

Ohio Law Governs Fireworks

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Q: What does Ohio law say about fireworks?

A: Section 3301.3 of the Ohio Administrative Code says:

“The possession, manufacture, storage, sale, handling, exhibition and use of fireworks are prohibited except as permitted in accordance with Chapter 3743 of the Revised Code and this rule.”

Q: What kinds of fireworks can be lawfully set off in Ohio?

A: Only “novelty and trick” fireworks, such as party poppers and glow worms can be discharged by unlicensed individuals. Section 3743.01 of the Ohio Revised Code defines these novelty and trick items as: “(1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers; (2) snakes or glow worms; (3) smoke devices; and (4) trick matches.”

Q: Can traditional firecrackers and roman candles be set off by unlicensed individuals in Ohio?

A: No. The State Fire Marshal’s *2012 Red Book* explains:

“Non-exempted fireworks 1.4G (UN0336) can be legally sold in Ohio by a licensed wholesaler or manufacturer. However, purchasers must sign a form stating the destination to which the fireworks will be taken, as they are required to be transported out of the State of Ohio. Ohio residents and out-of state residents must transport the fireworks out of Ohio within 48 hours.

These non-exempted 1.4G fireworks (UN0336) cannot be discharged in Ohio. Examples of non-exempted 1.4G (UN0336) fireworks are: Non-exempted fireworks; assortments containing non-exempted fireworks 1.4G (UN0336); bottle rockets; parachutes; buzz-bombs; pinwheels; cones; planes; fancy florals; repeaters; firecrackers; Roman candles; fountains; shells; ground items; skyrockets; helicopters; tubes; mines; chasers; missiles; and morning glories.”

Q: Are there criminal penalties if individuals violate the fireworks law?

A: Yes. First time offenders are normally charged with a first-degree misdemeanor. If they plead guilty or are convicted, they can be sentenced to up to six months in jail, and also fined up to \$1,000. A subsequent conviction is a fifth-degree felony, potentially punishable by a prison term of up to one year.

Q: On the 4th of July, who may set off the large fireworks displays?

A: These aerial shells, known as “1.3G Fireworks,” can only be discharged by a licensed exhibitor with a local permit. The permit must be approved by both the local fire chief and the local chief law enforcement officer, after the exhibition site has been inspected using an Ohio Fire Marshal checklist.

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 licenses issued by the State Fire Marshal to use fireworks. All licenses must be renewed each year.

Q: As an Ohio citizen, can I buy and use fireworks?

A: You may buy consumer or 1.4G fireworks from a licensed wholesaler or manufacturer, but you cannot discharge any consumer or 1.4G fireworks in Ohio. You must transport all fireworks purchased in Ohio out of the state within 48 hours of your purchase. The only items that can be used in Ohio are designated “trick and novelty” fireworks that smoke, pop and/or sparkle. In Ohio, use of 1.4G fireworks (fire crackers, bottle rockets, etc.) is illegal.

Q: Where can I get more information?

A: *The Ohio Revised Code (ORC) Chapter 3743* and the *Ohio Fire Code (OFC) 1301:7-7-33* govern fireworks in Ohio. 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.

<https://www.ohio-bar.org/forpublic/resources/lawyoucanuse/pages/lawyoucanuse-521.aspx>