

H. B. No. 160
As Passed by the House

_____ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections 4301.17 and" 1
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In line 2 of the title, after "cream" insert "and to allow the consumption of spirituous liquor in an agency store" 3
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In line 3, delete "section" and insert "sections 4301.17 and" 5

After line 4, insert: 6

"Sec. 4301.17. (A) (1) Subject to local option as provided 7
in sections 4301.32 to 4301.40 of the Revised Code, five state 8
liquor stores or agencies may be established in each county. One 9
additional store may be established in any county for each 10
twenty thousand of population of that county or major fraction 11
thereof in excess of the first forty thousand, according to the 12
last preceding federal decennial census or according to the 13
population estimates certified by the department of development 14
between decennial censuses. A person engaged in a mercantile 15
business may act as the agent for the division of liquor control 16
for the sale of spirituous liquor in a municipal corporation, in 17
the unincorporated area of a township, or in an area designated 18



and approved as a resort area under section 4303.262 of the Revised Code. The division shall fix the compensation for such an agent in the manner it considers best, but the compensation shall not exceed seven per cent of the gross sales made by the agent in any one year.

(2) The division shall adopt rules in accordance with Chapter 119. of the Revised Code governing the allocation and equitable distribution of agency store contracts. The division shall comply with the rules when awarding a contract under division (A) (1) of this section.

~~(3) Except as otherwise provided in this section and section 4301.171 of the Revised Code, an agency store shall not sell spirituous liquor for consumption on the premises under a permit issued by the division. An~~ Pursuant to an agency store's contract, an agency to which store may be issued a D-1 permit has been issued may to sell beer, an agency to which a D-2 permit has been issued may to sell wine and mixed beverages, and an agency to which a D-5 permit has been issued may to sell beer, wine, and mixed beverages, and spirituous liquor. An

(4) Pursuant to an agency store's contract, an agency store may be issued a D-3 permit to sell spirituous liquor if the agency store contains at least fifteen thousand square feet of sales floor area. A D-3 permit issued to an agency store shall not be transferred to a new location. The division shall revoke any D-3 permit issued to an agency store under division (A) (4) of this section if the agent no longer operates the agency store. The division shall not issue a D-3a permit to an agency store.

(5) An agency store to which a D-8 permit has been issued may allow the sale of tasting samples of spirituous liquor in

accordance with section 4301.171 of the Revised Code. ~~General~~ 49
~~consumption of beer, wine, or mixed beverages shall not be~~ 50
~~permitted in the area of the agency store in which spirituous~~ 51
~~liquor is sold.~~ 52

(6) An agency store may sell beer, wine, mixed beverages, 53
and spirituous liquor only between the hours of nine a.m. and 54
eleven p.m. 55

(B) When an agency contract is proposed, when an existing 56
agency contract is assigned, when an existing agency proposes to 57
relocate, or when an existing agency is relocated and assigned, 58
before entering into any contract, consenting to any assignment, 59
or consenting to any relocation, the division shall notify the 60
legislative authority of the municipal corporation in which the 61
agency store is to be located, or the board of county 62
commissioners and the board of township trustees of the county 63
and the township in which the agency store is to be located if 64
the agency store is to be located outside the corporate limits 65
of a municipal corporation, of the proposed contract, 66
assignment, or relocation, and an opportunity shall be provided 67
officials or employees of the municipal corporation or county 68
and township for a complete hearing upon the advisability of 69
entering into the contract or consenting to the assignment or 70
relocation. When the division sends notice to the legislative 71
authority of the political subdivision, the division shall 72
notify, by certified mail or by personal service, the chief 73
peace officer of the political subdivision, who may appear and 74
testify, either in person or through a representative, at any 75
hearing held on the advisability of entering into the contract 76
or consenting to the assignment or relocation. 77

If the proposed agency store, the assignment of an agency 78

contract, or the relocation of an agency store would be located 79
within five hundred feet of a school, church, library, public 80
playground, or township park, the division shall not enter into 81
an agency contract until it has provided notice of the proposed 82
contract to the authorities in control of the school, church, 83
library, public playground, or township park and has provided 84
those authorities with an opportunity for a complete hearing 85
upon the advisability of entering into the contract. If an 86
agency store so located is operating under an agency contract, 87
the division may consent to relocation of the agency store or to 88
the assignment of that contract to operate an agency store at 89
the same location. The division may also consent to the 90
assignment of an existing agency contract simultaneously with 91
the relocation of the agency store. In any such assignment or 92
relocation, the assignee and the location shall be subject to 93
the same requirements that the existing location met at the time 94
that the contract was first entered into as well as any 95
additional requirements imposed by the division in rules adopted 96
by the superintendent of liquor control. The division shall not 97
consent to an assignment or relocation of an agency store until 98
it has notified the authorities in control of the school, 99
church, library, public playground, or township park and has 100
provided those authorities with an opportunity for a complete 101
hearing upon the advisability of consenting to the assignment or 102
relocation. 103

Any hearing provided for in this division shall be held in 104
the central office of the division, except that upon written 105
request of the legislative authority of the municipal 106
corporation, the board of county commissioners, the board of 107
township trustees, or the authorities in control of the school, 108
church, library, public playground, or township park, the 109

hearing shall be held in the county seat of the county where the
proposed agency store is to be located.

(C) All agency contracts entered into by the division
pursuant to this section shall be in writing and shall contain a
clause providing for the termination of the contract at will by
the division upon its giving ninety days' notice in writing to
the agent of its intention to do so. Any agency contract may
include a clause requiring the agent to report to the
appropriate law enforcement agency the name and address of any
individual under twenty-one years of age who attempts to make an
illegal purchase.

~~An agent may engage in the selling of beer, mixed
beverages, and wine pursuant to permits issued to the agent
under Chapter 4303. of the Revised Code.~~

The division shall issue a C-1 and C-2 permit to each
agent who prior to November 1, 1994, had not been issued both of
these permits, notwithstanding the population quota restrictions
contained in section 4303.29 of the Revised Code or in any rule
of the liquor control commission and notwithstanding the
requirements of section 4303.31 of the Revised Code. The
location of a C-1 or C-2 permit issued to such an agent shall
not be transferred. The division shall revoke any C-1 or C-2
permit issued to an agent under this paragraph if the agent no
longer operates an agency store.

The division may enter into agreements with the department
of development to implement a minority loan program to provide
low-interest loans to minority business enterprises, as defined
in section 122.71 of the Revised Code, that are awarded liquor
agency contracts or assignments.

(D) If the division closes a state liquor store and replaces that store with an agency store, any employees of the division employed at that state liquor store who lose their jobs at that store as a result shall be given preference by the agent who operates the agency store in filling any vacancies that occur among the agent's employees, if that preference does not conflict with the agent's obligations pursuant to a collective bargaining agreement.

If the division closes a state liquor store and replaces the store with an agency store, any employees of the division employed at the state liquor store who lose their jobs at that store as a result may displace other employees as provided in sections 124.321 to 124.328 of the Revised Code. If an employee cannot displace other employees and is laid off, the employee shall be reinstated in another job as provided in sections 124.321 to 124.328 of the Revised Code, except that the employee's rights of reinstatement in a job at a state liquor store shall continue for a period of two years after the date of the employee's layoff and shall apply to jobs at state liquor stores located in the employee's layoff jurisdiction and any layoff jurisdiction adjacent to the employee's layoff jurisdiction.

(E) The division shall require every agent to give bond with surety to the satisfaction of the division, in the amount the division fixes, conditioned for the faithful performance of the agent's duties as prescribed by the division.

In line 73, delete "section" and insert "sections 4301.17 and"

In line 74, delete "is" and insert "are"

The motion was _____ agreed to.

SYNOPSIS

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Sales of alcohol in an agency store	168
R.C. 4301.17	169
Does all of the following regarding sales of alcohol at an agency store:	170
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1. Limits the current authorization for an agency store to obtain a D-1, D-2, or D-5 liquor permit to those agency stores with an agency store contract that specifically authorizes the acquisition of those permits (A D-1 permit authorizes on-premises sales of beer, a D-2 permit authorizes on-premises sales of wine and mixed beverages, and a D-5 permit authorizes on-premises sales of beer, wine, mixed beverages, and spirituous liquor.);	172
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2. Allows an agency store that is issued a D-5 liquor permit to sell spirituous liquor for on-premises consumption, but limits the issuance to those agency stores with an agency store contract that specifically authorizes the acquisition of that permit (Current law specifies that an agency store to which a D-5 permit has been issued may only sell beer, wine, and mixed beverages for on- or off-premises consumption.);	180
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3. Allows an agency store to sell beer, wine, mixed beverages, and spirituous liquor for on-premises consumption only between 9:00 a.m. and 11:00 p.m.;	187
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4. Allows an agency store to be issued a D-3 liquor permit to sell spirituous liquor for on-premises consumption if the	190
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agency store contains at least 15,000 square feet of sales floor area;	192 193
5. Prohibits the transfer of the D-3 permit issued to a new location;	194 195
6. Requires the Division of Liquor Control to revoke the D-3 permit if the agent no longer operates the agency store;	196 197
7. Prohibits the Division from issuing a D-3a liquor permit to an agency store. (Generally, the D-3a permit allows sales of beer and intoxicating liquor for on-premises consumption between 1:00 a.m. and 2:30 a.m. if other liquor permits have been issued to the D-3a permit holder.)	198 199 200 201 202
8. Eliminates a prohibition against the consumption of beer, wine, mixed beverages, and spirituous liquor in the agency store area; and	203 204 205
9. Allows an agency store to sell beer, wine, mixed beverages, and spirituous liquor for on-premises consumption only between 9:00 a.m. and 11:00 p.m.	206 207 208