

Sub. S. B. No. 113
As Passed by the Senate

_____ moved to amend as follows:

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

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

After line 1342, insert:

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

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



~~(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

applicable federal, state, and local laws, proper methods and 48
locations to safely acquire, store, and use explosives, 49
pyrotechnics, or similar raw materials for the manufacture of 50
1.3G fireworks and 1.4G fireworks; 51

(iii) Provides any other information or records the state 52
fire marshal considers necessary to protect public safety during 53
the person's hobbyist activities. 54

(2) The state fire marshal shall not unreasonably withhold 55
a variance allowing hobbyist activities that the state fire 56
marshal may authorize pursuant to division (D)(1) of this 57
section. 58

(3) The state fire marshal may rescind a variance 59
authorized authorizing hobbyist activities under this division 60
(D)(1) of this section for cause at any time, exclusively at the 61
fire marshal's discretion." 62

In line 1971, after "3743.57" insert ", 3743.59" 63

The motion was _____ agreed to.

SYNOPSIS 64

Hobbyist variances 65

R.C. 3743.59 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 71
commercial-grade (1.3G) firework; 72

-- Limiting the holder of a hobbyist variance to a total 73
of 5 pounds of explosives, pyrotechnics, or similar raw 74
materials, as well as finished fireworks manufactured under the 75
variance, at any one time; 76

-- Specifying that a hobbyist variance does not affect a 77
person's obligation to apply with law outside of the Fireworks 78
Law; 79

-- Requiring hobbyists seeking variances to demonstrate to 80
the State Fire Marshal that they can engage in the hobby safely; 81

-- Prohibiting the State Fire Marshal from unreasonably 82
withholding a hobbyist variance; 83

-- Requiring the State Fire Marshal to have cause before 84
revoking a hobbyist variance, as opposed to allowing 85
discretionary revocation as under current law. 86

Sub. S. B. No. 113
As Passed by the Senate

_____ moved to amend as follows:

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



each display must be placed at least twenty-five feet from any other 17
highly flammable materials. 18

(2)" 19
 After line 1040, insert: 20

"(3) A licensed retailer shall only possess and sell 21
fountain devices as packaged merchandise with covered fuses. 22

(4) A licensed retailer's fountain devices that are 23
displayed for sale shall be under the visual supervision of an 24
employee of the licensed retailer or other responsible party 25
while the licensed retail location is open to the public." 26

In line 1041, delete "(2)" and insert "(5)" 27

In line 1044, delete "(3)" and insert "(6)" 28

In line 1046, delete "(4)" and insert "(7) No licensed retailer 29
shall knowingly sell fountain devices to a person who is obviously under 30
the influence of alcohol or a drug of abuse, as defined in section 4506.01 31
of the Revised Code. 32

(8)"; delete "fountain device" 33

In line 1048, delete "(5)" and insert "(9)"; delete "fountain 34
device" 35

After line 1053, insert: 36

"(10) A licensed retailer shall prohibit smoking in the 37
licensed location." 38

In line 1097, delete "wholesaler" and insert "licensed fountain 39
device retailer" 40

In line 1106, delete "wholesaler" and insert "retailer" 41

The motion was _____ agreed to.

SYNOPSIS

Fountain devices and fountain device retailers

R.C. 3743.01, 3743.27, and 3743.29

Amends the bill's provisions for the new fountain device
retailer license it creates, by:

-- 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;

-- 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;

-- Requiring licensed fountain device retailers to
prohibit smoking in licensed locations;

-- Prohibiting fountain device retailers from knowingly
selling fountain devices to individuals who are obviously under
the influence of alcohol or a drug of abuse;

-- Requiring fountain device retailers to only possess and
sell fountain devices as packaged merchandise with covered
fuses;

-- 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

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:

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|---|----|
| 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" | 7 |
| insert " <u>1</u> " | 8 |
| In line 775, strike through "Revoke" and insert " <u>Suspend, revoke</u> " | 9 |
| In line 783, after "is" insert " <u>suspended or</u> " | 10 |
| In line 784, after "or" insert " <u>if</u> " | 11 |
| In line 793, after "the" insert " <u>suspension,</u> "; after "revocation" | 12 |
| insert " <u>1</u> " | 13 |
| In line 1350, after "expired," insert " <u>is suspended, has</u> "; after | 14 |
| "or" insert " <u>has</u> " | 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
"Sec. 3743.80. 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.

SYNOPSIS

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License revocation and militia exemption

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R.C. 3743.08, 3743.21, 3743.60, 3743.61, and 3743.80

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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.

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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."

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_____ moved to amend as follows:

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

After line 922, insert:

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

The motion was _____ agreed to.

SYNOPSIS

Sprinkler systems

R.C. 3743.25

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

with the "extra hazard group" under the National Fire Protection	14
Association's sprinkler system standard.	15

_____ moved to amend as follows:

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

Delete lines 16 through 158

After line 158, insert:

"Sec. 3743.01. As used in this chapter:

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

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

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

(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.



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

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

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

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

(H) "Fountain device" means a specific type of 1.4G firework that meets all of the following criteria:

(1) It is nonaerial and nonreport producing;

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

(3) 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;

(4) 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.

(I) "Highway" means any public street, road, alley, way,

lane, or other public thoroughfare. 46

~~(I)~~ (J) "Licensed exhibitor of fireworks" or "licensed 47
exhibitor" means a person licensed pursuant to sections 3743.50 48
to 3743.55 of the Revised Code. 49

~~(J)~~ (K) "Licensed fountain device retailer" or "licensed 50
retailer" means a person licensed pursuant to section 3743.26 of 51
the Revised Code. 52

(L) "Licensed manufacturer of fireworks" or "licensed 53
manufacturer" means a person licensed pursuant to sections 54
3743.02 to 3743.08 of the Revised Code. 55

~~(K)~~ (M) "Licensed wholesaler of fireworks" or "licensed 56
wholesaler" means a person licensed pursuant to sections 3743.15 57
to 3743.21 of the Revised Code. 58

~~(L)~~ (N) "List of licensed exhibitors" means the list 59
required by division (C) of section 3743.51 of the Revised Code. 60

~~(M)~~ (O) "List of licensed manufacturers" means the list 61
required by division (C) of section 3743.03 of the Revised Code. 62

~~(N)~~ (P) "List of licensed wholesalers" means the list 63
required by division (C) of section 3743.16 of the Revised Code. 64

~~(O)~~ (Q) "Manufacturing of fireworks" means the making of 65
fireworks from raw materials, none of which in and of themselves 66
constitute a fireworks, or the processing of fireworks. 67

~~(P)~~ (R) "Navigable waters" means any body of water 68
susceptible of being used in its ordinary condition as a highway 69
of commerce over which trade and travel is or may be conducted 70
in the customary modes, but does not include a body of water 71
that is not capable of navigation by barges, tugboats, and other 72
large vessels. 73

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

~~(W)~~ (Y) "Snake or glow worm" means a device that consists 101
of a pressed pellet of pyrotechnic composition that produces a 102
large, snake-like ash upon burning, which ash expands in length 103
as the pellet burns. 104

~~(X)~~ (Z) "Snapper" means a small, paper-wrapped item that 105
contains a minute quantity of explosive composition coated on 106
small bits of sand, and that, when dropped, implodes. 107

~~(Y)~~ (AA) "Trick match" means a kitchen or book match that 108
is coated with a small quantity of explosive composition and 109
that, upon ignition, produces a small report or a shower of 110
sparks. 111

~~(Z)~~ (BB) "Wire sparkler" means a sparkler consisting of a 112
wire or stick coated with a nonexplosive pyrotechnic mixture 113
that produces a shower of sparks upon ignition and that contains 114
no more than one hundred grams of this mixture. 115

~~(AA)~~ (CC) "Wholesale sale" or "sell at wholesale" means a 116
sale of fireworks to a purchaser who intends to resell the 117
fireworks so purchased. 118

~~(BB)~~ (DD) "Licensed premises" means the real estate upon 119
which a licensed manufacturer or wholesaler of fireworks 120
conducts business. 121

~~(CC)~~ (EE) "Licensed building" means a building on the 122
licensed premises of a licensed manufacturer or wholesaler of 123
fireworks that is approved for occupancy by the building 124
official having jurisdiction. 125

~~(DD)~~ (FF) "Fireworks incident" means any action or 126
omission that occurs at a fireworks exhibition, that results in 127
injury or death, or a substantial risk of injury or death, to 128

any person, and that involves either of the following: 129

(1) The handling or other use, or the results of the 130
handling or other use, of fireworks or associated equipment or 131
other materials; 132

(2) The failure of any person to comply with any 133
applicable requirement imposed by this chapter or any applicable 134
rule adopted under this chapter. 135

~~(EE)~~ (GG) "Discharge site" means an area immediately 136
surrounding the mortars used to fire aerial shells. 137

~~(FF)~~ (HH) "Fireworks incident site" means a discharge site 138
or other location at a fireworks exhibition where a fireworks 139
incident occurs, a location where an injury or death associated 140
with a fireworks incident occurs, or a location where evidence 141
of a fireworks incident or an injury or death associated with a 142
fireworks incident is found. 143

~~(GG)~~ (II) "Storage location" means a single parcel or 144
contiguous parcels of real estate approved by the state fire 145
marshal pursuant to division (I) of section 3743.04 of the 146
Revised Code or division (F) of section 3743.17 of the Revised 147
Code that are separate from a licensed premises containing a 148
retail showroom, and which parcel or parcels a licensed 149
manufacturer or wholesaler of fireworks may use only for the 150
distribution, possession, and storage of fireworks in accordance 151
with this chapter." 152

The motion was _____ agreed to.

<u>SYNOPSIS</u>	153
Fountain devices and section update	154
R.C. 3743.01	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 "i

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

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The motion was _____ agreed to.

SYNOPSIS

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Discharge dates

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R.C. 3743.45

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

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