Ohio Department of Commerce

Division of State Fire Marshal

8895 East Main Street
Reynoldsburg, Ohio 43068
www.com.ohio.gov

Fireworks 2014

Department of Commerce

Division of State Fire Marshal

An Equal Opportunity Employer and Service Provider

Frequently Asked Questions

Q. Who should I contact if I find illegal fireworks or have a fireworks incident and need assistance?
A. The discovery of illegal fireworks or any fireworks incident which results in injuries or property damage shall be reported to the fire code official immediately. The local fire code official shall immediately make a report to the fire marshal. This can be done by calling the Investigations Bureau (614-752-7107) during business hours, or the emergency number (800-589-2728) after hours. State Fire Marshal (SFM) inspector(s) and/or investigator(s) will then be dispatched to your location.

Q. Does Ohio law require a license for the sale and use of fireworks?
A. Yes, manufacturers, wholesalers, exhibitors and shippers of fireworks must have State Fire Marshal (SFM) issued licenses for fireworks use. Renewal for all licenses is required each year.

Q. Can I get a license to sell fireworks?
A. Not at this time. There is a moratorium on the issuance of additional fireworks manufacturers and wholesalers licenses in effect until December 15, 2015 (ORC 3743.75). By law the State Fire Marshal can only issue licenses on December 1st of each year. If the current moratorium is not extended, applications for new licenses will be accepted beginning September 1, 2016. The first time a new license may be issued would be on December 1, 2016.

Q. As a citizen of the State of Ohio, can I buy and use fireworks?
A. Yes, you may buy consumer or 1.4G fireworks from a licensed wholesaler or manufacturer; however, you cannot discharge any consumer or 1.4G fireworks in the State of Ohio. You must transport all fireworks purchased in Ohio out of the state within 48 hours of the purchase. The only items that can be used in Ohio are designated "trick and novelty" which smoke, pop, and/or sparkle. In Ohio, use of 1.4G fireworks (fire crackers, bottle rockets, etc.) is illegal. (ORC 3743.65 (B))

Q. Where can I find Ohio's laws that regulate fireworks?
A. Ohio Revised Code (ORC) Chapter 3743 and Ohio Fire Code (OFC) 1301:7-7-33 are the code references that govern fireworks in Ohio. These publications can be found online at http://codes.ohio.gov/ and http://www.com.ohio.gov/fire/docs/fire_1301-7-7-33ExplosivesAndFireworks.pdf

Remember that the most current version of the Ohio Fire Code went into effect on November 1, 2011, so make sure you are following the most current version of the rules governing fireworks.

Q. In addition to the Ohio Revised Code (ORC) and the Ohio Administrative Code/Ohio Fire Code (OFC), what other laws and regulations apply to the manufacturing, distribution, transportation, storage, sale, exhibition/display, use or possession of fireworks?
A. Federal regulations applicable to fireworks are contained in the Code of Federal Regulations (CFR), including the following:

1. Title 16 (Consumer Products) of the CFR, part 1507 (Fireworks Devices);
2. Title 27 (Commerce in Explosives) of the CFR, part 555;

3. Title 49 (Transportation) of the CFR, parts 172, 173 and 174;
4. Federal Explosive Law and Regulations (also known as the "Orange Book") ATF P 5400.7, Title 27, Part 55;

Visit this link to view the CFR: http://www.usa.gov/Topics/Reference_Shelf/Laws.shtml

As a part of the Ohio Fire Code, the SFM includes portions of various national model codes. For fireworks, the OFC adopts by reference certain National Fire Protection Association (NFPA) Standards, which have the full force of law in Ohio to the extent those standards are incorporated into Ohio law. The fireworks specific NFPA standards are:

1. NFPA 1123, Code for Fireworks Display - 2006 Edition;
2. NFPA 1124, Code for Transportation and Storage - 2006 Edition;
3. NFPA 1126, Standards Before a Proximate Audience - 2006 Edition;

To obtain a copy of the relevant NFPA standards, call 1-800-344-3555.

Q. What are the continuing education requirements for manufacturers?
A. Each year, manufacturers or their designee shall attend a continuing education program approved by the State Fire Marshal. The fire marshal shall develop the program and the fire marshal or a person or public agency approved by the fire marshal shall conduct it. Within one year after attending the program, the manufacturer shall conduct in-service training for its other employees regarding the material presented during the manufacturer's continuing education class.

Q. What are the continuing education requirements for wholesalers?
A. Each year, wholesalers or their designee shall attend a continuing education program approved by the State Fire Marshal. The fire marshal shall develop the program and the fire marshal or a person or public agency approved by the fire marshal shall conduct it. Within one year after attending the program, the wholesaler shall conduct in-service training for its other employees regarding the material presented during the wholesaler's continuing education class.

Q. Why are there so many rules and regulations for fireworks?
A. The primary laws regulating fireworks in Ohio were passed by the Ohio legislature and are contained in ORC Chapter 3743. The OFC is written to supplement the provisions of the ORC. As required by the ORC, the OFC incorporates several NFPA Standards. These laws exist to protect the public and to regulate the fireworks industry in a fair manner.

Q. What is the difference between 1.1G, 1.2G, 1.3G, 1.4G and 1.4S fireworks?

A. Per section 3302 of the Ohio Fire Code, fireworks have specific definitions. The main categories of fireworks are commonly known as display and consumer fireworks.

Display fireworks, used by licensed exhibitors in accordance with a specific exhibition permit, are:

> **"1.1G Fireworks"** are display fireworks that are greater than 10" in diameter. The Department of Transportation (DOT) classifies 1.1G as explosives that have a mass explosion hazard. It is illegal for anyone to

possess 1.1G fireworks in Ohio unless you have a specific license to do so. An exhibitor must have a permit issued for a fireworks exhibition before he can possess and use 1.1G fireworks. Display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation Division 1.1G (UN0333) in Title 49, Code of Federal Regulations as listed in rule 1301:7-7-47 of the Administrative Code.

"1.2G Fireworks" are not commonly used at a fireworks exhibition. It is illegal for anyone to possess 1.2G fireworks in Ohio unless you have a specific license to do so. An exhibitor must have a permit issued for a fireworks exhibition before he can possess and use 1.2G fireworks. Display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation Division 1.2G (UN0334) in Title 49, Code of Federal Regulations as listed in rule 1301:7-7-47 of the Administrative Code.

"1.3G Fireworks" are used by Ohio licensed exhibitors and are often called display fireworks. The use and storage of such large fireworks are strictly regulated by the state and the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE). It is illegal for anyone to manufacture, possess, use, or store 1.3G fireworks in Ohio unless you have a specific license to do so. An exhibitor must have a permit issued for a fireworks exhibition before he can possess and use 1.3G fireworks. Display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation Division 1.3G (UN0335) in Title 49, Code of Federal Regulations as listed in rule 1301:7-7-47 of the Administrative Code.

"1.4S Fireworks" are Special Effects Fireworks and are used indoors by Ohio licensed pyrotechnic exhibitors. They are used for theatrical productions, concerts, or other special events and are labeled as UN0337. Some special effects fireworks can be labeled 1.4G and classified as "Article, Pyrotechnic" UN0431. These and 1.4S fireworks are not sold to the general public.

1.1G, 1.2G and 1.3G fireworks are used in outdoor exhibition settings, while 1.4G (defined below) and 1.4S fireworks may be used at either indoor or outdoor displays.

Consumer fireworks, which can be purchased in Ohio by the general public but can only be discharged by a licensed exhibitor in accordance with a specific exhibition permit (the unlicensed consumer must transport the fireworks out of state within 48 hours of the purchase), are:

"1.4G Fireworks" fireworks may be found in a licensed fireworks showroom and sold to the public at various retail locations across Ohio. 1.4G fireworks are sometimes called consumer fireworks and are labeled UN0336. If you chose to purchase 1.4G fireworks, you have 48 hours to take the fireworks out of Ohio.

Q. Are M80's, M100's, and quarter sticks considered fireworks?
A. M80's, M100's, quarter sticks and similar devices are explosive devices, not fireworks. Such devices are not considered fireworks because, in 1976, the United States Consumer Products Safety Commission determined that no more than 50 milligrams of powder can be used in 1.4G consumer fireworks (1.4G fireworks must have fuses that last at least 3 seconds, but no longer than 9 seconds) and any devices that contain more than 50 milligrams of powder (like many cherry bombs, silver salutes, M80's, M100's and quarter sticks) are defined as explosives. Since these devices are explosives, such devices are illegal for anyone to possess without a special license and/or permit. See ORC 2923.17 for more details.

Q. Can a licensed exhibitor store 1.3G (display) fireworks or 1.4G (consumer) fireworks in an Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) approved magazine at his/her residence or other location?
A. No. Only licensed wholesalers and manufacturers can store 1.3G (display) fireworks or 1.4G (consumer) fireworks in Ohio. When the fire code official having jurisdiction issues a permit for the exhibition of fireworks for a specific site, that official may also issue a TEMPORARY storage permit for fireworks to be used in that exhibition. The storage must be at the same site/area of the actual scheduled exhibit. Pursuant to such a storage permit, all fireworks to be used in the exhibition must be stored in an approved magazine. These fireworks can be stored for up to 72 hours unless specific fire code official approval for a longer period (of up to 14 days) is granted in accordance with the Ohio Fire Code. See OAC 1301:7-7-33(J), OFC 3310 for more details.

Q. Where are the requirements for out of state shippers located?

R.C. 3743.58 and 3743.66 and OAC 1301:7-7-33(R), OFC 3318 requires any person shipping fireworks into Ohio to obtain a fireworks shippers license from the State Fire Marshal's office. Out-of-state shippers should be aware that other applicable federal and state laws, including USDOTn and State of Ohio PUCO transportation regulations still apply to such shipments, and a license from State Fire Marshal's office does not exempt shippers from those regulatory requirements.