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# OHIO LEGISLATIVE SERVICE COMMISSION

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## Synopsis of House Committee Amendments

(This synopsis does not address amendments that may have been adopted on the House Floor.)

### S.B. 113 of the 134<sup>th</sup> General Assembly

#### House Commerce and Labor

Andrew Little, Attorney

#### Discharge dates

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

#### License suspension

Amended current law’s provisions for licensee supervision by allowing 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.

#### Hobbyist variances

Amended current law relating to hobbyist variances by:

- Limiting hobbyist activities to the manufacture, possession, and use of individual items with each item meeting the definition of either a consumer-grade (1.4G) firework or a commercial-grade (1.3G) firework;
- 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;
- Specifying that a hobbyist variance does not affect a person’s obligation to apply with law outside of the Fireworks Law;
- Requiring hobbyists seeking variances to demonstrate to the State Fire Marshal that they can engage in the hobby safely;
- Prohibiting the State Fire Marshal from unreasonably withholding a hobbyist variance;
- Requiring the State Fire Marshal to have cause before revoking a hobbyist variance, as opposed to allowing discretionary revocation as under current law.

## **Fountain devices and fountain device retailers**

Amended 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.

## **Fireworks showroom sprinkler systems**

Amended the bill's provisions for fireworks showrooms by requiring that 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 Association's sprinkler system standard.

## **Militia exemption**

Specified 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."

## **Miscellaneous**

Makes a number of technical and corrective changes.