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Synopsis of Senate Committee Amendments

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

H.B. 172 of the 134th General Assembly

Senate Veterans and Public Safety

Andrew Little, Attorney

Moratoriums

Changed the expiration of the geographic transfer moratorium from 260 days after the bill's effective date and expiration of the new license moratorium from 18 months after the geographic transfer moratorium expired or January 1, 2023, whichever occurred first, to December 31, 2022, in both instances.

Effective dates

Adds an emergency clause that makes the moratorium amendments and the related one-time license applications for new manufacturer and wholesaler licenses take effect immediately.

Changes to July 1, 2022, the effective date of the bill's amendments and enactments relating to possession of fireworks in Ohio, consumer discharge and discharge dates, local regulation, hobbyist variances, and the provision of safety glasses and pamphlets, from, in the As Passed by the House version, 351 days after the day the bill is filed with the Secretary of State.

Discharge dates

Limited the discharge of consumer-grade fireworks under the bill to: New Year's Day; Chinese New Year; Cinco de Mayo; Memorial Day weekend; Juneteenth; July 3, 4, and 5; and the Fridays, Saturdays, and Sundays preceding and following; Labor Day weekend; Diwali; and New Year's Eve.

Fireworks showrooms

Amended the bill's provisions for fireworks showrooms by:

- Reducing the maximum fireworks showroom size from the House-passed version. Current law limits fireworks showrooms that first began operating after June 30, 1997, to 5,000 square feet. The As Passed by the House version of the bill increased the

maximum to 10,000 square feet. The As Reported by Senate Committee version set it at 7,500 square feet.

- Expanding application of the maximum fireworks showroom size to fireworks showrooms that resume operations at any time after an inactive licensure status lasting one year or more.
- Requiring that fireworks showrooms that exceed 5,000 square feet after the bill's 90-day effective date be equipped with a sprinkler system meeting criteria for extra hazard occupancies under the National Fire Protection Association, Standard for the Installation of Sprinkler Systems (2019 edition).
- Allowing the State Fire Marshal to grant variances to the sprinkler system standard to alternative systems that provide an equal or superior level of protection.

Hobbyist variances

Amended the bill's provisions for hobbyist variances, which previously prohibited the State Fire Marshal from unreasonably withholding a variance or rescinding a variance except for cause by, instead:

- Limiting hobbyist activities to the manufacture, possession, and use of individual items with each item meeting the definition of either a consumer-grade firework or a commercial-grade firework;
- Limiting the holder of a hobbyist variance to a total of five 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 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 nonaerial, nonreport 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.

Licensee discipline

Allowed 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.

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.”