Amendment No. AM_133_2799

H. B. No. 669
As Introduced

__________________________ moved to amend as follows:

In line 1 of the title, after "4301.10" insert ", 4301.62,"

In line 2 of the title, after "4303.185" insert "and 4303.186"; delete "and 4303.252"

In line 7, after "4301.10" insert ", 4301.62,"

In line 8, after "4303.185" insert "and 4303.186"; delete "and 4303.252"

In line 179, after "(11)" insert "Deliver spirituous liquor in original containers to permit holders authorized to sell spirituous liquor and to personal consumers;"

(12)"

After line 231, insert:

"Sec. 4301.62. (A) As used in this section:

(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code.

(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code."
(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 consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;

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

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

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

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

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

(3)(a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of
wine that was not purchased from the holder of the D-2 permit if
the premises for which the D-2 permit is issued is an outdoor
performing arts center, the person is attending an orchestral
performance, and the holder of the D-2 permit grants permission
for the possession and consumption of wine in certain
predesignated areas of the premises during the period for which
the D-2 permit is issued.

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

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

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

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

(5) A person may have in the person's possession on an F-9
liquor permit premises an opened or unopened container of beer
or intoxicating liquor that was not purchased from the holder of
the F-9 permit if the person is attending either of the
following:
(a) An orchestral performance and the F-9 permit holder grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued;

(b) An outdoor performing arts event or orchestral performance that is free of charge and the F-9 permit holder annually hosts not less than twenty-five other events or performances that are free of charge on the permit premises.

As used in division (C)(5) of this section, "orchestral performance" has the same meaning as in division (C)(3)(b) of this section.

(6)(a) A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply:

(i) The person is attending a racing event at the facility; and

(ii) The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility.

(b) As used in division (C)(6)(a) of this section:

(i) "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.

(ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:

(I) It is two and four-tenths miles or more in length.
(II) It is located on two hundred acres or more of land.

(III) The primary business of the owner of the facility is the hosting and promoting of racing events.

(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.

(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:

(i) The permit holder's premises is located within the outdoor refreshment area.

(ii) The permit held by the permit holder has an outdoor refreshment area designation.

(b) Division (C)(7) of this section does not authorize a person to do either of the following:

(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;

(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.

(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.
(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 container for the purposes of this section if both of the following apply:

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

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

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

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

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

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

(d) The person has in their possession on the commercial
quadricycle not more than either thirty-six ounces of beer or 
eighteen ounces of wine.

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

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

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

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

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

(d) It is used for commercial purposes.

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

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

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

(1) Leases space in the market to individual vendors, not 
less than fifty per cent of which are retail food establishments
or food service operations licensed under Chapter 3717. of the Revised Code;

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

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

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

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

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

(B)

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

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

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

In line 236, strike through ", spirituous"

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

In line 238, delete "3a permit holder may make"; strike through
"sales to the personal consumer"

In line 239, strike through "only by an in-person transaction at the permit premises"; delete "or"

Delete line 240

In line 241, delete "the Revised Code" and insert ":

(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"

Strike through lines 244 and 245

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

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

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

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

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

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

In line 298, delete "Retail" and insert "Qualified"; delete "means an A-1-A, A-1c, A-2, A-"

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"

In line 300, delete "Notwithstanding any other provision of law to the"
In line 301, delete "contrary and in" and insert "In"
In line 302, delete the first "retail" and insert "qualified"; delete the second "retail" and insert "qualified"; delete "do"
Delete line 303
In line 304, delete "(1) Sell" and insert "sell"; after "in" insert "sealed,"
In line 307, delete "i" and insert "I"
Delete lines 308 and 309
In line 310, delete "(1)"; delete "retail" and insert "qualified"
In line 312, delete "retail" and insert "qualified"
In line 313, delete "retail" and insert "qualified"
In line 315, delete "retail" and insert "qualified"
In line 316, delete "retail" and insert "qualified"
In line 319, delete "retail" and insert "qualified"; delete "need not" and insert "may"; delete "a person issued an"
In line 320, delete "H permit under Chapter 4303. of the Revised Code" and insert "an H permit holder"
Delete lines 322 through 371 and insert:

"Sec. 4303.186. (A) As used in this section:

(1) "Alcoholic beverage" means beer, wine, mixed beverages, or spirituous liquor.

(2) "Personal consumer" means an individual who is at least twenty-one years of age and intends to use a purchased alcoholic beverage for personal consumption only and not for
resale or other commercial purposes.

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

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

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

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

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

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

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

(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.

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

(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 the department of public safety of the areas that the qualified permit holder intends to sell the alcoholic beverages.

Delete lines 372 through 405

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

After line 407, insert:

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

In line 408, delete "3" and insert "4"

The motion was __________ agreed to.

SYNOPSIS

Delivery of spirituous liquor by A-3a permit holders

R.C. 4303.041

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

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

Sale and delivery of alcoholic beverages by permit
holder

R.C. 4303.185

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

Food delivery services

R.C. 4303.252

Eliminates the bill's provisions relating to food delivery
services.
Expansion of sales area of liquor permit premises

R.C. 4303.186

Regarding the bill's expansion of a retail permit holder's authority to sell alcoholic beverages by the individual drink for on-premises consumption, does both of the following:

1. If the expansion will occur on public property of a township, requires the board of township trustees to consent to the expansion, rather than the township fiscal officer as provided under the bill; and

2. 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.

Allows a large brewery to expand its service areas in accordance with the bill's provisions.

Open Container Law exemptions

R.C. 4301.62

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.