



# OHIO LEGISLATIVE SERVICE COMMISSION

## Bill Analysis

Jeff Grim

### H.B. 398

132nd General Assembly  
(As Introduced)

**Reps.** Perales and Boggs, Becker, Brenner, Carfagna, Celebrezze, DeVitis, Lang, McColley, Riedel, Seitz, West

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## BILL SUMMARY

- Allows an A-3a liquor permit holder (micro-distiller) to do all of the following with respect to the issuance of an A-1-A liquor permit issued to the micro-distiller (an A-1-A permit generally allows for the sale of beer and intoxicating liquor at a restaurant- or bar-type business):
  - Operate an A-1-A permit premises anywhere in Ohio;
  - Operate up to three A-1-A permit premises under a single A-1-A permit;
  - Sell spirituous liquor that the A-3a permit holder produces at each of the A-1-A permit premises that the A-3a permit holder owns or operates.
- Allows an A-3a permit holder to sell an unlimited amount of spirituous liquor to a personal consumer (current law restricts an A-3a permit holder to selling no more than 1.5 liters of spirituous liquor per day to the same personal consumer).

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## CONTENT AND OPERATION

### Overview

Under current law, the A-1-A liquor permit generally allows a manufacturer of alcohol to sell beer and intoxicating liquor at a restaurant- or bar-type business by the individual drink or from a bottle or can.<sup>1</sup> The A-1-A permit may be issued to various liquor permit holders, including the A-3a liquor permit holder, which is a micro-distiller that annually manufactures less than 100,000 gallons of spirituous liquor.<sup>2</sup> Only

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<sup>1</sup> A licensed food service operation or retail food establishment. See R.C. Chapter 3717., not in the bill.

<sup>2</sup> The A-1-A permit may also be issued to the holder of an A-1 (large beer manufacturer, more than 31 million gallons per year), A-1c (small beer manufacturer, 31 million gallons per year or less), A-2 (wine manufacturer), or A-2f (wine manufacturer that is a farm) liquor permit holder.

one A-1-A permit may be issued to an A-3a permit holder and the A-1-A permit premises must be:

(1) Situated on the same parcel or tract of land as the related A-3a manufacturing permit premises;

(2) Separated from the A-3a manufacturing permit premises only by public streets or highways or by other lands owned by the A-3a permit holder and used by the permit holder in connection with or in promotion of the permit holder's A-3a permit business; or

(3) Situated on a parcel or tract of land that is not more than 200 feet from the A-3a manufacturing permit premises.<sup>3</sup>

Under current law, the A-3a permit allows a micro-distiller, in addition to manufacturing spirituous liquor, to sell that spirituous liquor to a personal consumer in sealed containers for consumption off the premises where manufactured. However, sales to the personal consumer may occur only by an in-person transaction at the A-3a permit premises.<sup>4</sup>

### **A-1-A liquor permits issued to A-3a liquor permit holders**

The bill allows an A-3a liquor permit holder to do all of the following with respect to the issuance of an A-1-A liquor permit to that permit holder:

(1) Operate an A-1-A permit premises anywhere in Ohio;

(2) Operate up to three A-1-A permit premises under a single A-1-A permit; and

(3) Sell spirituous liquor that the A-3a permit holder produces at each of the A-1-A permit premises that the A-3a permit holder owns or operates.<sup>5</sup>

Finally, the bill allows an A-3a permit holder to sell an unlimited amount of spirituous liquor to a personal consumer. Current law prohibits the permit holder from selling more than 1.5 liters of spirituous liquor per day from the permit premises to the same personal consumer.<sup>6</sup>

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<sup>3</sup> R.C. 4303.021.

<sup>4</sup> R.C. 4303.041(A).

<sup>5</sup> R.C. 4303.021(A)(4) and (C)(3) and 4303.041(A) and (C).

<sup>6</sup> R.C. 4303.041(C).



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## HISTORY

ACTION

DATE

Introduced

10-31-17

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