

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
- In line 179, after "(11)" insert "Deliver spirituous liquor in 7  
original containers to permit holders authorized to sell spirituous liquor 8  
and to personal consumers; 9
- (12)" 10
- After line 231, insert: 11
- "**Sec. 4301.62.** (A) As used in this section: 12
- (1) "Chauffeured limousine" means a vehicle registered 13  
under section 4503.24 of the Revised Code. 14
- (2) "Street," "highway," and "motor vehicle" have the same 15  
meanings as in section 4511.01 of the Revised Code. 16

(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 45  
consumption on the premises of a farmers market for which an F- 46  
10 permit has been issued, or wine served for consumption on the 47  
premises by the holder of an F-4 or F-6 permit; 48

(c) Beer or intoxicating liquor consumed on the premises 49  
of a convention facility as provided in section 4303.201 of the 50  
Revised Code; 51

(d) Beer or intoxicating liquor to be consumed during 52  
tastings and samplings approved by rule of the liquor control 53  
commission; 54

(e) Spirituous liquor to be consumed for purposes of a 55  
tasting sample, as defined in section 4301.171 of the Revised 56  
Code; 57

(f) Beer or intoxicating liquor to be consumed in an area 58  
established in accordance with section 4303.186 of the Revised 59  
Code. 60

(2) A person may have in the person's possession on an F 61  
liquor permit premises an opened container of beer or 62  
intoxicating liquor that was not purchased from the holder of 63  
the F permit if the premises for which the F permit is issued is 64  
a music festival and the holder of the F permit grants 65  
permission for that possession on the premises during the period 66  
for which the F permit is issued. As used in this division, 67  
"music festival" means a series of outdoor live musical 68  
performances, extending for a period of at least three 69  
consecutive days and located on an area of land of at least 70  
forty acres. 71

(3) (a) A person may have in the person's possession on a 72  
D-2 liquor permit premises an opened or unopened container of 73

wine that was not purchased from the holder of the D-2 permit if 74  
the premises for which the D-2 permit is issued is an outdoor 75  
performing arts center, the person is attending an orchestral 76  
performance, and the holder of the D-2 permit grants permission 77  
for the possession and consumption of wine in certain 78  
predesignated areas of the premises during the period for which 79  
the D-2 permit is issued. 80

(b) As used in division (C) (3) (a) of this section: 81

(i) "Orchestral performance" means a concert comprised of 82  
a group of not fewer than forty musicians playing various 83  
musical instruments. 84

(ii) "Outdoor performing arts center" means an outdoor 85  
performing arts center that is located on not less than one 86  
hundred fifty acres of land and that is open for performances 87  
from the first day of April to the last day of October of each 88  
year. 89

(4) A person may have in the person's possession an opened 90  
or unopened container of beer or intoxicating liquor at an 91  
outdoor location at which the person is attending an orchestral 92  
performance as defined in division (C) (3) (b) (i) of this section 93  
if the person with supervision and control over the performance 94  
grants permission for the possession and consumption of beer or 95  
intoxicating liquor in certain predesignated areas of that 96  
outdoor location. 97

(5) A person may have in the person's possession on an F-9 98  
liquor permit premises an opened or unopened container of beer 99  
or intoxicating liquor that was not purchased from the holder of 100  
the F-9 permit if the person is attending either of the 101  
following: 102

(a) An orchestral performance and the F-9 permit holder	103
grants permission for the possession and consumption of beer or	104
intoxicating liquor in certain predesignated areas of the	105
premises during the period for which the F-9 permit is issued;	106
(b) An outdoor performing arts event or orchestral	107
performance that is free of charge and the F-9 permit holder	108
annually hosts not less than twenty-five other events or	109
performances that are free of charge on the permit premises.	110
As used in division (C) (5) of this section, "orchestral	111
performance" has the same meaning as in division (C) (3) (b) of	112
this section.	113
(6) (a) A person may have in the person's possession on the	114
property of an outdoor motorsports facility an opened or	115
unopened container of beer or intoxicating liquor that was not	116
purchased from the owner of the facility if both of the	117
following apply:	118
(i) The person is attending a racing event at the	119
facility; and	120
(ii) The owner of the facility grants permission for the	121
possession and consumption of beer or intoxicating liquor on the	122
property of the facility.	123
(b) As used in division (C) (6) (a) of this section:	124
(i) "Racing event" means a motor vehicle racing event	125
sanctioned by one or more motor racing sanctioning	126
organizations.	127
(ii) "Outdoor motorsports facility" means an outdoor	128
racetrack to which all of the following apply:	129
(I) It is two and four-tenths miles or more in length.	130

(II) It is located on two hundred acres or more of land.	131
(III) The primary business of the owner of the facility is the hosting and promoting of racing events.	132 133
(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.	134 135
(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:	136 137 138 139 140 141 142
(i) The permit holder's premises is located within the outdoor refreshment area.	143 144
(ii) The permit held by the permit holder has an outdoor refreshment area designation.	145 146
(b) Division (C) (7) of this section does not authorize a person to do either of the following:	147 148
(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;	149 150 151
(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.	152 153 154 155
(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.	156 157

(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 186  
container for the purposes of this section if both of the 187  
following apply: 188

(1) The opened bottle of wine is securely resealed by the 189  
permit holder or an employee of the permit holder before the 190  
bottle is removed from the premises. The bottle shall be secured 191  
in such a manner that it is visibly apparent if the bottle has 192  
been subsequently opened or tampered with. 193

(2) The opened bottle of wine that is resealed in 194  
accordance with division (E) (1) of this section is stored in the 195  
trunk of a motor vehicle or, if the motor vehicle does not have 196  
a trunk, behind the last upright seat or in an area not normally 197  
occupied by the driver or passengers and not easily accessible 198  
by the driver. 199

(F) (1) Except if an ordinance or resolution is enacted or 200  
adopted under division (F) (2) of this section, this section does 201  
not apply to a person who, pursuant to a prearranged contract, 202  
is a passenger riding on a commercial quadricycle when all of 203  
the following apply: 204

(a) The person is not occupying a seat in the front of the 205  
commercial quadricycle where the operator is steering or 206  
braking. 207

(b) The commercial quadricycle is being operated on a 208  
street, highway, or other public or private property open to the 209  
public for purposes of vehicular travel or parking. 210

(c) The person has in their possession on the commercial 211  
quadricycle an opened container of beer or wine. 212

(d) The person has in their possession on the commercial 213

quadricycle not more than either thirty-six ounces of beer or 214  
eighteen ounces of wine. 215

(2) The legislative authority of a municipal corporation 216  
or township may enact an ordinance or adopt a resolution, as 217  
applicable, that prohibits a passenger riding on a commercial 218  
quadricycle from possessing an opened container of beer or wine. 219

(3) As used in this section, "commercial quadricycle" 220  
means a vehicle that has fully-operative pedals for propulsion 221  
entirely by human power and that meets all of the following 222  
requirements: 223

(a) It has four wheels and is operated in a manner similar 224  
to a bicycle. 225

(b) It has at least five seats for passengers. 226

(c) It is designed to be powered by the pedaling of the 227  
operator and the passengers. 228

(d) It is used for commercial purposes. 229

(e) It is operated by the vehicle owner or an employee of 230  
the owner. 231

(G) This section does not apply to a person that has in 232  
the person's possession an opened container of beer or 233  
intoxicating liquor on the premises of a market if the beer or 234  
intoxicating liquor has been purchased from a D liquor permit 235  
holder that is located in the market. 236

As used in division (G) of this section, "market" means an 237  
establishment that: 238

(1) Leases space in the market to individual vendors, not 239  
less than fifty per cent of which are retail food establishments 240

or food service operations licensed under Chapter 3717. of the 241  
Revised Code; 242

(2) Has an indoor sales floor area of not less than 243  
twenty-two thousand square feet; 244

(3) Hosts a farmer's market on each Saturday from April 245  
through December. 246

(H) (1) As used in this section, "alcoholic beverage" has 247  
the same meaning as in section 4303.185 of the Revised Code. 248

(2) An alcoholic beverage in a closed container being 249  
transported under section 4303.185 of the Revised Code to its 250  
final destination is not an opened container for the purposes of 251  
this section if the closed container is securely sealed in such 252  
a manner that it is visibly apparent if the closed container has 253  
been subsequently opened or tampered with after sealing." 254

In line 232, after "(A)" insert "As used in this section, 255  
"distiller" means a person in this state who mashes, ferments, distills, 256  
and ages spirituous liquor. 257

(B)" 258

In line 235, after "sell" insert "spirituous liquor"; strike through 259  
"," and insert "only as follows: 260

(1) By offering tasting samples in accordance with 261  
division (D) of this section; 262

(2) By an in-person transaction at the permit premises" 263

In line 236, strike through ", spirituous" 264

In line 237, strike through "liquor that the permit holder 265  
manufactures"; delete ". However, an A-" 266

In line 238, delete "3a permit holder may make"; strike through 267

"sales to the personal consumer"	268
In line 239, strike through "only by an in-person transaction at the permit premises"; delete " <u>or</u> "	269 270
Delete line 240	271
In line 241, delete " <u>the Revised Code</u> " and insert ";	272
<u>(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"</u>	273 274 275 276 277
Strike through lines 244 and 245	278 279
In line 246, strike through "(B) (1)" and insert " <u>(C) (1)</u> "	280
In line 251, strike through "(B) (1)" and insert " <u>(C) (1)</u> "	281
In line 255, strike through "(C) (1)" and insert " <u>(D)</u> "	282
In line 264, strike through "(2)" and insert " <u>(E)</u> "	283
In line 287, strike through "(D)" and insert " <u>(F)</u> "	284
In line 289, strike through "(E)" and insert " <u>(G)</u> "	285
In line 298, delete " <u>Retail</u> " and insert " <u>Qualified</u> "; delete " <u>means an A-1-A, A-1c, A-2, A-</u> "	286 287
In line 299, delete " <u>2f, A-3a, or D class permit holder</u> " and insert " <u>has the same meaning as in section 4301.82 of the Revised Code and also includes an A-3a permit holder</u> "	288 289 290
In line 300, delete " <u>Notwithstanding any other provision of law to the</u> "	291 292

In line 301, delete " <u>contrary and in</u> " and insert " <u>In</u> "	293
In line 302, delete the first " <u>retail</u> " and insert " <u>qualified</u> ";	294
delete the second " <u>retail</u> " and insert " <u>qualified</u> "; delete " <u>do</u> "	295
Delete line 303	296
In line 304, delete " <u>(1) Sell</u> " and insert " <u>sell</u> "; after " <u>in</u> " insert	297
" <u>sealed,</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
In line 312, delete " <u>retail</u> " and insert " <u>qualified</u> "	302
In line 313, delete " <u>retail</u> " and insert " <u>qualified</u> "	303
In line 315, delete " <u>retail</u> " and insert " <u>qualified</u> "	304
In line 316, delete " <u>retail</u> " and insert " <u>qualified</u> "	305
In line 319, delete " <u>retail</u> " and insert " <u>qualified</u> "; delete " <u>need</u>	306
<u>not</u> " and insert " <u>may</u> "; delete " <u>a person issued an</u> "	307
In line 320, delete " <u>H permit under Chapter 4303. of the Revised</u>	308
<u>Code</u> " and insert " <u>an H permit holder</u> "	309
Delete lines 322 through 371 and insert:	310
 <u>"Sec. 4303.186. (A) As used in this section:</u>	311
 <u>(1) "Alcoholic beverage" means beer, wine, mixed</u>	312
<u>beverages, or spirituous liquor.</u>	313
 <u>(2) "Personal consumer" means an individual who is at</u>	314
<u>least twenty-one years of age and intends to use a purchased</u>	315
<u>alcoholic beverage for personal consumption only and not for</u>	316

resale or other commercial purposes. 317

(3) "Qualified permit holder" has the same meaning as in 318  
section 4301.82 of the Revised Code and also includes an A-3a 319  
permit holder. 320

(B)(1) In addition to areas in which a qualified permit 321  
holder is authorized to sell alcoholic beverages under the 322  
qualified permit holder's permit, a qualified permit holder may 323  
sell alcoholic beverages by the individual drink for consumption 324  
as follows: 325

(a) In any area of the qualified permit holder's property 326  
in which sales are not currently authorized and that is 327  
outdoors, including the qualified permit holder's parking area; 328

(b) In any outdoor area of public property that is 329  
immediately adjacent to the qualified permit holder's premises, 330  
provided that the permit holder obtains written consent in 331  
accordance with division (C) of this section; 332

(c) In any outdoor area of private property that is 333  
immediately adjacent to the qualified permit holder's premises, 334  
provided that the permit holder obtains the written consent of 335  
the owner of the private property. 336

(2) If a qualified permit holder sells alcoholic beverages 337  
in an outdoor area, the qualified permit holder shall clearly 338  
delineate the area where personal consumers may consume 339  
alcoholic beverages. 340

(C) For purposes of division (B)(1)(b) of this section, a 341  
qualified permit holder shall obtain the written consent of 342  
either of the following: 343

(1) If the public property is located in a municipal 344

corporation, the executive officer of the municipal corporation 345  
or the executive officer's designee. If the executive officer or 346  
the executive officer's designee denies consent, the qualified 347  
permit holder may appeal the denial to the legislative authority 348  
of the municipal corporation. The legislative authority may 349  
adopt a resolution requesting the executive officer to 350  
reconsider the executive officer's denial. 351

(2) If the public property is located in the 352  
unincorporated area of a township, the legislative authority of 353  
the township by the adoption of a resolution consenting to the 354  
sale of alcoholic beverages. 355

(D) Not later than one business day prior to selling 356  
alcoholic beverages by the individual drink in an outdoor area 357  
under division (B) (1) of this section, a qualified permit holder 358  
shall notify the division of liquor control and the 359  
investigative unit of the department of public safety of the 360  
areas that the qualified permit holder intends to sell the 361  
alcoholic beverages." 362

Delete lines 372 through 405 363

In line 406, after "4301.10" insert ", 4301.62," 364

After line 407, insert: 365

**"Section 3.** Section 4301.62 of the Revised Code is 366  
presented in this act as a composite of the section as amended 367  
by both H.B. 522 of the 132nd General Assembly and H.B. 62 of 368  
the 133rd General Assembly. The General Assembly, applying the 369  
principle stated in division (B) of section 1.52 of the Revised 370  
Code that amendments are to be harmonized if reasonably capable 371  
of simultaneous operation, finds that the composite is the 372  
resulting version of the section in effect prior to the 373

effective date of the section as presented in this act." 374  
In line 408, delete "3" and insert "4" 375

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS 376

**Delivery of spirituous liquor by A-3a permit holders** 377

**R.C. 4303.041** 378

Requires the Division of Liquor Control to deliver 379  
spirituous liquor in original containers to liquor permit 380  
holders authorized to sell spirituous liquor and to personal 381  
consumers. 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. 386

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

**R.C. 4303.185** 389

Allows large breweries to deliver beer in sealed, covered 390  
containers for off-premises consumption. 391

**Food delivery services** 392

**R.C. 4303.252** 393

Eliminates the bill's provisions relating to food delivery 394  
services. 395

<b>Expansion of sales area of liquor permit premises</b>	396
<b>R.C. 4303.186</b>	397
Regarding the bill's expansion of a retail permit holder's	398
authority to sell alcoholic beverages by the individual drink	399
for on-premises consumption, does both of the following:	400
1. If the expansion will occur on public property of a	401
township, requires the board of township trustees to consent to	402
the expansion, rather than the township fiscal officer as	403
provided under the bill; and	404
2. Requires the retail permit holder to notify the	405
Division of Liquor Control and the Investigative Unit of the	406
Department of Public Safety one business day before the	407
expansion.	408
Allows a large brewery to expand its service areas in	409
accordance with the bill's provisions.	410
<b>Open Container Law exemptions</b>	411
<b>R.C. 4301.62</b>	412
Revises the bill's provisions exempting closed containers	413
of alcoholic beverages delivered by a retail permit holder from	414
the Open Container Law by requiring the closed containers to be	415
sealed.	416