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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 195  
133<sup>rd</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for S.B. 195's Bill Analysis](#)

**Version:** As Passed by the Senate

**Primary Sponsor:** Sen. Schaffer

**Local Impact Statement Procedure Required:** No

Terry Steele, Senior Budget Analyst

The bill does not appear to have any direct fiscal impact on the state or political subdivisions. It seeks to clarify exemptions to retail food establishment licensure for certain wineries. The exemptions described below were first included in H.B. 166 of the 133<sup>rd</sup> General Assembly, the main operating budget. The bill clarifies these exemptions by specifying that wine does not qualify as a prepackaged food for purposes of these exemptions. Therefore, any such wineries impacted by the bill would not be required to obtain a retail food establishment license from a local health department. These licenses are administered by local health departments, and range from \$100 to \$1,000 depending on the size of the establishment being licensed. Presumably, without the clarifications contained in the bill, certain wineries would be required to obtain such a license. There are currently 280 wineries operating in Ohio; it is unclear how many would qualify for the exemption provided in the bill.

Under continuing law, retail food establishments must be licensed by a board of health with oversight by the Director of Agriculture. Current law exempts a small winery (a winery with an A-2 or A-2f liquor permit) that annually produces less than 10,000 gallons of wine from licensure as a retail food establishment if (1) the winery serves unopened commercially prepackaged food (including alcohol) without direct human contact, and (2) sales of the food do not exceed 5% of total gross receipts for the previous calendar year. The bill further clarifies that for purposes of this 5% threshold, commercially prepackaged food does not include wine, and that the establishment display a notice to inform guests that the establishment is not required to be licensed as a retail food establishment.