



Ohio Revised Code

Section 3743.26 Fountain device retailer licenses.

Effective: February 7, 2022

Legislation: House Bill 172 - 134th General Assembly

(A)(1) Except as provided in divisions (C) and (D) of this section, in a given year, any person who wishes to be a licensed fountain device retailer in this state shall submit an application for licensure to the state fire marshal before the first day of October. The application shall be on a form prescribed by the state fire marshal.

The state fire marshal shall prescribe a form for applications to become a licensed retailer and make a copy of the form available, upon request, to persons who seek a license.

(2) An applicant for licensure as a fountain device retailer shall submit all of the following with the application:

(a) A license fee in an amount set by the state fire marshal, not to exceed twenty-five dollars;

(b) An affidavit affirming that the applicant is in compliance with the national fire protection association standard "NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (2006 Edition)," or will be in compliance before engaging in the storage or retail sale of fountain devices;

(c) Proof of insurance in an amount and of a type specified by the state fire marshal in rules adopted pursuant to section 3743.28 of the Revised Code.

(3) A separate application for licensure as a fountain device retailer shall be submitted for each location at which a person wishes to engage in the retail sale of fountain devices.

(B)(1) If a person submits a timely application to become a licensed fountain device retailer, together with the materials required by division (A)(2) of this section, the state fire marshal shall review the application and accompanying materials and determine if they comply with this section. If the state fire marshal concludes that the application and accompanying matter comply with this section, the



state fire marshal shall, on the first day of December and, except as provided in divisions (C) and (D) of this section, at no other time, issue the applicant a license to sell fountain devices at retail.

(2) Except as provided in divisions (C) and (D) of this section, a licensed retailer's license is effective for one year beginning on the first day of December. If a licensed retailer wishes to continue engaging in the retail sale of fountain devices at the particular location after the then effective license expires, the licensee shall apply before the first day of October for a new license pursuant to this section. The state fire marshal shall send a written notice of the expiration of a license to a licensed retailer not later than the first day of September.

(C)(1) Any person who wishes to be a licensed retailer of fountain devices in this state who was not yet open for business, at the location the person seeks to be licensed, before the first day of the preceding October may submit an application pursuant to divisions (A)(2) and (3) of this section at any time after the person opens for business but before the first day of the following October.

(2) If the state fire marshal determines that an application submitted pursuant to division (C)(1) of this section meets the requirements of this section, the state fire marshal shall issue the applicant a license as follows:

(a) If the application was submitted between the first day of October and the last day of November, not earlier than the first day of December but not later than two months after receiving the application;

(b) If division (D)(2)(a) of this section does not apply, not later than two months after receiving the application.

(3) A license issued pursuant to division (C)(2) of this section is effective through the last day of the following November.

(D)(1) Any person who wishes to be a licensed retailer of fountain devices in this state beginning two hundred sixty days after the effective date of this section, shall submit an application pursuant to divisions (A)(2) and (3) of this section not later than one hundred ninety days after the effective date of this section.



(2) The state fire marshal shall issue a license two hundred sixty days after the effective date of this section, to any person who submits an application pursuant to division (D)(1) of this section if the state fire marshal determines that the application meets the requirements of this section. A license issued pursuant to this division is effective as follows:

(a) If the two hundred sixtieth day after the effective date of this section is in January, February, March, April, or May, a license issued pursuant to division (D)(2) of this section shall be effective through the end of November in the same calendar year.

(b) If the two hundred sixtieth day after the effective date of this section is in June, July, August, September, October, November, or December, a license issued pursuant to division (D)(2) of this section shall be effective through the end of November in the subsequent calendar year.