

H. B. No. 669
As Introduced

_____ moved to amend as follows:

- In line 1 of the title, after "4301.10" insert ", 4301.62," 1
- In line 2 of the title, after "4303.185" insert "and 4303.186"; 2
delete "and 4303.252" 3
- In line 7, after "4301.10" insert ", 4301.62," 4
- In line 8, after "4303.185" insert "and 4303.186"; delete "and 5
4303.252" 6
- After line 226, insert: 7
- "(5) Provide for the delivery of spirituous liquor in 8
original containers to personal consumers." 9
- After line 231, insert: 10
- "Sec. 4301.62.** (A) As used in this section: 11
- (1) "Chauffeured limousine" means a vehicle registered 12
under section 4503.24 of the Revised Code. 13
- (2) "Street," "highway," and "motor vehicle" have the same 14
meanings as in section 4511.01 of the Revised Code. 15



(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:

(1) Except as provided in division (C) (1) (e) of this section, in an agency store;

(2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the division of liquor control;

(3) In any other public place;

(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;

(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(C) (1) A person may have in the person's possession an opened container of any of the following:

(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or F-8 permit;

(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a

tasting sample by an A-2 permit holder or S permit holder for 44
consumption on the premises of a farmers market for which an F- 45
10 permit has been issued, or wine served for consumption on the 46
premises by the holder of an F-4 or F-6 permit; 47

(c) Beer or intoxicating liquor consumed on the premises 48
of a convention facility as provided in section 4303.201 of the 49
Revised Code; 50

(d) Beer or intoxicating liquor to be consumed during 51
tastings and samplings approved by rule of the liquor control 52
commission; 53

(e) Spirituous liquor to be consumed for purposes of a 54
tasting sample, as defined in section 4301.171 of the Revised 55
Code; 56

(f) Beer or intoxicating liquor to be consumed in an area 57
established in accordance with section 4303.186 of the Revised 58
Code. 59

(2) A person may have in the person's possession on an F 60
liquor permit premises an opened container of beer or 61
intoxicating liquor that was not purchased from the holder of 62
the F permit if the premises for which the F permit is issued is 63
a music festival and the holder of the F permit grants 64
permission for that possession on the premises during the period 65
for which the F permit is issued. As used in this division, 66
"music festival" means a series of outdoor live musical 67
performances, extending for a period of at least three 68
consecutive days and located on an area of land of at least 69
forty acres. 70

(3) (a) A person may have in the person's possession on a 71
D-2 liquor permit premises an opened or unopened container of 72

wine that was not purchased from the holder of the D-2 permit if 73
the premises for which the D-2 permit is issued is an outdoor 74
performing arts center, the person is attending an orchestral 75
performance, and the holder of the D-2 permit grants permission 76
for the possession and consumption of wine in certain 77
predesignated areas of the premises during the period for which 78
the D-2 permit is issued. 79

(b) As used in division (C) (3) (a) of this section: 80

(i) "Orchestral performance" means a concert comprised of 81
a group of not fewer than forty musicians playing various 82
musical instruments. 83

(ii) "Outdoor performing arts center" means an outdoor 84
performing arts center that is located on not less than one 85
hundred fifty acres of land and that is open for performances 86
from the first day of April to the last day of October of each 87
year. 88

(4) A person may have in the person's possession an opened 89
or unopened container of beer or intoxicating liquor at an 90
outdoor location at which the person is attending an orchestral 91
performance as defined in division (C) (3) (b) (i) of this section 92
if the person with supervision and control over the performance 93
grants permission for the possession and consumption of beer or 94
intoxicating liquor in certain predesignated areas of that 95
outdoor location. 96

(5) A person may have in the person's possession on an F-9 97
liquor permit premises an opened or unopened container of beer 98
or intoxicating liquor that was not purchased from the holder of 99
the F-9 permit if the person is attending either of the 100
following: 101

(a) An orchestral performance and the F-9 permit holder	102
grants permission for the possession and consumption of beer or	103
intoxicating liquor in certain predesignated areas of the	104
premises during the period for which the F-9 permit is issued;	105
(b) An outdoor performing arts event or orchestral	106
performance that is free of charge and the F-9 permit holder	107
annually hosts not less than twenty-five other events or	108
performances that are free of charge on the permit premises.	109
As used in division (C) (5) of this section, "orchestral	110
performance" has the same meaning as in division (C) (3) (b) of	111
this section.	112
(6) (a) A person may have in the person's possession on the	113
property of an outdoor motorsports facility an opened or	114
unopened container of beer or intoxicating liquor that was not	115
purchased from the owner of the facility if both of the	116
following apply:	117
(i) The person is attending a racing event at the	118
facility; and	119
(ii) The owner of the facility grants permission for the	120
possession and consumption of beer or intoxicating liquor on the	121
property of the facility.	122
(b) As used in division (C) (6) (a) of this section:	123
(i) "Racing event" means a motor vehicle racing event	124
sanctioned by one or more motor racing sanctioning	125
organizations.	126
(ii) "Outdoor motorsports facility" means an outdoor	127
racetrack to which all of the following apply:	128
(I) It is two and four-tenths miles or more in length.	129

(II) It is located on two hundred acres or more of land.	130
(III) The primary business of the owner of the facility is the hosting and promoting of racing events.	131 132
(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.	133 134
(7) (a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under section 4301.82 of the Revised Code if the opened container of beer or intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, A-2f, D class, or F class permit holder to which both of the following apply:	135 136 137 138 139 140 141
(i) The permit holder's premises is located within the outdoor refreshment area.	142 143
(ii) The permit held by the permit holder has an outdoor refreshment area designation.	144 145
(b) Division (C) (7) of this section does not authorize a person to do either of the following:	146 147
(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;	148 149 150
(ii) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area, unless the possession is otherwise authorized under division (D) or (E) of this section.	151 152 153 154
(c) As used in division (C) (7) of this section, "D class permit holder" does not include a D-6 or D-8 permit holder.	155 156

(8) (a) A person may have in the person's possession on the property of a market, within a defined F-8 permit premises, an opened container of beer or intoxicating liquor that was purchased from a D permit premises that is located immediately adjacent to the market if both of the following apply:

(i) The market grants permission for the possession and consumption of beer and intoxicating liquor within the defined F-8 permit premises;

(ii) The market is hosting an event pursuant to an F-8 permit and the market has notified the division of liquor control about the event in accordance with division (A) (3) of section 4303.208 of the Revised Code.

(b) As used in division (C) (8) of this section, "market" means a market, for which an F-8 permit is held, that has been in operation since 1860.

(D) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of the person, when all of the following apply:

(1) The person or guest is a passenger in the limousine.

(2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located.

(3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for

consumption on the premises where sold is not an opened 185
container for the purposes of this section if both of the 186
following apply: 187

(1) The opened bottle of wine is securely resealed by the 188
permit holder or an employee of the permit holder before the 189
bottle is removed from the premises. The bottle shall be secured 190
in such a manner that it is visibly apparent if the bottle has 191
been subsequently opened or tampered with. 192

(2) The opened bottle of wine that is resealed in 193
accordance with division (E) (1) of this section is stored in the 194
trunk of a motor vehicle or, if the motor vehicle does not have 195
a trunk, behind the last upright seat or in an area not normally 196
occupied by the driver or passengers and not easily accessible 197
by the driver. 198

(F) (1) Except if an ordinance or resolution is enacted or 199
adopted under division (F) (2) of this section, this section does 200
not apply to a person who, pursuant to a prearranged contract, 201
is a passenger riding on a commercial quadricycle when all of 202
the following apply: 203

(a) The person is not occupying a seat in the front of the 204
commercial quadricycle where the operator is steering or 205
braking. 206

(b) The commercial quadricycle is being operated on a 207
street, highway, or other public or private property open to the 208
public for purposes of vehicular travel or parking. 209

(c) The person has in their possession on the commercial 210
quadricycle an opened container of beer or wine. 211

(d) The person has in their possession on the commercial 212

quadricycle not more than either thirty-six ounces of beer or	213
eighteen ounces of wine.	214
(2) The legislative authority of a municipal corporation	215
or township may enact an ordinance or adopt a resolution, as	216
applicable, that prohibits a passenger riding on a commercial	217
quadricycle from possessing an opened container of beer or wine.	218
(3) As used in this section, "commercial quadricycle"	219
means a vehicle that has fully-operative pedals for propulsion	220
entirely by human power and that meets all of the following	221
requirements:	222
(a) It has four wheels and is operated in a manner similar	223
to a bicycle.	224
(b) It has at least five seats for passengers.	225
(c) It is designed to be powered by the pedaling of the	226
operator and the passengers.	227
(d) It is used for commercial purposes.	228
(e) It is operated by the vehicle owner or an employee of	229
the owner.	230
(G) This section does not apply to a person that has in	231
the person's possession an opened container of beer or	232
intoxicating liquor on the premises of a market if the beer or	233
intoxicating liquor has been purchased from a D liquor permit	234
holder that is located in the market.	235
As used in division (G) of this section, "market" means an	236
establishment that:	237
(1) Leases space in the market to individual vendors, not	238
less than fifty per cent of which are retail food establishments	239

or food service operations licensed under Chapter 3717. of the 240
Revised Code; 241

(2) Has an indoor sales floor area of not less than 242
twenty-two thousand square feet; 243

(3) Hosts a farmer's market on each Saturday from April 244
through December. 245

(H) (1) As used in this section: 246

(a) "Alcoholic beverage" has the same meaning as in 247
section 4303.185 of the Revised Code. 248

(b) "Delivery person" means a retail permit holder as 249
defined in section 4303.185 of the Revised Code. 250

(2) An alcoholic beverage in a closed container being 251
transported under section 4303.185 of the Revised Code to its 252
final destination is not an opened container for the purposes of 253
this section if the closed container is securely sealed in such 254
a manner that it is visibly apparent if the closed container has 255
been subsequently opened or tampered with after sealing." 256

In line 232, after "(A)" insert "As used in this section, 257
"distiller" means a person in this state who mashes, ferments, distills, 258
and ages spirituous liquor. 259

(B)" 260

In line 235, after "sell" insert "spirituous liquor"; strike through 261
", " and insert "only as follows: 262

(1) By offering tasting samples in accordance with 263
division (D) of this section; 264

(2) By an in-person transaction at the permit premises" 265

In line 236, strike through ", spirituous" 266

In line 237, strike through "liquor that the permit holder manufactures"; delete ". However, an A-" 267
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In line 238, delete "3a permit holder may make"; strike through "sales to the personal consumer" 269
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In line 239, strike through "only by an in-person transaction at the permit premises"; delete "or" 271
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Delete lines 240 and 241 and insert ";" 273

(3) In sealed containers via delivery off the premises where manufactured pursuant to an agency contract. Such a contract shall be limited in scope to the sale of spirituous liquor manufactured by the A-3a permit holder. The agency contract is not subject to the limitations specified in division (A) (1) of section 4301.17 of the Revised Code." 274
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Strike through lines 244 and 245 280

In line 246, strike through "(B) (1)" and insert "(C) (1)" 281

In line 251, strike through "(B) (1)" and insert "(C) (1)" 282

In line 255, strike through "(C) (1)" and insert "(D)" 283

In line 264, strike through "(2)" and insert "(E)" 284

In line 287, strike through "(D)" and insert "(F)" 285

In line 289, strike through "(E)" and insert "(G)" 286

In line 298, delete "Retail" and insert "Qualified"; delete "means an A-1-A, A-1c, A-2, A-" 287
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In line 299, delete "2f, A-3a, or D class permit holder" and insert "has the same meaning as in section 4301.82 of the Revised Code and also includes an A-3a permit holder" 289
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In line 300, delete " <u>Notwithstanding any other provision of law to</u>	292
<u>the</u> "	293
In line 301, delete " <u>contrary and in</u> " and insert " <u>In</u> "	294
In line 302, delete the first " <u>retail</u> " and insert " <u>qualified</u> ";	295
delete the second " <u>retail</u> " and insert " <u>qualified</u> "; delete " <u>do</u> "	296
Delete line 303	297
In line 304, delete " <u>(1) Sell</u> " and insert " <u>sell</u> "	298
In line 307, delete " <u>;</u> " and insert " <u>.</u> "	299
Delete lines 308 and 309	300
In line 310, delete " <u>(1)</u> "; delete " <u>retail</u> " and insert " <u>qualified</u> ";	301
after " <u>types</u> " insert " <u>and quantities</u> "	302
In line 312, delete " <u>retail</u> " and insert " <u>qualified</u> "	303
In line 313, delete " <u>retail</u> " and insert " <u>qualified</u> "	304
In line 315, delete " <u>retail</u> " and insert " <u>qualified</u> "	305
In line 316, delete " <u>retail</u> " and insert " <u>qualified</u> "	306
In line 319, delete " <u>retail</u> " and insert " <u>qualified</u> "; delete " <u>need</u>	307
<u>not</u> " and insert " <u>may</u> "; delete " <u>a person issued an</u> "	308
In line 320, delete " <u>H permit under Chapter 4303. of the Revised</u>	309
<u>Code</u> " and insert " <u>an H permit holder</u> "	310
Delete lines 326 through 371 and insert:	311
 <u>"Sec. 4303.186. (A) As used in this section:</u>	312
 <u>(1) "Alcoholic beverage" means beer, wine, mixed</u>	313
<u>beverages, or spirituous liquor.</u>	314
 <u>(2) "Personal consumer" means an individual who is at</u>	315

least twenty-one years of age and intends to use a purchased 316
alcoholic beverage for personal consumption only and not for 317
resale or other commercial purposes. 318

(3) "Qualified permit holder" has the same meaning as in 319
section 4301.82 of the Revised Code and also includes an A-3a 320
permit holder. 321

(B) (1) In addition to areas in which a qualified permit 322
holder is authorized to sell alcoholic beverages under the 323
qualified permit holder's permit, a qualified permit holder may 324
sell alcoholic beverages by the individual drink for consumption 325
as follows: 326

(a) In any area of the qualified permit holder's property 327
in which sales are not currently authorized and that is 328
outdoors, including the qualified permit holder's parking area; 329

(b) In any outdoor area of public property that is 330
immediately adjacent to the qualified permit holder's premises, 331
provided that the permit holder obtains written consent in 332
accordance with divisions (C) of this section; 333

(c) In any outdoor area of private property that is 334
immediately adjacent to the qualified permit holder's premises, 335
provided that the permit holder obtains the written consent of 336
the owner of the private property. 337

(2) If a qualified permit holder sells alcoholic beverages 338
in an outdoor area, the qualified permit holder shall clearly 339
delineate the area where personal consumers may consume 340
alcoholic beverages. 341

(C) For purposes of division (B) (1) (b) of this section, a 342
qualified permit holder shall obtain the written consent of 343

either of the following: 344

(1) If the public property is located in a municipal corporation, the executive officer of the municipal corporation or the executive officer's designee. If the executive officer or the executive officer's designee denies consent, the qualified permit holder may appeal the denial to the legislative authority of the municipal corporation. The legislative authority may adopt a resolution requesting the executive officer to reconsider the executive officer's denial. 345
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(2) If the public property is located in the unincorporated area of a township, the fiscal officer of the township or the fiscal officer's designee. If the fiscal officer or the fiscal officer's designee denies consent, the qualified permit holder may appeal the denial to the legislative authority of the township. The legislative authority may adopt a resolution consenting to the sale of alcoholic beverages. 353
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(D) Not later than one business day prior to selling alcoholic beverages by the individual drink in an outdoor area under division (B) (1) of this section, a qualified permit holder shall notify the division of liquor control and the investigative unit of department of public safety of the areas that the qualified permit holder intends to sell the alcoholic beverages." 360
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Delete lines 372 through 405 367

In line 406, after "4301.10" insert ", 4301.62," 368

After line 407, insert: 369

"Section 3. Section 4301.62 of the Revised Code is 370
presented in this act as a composite of the section as amended 371

by both H.B. 522 of the 132nd General Assembly and H.B. 62 of 372
the 133rd General Assembly. The General Assembly, applying the 373
principle stated in division (B) of section 1.52 of the Revised 374
Code that amendments are to be harmonized if reasonably capable 375
of simultaneous operation, finds that the composite is the 376
resulting version of the section in effect prior to the 377
effective date of the section as presented in this act. " 378
In line 408, delete "3" and insert "4" 379

The motion was _____ agreed to.

SYNOPSIS 380

Delivery of spirituous liquor by A-3a permit holders 381

R.C. 4303.041 382

Allows a micro-distillery to sell bottles of spirituous 383
liquor, via delivery, to a personal consumer, provided the 384
micro-distillery enters into an agency contract with the 385
Division of Liquor Control. 386

**Sale and delivery of alcoholic beverages by permit 387
holder** 388

R.C. 4303.185 389

Allows large breweries to deliver beer in covered cups or 390
other containers for off-premises consumption. 391

Food delivery services 392

R.C. 4303.252 393

Eliminates the bill's provisions relating to food delivery services.	394 395
Expansion of sales area of liquor permit premises	396
R.C. 4303.186	397
Regarding the bill's expansion of a retail permit holder's authority to sell alcoholic beverages by the individual drink for on-premises consumption, requires the retail permit holder to notify the Division of Liquor Control and the Investigative Unit of the Department of Public Safety one business day before the expansion.	398 399 400 401 402 403
Allows a large brewery to expand its service areas in accordance with the bill's provisions.	404 405
Open Container Law exemptions	406
R.C. 4301.62	407
Revises the bill's provisions exempting closed containers of alcoholic beverages delivered by a retail permit holder from the Open Container Law by requiring the closed containers to be sealed.	408 409 410 411