal rulemaking of building code 1551
requirements for 1.3G manufacturing facilities. 1552

(5) Development of a state licensing program pursuant to 1553
section 3743.75 of the Revised Code. 1554

(B) The committee shall meet periodically, with the first 1555
meeting not later than ten days after the effective date of this 1556
section, and shall submit its report and recommendations to the 1557
state fire marshal not later than one hundred days after the 1558
effective date of this section. 1559

(C) The committee shall be made up of the following 1560
individuals: 1561

(1) The state fire marshal, or the state fire marshal's 1562
designee; 1563

(2) Four local fire chiefs appointed by the Ohio fire 1564
chiefs' association, or appointed by the association's designee; 1565

(3) A local police chief appointed by the attorney general, or the attorney general's designee; 1566
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(4) Five members of the Ohio state pyrotechnics association, appointed by the president of the association, one of whom shall be a licensed wholesaler, one of whom shall be a licensed exhibitor, and one of whom shall be a licensed manufacturer; 1568
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1572

(5) One member of prevent blindness Ohio, or the organization's designee; 1573
1574

(6) One member of the Ohio optometric association or the association's designee; 1575
1576

(7) One member of the Ohio pyrotechnic arts guild or the organization's designee; 1577
1578

(8) One representative of the Ohio chapter of the American academy of pediatrics, appointed by the president of the Ohio chapter; 1579
1580
1581

(9) One member of the Ohio council of retail merchants or the council's designee. 1582
1583

Sec. 3743.75. (A) Except as provided in division (B) of this section, during the period beginning on June 29, 2001, and ending on ~~December 31, 2021~~January 1, 2023, the state fire marshal shall not do any of the following: 1584
1585
1586
1587

(1) Issue a license as a manufacturer of fireworks under 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 June 29, 2001, or pursuant to a transfer authorized under division (D) of this section; 1588
1589
1590
1591
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1593

(2) Issue a license as a wholesaler of fireworks under 1594
sections 3743.15 and 3743.16 of the Revised Code to a person for 1595
a particular location unless that person possessed such a 1596
license for that location immediately prior to June 29, 2001, or 1597
pursuant to a transfer authorized under division (D) of this 1598
section; 1599

(3) Approve the geographic transfer of a license as a 1600
manufacturer or wholesaler of fireworks issued under this 1601
chapter to any location other than a location for which a 1602
license was issued under this chapter immediately prior to June 1603
29, 2001. 1604

(B) Division (A) of this section does not apply to either 1605
of the following: 1606

(1) An ownership transfer that the state fire marshal 1607
approves under division (D) of section 3743.04 or division (D) 1608
of section 3743.17 of the Revised Code that is consistent with 1609
division ~~(E)~~ (F) of this section; 1610

(2) A geographic transfer that the state fire marshal 1611
approves under division (D) of this section. 1612

(C) Notwithstanding section 3743.59 of the Revised Code, 1613
the prohibited activities established in divisions (A) (1) and 1614
(2) of this section, geographic transfers approved pursuant to 1615
division (D) of this section, and nonconstruction-related 1616
matters at storage locations allowed pursuant to division (I) of 1617
section 3743.04 of the Revised Code or division (F) of section 1618
3743.17 of the Revised Code are not subject to any variance, 1619
waiver, or exclusion. 1620

(D) (1) A licensed manufacturer of fireworks or a licensed 1621
wholesaler of fireworks may apply, on or after ~~the effective~~ 1622

~~date of this amendment~~ June 30, 2021, to geographically relocate 1623
the license to any location in the state if the license is in 1624
good standing, as defined in division (D) (6) of this section. 1625

(2) Notwithstanding any other provisions of this chapter, 1626
the state fire marshal shall approve the transfer if all of the 1627
following conditions are met: 1628

(a) The identity of the holder of the license remains the 1629
same in the new location. 1630

(b) The former licensed premises associated with the 1631
transferred license is closed prior to the opening of the new 1632
location and no fireworks business of any kind is conducted at 1633
the former licensed premises associated with the transferred 1634
license after the transfer of the license unless a separate 1635
fireworks manufacturer or wholesaler license is or has been 1636
issued for such location. 1637

(c) The new location has received a local certificate of 1638
zoning compliance and all structures on the new licensed 1639
location receive a valid certificate of occupancy, and are 1640
otherwise in compliance with all applicable laws, rules, and 1641
regulations, including the building code and fire code and this 1642
chapter. 1643

(d) Every building or structure at the new location is 1644
separated from occupied residential and nonresidential buildings 1645
or structures, railroads, highways, or any other buildings or 1646
structures located on the licensed premises in accordance with 1647
the distances specified in the rules adopted by the state fire 1648
marshal pursuant to sections 3743.05 and 3743.18 of the Revised 1649
Code. If the licensee fails to comply with the requirements of 1650
division (D) (2) (d) of this section by the licensee's own act, 1651

the license at the new location is forfeited. 1652

(e) Neither the licensee nor any person holding, owning, 1653
or controlling a five per cent or greater beneficial or equity 1654
interest in the licensee has been convicted of or has pleaded 1655
guilty to a felony under the laws of this state, any other 1656
state, or the United States after June 30, 1997. 1657

(f) The subject license is in active status and does not 1658
have any pending proceedings or final orders of revocation or 1659
denial under section 3743.08 or 3743.21 of the Revised Code. 1660

(g) The state fire marshal approves the request for the 1661
transfer. 1662

(h) All sales structures at the new location comply with 1663
the requirements specified in division (C) of section 3743.25 of 1664
the Revised Code. Each licensed premises may only contain one 1665
sales structure. A sales structure on any licensed premises may 1666
be converted from a representative sample showroom to a retail 1667
sales showroom or from a retail sales showroom to a 1668
representative sample showroom at any time in accordance with 1669
rules established by the state fire marshal under this chapter. 1670

(i) A completed geographic transfer application, including 1671
the designation of the new location, is received by the state 1672
fire marshal on or after ~~the effective date of this amendment~~ 1673
June 30, 2021, but not later than December 31, 2021. 1674

(3) All construction at the new location shall be 1675
authorized by the state fire marshal in writing before 1676
initiation and shall be completed not later than December 31, 1677
2022. The state fire marshal shall issue preliminary 1678
construction approvals and may set conditions thereon. The state 1679
fire marshal may authorize extensions of dates specified in this 1680

section upon a finding of good cause based upon evidence 1681
submitted by the applicant. Any final approvals of a geographic 1682
transfer shall occur only after full compliance with this 1683
section. 1684

(4) The filing of an application to geographically 1685
relocate a license and any conditional approvals issued under 1686
this section do not vest in the applicant any rights to the 1687
transfer. 1688

(5) A licensed premises subject to this section may be 1689
granted only one geographic transfer pursuant to this section 1690
prior to December 31, 2021. After that date, any existing 1691
license subject to this section may be geographically 1692
transferred to any location within this state upon application 1693
to the state fire marshal and compliance with divisions (D) (2) 1694
(a) to (h) of this section. 1695

(6) Notwithstanding any other section of the Revised Code, 1696
the license of a licensed manufacturer of fireworks or a 1697
licensed wholesaler of fireworks shall be deemed in good 1698
standing for purposes of a geographic transfer if any of the 1699
following applies to the license: 1700

(a) The license existed immediately prior to June 29, 1701
2001, and the owner of the license, including a license approved 1702
for transfers of ownership subsequent to June 29, 2001, was an 1703
active corporation in good standing as recognized by the 1704
secretary of state of the state where the company is 1705
incorporated as of December 1, 2019, or was a person, as defined 1706
by section 1.59 of the Revised Code, as of December 1, 2019. 1707

(b) The license existed on December 1, 1995, and the owner 1708
of the license, including a license approved for changes or 1709

transfers of ownership subsequent to December 1, 1995, was an 1710
active corporation in good standing as recognized by the 1711
secretary of state of the state where the company is 1712
incorporated as of December 1, 2019, or was a person, as defined 1713
by section 1.59 of the Revised Code, as of December 1, 2019. 1714

(c) For transfers requested after ~~December 31, 2021~~January 1715
1, 2023, the owner of the license, including a license approved 1716
for transfers of ownership subsequent to June 29, 2001, is an 1717
active corporation in good standing as recognized by the 1718
secretary of state of the state where the company is 1719
incorporated as of the date of the application, or is a person, 1720
as defined by section 1.59 of the Revised Code, as of the date 1721
of application. 1722

If, between December 1, 1995, and ~~the effective date of~~ 1723
~~this amendment~~June 30, 2021, a licensee, holding a license that 1724
has been deemed to be in good standing under division (D) (6) of 1725
this section, either converted the license type from a 1726
manufacturer to a wholesaler or has otherwise ceased operations 1727
at its licensed premises for any reason, the state fire marshal 1728
may geographically transfer under this section and reissue the 1729
license at the new location after full compliance with division 1730
(D) (2) of this section without first issuing a license at the 1731
premises where the license last existed. 1732

(E) After the end of the period described in division (A) 1733
of this section, the state fire marshal may issue new licenses 1734
as a manufacturer or wholesaler of fireworks. New licenses shall 1735
not be approved in such a manner that unduly burdens the state 1736
fire marshal's ability to ensure public safety. 1737

(F) As used in division (A) of this section: 1738

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

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

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

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

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

section 3743.65, or section 3743.66 of the Revised Code is 1768
guilty of a misdemeanor of the first degree. If the offender 1769
previously has been convicted of or pleaded guilty to a 1770
violation of division (I) of section 3743.60 or 3743.61 of the 1771
Revised Code, a violation of either of these divisions is a 1772
felony of the fifth degree. 1773

(D) Whoever violates division (C) of section 3743.64 of 1774
the Revised Code is guilty of a misdemeanor of the first degree. 1775
In addition to any other penalties that may be imposed on a 1776
licensed exhibitor of fireworks under this division and unless 1777
the third sentence of this division applies, the person's 1778
license as an exhibitor of fireworks or as an assistant 1779
exhibitor of fireworks shall be suspended, and the person is 1780
ineligible to apply for either type of license, for a period of 1781
five years. If the violation of division (C) of section 3743.64 1782
of the Revised Code results in serious physical harm to persons 1783
or serious physical harm to property, the person's license as an 1784
exhibitor of fireworks or as an assistant exhibitor of fireworks 1785
shall be revoked, and that person is ineligible to apply for a 1786
license as or to be licensed as an exhibitor of fireworks or as 1787
an assistant exhibitor of fireworks in this state. 1788

(E) Whoever violates division (F) of section 3743.65 of 1789
the Revised Code is guilty of a felony of the fifth degree. 1790

(F) Whoever violates division (G) of section 3743.65 of 1791
the Revised Code is guilty of a misdemeanor of the first degree. 1792
Notwithstanding any other provision of law to the contrary, a 1793
person may be convicted at the same trial or proceeding of a 1794
violation of division (G) of section 3743.65 of the Revised Code 1795
and a violation of division (B) of section 2917.11 of the 1796
Revised Code that constitutes the basis of the charge of the 1797

violation of division (G) of section 3743.65 of the Revised Code. 1798
1799

(G) Whoever violates division (B) or (C) of section 3743.27 or division (K) or (L) of section 3743.60 or division (K) or (L) of section 3743.61 of the Revised Code is guilty of a misdemeanor of the second degree. 1800
1801
1802
1803

(H) Whoever violates division (H) of section 3743.65 of the Revised Code is guilty of a minor misdemeanor. 1804
1805

Sec. 5703.21. (A) Except as provided in divisions (B) and 1806
(C) of this section, no agent of the department of taxation, 1807
except in the agent's report to the department or when called on 1808
to testify in any court or proceeding, shall divulge any 1809
information acquired by the agent as to the transactions, 1810
property, or business of any person while acting or claiming to 1811
act under orders of the department. Whoever violates this 1812
provision shall thereafter be disqualified from acting as an 1813
officer or employee or in any other capacity under appointment 1814
or employment of the department. 1815

(B) (1) For purposes of an audit pursuant to section 117.15 1816
of the Revised Code, or an audit of the department pursuant to 1817
Chapter 117. of the Revised Code, or an audit, pursuant to that 1818
chapter, the objective of which is to express an opinion on a 1819
financial report or statement prepared or issued pursuant to 1820
division (A) (7) or (9) of section 126.21 of the Revised Code, 1821
the officers and employees of the auditor of state charged with 1822
conducting the audit shall have access to and the right to 1823
examine any state tax returns and state tax return information 1824
in the possession of the department to the extent that the 1825
access and examination are necessary for purposes of the audit. 1826
Any information acquired as the result of that access and 1827

examination shall not be divulged for any purpose other than as 1828
required for the audit or unless the officers and employees are 1829
required to testify in a court or proceeding under compulsion of 1830
legal process. Whoever violates this provision shall thereafter 1831
be disqualified from acting as an officer or employee or in any 1832
other capacity under appointment or employment of the auditor of 1833
state. 1834

(2) For purposes of an internal audit pursuant to section 1835
126.45 of the Revised Code, the officers and employees of the 1836
office of internal audit in the office of budget and management 1837
charged with directing the internal audit shall have access to 1838
and the right to examine any state tax returns and state tax 1839
return information in the possession of the department to the 1840
extent that the access and examination are necessary for 1841
purposes of the internal audit. Any information acquired as the 1842
result of that access and examination shall not be divulged for 1843
any purpose other than as required for the internal audit or 1844
unless the officers and employees are required to testify in a 1845
court or proceeding under compulsion of legal process. Whoever 1846
violates this provision shall thereafter be disqualified from 1847
acting as an officer or employee or in any other capacity under 1848
appointment or employment of the office of internal audit. 1849

(3) As provided by section 6103(d) (2) of the Internal 1850
Revenue Code, any federal tax returns or federal tax information 1851
that the department has acquired from the internal revenue 1852
service, through federal and state statutory authority, may be 1853
disclosed to the auditor of state or the office of internal 1854
audit solely for purposes of an audit of the department. 1855

(4) For purposes of Chapter 3739. of the Revised Code, an 1856
agent of the department of taxation may share information with 1857

the division of state fire marshal that the agent finds during 1858
the course of an investigation. 1859

(C) Division (A) of this section does not prohibit any of 1860
the following: 1861

(1) Divulging information contained in applications, 1862
complaints, and related documents filed with the department 1863
under section 5715.27 of the Revised Code or in applications 1864
filed with the department under section 5715.39 of the Revised 1865
Code; 1866

(2) Providing information to the office of child support 1867
within the department of job and family services pursuant to 1868
section 3125.43 of the Revised Code; 1869

(3) Disclosing to the motor vehicle repair board any 1870
information in the possession of the department that is 1871
necessary for the board to verify the existence of an 1872
applicant's valid vendor's license and current state tax 1873
identification number under section 4775.07 of the Revised Code; 1874

(4) Providing information to the administrator of workers' 1875
compensation pursuant to sections 4123.271 and 4123.591 of the 1876
Revised Code; 1877

(5) Providing to the attorney general information the 1878
department obtains under division (J) of section 1346.01 of the 1879
Revised Code; 1880

(6) Permitting properly authorized officers, employees, or 1881
agents of a municipal corporation from inspecting reports or 1882
information pursuant to section 718.84 of the Revised Code or 1883
rules adopted under section 5745.16 of the Revised Code; 1884

(7) Providing information regarding the name, account 1885

number, or business address of a holder of a vendor's license 1886
issued pursuant to section 5739.17 of the Revised Code, a holder 1887
of a direct payment permit issued pursuant to section 5739.031 1888
of the Revised Code, or a seller having a use tax account 1889
maintained pursuant to section 5741.17 of the Revised Code, or 1890
information regarding the active or inactive status of a 1891
vendor's license, direct payment permit, or seller's use tax 1892
account; 1893

(8) Releasing invoices or invoice information furnished 1894
under section 4301.433 of the Revised Code pursuant to that 1895
section; 1896

(9) Providing to a county auditor notices or documents 1897
concerning or affecting the taxable value of property in the 1898
county auditor's county. Unless authorized by law to disclose 1899
documents so provided, the county auditor shall not disclose 1900
such documents; 1901

(10) Providing to a county auditor sales or use tax return 1902
or audit information under section 333.06 of the Revised Code; 1903

(11) Subject to section 4301.441 of the Revised Code, 1904
disclosing to the appropriate state agency information in the 1905
possession of the department of taxation that is necessary to 1906
verify a permit holder's gallonage or noncompliance with taxes 1907
levied under Chapter 4301. or 4305. of the Revised Code; 1908

(12) Disclosing to the department of natural resources 1909
information in the possession of the department of taxation that 1910
is necessary for the department of taxation to verify the 1911
taxpayer's compliance with section 5749.02 of the Revised Code 1912
or to allow the department of natural resources to enforce 1913
Chapter 1509. of the Revised Code; 1914

(13) Disclosing to the department of job and family 1915
services, industrial commission, and bureau of workers' 1916
compensation information in the possession of the department of 1917
taxation solely for the purpose of identifying employers that 1918
misclassify employees as independent contractors or that fail to 1919
properly report and pay employer tax liabilities. The department 1920
of taxation shall disclose only such information that is 1921
necessary to verify employer compliance with law administered by 1922
those agencies. 1923

(14) Disclosing to the Ohio casino control commission 1924
information in the possession of the department of taxation that 1925
is necessary to verify a casino operator's compliance with 1926
section 5747.063 or 5753.02 of the Revised Code and sections 1927
related thereto; 1928

(15) Disclosing to the state lottery commission 1929
information in the possession of the department of taxation that 1930
is necessary to verify a lottery sales agent's compliance with 1931
section 5747.064 of the Revised Code; 1932

(16) Disclosing to the development services agency 1933
information in the possession of the department of taxation that 1934
is necessary to ensure compliance with the laws of this state 1935
governing taxation and to verify information reported to the 1936
development services agency for the purpose of evaluating 1937
potential tax credits, grants, or loans. Such information shall 1938
not include information received from the internal revenue 1939
service the disclosure of which is prohibited by section 6103 of 1940
the Internal Revenue Code. No officer, employee, or agent of the 1941
development services agency shall disclose any information 1942
provided to the development services agency by the department of 1943
taxation under division (C) (16) of this section except when 1944

disclosure of the information is necessary for, and made solely 1945
for the purpose of facilitating, the evaluation of potential tax 1946
credits, grants, or loans. 1947

(17) Disclosing to the department of insurance information 1948
in the possession of the department of taxation that is 1949
necessary to ensure a taxpayer's compliance with the 1950
requirements with any tax credit administered by the development 1951
services agency and claimed by the taxpayer against any tax 1952
administered by the superintendent of insurance. No officer, 1953
employee, or agent of the department of insurance shall disclose 1954
any information provided to the department of insurance by the 1955
department of taxation under division (C)(17) of this section. 1956

(18) Disclosing to the division of liquor control 1957
information in the possession of the department of taxation that 1958
is necessary for the division and department to comply with the 1959
requirements of sections 4303.26 and 4303.271 of the Revised 1960
Code; 1961

(19) Disclosing to the state fire marshal information in 1962
the possession of the department of taxation that is necessary 1963
for the state fire marshal to verify the compliance of a 1964
licensed manufacturer of fireworks or a licensed wholesaler of 1965
fireworks with section 3743.22 of the Revised Code. No officer, 1966
employee, or agent of the state fire marshal shall disclose any 1967
information provided to the state fire marshal by the department 1968
of taxation under division (C)(19) of this section. 1969

Section 2. That existing sections 3743.01, 3743.04, 1970
3743.08, 3743.17, 3743.21, 3743.25, 3743.44, 3743.45, 3743.57, 1971
3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 3743.99, and 1972
5703.21 of the Revised Code are hereby repealed. 1973

Section 3. The amendments to sections 3743.08, 3743.21, 1974
3743.44, 3743.45, 3743.57, 3743.59, 3743.60, 3743.61, 3743.63, 1975
3743.65, 3743.99, and 5703.21 of the Revised Code made in 1976
Sections 1 and 2 of this act and the enactment of sections 1977
3743.46, and 3743.47 of the Revised Code by Sections 1 and 2 of 1978
this act, take effect two hundred sixty days after the effective 1979
date of this section. The amendments to sections 3743.04, 1980
3743.17, 3743.25, and 3743.75 and the enactment of sections 1981
3743.151, 3743.171, 3743.22, 3743.26 to 3743.29, 3743.451, and 1982
3743.67 of the Revised Code in Sections 1 and 2 of this act 1983
shall take effect at the earliest time permitted by law. 1984

Section 4. Notwithstanding divisions (A) and (B) of 1985
section 3743.26 of the Revised Code, as enacted by this act, the 1986
State Fire Marshal shall not issue any licenses to sell fountain 1987
devices at retail in 2021. 1988