

\_\_\_\_\_ moved to amend as follows:

In line 3 of the title, after "3743.57" insert ", 3743.59" 1

In line 10, after "3743.57" insert ", 3743.59," 2

After line 1342, insert: 3

**"Sec. 3743.59.** (A) As used in this section, "hobbyist 4  
activities" means the manufacture, possession, and use of 5  
individual items, each of which meets the definition of either a 6  
1.3G firework or 1.4G firework. 7

(B) Upon application by an affected party, the fire 8  
marshal may grant variances from the requirements of this 9  
chapter or from the requirements of rules adopted pursuant to 10  
this chapter if the fire marshal determines that a literal 11  
enforcement of the requirement will result in practical 12  
difficulty in complying with the requirements of this chapter or 13  
the rules adopted pursuant to this chapter and that the variance 14  
will not be contrary to the public health, safety, or welfare. A 15  
variance shall not be granted to a person who is initially 16  
licensed as a manufacturer or wholesaler of fireworks after June 17  
14, 1988. 18



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

(C) ~~The (D) (1) Subject to division (D) (2) of this section, the state~~ fire marshal may authorize a variance from the prohibitions in this chapter against the possession and use of pyrotechnic compounds to ~~allow a person who possesses and uses the pyrotechnic compounds for personal and noncommercial purposes as a hobby to engage in hobbyist activities.~~

(2) (a) A variance allowing hobbyist activities does not at any time permit a person to possess more than five pounds, in total, of explosives, pyrotechnics, or similar raw materials for, and finished 1.3G and 1.4G fireworks manufactured during, hobbyist activities.

(b) A variance allowing hobbyist activities does not affect a person's obligation to comply with federal, state, or local law or regulation outside of this chapter.

(c) The state fire marshal shall not issue a variance allowing hobbyist activities to a person unless the person does all of the following:

(i) Demonstrates that the person has experience, education, and training in pyrotechnics necessary to protect public safety when engaging in hobbyist activities;

(ii) Demonstrates that the person has, compliant with all

<u>applicable federal, state, and local laws, proper methods and</u>	48
<u>locations to safely acquire, store, and use explosives,</u>	49
<u>pyrotechnics, or similar raw materials for the manufacture of</u>	50
<u>1.3G fireworks and 1.4G fireworks;</u>	51
<u>(iii) Provides any other information or records the state</u>	52
<u>fire marshal considers necessary to protect public safety during</u>	53
<u>the person's hobbyist activities.</u>	54
<u>(2) The state fire marshal shall not unreasonably withhold</u>	55
<u>a variance allowing hobbyist activities that the state fire</u>	56
<u>marshal may authorize pursuant to division (D) (1) of this</u>	57
<u>section.</u>	58
<u>(3) The state fire marshal may rescind a variance</u>	59
<u>authorized authorizing hobbyist activities under this division</u>	60
<u>(D) (1) of this section for cause at any time, exclusively at the</u>	61
<u>fire marshal's discretion."</u>	62
In line 1971, after "3743.57" insert ", 3743.59"	63

The motion was \_\_\_\_\_ agreed to.

<u>SYNOPSIS</u>	64
<b>Hobbyist variances</b>	65
<b>R.C. 3743.59</b>	66
Amends the law regarding hobbyist variances from the	67
Fireworks Law by:	68
-- Limiting hobbyist activities to the manufacture,	69
possession, and use of individual items with each item meeting	70

the definition of either a consumer-grade (1.4G) firework or a commercial-grade (1.3G) firework;	71 72
-- Limiting the holder of a hobbyist variance to a total of 5 pounds of explosives, pyrotechnics, or similar raw materials, as well as finished fireworks manufactured under the variance, at any one time;	73 74 75 76
-- Specifying that a hobbyist variance does not affect a person's obligation to apply with law outside of the Fireworks Law;	77 78 79
-- Requiring hobbyists seeking variances to demonstrate to the State Fire Marshal that they can engage in the hobby safely;	80 81
-- Prohibiting the State Fire Marshal from unreasonably withholding a hobbyist variance;	82 83
-- Requiring the State Fire Marshal to have cause before revoking a hobbyist variance, as opposed to allowing discretionary revocation as under current law.	84 85 86

\_\_\_\_\_ moved to amend as follows:

In line 45, delete "L" and insert "that meets all of the following criteria:" 1  
2

(1) It is nonaerial and nonreport producing; 3

(2) It is recognized and manufactured in accordance with 4  
sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition); 5

(3) It is 6

In line 47, delete "and that" and insert ", with or without" 7  
additional effects that may include a colored flame, audible crackling 8  
effect, audible whistle effect, or smoke; 9

(4) It" 10

In line 48, delete "this" and insert "the nonexplosive pyrotechnic" 11

In line 49, delete "of this mixture in" 12

In line 50, delete "total" and insert "or less for multiple tubes" 13

In line 1036, after "(1)" insert "A licensed retailer's displays for" 14  
fountain devices shall be limited to three hundred square feet. No single 15  
fountain device display shall exceed one hundred fifty square feet, and 16



<u>each display must be placed at least twenty-five feet from any other highly flammable materials.</u>	17
	18
<u>(2)"</u>	19
After line 1040, insert:	20
<u>"(3) A licensed retailer shall only possess and sell fountain devices as packaged merchandise with covered fuses.</u>	21
	22
<u>(4) A licensed retailer's fountain devices that are displayed for sale shall be under the visual supervision of an employee of the licensed retailer or other responsible party while the licensed retail location is open to the public."</u>	23
	24
	25
	26
In line 1041, delete " <u>(2)"</u> and insert " <u>(5)"</u>	27
In line 1044, delete " <u>(3)"</u> and insert " <u>(6)"</u>	28
In line 1046, delete " <u>(4)"</u> and insert " <u>(7) No licensed retailer shall knowingly sell fountain devices to a person who is obviously under the influence of alcohol or a drug of abuse, as defined in section 4506.01 of the Revised Code.</u>	29
	30
	31
	32
<u>(8)"</u> ; delete " <u>fountain device"</u>	33
In line 1048, delete " <u>(5)"</u> and insert " <u>(9)"</u> ; delete " <u>fountain device"</u>	34
	35
After line 1053, insert:	36
<u>"(10) A licensed retailer shall prohibit smoking in the licensed location."</u>	37
	38
In line 1097, delete " <u>wholesaler"</u> and insert " <u>licensed fountain device retailer"</u>	39
	40
In line 1106, delete " <u>wholesaler"</u> and insert " <u>retailer"</u>	41

The motion was \_\_\_\_\_ agreed to.

<u>SYNOPSIS</u>	42
<b>Fountain devices and fountain device retailers</b>	43
<b>R.C. 3743.01, 3743.27, and 3743.29</b>	44
Amends the bill's provisions for the new fountain device retailer license it creates, by:	45
-- Changing the bill's definition of fountain devices to specify that they are non-aerial, non-report producing, recognized by a specific technical standard, and may produce effects beyond sparks that include a colored flame, an audible crackling effect, an audible whistle effect, or smoke;	47
-- Limiting display space for fountain devices to 300 square feet total, and 150 square feet for any single display, and requiring displays be placed at least 25 feet from other highly flammable products;	52
-- Requiring licensed fountain device retailers to prohibit smoking in licensed locations;	56
-- Prohibiting fountain device retailers from knowingly selling fountain devices to individuals who are obviously under the influence of alcohol or a drug of abuse;	58
-- Requiring fountain device retailers to only possess and sell fountain devices as packaged merchandise with covered fuses;	61
-- Requiring fountain device retailer's fountain devices that are displayed for sale to be under the visual supervision of a store employee or other responsible party while the store	64
	65
	66

is open to the public;	67
-- Making non-substantive technical corrections for	68
consistency and to refer to the appropriate license type in one	69
instance.	70

\_\_\_\_\_ moved to amend as follows:

In line 4 of the title, after "3743.75" insert ", 3743.80"	1
In line 10, after "3743.57" insert ","	2
In line 11, after "3743.75" insert ", 3743.80"	3
In line 476, strike through "Revoke" and insert " <u>Suspend, revoke,</u> "	4
In line 485, after "is" insert " <u>suspended or</u> "	5
In line 486, after "or" insert " <u>if</u> "	6
In line 495, after "the" insert " <u>suspension,</u> "; after "revocation" insert " <u>or</u> "	7
In line 775, strike through "Revoke" and insert " <u>Suspend, revoke</u> "	8
In line 783, after "is" insert " <u>suspended or</u> "	9
In line 784, after "or" insert " <u>if</u> "	10
In line 793, after "the" insert " <u>suspension,</u> "; after "revocation" insert " <u>or</u> "	11
In line 1350, after "expired," insert " <u>is suspended, has</u> "; after "or" insert " <u>has</u> "	12
	13
	14
	15



In line 1351, after "obtained" insert " <u>or the suspension lifted</u> "	16
In line 1413, after "expired," insert " <u>is suspended, has</u> "	17
In line 1414, after "or" insert " <u>has</u> "	18
In line 1415, after "obtained" insert " <u>or the suspension lifted</u> "	19
After line 1756, insert:	20
<b>"Sec. 3743.80.</b> This chapter does not prohibit or apply to	21
the following:	22
(A) The manufacture, sale, possession, transportation,	23
storage, or use in emergency situations, of pyrotechnic	24
signaling devices and distress signals for marine, aviation, or	25
highway use;	26
(B) The manufacture, sale, possession, transportation,	27
storage, or use of fusees, torpedoes, or other signals necessary	28
for the safe operation of railroads;	29
(C) The manufacture, sale, possession, transportation,	30
storage, or use of blank cartridges in connection with theaters	31
or shows, or in connection with athletics as signals or for	32
ceremonial purposes;	33
(D) The manufacture for, the transportation, storage,	34
possession, or use by, or sale to the armed forces of the United	35
States and the militia of this state, <u>as recognized by the</u>	36
<u>adjutant general of Ohio</u> , of pyrotechnic devices;	37
(E) The manufacture, sale, possession, transportation,	38
storage, or use of toy pistols, toy canes, toy guns, or other	39
devices in which paper or plastic caps containing twenty-five	40
hundredths grains or less of explosive material are used,	41
provided that they are constructed so that a hand cannot come	42

into contact with a cap when it is in place for explosion, or	43
apply to the manufacture, sale, possession, transportation,	44
storage, or use of those caps;	45
(F) The manufacture, sale, possession, transportation,	46
storage, or use of novelties and trick noisemakers, auto burglar	47
alarms, or model rockets and model rocket motors designed, sold,	48
and used for the purpose of propelling recoverable aero models;	49
(G) The manufacture, sale, possession, transportation,	50
storage, or use of wire sparklers.	51
(H) The conduct of radio-controlled special effect	52
exhibitions that use an explosive black powder charge of not	53
more than one-quarter pound per charge, and that are not	54
connected in any manner to propellant charges, provided that the	55
exhibition complies with all of following:	56
(1) No explosive aerial display is conducted in the	57
exhibition;	58
(2) The exhibition is separated from spectators by not	59
less than two hundred feet;	60
(3) The person conducting the exhibition complies with	61
regulations of the bureau of alcohol, tobacco, and firearms of	62
the United States department of the treasury and the United	63
States department of transportation with respect to the storage	64
and transport of the explosive black powder used in the	65
exhibition."	66
In line 1972, after "3743.75" insert ", 3743.80"	67
In line 1981, delete the first "and"; after "3743.75" insert ", and	68
3743.80"	69

The motion was \_\_\_\_\_ agreed to.

<u>SYNOPSIS</u>	70
<b>License revocation and militia exemption</b>	71
<b>R.C. 3743.08, 3743.21, 3743.60, 3743.61, and 3743.80</b>	72
Allows the State Fire Marshal to suspend a fireworks wholesaler or manufacturer license for a violation of relevant law or administrative rules, in addition to current law's authorization for revocation or denial of renewal.	73 74 75 76
Specifies that the "state militia" for purposes of an exemption to the Fireworks Law is the state militia "as recognized by the Adjutant General of Ohio."	77 78 79

\_\_\_\_\_ moved to amend as follows:

In line 919, strike through "(2)" and insert "(2)(a)" 1

After line 922, insert: 2

"(b) A fireworks showroom that first exceeds five thousand 3  
square feet after the effective date of this amendment shall be 4  
equipped with a sprinkler system that meets the requirements for 5  
extra hazard occupancies under "NFPA 13, Standard for the 6  
Installation of Sprinkler Systems (2019 Edition)."" 7

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

8

**Sprinkler systems**

9

**R.C. 3743.25**

10

Requires fireworks showrooms that exceed 5,000 square feet 11  
after the bill's effective date (the bill increases allowable 12  
space to 10,000 square feet) to have sprinkler systems compliant 13



with the "extra hazard group" under the National Fire Protection  
Association's sprinkler system standard.

14

15

\_\_\_\_\_ moved to amend as follows:

In line 10, after "3743.57" insert ","	1
Delete lines 16 through 158	2
After line 158, insert:	3
 <b>"Sec. 3743.01.</b> As used in this chapter:	4
(A) "Beer" and "intoxicating liquor" have the same meanings as in section 4301.01 of the Revised Code.	5
(B) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition, and that is ignited by pulling the ends of the string.	6
(C) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.	7
(D) (1) "1.3G fireworks" means display fireworks consistent with regulations of the United States department of transportation as expressed using the designation "division 1.3" in Title 49, Code of Federal Regulations.	8
	9
	10
	11
	12
	13
	14
	15
	16
	17



(2) "1.4G fireworks" means consumer fireworks consistent with regulations of the United States department of transportation as expressed using the designation "division 1.4" in Title 49, Code of Federal Regulations.	18 19 20 21
(E) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	22 23
(F) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in section 3743.80 of the Revised Code.	24 25 26 27
(G) "Fireworks plant" means all buildings and other structures in which the manufacturing of fireworks, or the storage or sale of manufactured fireworks by a manufacturer, takes place.	28 29 30 31
(H) <u>"Fountain device"</u> means a specific type of 1.4G firework that meets all of the following criteria:	32 33
(1) <u>It is nonaerial and nonreport producing;</u>	34
(2) <u>It is recognized and manufactured in accordance with sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition);</u>	35 36
(3) <u>It is a ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke;</u>	37 38 39 40 41
(4) <u>It contains not more than seventy-five grams of the nonexplosive pyrotechnic mixture in any individual tube and not more than five hundred grams or less for multiple tubes.</u>	42 43 44
(I) <u>"Highway"</u> means any public street, road, alley, way,	45

lane, or other public thoroughfare.	46
(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.	47
(J)—(K) "Licensed fountain device retailer" or "licensed retailer" means a person licensed pursuant to section 3743.26 of the Revised Code.	50
(L) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to sections 3743.02 to 3743.08 of the Revised Code.	53
(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.	56
(L)—(N) "List of licensed exhibitors" means the list required by division (C) of section 3743.51 of the Revised Code.	59
(M)—(O) "List of licensed manufacturers" means the list required by division (C) of section 3743.03 of the Revised Code.	61
(N)—(P) "List of licensed wholesalers" means the list required by division (C) of section 3743.16 of the Revised Code.	63
(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.	65
(P)—(R) "Navigable waters" means any body of water susceptible of being used in its ordinary condition as a highway of commerce over which trade and travel is or may be conducted in the customary modes, but does not include a body of water that is not capable of navigation by barges, tugboats, and other large vessels.	68

<u>(Q)—(S)</u> "Novelties and trick noisemakers" include the following items:	74 75
(1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers, and snappers;	76 77 78
(2) Snakes or glow worms;	79
(3) Smoke devices;	80
(4) Trick matches.	81
<u>(R)—(T)</u> "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling a string protruding from the item, and from which paper streamers are expelled when the item is ignited.	82 83 84 85 86
<u>(S)—(U)</u> "Processing of fireworks" means the making of fireworks from materials all or part of which in and of themselves constitute a fireworks, but does not include the mere packaging or repackaging of fireworks.	87 88 89 90
<u>(T)—(V)</u> "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs, and sidings installed and primarily used in serving a mine, quarry, or plant.	91 92 93 94
<u>(U)—(W)</u> "Retail sale" or "sell at retail" means a sale of fireworks to a purchaser who intends to use the fireworks, and not resell them.	95 96 97
<u>(V)—(X)</u> "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.	98 99 100

<u>(W)—(Y)</u> "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.	101 102 103 104
<u>(X)—(Z)</u> "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.	105 106 107
<u>(Y)—(AA)</u> "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.	108 109 110 111
<u>(Z)—(BB)</u> "Wire sparkler" means a sparkler consisting of a wire or stick coated with a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.	112 113 114 115
<u>(AA)—(CC)</u> "Wholesale sale" or "sell at wholesale" means a sale of fireworks to a purchaser who intends to resell the fireworks so purchased.	116 117 118
<u>(BB)—(DD)</u> "Licensed premises" means the real estate upon which a licensed manufacturer or wholesaler of fireworks conducts business.	119 120 121
<u>(CC)—(EE)</u> "Licensed building" means a building on the licensed premises of a licensed manufacturer or wholesaler of fireworks that is approved for occupancy by the building official having jurisdiction.	122 123 124 125
<u>(DD)—(FF)</u> "Fireworks incident" means any action or omission that occurs at a fireworks exhibition, that results in injury or death, or a substantial risk of injury or death, to	126 127 128

any person, and that involves either of the following:	129
(1) The handling or other use, or the results of the handling or other use, of fireworks or associated equipment or other materials;	130 131 132
(2) The failure of any person to comply with any applicable requirement imposed by this chapter or any applicable rule adopted under this chapter.	133 134 135
<del>(EE)</del> — <u>(GG)</u> "Discharge site" means an area immediately surrounding the mortars used to fire aerial shells.	136 137
<del>(FF)</del> — <u>(HH)</u> "Fireworks incident site" means a discharge site or other location at a fireworks exhibition where a fireworks incident occurs, a location where an injury or death associated with a fireworks incident occurs, or a location where evidence of a fireworks incident or an injury or death associated with a fireworks incident is found.	138 139 140 141 142 143
<del>(GG)</del> — <u>(II)</u> "Storage location" means a single parcel or contiguous parcels of real estate approved by the state fire marshal pursuant to division (I) of section 3743.04 of the Revised Code or division (F) of section 3743.17 of the Revised Code that are separate from a licensed premises containing a retail showroom, and which parcel or parcels a licensed manufacturer or wholesaler of fireworks may use only for the distribution, possession, and storage of fireworks in accordance with this chapter."	144 145 146 147 148 149 150 151 152

The motion was \_\_\_\_\_ agreed to.

<u>SYNOPSIS</u>	153
<b>Fountain devices and section update</b>	154
<b>R.C. 3743.01</b>	155
Changes the bill's definition of fountain devices to	156
specify that they are non-aerial, non-report producing,	157
recognized by a specific technical standard, and may produce	158
effects beyond sparks that include a colored flame, an audible	159
crackling effect, an audible whistle effect, or smoke.	160
Updates R.C. 3743.01 as it appears in the bill to reflect	161
changes made by H.B. 74, the Transportation Budget.	162

\_\_\_\_\_ moved to amend as follows:

In line 1198, after "December" insert ";

1

(11) Legal holidays, as defined in section 1.14 of the  
Revised Code"

2

3

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

4

**Discharge dates**

5

**R.C. 3743.45**

6

Adds "legal holidays" as defined in current law to the  
list of days that consumer-grade fireworks may be discharged  
under the bill.

7

8

9

