



Ohio Revised Code

Section 3743.59 Variances to Fireworks Law requirements; hobbyists.

Effective: July 1, 2022

Legislation: House Bill 172

(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. Except as provided in division (C)(2)(c) of section 3743.25 of the Revised Code, a variance shall not be granted to a person who is initially licensed as a manufacturer or wholesaler of fireworks after June 14, 1988.

(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.

(D)(1) Subject to division (D)(2) of this section, the state fire marshal may authorize a variance from the prohibitions in this chapter to allow a person 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 locations to safely acquire, store, and use explosives, pyrotechnics, or similar raw materials for the manufacture of 1.3G fireworks and 1.4G fireworks;
 - (iii) Provides any other information or records the state fire marshal considers necessary to protect public safety during the person's hobbyist activities.
- (2) The state fire marshal shall not unreasonably withhold a variance allowing hobbyist activities that the state fire marshal may authorize pursuant to division (D)(1) of this section.
 - (3) The state fire marshal may rescind a variance authorizing hobbyist activities under division (D)(1) of this section for cause at any time.