

Ohio's New Fireworks Law for the Fire Service

Ohio

Department of Commerce

Division of State Fire Marshal



Yes – Beginning July 1, 2022, Ohioans can legally discharge 1.4G consumer fireworks in Ohio. However, discharge is only permitted on specific days and only at specific times - as set forth in amendments to Ohio Revised Code (R.C.) § 3743.45 (which become effective July 1, 2022) and new Ohio Fire Code (OFC) § 1301:7-7-56(Z)(5626) (which becomes effective July 3, 2022) - and only if not banned or further restricted by a local political subdivision.

When can Ohioans discharge fireworks?

Unless further limited by local jurisdictions, Ohioans can discharge 1.4G consumer fireworks **only from 4 p.m. until 11 p.m.** (unless otherwise specified) on the following dates:

- **July 3, 4, and 5, and the Fridays, Saturdays, and Sundays immediately preceding and following July 4**
- **Labor Day weekend (1st Monday in September and the Saturday and Sunday immediately preceding that Monday)**
- **Diwali**
- **New Year's Eve (4 p.m.-11:59 p.m.)**
- **New Year's Day (also 12 a.m.-1 a.m.)**
- **Chinese New Year**
- **Cinco de Mayo**
- **Memorial Day weekend (last Monday in May and the Saturday and Sunday immediately preceding that Monday)**
- **Juneteenth (June 19)**

Where can consumers discharge fireworks?

Consumers can discharge 1.4G consumer fireworks on their own property or on another person's property with that person's permission – **EXCEPT** where a political subdivision has opted out of 1.4G consumer fireworks discharge.

What fireworks can consumers discharge?

Consumers (Ohio residents and nonresidents) can only discharge 1.4G consumer grade fireworks that were purchased in Ohio from an Ohio licensed fireworks sales location. Consumers are not allowed to purchase or discharge 1.3G display grade fireworks.

Where can Ohioans buy fireworks?

Consumers may only purchase such fireworks from an Ohio licensed fireworks sales location. When purchasing

fireworks, the retailer must provide buyers with safety glasses (for free or at a nominal charge) and a safety pamphlet specifying language as set forth in the R.C.

Fireworks must be discharged responsibly.

No person can use fireworks while in possession or control of, or under the influence of, any intoxicating liquor, beer, or controlled substance. A person who violates this is guilty of a first-degree misdemeanor.

What laws and rules apply?

R.C. § 3743.45 (as effective July 1, 2022) and OFC § 5626 (effective July 3, 2022) apply. These rules outline how 1.4G consumer fireworks must be used and stored by consumers. Some provisions in the rules include:

- **No person under the age of 18 is permitted to handle or discharge fireworks.**
- **Persons under the age of 18 cannot be within 150 feet of the discharge point of aerial fireworks.**
- **Aerial devices cannot be discharged within 150 feet of spectators (this includes aerial shells, roman candles, cakes, and bottle rockets).**
- **Non-aerial devices cannot be discharged within 50 feet of spectators (this includes fountains, firecrackers, and ground effect devices).**

Note: These separation distances – for both aerial and non-aerial devices – are increased for certain types of occupancies such as hospitals, schools, healthcare and residential facilities, apartment and multi-tenant buildings, military installations, and railroads.

- **No person can store in excess of 125 pounds (net weight pyrotechnic composition) of fireworks unless they have additional safety measures and safeguards in place for such storage.**
- **Fireworks cannot be discharged indoors.**
- **Fireworks cannot be aimed at or discharged towards any person or object (such as buildings).**

Ohio's New Fireworks Law for the Fire Service



Department
of Commerce

Division of State Fire Marshal

- Fireworks cannot be discharged on public property or private school property.
- Fireworks cannot be discharged if drought conditions exist or in an area where a red flag warning is in place or a weather hazard exists.
- Fireworks cannot be discharged within 150 feet of property housing livestock unless 5 days advance written notice is provided to the owner of the property where the livestock is housed.

Can local governments establish prohibitions on fireworks discharge in their community?

Yes; any political subdivision – through local ordinances – can set additional restrictions on the dates and times that fireworks can be discharged, or they can opt-out of allowing (i.e., ban altogether) the discharge of consumer fireworks within their jurisdiction.

Can hobbyists make their own fireworks?

Only individuals that have been granted a 'fireworks hobbyist variance' from the State Fire Marshal (SFM) may engage in 'hobbyist activities' (the manufacture, possession and use of items meeting the definition of either a 1.3G or 1.4G firework). Without such a variance, no "hobbyist" may possess explosives, pyrotechnics, or similar raw materials, or make any firework item. If a hobbyist does have a variance, their activities are limited to the manufacture, possession, and use of individual items with each item meeting the definition of either a consumer-grade (1.4G) or a commercial-grade (1.3G) firework and must comply with any conditions imposed by the variance. In addition, a hobbyist cannot possess more than 5 pounds, in total, of explosives, pyrotechnics, or similar raw materials for, and finished 1.3G and 1.4G fireworks at any one time. The SFM will seek input from the local fire official with jurisdiction when considering any hobbyist variance request in that official's jurisdiction.

Licensure Changes and Retail Stores:

Relocation

All existing fireworks store locations may be relocated to any place in the state. Any relocated license must comply with all federal, state, and local laws, including

specific building requirements and local zoning laws. If you become aware of any planned construction of a fireworks sales showroom in your jurisdiction, please contact the SFM for further guidance and carefully coordinate the construction of the facility with the building code official.

Retail Expansion

Existing fireworks retail sales showrooms can expand from the prior maximum of 5,000 square feet to 7,500 square feet. New stores can also be a maximum of 7,500 square feet in size. Any fireworks retail sales showroom that exceeds 5,000 square feet (new or expanded) must have sprinkler systems compliant with 2019 NFPA 13 specifications for "extra hazard group 2" systems. All fireworks retail sales showrooms must be approved by the local and state building code officials and the SFM.

Fountains

Effective October 25, 2022, fountain devices may be sold in qualifying general retail store locations when such store has obtained a "fountain device retailer license" from the SFM. All sales and use of fountain devices must comply with federal, state, and local laws and rules.

New licenses

Effective January 1, 2023, new fireworks sales licenses may be issued to any qualifying applicant for any approved location in the state.

The State Fire Marshal is part of the Ohio Department of Commerce, Ohio's chief regulatory agency. The Department is focused on promoting prosperity and protecting what matters most to Ohioans. We ensure businesses follow the laws that help them create jobs and keep Ohioans safe. To learn more about what we do, visit our website at com.ohio.gov.