As Reported by the House Commerce and Labor Committee

133rd General Assembly
Regular Session
2019-2020

Sub. H. B. No. 674

Representative Hillyer

A BILL

To amend sections 3717.22, 3717.42, 4301.03,
4301.171, 4301.22, 4301.24, 4301.322, 4301.33,
4301.332, 4301.333, 4301.334, 4301.35, 4301.351,
4301.353, 4301.354, 4301.355, 4301.356, 4301.36,
4301.361, 4301.364, 4301.365, 4301.366, 4301.37,
4301.403, 4301.404, 4301.82, 4303.021, 4303.15,
4303.171, 4303.181, 4303.184, 4303.19, 4303.202,
4303.205, 4303.30, and 4303.99; to enact new
section 4303.182 and sections 4301.011,
4301.245, 4301.246, 4303.2011, 4303.221, and
4303.222; and to repeal section 4303.182 of the
Revised Code to revise specified provisions of
the liquor control law and to declare an
emergency.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3717.22, 3717.42, 4301.03,
4301.171, 4301.22, 4301.24, 4301.322, 4301.33, 4301.332,
4301.333, 4301.334, 4301.35, 4301.351, 4301.353, 4301.354,
4301.355, 4301.356, 4301.36, 4301.361, 4301.364, 4301.365,
4301.366, 4301.37, 4301.403, 4301.404, 4301.82, 4303.021,
4303.15, 4303.171, 4303.181, 4303.184, 4303.19, 4303.202,
As Reported by the House Commerce and Labor Committee

Sec. 3717.22. (A) The following are not retail food establishments:

(1) A food service operation licensed under this chapter, including a food service operation that provides the services of a retail food establishment pursuant to an endorsement issued under section 3717.44 of the Revised Code;

(2) An entity exempt under divisions (B)(1) to (9) or (11) to (13), or (15) of section 3717.42 of the Revised Code from the requirement to be licensed as a food service operation and an entity exempt under division (B)(10) of that section if the entity is regulated by the department of agriculture as a food processing establishment under section 3715.021 of the Revised Code;

(3) A business or that portion of a business that is regulated by the federal government or the department of agriculture as a food manufacturing or food processing business, including a business or that portion of a business regulated by the department of agriculture under Chapter 911., 913., 915., 917., 918., or 925. of the Revised Code.

(B) All of the following are exempt from the requirement to be licensed as a retail food establishment:

(1) An establishment with commercially prepackaged foods that are not potentially hazardous and contained in displays, the total space of which equals less than two hundred cubic feet;
(2) A person at a farmers market that is registered with the director of agriculture pursuant to section 3717.221 of the Revised Code that offers for sale only one or more of the following:

(a) Fresh unprocessed fruits or vegetables;

(b) Products of a cottage food production operation;

(c) Tree syrup, sorghum, honey, apple syrup, or apple butter that is produced by a tree syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code;

(d) Wine as authorized under section 4303.2010 of the Revised Code;

(e) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farmers market.

(3) A person who offers for sale at a roadside stand only fresh fruits and fresh vegetables that are unprocessed;

(4) A nonprofit organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises funds by selling foods and that, if required to be licensed, would be classified as risk level one in accordance with rules establishing licensing categories for retail food establishments adopted under section 3717.33 of the Revised Code, if the sales occur inside a building and are for not more than seven consecutive days or more than fifty-two separate days during a licensing period. This exemption extends to any individual or
group raising all of its funds during the time periods specified in division (B)(4) of this section for the benefit of the nonprofit organization by selling foods under the same conditions.

(5) An establishment that offers food contained in displays of less than five hundred square feet, and if required to be licensed would be classified as risk level one pursuant to rules establishing licensing categories for retail food establishments adopted under section 3717.33 of the Revised Code, on the condition that the establishment offers the food for sale at retail not more than six months in each calendar year;

(6) A cottage food production operation, on the condition that the operation offers its products directly to the consumer from the site where the products are produced;

(7) A tree syrup and sorghum processor, beekeeper, or apple syrup and apple butter processor described in division (A) of section 3715.021 of the Revised Code, on the condition that the processor or beekeeper offers only tree syrup, sorghum, honey, apple syrup, or apple butter directly to the consumer from the site where those products are processed;

(8) A person who annually maintains five hundred or fewer birds, on the condition that the person offers the eggs from those birds directly to the consumer from the location where the eggs are produced or at a farm product auction to which division (B)(11) of this section applies;

(9) A person who annually raises and slaughters one thousand or fewer chickens, on the condition that the person offers dressed chickens directly to the consumer from the
location where the chickens are raised and slaughtered or at a
farm product auction to which division (B)(11) of this section
applies;

(10) A person who raises, slaughters, and processes the
meat of nonamenable species described in divisions (A) and (B)
of section 918.12 of the Revised Code, on the condition that the
person offers the meat directly to the consumer from the
location where the meat is processed or at a farm product
auction to which division (B)(11) of this section applies;

(11) A farm product auction, on the condition that it is
registered with the director pursuant to section 3717.221 of the
Revised Code that offers for sale at the farm product auction
only one or more of the following:

(a) The products described in divisions (B)(8) to (10) of
this section that are produced, raised, slaughtered, or
processed, as appropriate, by persons described in divisions (B)
(8) to (10) of this section;

(b) Fresh unprocessed fruits or vegetables;

(c) Products of a cottage food production operation;

(d) Tree syrup, sorghum, honey, apple syrup, or apple
butter that is produced by a tree syrup or sorghum producer,
beekeeper, or apple syrup or apple butter processor described in
division (A) of section 3715.021 of the Revised Code.

(12) An establishment that, with respect to offering food
for sale, offers only alcoholic beverages or prepackaged
beverages that are not potentially hazardous;

(13) An establishment that, with respect to offering food
for sale, offers only alcoholic beverages, prepackaged beverages
that are not potentially hazardous, or commercially prepackaged
food that is not potentially hazardous, on the condition that
the commercially prepackaged food is contained in displays, the
total space of which equals less than two hundred cubic feet on
the premises of the establishment;

(14) An establishment that, with respect to offering food
for sale, offers only fountain beverages that are not
potentially hazardous;

(15) A person who offers for sale only one or more of the
following foods at a festival or celebration, on the condition
that the festival or celebration is organized by a political
subdivision of the state and lasts for a period not longer than
seven consecutive days:

(a) Fresh unprocessed fruits or vegetables;

(b) Products of a cottage food production operation;

(c) Tree syrup, sorghum, honey, apple syrup, or apple
butter if produced by a tree syrup or sorghum processor,
beekeeper, or apple syrup or apple butter processor as described
in division (A) of section 3715.021 of the Revised Code;

(d) Commercially prepackaged food that is not potentially
hazardous, on the condition that the food is contained in
displays, the total space of which equals less than one hundred
cubic feet;

(e) Fruit butter produced at the festival or celebration
and sold from the production site.

(16) A farm market on the condition that it is registered
with the director pursuant to section 3717.221 of the Revised
Code that offers for sale at the farm market only one or more of
the following:

(a) Fresh unprocessed fruits or vegetables;

(b) Products of a cottage food production operation;

(c) Tree syrup, sorghum, honey, apple syrup, or apple butter that is produced by a tree syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code;

(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;

(e) Cider and other juices manufactured on site at the farm market;

(f) The products or items described in divisions (B)(8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the person offering to sell them annually maintains five hundred or fewer birds, and with respect to dressed chickens offered, the person annually raises and slaughters one thousand or fewer chickens.

(17)(a) An establishment to which all of the following apply:

(i) The establishment serves commercially prepackaged food in a form that prevents direct human contact prior to and during service;

(ii) Sales of the prepackaged food do not exceed more than
five per cent of the total gross receipts of the establishment;

(iii) The establishment has been issued an A-2 permit under section 4303.03 or an A-2f permit under section 4303.031 of the Revised Code and annually produces ten thousand gallons or less of wine;

(b) The owner or operator of the establishment shall notify the director that it is exempt from licensure because it qualifies under division (B)(17)(a) of this section. The owner or operator also shall disclose to customers that the establishment is exempt from licensure.

Sec. 3717.42. (A) The following are not food service operations:

(1) A retail food establishment licensed under this chapter, including a retail food establishment that provides the services of a food service operation pursuant to an endorsement issued under section 3717.24 of the Revised Code;

(2) An entity exempt from the requirement to be licensed as a retail food establishment under division (B) of section 3717.22 of the Revised Code;

(3) A business or that portion of a business that is regulated by the federal government or the department of agriculture as a food manufacturing or food processing business, including a business or that portion of a business regulated by the department of agriculture under Chapter 911., 913., 915., 917., 918., or 925. of the Revised Code.

(B) All of the following are exempt from the requirement to be licensed as a food service operation:

(1) A private home in which individuals related by blood,
marriage, or law reside and in which the food that is prepared or served is intended only for those individuals and their nonpaying guests;

(2) A private home operated as a bed-and-breakfast that prepares and offers food to guests, if the home is owner-occupied, the number of available guest bedrooms does not exceed six, breakfast is the only meal offered, and the number of guests served does not exceed sixteen;

(3) A stand operated on the premises of a private home by one or more children under the age of twelve, if the food served is not potentially hazardous;

(4) A residential facility that accommodates not more than sixteen residents; is licensed, certified, registered, or otherwise regulated by the federal government or by the state or a political subdivision of the state; and prepares food for or serves food to only the residents of the facility, the staff of the facility, and any nonpaying guests of residents or staff;

(5) A church, school, fraternal or veterans' organization, volunteer fire organization, or volunteer emergency medical service organization preparing or serving food intended for individual portion service on its premises for not more than seven consecutive days or not more than fifty-two separate days during a licensing period. This exemption extends to any individual or group raising all of its funds during the time periods specified in division (B)(5) of this section for the benefit of the church, school, or organization by preparing or serving food intended for individual portion service under the same conditions.

(6) A common carrier that prepares or serves food, if the
carrier is regulated by the federal government;

(7) A food service operation serving thirteen or fewer individuals daily;

(8) A type A or type B family day-care home, as defined in section 5104.01 of the Revised Code, that prepares or serves food for the children receiving day-care;

(9) A vending machine location where the only foods dispensed are foods from one or both of the following categories:

(a) Prepackaged foods that are not potentially hazardous;

(b) Nuts, panned or wrapped bulk chewing gum, or panned or wrapped bulk candies.

(10) A place servicing the vending machines at a vending machine location described in division (B)(9) of this section;

(11) A commissary servicing vending machines that dispense only milk, milk products, or frozen desserts that are under a state or federal inspection and analysis program;

(12) A "controlled location vending machine location," which means a vending machine location at which all of the following apply:

(a) The vending machines dispense only foods that are not potentially hazardous;

(b) The machines are designed to be filled and maintained in a sanitary manner by untrained persons;

(c) Minimal protection is necessary to ensure against contamination of food and equipment.

(13) A private home that prepares and offers food to
guests, if the home is owner-occupied, meals are served on the premises of that home, the number of meals served does not exceed one hundred fifteen per week, and the home displays a notice in a place conspicuous to all of its guests informing them that the home is not required to be licensed as a food service operation;

(14) An individual who prepares full meals or meal components, such as pies or baked goods, in the individual's home to be served off the premises of that home, if the number of meals or meal components prepared for that purpose does not exceed twenty in a seven-day period.

(15) The holder of an A-1-A permit issued under section 4303.021 of the Revised Code to which both of the following apply:

(a) The A-1-A permit holder has also been issued an A-1c permit under section 4303.022 of the Revised Code;

(b) The A-1-A permit holder serves only prepackaged meals and nonalcoholic beverages, as well as beer and intoxicating liquor.

Sec. 4301.011. The general assembly hereby finds that the Twenty-first Amendment to the United States Constitution confers upon the state of Ohio sole and exclusive authority to regulate the sale and distribution of beer and intoxicating liquor in this state. That authority, so conferred, has rested with the state of Ohio since the ratification of the Twenty-first Amendment to the United States Constitution.

The general assembly also finds that its authority to so regulate is exercised through Title XLIII of the Revised Code and other relevant provisions of the Revised Code. Title XLIII
of the Revised Code and the other relevant provisions of the Revised Code reflect the intent of the general assembly to do all of the following:

(A) Promote temperance by preventing consumption by underage persons and by discouraging abusive consumption;

(B) Promote orderly markets by requiring transparent, accountable, and stable distribution of beer and intoxicating liquor and preventing unfair competition;

(C) Facilitate the collection of taxes related to the sale and consumption of beer and intoxicating liquor.

Sec. 4301.03. The liquor control commission may adopt and promulgate, repeal, rescind, and amend, in the manner required by this section, rules, standards, requirements, and orders necessary to carry out this chapter and Chapter 4303. of the Revised Code, but all rules of the board of liquor control that were in effect immediately prior to April 17, 1963, shall remain in full force and effect as rules of the liquor control commission until and unless amended or repealed by the liquor control commission. The rules of the commission may include the following:

(A) Rules with reference to applications for and the issuance of permits for the manufacture, distribution, transportation, and sale of beer and intoxicating liquor, and the sale of alcohol; and rules governing the procedure of the division of liquor control in the suspension, revocation, and cancellation of those permits;

(B) Rules and orders providing in detail for the conduct of any retail business authorized under permits issued pursuant to this chapter and Chapter 4303. of the Revised Code, with a
view to ensuring compliance with those chapters and laws relative to them, and the maintenance of public decency, sobriety, and good order in any place licensed under the permits. No rule or order shall prohibit the operation of video lottery terminal games at a commercial race track where live horse racing and simulcasting are conducted in accordance with Chapter 3769. of the Revised Code or the sale of lottery tickets issued pursuant to Chapter 3770. of the Revised Code by any retail business authorized under permits issued pursuant to that chapter.

No rule or order shall prohibit pari-mutuel wagering on simulcast horse races at a satellite facility that has been issued a D liquor permit under Chapter 4303. of the Revised Code. No rule or order shall prohibit a charitable organization that holds a D-4 permit from selling or serving beer or intoxicating liquor under its permit in a portion of its premises merely because that portion of its premises is used at other times for the conduct of a bingo game, as described in division (O) of section 2915.01 of the Revised Code. However, such an organization shall not sell or serve beer or intoxicating liquor or permit beer or intoxicating liquor to be consumed or seen in the same location in its premises where a bingo game, as described in division (O)(1) of section 2915.01 of the Revised Code, is being conducted while the game is being conducted. As used in this division, "charitable organization" has the same meaning as in division (H) of section 2915.01 of the Revised Code. No rule or order pertaining to visibility into the premises of a permit holder after the legal hours of sale shall be adopted or maintained by the commission.

(C) Standards, not in conflict with those prescribed by any law of this state or the United States, to secure the use of
proper ingredients and methods in the manufacture of beer, mixed beverages, and wine to be sold within this state;

(D) Rules determining the nature, form, and capacity of all packages and bottles to be used for containing beer or intoxicating liquor, except for spirituous liquor to be kept or sold, and governing the form of all seals and labels to be used on those packages and bottles;

(E) Rules requiring the label on every package, bottle, and container to state all of the following, as applicable:

1. The ingredients in the contents;

2. Except for beer, the terms of weight, volume, or proof spirits;

3. Except for spirituous liquor, whether the product is beer, wine, alcohol, or any intoxicating liquor;

4. Regarding beer that contains more than twelve per cent of alcohol by volume, the percentage of alcohol by volume and that the beer is a "high alcohol beer."

(F) Uniform rules governing all advertising with reference to the sale of beer and intoxicating liquor throughout the state and advertising upon and in the premises licensed for the sale of beer or intoxicating liquor;

(G) Rules restricting and placing conditions upon the transfer of permits;

(H) Rules and orders limiting the number of permits of any class within the state or within any political subdivision of the state; and, for that purpose, adopting reasonable classifications of persons or establishments to which any authorized class of permits may be issued within any political
subdivision;

(I) Rules and orders with reference to sales of beer and
intoxicating liquor on Sundays and holidays and with reference
to the hours of the day during which and the persons to whom
intoxicating liquor of any class may be sold, and rules with
reference to the manner of sale;

(J) Rules requiring permit holders buying beer to pay and
permit holders selling beer to collect minimum cash deposits for
kegs, cases, bottles, or other returnable containers of the
beer; requiring the repayment, or credit, of the minimum cash
deposit charges upon the return of the empty containers; and
requiring the posting of such form of indemnity or such other
conditions with respect to the charging, collection, and
repayment of minimum cash deposit charges for returnable
containers of beer as are necessary to ensure the return of the
empty containers or the repayment upon that return of the
minimum cash deposits paid;

(K) Rules establishing the method by which alcohol
products may be imported for sale by wholesale distributors and
the method by which manufacturers and suppliers may sell alcohol
products to wholesale distributors.

Every rule, standard, requirement, or order of the
commission and every repeal, amendment, or rescission of them
shall be posted for public inspection in the principal office of
the commission and the principal office of the division of
liquor control, and a certified copy of them shall be filed in
the office of the secretary of state. An order applying only to
persons named in it shall be served on the persons affected by
personal delivery of a certified copy, or by mailing a certified
copy to each person affected by it or, in the case of a
corporation, to any officer or agent of the corporation upon whom a service of summons may be served in a civil action. The posting and filing required by this section constitutes sufficient notice to all persons affected by such rule or order which is not required to be served. General rules of the commission promulgated pursuant to this section shall be published in the manner the commission determines.

Sec. 4301.171. (A) As used in this section:

(1) "Broker" and "solicitor" have the same meanings as in rules adopted by the superintendent of liquor control under section 4303.25 of the Revised Code.

(2) "Tasting sample" means a small amount of spirituous liquor that is provided in a serving of not more than a quarter ounce of spirituous liquor and, if provided, not more than one ounce of nonalcoholic mixer to an authorized purchaser and that allows the purchaser to determine, by tasting only, the quality and character of the beverage.

(3) "Trade marketing company" means a company that solicits the purchase of beer and intoxicating liquor and educates the public about beer and intoxicating liquor.

(4) "Trade marketing professional" means an individual who is an employee of, or is under contract with, a trade marketing company and who has successfully completed a training program described in section 4301.253 of the Revised Code.

(B) Notwithstanding section 4301.24 of the Revised Code, an agency store to which a D-8 permit has been issued may allow a trade marketing professional, broker, or solicitor to offer for sale tasting samples of spirituous liquor when conducted in accordance with this section. A tasting sample shall not be sold
for the purpose of general consumption.

(C) Tasting samples of spirituous liquor may be offered for sale at an agency store by a trade marketing professional, broker, or solicitor if all of the following apply:

(1) The tasting samples are sold only in the area of the agency store in which spirituous liquor is sold and that area is open to the public.

(2) The tasting samples are sold only by the trade marketing professional, broker, or solicitor.

(3) The spirituous liquor is registered under division (A)(8) of section 4301.10 of the Revised Code.

(4) Not less than ten business days prior to the sale, the trade marketing professional, broker, or solicitor has provided written notice to the division of liquor control of the date and time of the sampling, and of the type and brand of spirituous liquor to be sampled at the agency store.

(D) A sale of tasting samples of spirituous liquor is subject to rules adopted by the superintendent of liquor control or the liquor control commission.

(E) An offering for sale of tasting samples of spirituous liquor shall be limited to a period of not more than two hours.

(F) For purposes of offering for sale tasting samples of spirituous liquor, a trade marketing professional, broker, or solicitor shall purchase the spirituous liquor from the agency store at the current retail price. An authorized purchaser shall be charged not less than fifty cents for each tasting sample of spirituous liquor. When the sale of tasting samples of spirituous liquor at an agency store is completed, any bottles
of spirituous liquor used to provide tasting samples that are
not empty shall be marked as "sample" and removed from the
agency store by the trade marketing professional, broker, or
solicitor, as applicable.

(G) No trade marketing professional, broker, or solicitor
shall do any of the following:

(1) Advertise the offering for sale of tasting samples of
spirituous liquor other than at the agency store where the
tasting samples will be offered or as provided in section
4301.245 of the Revised Code;

(2) Solicit orders or make sales of tasting samples of
spirituous liquor for quantities greater than those specified in
division (G)(3) of this section;

(3) Allow any authorized purchaser to consume more than
four tasting samples of spirituous liquor per day.

(H) The purchase of a tasting sample of spirituous liquor
shall not be contingent upon the purchase of any other product
from an agency store.

(I) No employee of an agency store that allows the sale of
tasting samples of spirituous liquor shall purchase or consume a
tasting sample while on duty.

(J) If an employee of an agency store that allows the sale
of tasting samples of spirituous liquor consumes a tasting
sample of spirituous liquor, the employee shall not perform the
employee's duties and responsibilities at the agency store on
the day the tasting sample is consumed.

(K) No person under twenty-one years of age shall consume
a tasting sample of spirituous liquor.
Not more than ten events at which the sale of tasting samples of spirituous liquor are offered shall occur at an agency store in a calendar month provided that:

1. Not more than two events shall occur in the same day;
2. There is not less than one hour between the end of one event and the beginning of the next event.

No trade marketing professional, trade marketing company, broker, solicitor, owner or operator of an agency store, or an agent or employee of the owner or operator shall violate this section or any rules adopted by the superintendent or the commission for the purposes of this section.

Sec. 4301.22. Sales of beer and intoxicating liquor under all classes of permits and from state liquor stores are subject to the following restrictions, in addition to those imposed by the rules or orders of the division of liquor control:

1. Except as otherwise provided in this chapter, no beer or intoxicating liquor shall be sold to any person under twenty-one years of age.

2. No low-alcohol beverage shall be sold to any person under eighteen years of age. No permit issued by the division shall be suspended, revoked, or canceled because of a violation of division (A)(2) of this section.

3. No intoxicating liquor shall be handled by any person under twenty-one years of age, except that a person eighteen years of age or older employed by a permit holder may handle or sell beer or intoxicating liquor in sealed containers in connection with wholesale or retail sales, and any person nineteen years of age or older employed by a permit holder may
handle intoxicating liquor in open containers when acting in the
capacity of a server in a hotel, restaurant, club, or night
club, as defined in division (B) of section 4301.01 of the
Revised Code, or in the premises of a D-7 permit holder. This
section does not authorize persons under twenty-one years of age
to sell intoxicating liquor across a bar. Any person employed by
a permit holder may handle beer or intoxicating liquor in sealed
containers in connection with manufacturing, storage,
warehousing, placement, stocking, bagging, loading, or
unloading, and may handle beer or intoxicating liquor in open
containers in connection with cleaning tables or handling empty
bottles or glasses.

(B) No permit holder and no agent or employee of a permit
holder shall sell or furnish beer or intoxicating liquor to an
intoxicated person.

(C) No sales of intoxicating liquor shall be made after
two-thirty a.m. on Sunday except under either of the following
circumstances:

   (1) Intoxicating liquor may be sold on Sunday under
       authority of a permit that authorizes Sunday sale.

   (2) Spirituous liquor may be sold on Sunday by any person
       awarded an agency contract under section 4301.17 of the Revised
       Code if the sale of spirituous liquor is authorized in the
       applicable precinct as the result of an election on question (B)
       (1) or (2) of section 4301.351 of the Revised Code and if the
       agency contract authorizes the sale of spirituous liquor on
       Sunday.

This section does not prevent a municipal corporation from
adopting a closing hour for the sale of intoxicating liquor.
earlier than two-thirty a.m. on Sunday or to provide that no
intoxicating liquor may be sold prior to that hour on Sunday by a
retail permit holder in a dry precinct or at a dry location, as
those terms are defined in section 4303.182 of the Revised Code.

(D) No holder of a permit shall give away any beer or
intoxicating liquor of any kind at any time in connection with
the permit holder's business. However, with the exception of an
A-1-A permit holder that also has been issued an A-2 or A-2f
permit, an A-1-A, A-1c, or D permit holder may provide to a
paying customer not more than a total of four tasting samples of
beer, wine, or spirituous liquor, as authorized by the
applicable permit, in any twenty-four-hour period. The permit
holder shall provide the tasting samples free of charge, at the
permit holder's expense, only to a person who is twenty-one
years of age or older. The person shall consume the tasting
samples on the premises of the permit holder. A distributor is
not responsible for the costs of providing tasting samples
authorized under division (D) of this section.

As used in division (D) of this section:

(1) "Tasting sample" means one of the following, as
applicable:

(a) An amount not to exceed two ounces of beer;

(b) An amount not to exceed two ounces of wine;

(c) An amount not to exceed a quarter ounce of spirituous
liquor.

(2) "D permit holder" means a person that has been issued
a D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, 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-6, or D-7 permit.
(E) Except as otherwise provided in this division, no retail permit holder shall display or permit the display on the outside of any licensed retail premises, or on any lot of ground on which the licensed premises are situated, or on the exterior of any building of which the licensed premises are a part, any sign, illustration, or advertisement bearing the name, brand name, trade name, trade-mark, designation, or other emblem of or indicating the manufacturer, producer, distributor, place of manufacture, production, or distribution of any beer or intoxicating liquor. Signs, illustrations, or advertisements bearing the name, brand name, trade name, trade-mark, designation, or other emblem of or indicating the manufacturer, producer, distributor, place of manufacture, production, or distribution of beer or intoxicating liquor may be displayed and permitted to be displayed on the interior or in the show windows of any licensed premises, if the particular brand or type of product so advertised is actually available for sale on the premises at the time of that display. The liquor control commission shall determine by rule the size and character of those signs, illustrations, or advertisements.

(F) No retail permit holder shall possess on the licensed premises any barrel or other container from which beer is drawn, unless there is attached to the spigot or other dispensing apparatus the name of the manufacturer of the product contained in the barrel or other container, provided that, if the beer is served at a bar, the manufacturer's name or brand shall appear in full view of the purchaser. The commission shall regulate the size and character of the devices provided for in this section.

(G) Except as otherwise provided in this division, no sale of any gift certificate shall be permitted whereby beer or intoxicating liquor of any kind is to be exchanged for the
certificate, unless the gift certificate can be exchanged only
for food, and beer or intoxicating liquor, for on-premises
consumption and the value of the beer or intoxicating liquor for
which the certificate can be exchanged does not exceed more than
thirty per cent of the total value of the gift certificate. The
sale of gift certificates for the purchase of beer, wine, or
mixed beverages shall be permitted for the purchase of beer,
wine, or mixed beverages for off-premises consumption.
Limitations on the use of a gift certificate for the purchase of
beer, wine, or mixed beverages for off-premises consumption may
be expressed by clearly stamping or typing on the face of the
certificate that the certificate may not be used for the
purchase of beer, wine, or mixed beverages.

Sec. 4301.24. (A) Except as provided in sections 4301.242,
4301.245, and 4301.246 of the Revised Code, no
manufacturer shall aid or assist the holder of any permit for
sale at wholesale, and no manufacturer or wholesale distributor
shall aid or assist the holder of any permit for sale at retail,
by gift or loan of any money or property of any description or
other valuable thing, or by giving premiums or rebates. Except
as provided in sections 4301.242, 4301.245, and 4301.246
of the Revised Code, no holder of any such permit shall accept
the same, provided that the manufacturer or wholesale
distributor may furnish to a retail permittee the inside signs
or advertising and the tap signs or devices authorized by
divisions (E) and (F) of section 4301.22 of the Revised Code.

(B) No manufacturer shall have any financial interest,
directly or indirectly, by stock ownership, or through
interlocking directors in a corporation, or otherwise, in the
establishment, maintenance, or promotion in the business of any
wholesale distributor. No retail permit holder shall have any
interest, directly or indirectly, in the operation of, or any
ownership in, the business of any wholesale distributor or
manufacturer.

(C)(1) No manufacturer shall, except as authorized by
section 4303.021 of the Revised Code, have any financial
interest, directly or indirectly, by stock ownership, or through
interlocking directors in a corporation, or otherwise, in the
establishment, maintenance, or promotion of the business of any
retail dealer. No wholesale distributor or employee of a
wholesale distributor shall have any financial interest,
directly or indirectly, by stock ownership, interlocking
directors in a corporation, or otherwise, in the establishment,
maintenance, or promotion of the business of any retail dealer. No manufacturer or wholesale distributor or any stockholder of a
manufacturer or wholesale distributor shall acquire, by
ownership in fee, leasehold, mortgage, or otherwise, directly or
indirectly, any interest in the premises on which the business
of any other person engaged in the business of trafficking in
beer or intoxicating liquor is conducted.

(2) All contracts, covenants, conditions, and limitations
whereby any person engaged or proposing to engage in the sale of
beer or intoxicating liquors promises to confine the person's
sales of a particular kind or quality of beer or intoxicating
liquor to one or more products, or the products of a specified
manufacturer or wholesale distributor, or to give preference to
those products, shall to the extent of that promise be void. The
making of a promise in any such form shall be cause for the
revocation or suspension of any permit issued to any party.

(D) No manufacturer shall sell or offer to sell to any
wholesale distributor or retail permit holder, no wholesale
distributor shall sell or offer to sell to any retail permit holder, and no wholesale distributor or retail permit holder shall purchase or receive from any manufacturer or wholesale distributor, any beer, brewed beverages, or wine manufactured in the United States except for cash. No right of action shall exist to collect any claims for credit extended contrary to this section.

This section does not prohibit a licensee from crediting to a purchaser the actual prices charged for packages or containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by that purchaser for containers or as a deposit on containers when title is retained by the vendor, if those containers or packages have been returned to the manufacturer or distributor. This section does not prohibit a manufacturer from extending usual and customary credit for beer, brewed beverages, or wine manufactured in the United States and sold to customers who live or maintain places of business outside this state when the beverages so sold are actually transported and delivered to points outside this state.

No wholesale or retail permit shall be issued to an applicant unless the applicant has paid in full all accounts for beer or wine, manufactured in the United States, outstanding as of September 6, 1939. No beer or wine manufactured in the United States shall be imported into the state unless the beer or wine has been paid for in cash, and no supplier registration for any such beer or wine manufactured in the United States shall be issued by the division of liquor control until the A-2, A-2f, B-1, or B-5 permit holder establishes to the satisfaction of the division that the beer or wine has been paid for in cash.
(E) This section does not prevent a manufacturer from securing and holding any financial interest, directly or indirectly, by stock ownership or through interlocking directors in a corporation, or otherwise, in the establishment, maintenance, or promotion of the business or premises of any C or D permit holder, provided that the following conditions are met:

(1) (a) Either the manufacturer or one of its parent companies is listed on a national securities exchange.

(2) (b) All purchases of alcoholic beverages by the C or D permit holder are made from wholesale distributors in this state or agency stores licensed by the division of liquor control.

(3) (c) If the C or D permit holder sells brands of alcoholic beverages that are produced or distributed by the manufacturer that holds the financial interest, the C or D permit holder also sells other competing brands of alcoholic beverages produced by other manufacturers, no preference is given to the products of the manufacturer, and there is no exclusion, in whole or in part, of products sold or offered for sale by other manufacturers, suppliers, or importers of alcoholic beverages that constitutes a substantial impairment of commerce.

(4) (d) The primary purpose of the C or D permit premises is a purpose other than to sell alcoholic beverages, and the sale of other goods and services exceeds fifty per cent of the total gross receipts of the C or D permit holder at its premises.

(F) (1) This section does not prevent a manufacturer
from giving financial assistance to the holder of a B permit for the purpose of the holder purchasing an ownership interest in the business, existing inventory and equipment, or property of another B permit holder, including, but not limited to, participation in a limited liability partnership, limited liability company, or any other legal entity authorized to do business in this state. However, this

(2) This section does not permit a manufacturer to give financial assistance to the holder of a B permit to purchase inventory or equipment used in the daily operation of a B permit holder.

(3) A manufacturer or subsidiary of a manufacturer from continuing to operate a wholesale distribution franchise or distribute beer or wine within a designated territory if prior to the effective date of this amendment July 30, 2013, the manufacturer either acquired the distribution franchise or territory, or awarded the franchise or territory to itself or a subsidiary.

(4) A manufacturer from securing and holding an A-1c or B-2a permit or permits and operating as a wholesale distributor pursuant to such permits.

(5) A manufacturer from renting or leasing property to the holder of an F class permit for purposes of an event for which the F class permit has been issued.

Sec. 4301.245. (A) As used in this section:

(1) "Broker" and "solicitor" have the same meanings as in rules adopted by the superintendent of liquor control under section 4303.25 of the Revised Code.

(2) "On-premises brand promotion" means a promotion of a
brand of beer or intoxicating liquor by a distributor, manufacturer, trade marketing professional, solicitor, or broker of that brand at a retail permit premises.

(3) "Product location communication" means a listing or program that allows an individual to determine the availability of a specific brand of beer or intoxicating liquor at retail permit holders or agency stores in a certain geographic area.

(4) "Social media" means a service, platform, or web site where users communicate with one another free of charge and share media such as pictures, videos, music, and blogs. "Social media" includes the web site of a distributor, manufacturer, trade marketing professional, solicitor, or broker.

(5) "Trade marketing professional" has the same meaning as in section 4301.171 of the Revised Code.

(B) Notwithstanding section 4301.24 of the Revised Code, a distributor, manufacturer, trade marketing professional, solicitor, or broker may use free services provided by social media to advertise any of the following:

(1) An on-premises brand promotion;

(2) Beer, wine, or spirituous liquor tastings sold in accordance with this chapter or Chapter 4303. of the Revised Code;

(3) A product location communication.

Sec. 4301.246. (A) As used in this section:

(1) "Case" means twenty-four individual pieces of glassware.

(2) "Glassware" means a glass container to which all of
the following apply:

(a) It has the brand name of a beer or the name of the manufacturer or supplier of the beer permanently affixed, embossed, or engraved on the container;

(b) It has the brand name of the beer or the name of the manufacturer or supplier of the beer prominently displayed on the container;

(c) It holds not more than twenty-four ounces of liquid.

(3) "Receipt" means a record, either in paper or digital format, that contains all of the following information:

(a) The name and address of the permit holder authorized to sell beer for on-premises consumption that receives glassware from a manufacturer or supplier;

(b) The name and address of the manufacturer or supplier that provides glassware to the permit holder;

(c) The name of the employee or agent of the permit holder that receives the glassware;

(d) The date that the glassware is provided to the permit holder;

(e) The amount, if any, that the manufacturer or supplier charged the permit holder for the glassware;

(f) The permit holder's permit number;

(g) A description and the amount of glassware provided to the permit holder;

(h) The amount that the manufacturer or supplier paid to have the glassware manufactured.
(B) Notwithstanding section 4301.24 of the Revised Code, a manufacturer or supplier may provide glassware intended for the serving of beer to a permit holder authorized to sell beer for on-premises consumption if the manufacturer or supplier provides a receipt to the permit holder. However, the manufacturer or supplier shall not annually provide more than four cases of such glassware to the permit holder.

(C) A permit holder authorized to sell for on-premises consumption may receive glassware intended for the serving of beer from a manufacturer or supplier.

(D) A permit holder that receives glassware from a manufacturer or supplier shall maintain a copy of the receipt provided by the manufacturer or supplier under division (B) of this section. The permit holder shall retain the receipt for a period of three years and make the receipt available for inspection during normal business hours.

Sec. 4301.322. The electors of an election precinct may exercise the privilege of local option under sections 4301.353 and 4301.354 of the Revised Code on the sale of beer, the sale of wine and mixed beverages, or the sale of spirituous liquor on Sunday or on other days of the week, in a portion of the precinct in which the status of such sales as allowed or prohibited is inconsistent with the status of such sales in the remainder of the precinct because of a change in precinct boundaries by the board of elections or an annexation of territory to a municipal corporation. The privilege conferred by this section is in addition to the privilege conferred on the electors of an election precinct as specified in section 4301.32, 4301.321, 4303.29, or 4305.14 of the Revised Code.

Sec. 4301.33. (A) The board of elections shall provide to
a petitioner circulating a petition for an election for the submission of one or more of the questions specified in divisions (A) to (D) of section 4301.35 or the question specified in section 4301.351 of the Revised Code, at the time of taking out the petition, the names of the streets and, if appropriate, the address numbers of residences and business establishments within the precinct in which the election is sought, and a form prescribed by the secretary of state for notifying affected permit holders and liquor agency stores of the circulation of a petition for an election for the submission of one or more of the questions specified in divisions (A) to (D) of section 4301.35 or the question specified in section 4301.351 of the Revised Code. The petitioner shall, not less than fifty-five days before the petition-filing deadline for the election, as provided in this section, file with the division of liquor control the information regarding names of streets and, if appropriate, address numbers of residences and business establishments provided by the board of elections, and specify to the division the precinct that is concerned and that would be affected by the results of the election and the filing deadline. The division shall, within a reasonable period of time and not later than twenty-five days before the filing deadline, supply the petitioner with a list of the names and addresses of permit holders and liquor agency stores, if any, that would be affected by the election. The list shall contain a heading with the following words: "Liquor permit holders and liquor agency stores that would be affected by the question(s) set forth on petition for a local option election."

Within five days after a petitioner has received from the division the list of liquor permit holders and liquor agency stores, if any, that would be affected by the question or
questions set forth on a petition for local option election, the
petitioner shall, using the form provided by the board of
elections, notify by certified mail each permit holder and
liquor agency store whose name appears on that list. The form
for notifying affected permit holders and liquor agency stores
shall require the petitioner to state the petitioner's name and
street address and shall contain a statement that a petition is
being circulated for an election for the submission of the
question or questions specified in divisions (A) to (D) of
section 4301.35 or the question specified in section 4301.351 of
the Revised Code. The form shall require the petitioner to state
the question or questions to be submitted as they appear on the
petition.

The petitioner shall attach a copy of the list provided by
the division to each petition paper. A part petition paper
circulated at any time without the list of affected permit
holders and liquor agency stores attached to it is invalid.

At the time the petitioner files the petition with the
board of elections, the petitioner shall provide to the board
the list supplied by the division and an affidavit certifying
that the petitioner notified all affected permit holders and
liquor agency stores, if any, on the list in the manner and
within the time required in this section and that, at the time
each signer of the petition affixed the signer's signature to
the petition, the petition paper contained a copy of the list of
affected permit holders and liquor agency stores.

Within five days after receiving a petition calling for an
election for the submission of one or more of the questions
specified in divisions (A) to (D) of section 4301.35 or section
4301.351 of the Revised Code, the board shall give notice by
certified mail that it has received the petition to all liquor permit holders and liquor agency stores, if any, whose names appear on the list of affected permit holders and liquor agency stores filed by the petitioner. Failure of the petitioner to supply the affidavit required by this section and a complete and accurate list of liquor permit holders and liquor agency stores, if any, invalidates the entire petition. The board of elections shall provide to a permit holder or liquor agency store that would be affected by a proposed local option election, on the permit holder's or liquor agency store's request, the names of the streets, and, if appropriate, the address numbers of residences and business establishments within the precinct in which the election is sought that would be affected by the results of the election. The board may charge a reasonable fee for this information when provided to the petitioner and the permit holder or liquor agency store.

(B) Upon the presentation of a petition, not later than four p.m. of the ninetieth day before the day of a general election or special election held on the day of a primary election, to the board of elections of the county where the precinct is located, designating whether it is a petition for an election for the submission of one or more of the questions specified in section 4301.35 of the Revised Code, or a petition for the submission of one or more of the questions specified in section 4301.351 of the Revised Code, or a petition for the submission of one or more of the questions specified in section 4301.35 or the question specified in 4301.351 of the Revised Code that are to be submitted, and signed by the qualified electors of the precinct concerned, equal in number to fifty people or thirty-five per cent of the total number of votes cast in the precinct concerned for the office of governor at the
preceding general election for that office, whichever is less, the board shall submit the question or questions specified in the petition to the electors of the precinct concerned, on the day of the next general election or special election held on the day of a primary election, whichever occurs first and shall proceed as follows:

(1) Such board shall, not later than the seventy-eighth day before the day of the election for which the question or questions on the petition would qualify for submission to the electors of the precinct, examine and determine the sufficiency of the signatures and review, examine, and determine the validity of the petition and, in case of overlapping precinct petitions presented within that period, determine which of the petitions shall govern the further proceedings of the board. In the case where the board determines that two or more overlapping petitions are valid, the earlier filed petition shall govern. The board shall certify the sufficiency and validity of any petition determined to be valid. The board shall determine the validity of the petition as of the time of certification as described in this division.

(2) If a petition is sufficient, and, in case of overlapping precinct petitions, after the board has determined the governing petition, the board to which the petition has been presented shall order the holding of a special election in the precinct for the submission of whichever of the questions specified in section 4301.35 or the question specified in section 4301.351 of the Revised Code are designated in the petition, on the day of the next general election or special election held on the day of a primary election, whichever occurs first.
(3) All petitions filed with a board of elections under this section shall be open to public inspection under rules adopted by the board.

(4) Protest against local option petitions may be filed by any elector eligible to vote on the question or questions described in the petitions or by a permit holder or liquor agency store in the precinct as described in the petitions, not later than four p.m. of the seventy-fourth day before the day of the general election or special election held on the day of a primary election for which the petition qualified. The protest shall be in writing and shall be filed with the election officials with whom the petition was filed. Upon filing of the protest, the election officials with whom it is filed shall promptly fix the time for hearing it, and shall mail notice of the filing of the protest and the time and place for hearing it to the person who filed the petition and to the person who filed the protest. At the time and place fixed, the election officials shall hear the protest and determine the validity of the petition.

Sec. 4301.332. (A) The board of elections shall provide to a petitioner circulating a petition for an election for the submission of one or more of the questions specified in section 4301.353 or the question specified in section 4301.354 of the Revised Code, at the time of taking out the petition, the names of the streets and, if appropriate, the address numbers of residences and business establishments within the precinct that would be affected by the results of the election, and a form prescribed by the secretary of state for notifying affected permit holders of the circulation of a petition for an election for the submission of one or more of the questions specified in section 4301.353 or the question specified in section 4301.354
of the Revised Code. The petitioner shall, not less than fifty-five days before the petition-filing deadline for the election, as provided in this section, file with the division of liquor control the information regarding names of streets and, if appropriate, address numbers of residences and business establishments provided by the board of elections, and specify to the division the portion of the precinct that would be affected by the results of the election and the filing deadline. The division shall, within a reasonable period of time and not later than twenty-five days before the filing deadline, supply the petitioner with a list of the names and addresses of permit holders, if any, who would be affected by the election. The list shall contain a heading with the following words: "Liquor permit holders who would be affected by the question(s) set forth on petition for a local option election."

Within five days after a petitioner has received from the division the list of liquor permit holders, if any, who would be affected by the question or questions set forth on a petition for local option election, the petitioner, using the form provided by the board of elections, shall notify by certified mail each permit holder whose name appears on that list. The form for notifying affected permit holders shall require the petitioner to state the petitioner's name and street address and shall contain a statement that a petition is being circulated for an election for the submission of the question or questions specified in section 4301.353 or the question specified in section 4301.354 of the Revised Code. The form shall require the petitioner to state the question or questions to be submitted as they appear on the petition.

The petitioner shall attach a copy of the list provided by the division to each petition paper. A part petition paper
circulated at any time without the list of affected permit holders attached to it is invalid.

At the time the petitioner files the petition with the board of elections, the petitioner shall provide to the board the list supplied by the division and an affidavit certifying that the petitioner notified all affected permit holders, if any, on the list in the manner and within the time required in this section and that, at the time each signer of the petition affixed the signer's signature to the petition, the petition paper contained a copy of the list of affected permit holders.

Within five days after receiving a petition calling for an election for the submission of one or more of the questions specified in section 4301.353 or 4301.354 of the Revised Code, the board shall give notice by certified mail that it has received the petition to all liquor permit holders, if any, whose names appear on the list of affected permit holders filed by the petitioner as furnished by the division. Failure of the petitioner to supply the affidavit required by this section and a complete and accurate list of liquor permit holders as furnished by the division invalidates the entire petition. The board of elections shall provide to a permit holder who would be affected by a proposed local option election, on the permit holder's request, the names of the streets, and, if appropriate, the address numbers of residences and business establishments within the portion of the precinct that would be affected by the results of the election. The board may charge a reasonable fee for this information when provided to the petitioner and the permit holder.

This division does not apply to an election held under section 4301.353 or 4301.354 of the Revised Code if the results...
of the election would not affect any permit holder.

(B) Upon the presentation of a petition, not later than four p.m. of the ninetieth day before the day of a general election or special election held on the day of a primary election, to the board of elections of the county where the precinct is located, designating whether it is a petition for an election for the submission of one or both of the questions specified in section 4301.353 of the Revised Code, or a petition for the submission of one or more of the questions specified in section 4301.354 of the Revised Code, designating the particular question or questions specified in section 4301.353 or the question specified in section 4301.354 of the Revised Code that are to be submitted, and signed by the qualified electors of the precinct concerned, equal in number to fifty people or thirty-five per cent of the total number of votes cast in the precinct concerned for the office of governor at the preceding general election for that office, whichever is less, the board shall submit the question or questions specified in the petition to the electors of the precinct concerned, on the day of the next general election or special election held on the day of the next primary election, whichever occurs first and shall proceed as follows:

(1) Such board shall, not later than the seventy-eighth day before the day of the election for which the question or questions on the petition would qualify for submission to the electors of the precinct, examine and determine the sufficiency of the signatures and review, examine, and determine the validity of the petition and, in case of overlapping precinct petitions presented within that period, determine which of the petitions shall govern the further proceedings of the board. In the case where the board determines that two or more overlapping
petitions are valid, the earlier filed petition shall govern. The board shall certify the sufficiency and validity of any petition determined to be valid. The board shall determine the validity of the petition as of the time of certification as described in this division.

(2) If a petition is sufficient, and, in case of overlapping precinct petitions, after the board has determined the governing petition, the board to which the petition has been presented shall order the holding of a special election in the precinct for the submission of whichever of the questions specified in section 4301.353 or the question specified in section 4301.354 of the Revised Code are designated in the petition, on the day of the next general election or special election held on the day of the next primary election, whichever occurs first.

(C) All petitions filed with a board of elections under this section shall be open to public inspection under rules adopted by the board.

(D) Protest against local option petitions may be filed by any elector eligible to vote on the question or questions described in the petitions or by a permit holder in the precinct as described in the petitions, not later than four p.m. of the seventy-fourth day before the day of the general election or special election held on the day of the primary election for which the petition qualified. The protest shall be in writing and shall be filed with the election officials with whom the petition was filed. Upon filing of the protest, the election officials with whom it is filed shall promptly fix the time for hearing it, and shall mail notice of the filing of the protest and the time and place for hearing it to the person who filed
Sec. 4301.333. (A) The privilege of local option conferred by section 4301.323 of the Revised Code may be exercised if, not later than four p.m. of the ninetieth day before the day of a general election or special election held on the day of a primary election, a petition is presented to the board of elections of the county in which the precinct is situated by a petitioner who is one of the following:

(1) An applicant for the issuance or transfer of a liquor permit at, or to, a particular location within the precinct;

(2) The holder of a liquor permit at a particular location within the precinct;

(3) A person who operates or seeks to operate a liquor agency store at a particular location within the precinct;

(4) The designated agent for an applicant, liquor permit holder, or liquor agency store described in division (A)(1), (2), or (3) of this section.

(B) The petition shall be signed by the electors of the precinct equal in number to fifty people or at least thirty-five per cent of the total number of votes cast in the precinct for the office of governor at the preceding general election for that office, whichever is less, and shall contain all of the following:

(1) A notice that the petition is for the submission of the question or questions set forth in section 4301.355 of the Revised Code;
(2) The name of the applicant for the issuance or transfer, or the holder, of the liquor permit or, if applicable, the name of the liquor agency store, including any trade or fictitious names under which the applicant, holder, or liquor agency store either intends to do or does business at the particular location;

(3) The address and proposed use of the particular location within the election precinct to which the results of the question or questions specified in section 4301.355 of the Revised Code shall apply. For purposes of this division, "use" means all of the following:

(a) The type of each liquor permit applied for by the applicant or held by the liquor permit holder as described in sections 4303.11 to 4303.183 of the Revised Code, including a description of the type of beer or intoxicating liquor sales authorized by each permit as provided in those sections;

(b) If a liquor agency store, the fact that the business operated as a liquor agency store authorized to operate by this state;

(c) A description of the general nature of the business of the applicant, liquor permit holder, or liquor agency store.

(4) If the petition seeks approval of Sunday sales under question (B)(2) as set forth in section 4301.355 of the Revised Code, a statement indicating whether the hours of sale sought are between ten a.m. and midnight or between eleven a.m. and midnight.

(C)(1) At the time the petitioner files the petition with the board of elections, the petitioner shall provide to the board both of the following:
(a) An affidavit that is signed by the petitioner and that states the proposed use of the location following the election held to authorize the sale of beer or intoxicating liquor authorized by each permit as provided in sections 4303.11 to 4303.183 of the Revised Code;

(b) Written evidence of the designation of an agent by the applicant, liquor permit holder, or liquor agency store described in division (A)(1), (2), or (3) of this section for the purpose of petitioning for the local option election, if the petitioner is the designated agent of the applicant, liquor permit holder, or liquor agency store.

(2) Failure to supply the affidavit, or the written evidence of the designation of the agent if the petitioner for the local option election is the agent of the applicant, liquor permit holder, or liquor agency store described in division (A) (1), (2), or (3) of this section, at the time the petition is filed invalidates the entire petition.

(D) Not later than the seventy-eighth day before the day of the next general election or special election held on the day of the next primary election, whichever occurs first, the board shall examine and determine the sufficiency of the signatures and the validity of the petition. If the board finds that the petition contains sufficient signatures and in other respects is valid, it shall order the holding of an election in the precinct on the day of the next general election or special election held on the day of the next primary election, whichever occurs first, for the submission of the question or questions set forth in section 4301.355 of the Revised Code.

(E) A petition filed with the board of elections under this section shall be open to public inspection under rules
(F) An elector who is eligible to vote on the question or questions set forth in section 4301.355 of the Revised Code may file, not later than four p.m. of the seventy-fourth day before the day of the election at which the question or questions will be submitted to the electors, a protest against a local option petition circulated and filed pursuant to this section. The protest shall be in writing and shall be filed with the election officials with whom the petition was filed. Upon the filing of the protest, the election officials with whom it is filed shall promptly establish a time and place for hearing the protest and shall mail notice of the time and place for the hearing to the applicant for, or the holder of, the liquor permit who is specified in the petition and to the elector who filed the protest. At the time and place established in the notice, the election officials shall hear the protest and determine the validity of the petition.

Sec. 4301.334. (A) The privilege of local option conferred by section 4301.324 of the Revised Code may be exercised if, not later than four p.m. of the ninetieth day before the day of a general election or special election held on the day of a primary election, a petition and other information required by division (B) of this section are presented to the board of elections of the county in which the community facility named in the petition is located. The petition shall be signed by electors of the municipal corporation or unincorporated area of the township in which the community facility is located equal in number to at least ten per cent of the total number of votes cast in the municipal corporation or unincorporated area of the township in which the community facility is located for the office of governor at the most recent general election for that
office and shall contain both of the following:

(1) A notice that the petition is for the submission of the question set forth in section 4301.356 of the Revised Code and a statement indicating whether the hours of Sunday sales sought in the local option election are between ten a.m. and midnight or between eleven a.m. and midnight;

(2) The name and address of the community facility for which the local option election is sought and, if the community facility is a community entertainment district, the boundaries of the district.

(B) Upon the request of a petitioner, a board of elections of a county shall furnish to the petitioner a copy of the instructions prepared by the secretary of state under division (P) of section 3501.05 of the Revised Code and, within fifteen days after the request, a certificate indicating the number of valid signatures that will be required on a petition to hold an election in the municipal corporation or unincorporated area of the township in which the community facility is located on the question specified in section 4301.356 of the Revised Code.

The petitioner shall, not less than thirty days before the petition-filing deadline for an election on the question specified in section 4301.356 of the Revised Code, specify to the division of liquor control the name and address of the community facility for which the election is sought and, if the community facility is a community entertainment district, the boundaries of the district, the municipal corporation or unincorporated area of a township in which the election is sought, and the filing deadline. The division shall, within a reasonable period of time and not later than ten days before the filing deadline, supply the petitioner with the name and address
of any permit holder for or within the community facility.

The petitioner shall file the name and address of any permit holder who would be affected by the election at the time the petitioner files the petition with the board of elections. Within five days after receiving the petition, the board shall give notice by certified mail to any permit holder within the community facility that it has received the petition. Failure of the petitioner to supply the name and address of any permit holder for or within the community facility as furnished to the petitioner by the division invalidates the petition.

(C) Not later than the seventy-eighth day before the day of the next general election or special election held on the day of the next primary election, whichever occurs first, the board shall examine and determine the sufficiency of the signatures on the petition. If the board finds that the petition is valid, it shall order the holding of an election in the municipal corporation or unincorporated area of a township on the day of the next general election or special election held on the day of the next primary election, whichever occurs first, for the submission of the question set forth in section 4301.356 of the Revised Code.

(D) A petition filed with a board of elections under this section shall be open to public inspection under rules adopted by the board.

(E) An elector who is eligible to vote on the question set forth in section 4301.356 of the Revised Code or any permit holder for or within the community facility may, not later than four p.m. of the seventy-fourth day before the day of the election at which the question will be submitted to the electors, file a written protest against the local option.
petition with the board of elections with which the petition was filed. Upon the filing of the protest, the board shall promptly fix a time and place for hearing the protest and shall mail notice of the time and place to the person who filed the petition and to the person who filed the protest. At the time and place fixed, the board shall hear the protest and determine the validity of the petition.

**Sec. 4301.35.** If a petition is for submission of one or more of the questions specified under this section, a special election shall be held in the precinct at the time fixed as provided in section 4301.33 of the Revised Code. The expenses of holding the election shall be charged to the municipal corporation or township of which the precinct is a part.

At the election any one or more of the following questions, as designated in a valid petition, shall be submitted to the electors of the precinct:

(A) "Shall the sale of wine and mixed beverages by the package, under permits which authorize sale for off-premise consumption only, be permitted in ________________?"

(B) "Shall the sale of wine and mixed beverages, under permits which authorize sale for on-premise consumption only, and under permits which authorize sale for both on-premise and off-premise consumption, be permitted in ______?"

(C) "Shall the sale of spirituous liquors by the glass be permitted in ________________?"

(D) "Shall state liquor stores or liquor agency stores for the sale of spirituous liquor by the package, for consumption off the premises where sold, be permitted in _____________?"

(E) "Shall the sale of beer, wine, mixed beverages, or
spirituous liquor, as applicable, under permits that authorize sale for on-premise consumption only, and the sale of beer, wine, or mixed beverages, as applicable, under permits that authorize sale for both on-premise and off-premise consumption, be permitted twenty-four hours a day Monday through Sunday in ______________?"

(F) "Shall the sale of beer and intoxicating liquor, of the same types as may be legally sold under permits in this precinct, be allowed twenty-four hours a day Monday through Sunday in ______________?"

The board of elections to which a petition is presented shall furnish printed ballots at the election in accordance with section 3505.06 of the Revised Code, and separate ballots shall be used for the special election. All the questions designated in a valid petition or overlapping petitions containing one or more questions to be set forth on the ballot shall be set forth on each ballot and the board shall insert in each question the name or an accurate description of the precinct in which the election is to be held. Votes shall be cast as provided in section 3505.06 of the Revised Code.

Sec. 4301.351. (A) As used in this division, "dry precinct" has the same meaning as in section 4303.182 of the Revised Code.

If a petition is for submission of the question of whether the sale of intoxicating liquor shall be permitted on Sunday in a dry precinct, a special election shall be held in the precinct at the time fixed as provided in section 4301.33 of the Revised Code. The expenses of holding the election shall be charged to the municipal corporation or township of which the precinct is a part.
(B) At the election, one or more of the following questions, question (B)(1), (B)(2), or (B)(3) as designated in a valid petition or question (B)(4) as submitted by the legislative authority of a municipal corporation or the board of trustees of a township, question shall be submitted to the electors of the precinct:

(1) "Shall the sale of (insert intoxicating liquor for on-premises consumption or the sale of wine and mixed beverages for off-premises consumption or both), of the same types as may be legally sold in this precinct on other days of the week, be permitted in this ________ for consumption on the premises where sold, between the hours of eleven a.m. and midnight on Sunday?"

(2) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this ________ for consumption on the premises where sold, between the hours of eleven a.m. and midnight on Sunday, at licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises?"

(3) "Shall the sale of wine and mixed beverages, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this ________ for consumption off the premises where sold, between the hours of eleven a.m. and midnight on Sunday?"

(4) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this ________ for consumption on the premises where sold, between the hours of one p.m. and midnight on Sunday, at outdoor performing arts centers, as defined in section 4303.182 of the Revised Code, that have been issued a D-
6 permit?"

Question (B)(4) shall be presented to the electors of a
precinct in which an outdoor performing arts center is located
only if the legislative authority of the municipal corporation
in which, or the board of trustees of the township in which, the
outdoor performing arts center is located submits, not later
than four p.m. of the seventy-fifth day before the day of a
primary or general election that occurs within two years after
April 9, 2001, to the board of elections of the county in which
the precinct is located, a copy of an ordinance or resolution
requesting the submission of that question to the electors of
the precinct. An election on question (B)(4) may not be sought
by a petition under section 4301.33 of the Revised Code.

(C) At the election, one or more of the following
questions, as designated in a valid petition, shall be submitted
to the electors of the precinct:

(1) "Shall the sale of intoxicating liquor, of the same
types as may be legally sold in this precinct on other days of
the week, be permitted in this ________ for consumption on the
premises where sold, between the hours of ten a.m. and midnight
on Sunday?"

(2) "Shall the sale of intoxicating liquor, of the same
types as may be legally sold in this precinct on other days of
the week, be permitted in this ________ for consumption on the
premises where sold, between the hours of ten a.m. and midnight
on Sunday, at licensed premises where the sale of food and other
goods and services exceeds fifty per cent of the total gross
receipts of the permit holder at the premises?"

(3) "Shall the sale of wine and mixed beverages, of the
same types as may be legally sold in this precinct on other days of the week, be permitted in this ________ for consumption off the premises where sold, between the hours of ten a.m. and midnight on Sunday?"

(D) No C or D permit holder who first applied for such a permit after April 15, 1982, shall sell beer on Sunday unless the sale of intoxicating liquor is authorized in the precinct or portion of the precinct at an election on question (B)(1), (B)(2), or (B)(3) of this section, on question (C)(1), (C)(2), or (C)(3) of this section, on question (B)(1), (B)(2), or (B)(3) of section 4301.354 of the Revised Code, on question (C)(1), (C)(2), or (C)(3) of section 4301.354 of the Revised Code, or on question (B)(2) of section 4301.355 of the Revised Code, or on section 4303.182 of the Revised Code. No D-6 permit is required for the sale of beer on Sunday.

The board of elections to which the petition is presented shall furnish printed ballots at the election in accordance with section 3505.06 of the Revised Code, and separate ballots shall be used for the special election under this section. One or more of the questions prescribed by divisions (B) and (C) of this section, as designated in the petition, shall be set forth on each ballot, and the board shall insert in each the question the name or an accurate description of the precinct in which the election is to be held. Votes shall be cast as provided in section 3505.06 of the Revised Code.

Sec. 4301.353. If a petition is filed under section 4301.332 of the Revised Code for the submission of the one or more questions set forth in this section, a special election shall be held in the precinct as ordered by the board of elections under that section. The expense of holding the special...
election shall be charged to the municipal corporation or
township of which the precinct is a part.

At the election, one or both of the following questions as
designated in a valid petition shall be submitted to the
electors of the precinct concerning sales on days of the week
other than Sunday:

(A) "Shall the sales of (insert one or both of the
following: beer, or wine and mixed beverages) by the package,
under permits that authorize sale for off-premises consumption
only, be permitted in a portion of this precinct in which the
status of the sale of (insert one or both of the following:
beer, or wine and mixed beverages) as allowed or prohibited is
inconsistent with the status of such sale in the remainder of
the precinct?"

(B) "Shall the sale of (insert one or more of the
following: beer, wine and mixed beverages, or spirituous
liquor), under permits that authorize sale for on-premises
consumption only, and under permits that authorize sale for both
on-premises and off-premises consumption, be permitted in a
portion of this precinct in which the status of the sale of
(insert one or more of the following: beer, wine and mixed
beverages, or spirituous liquor) as allowed or prohibited is
inconsistent with the status of such sale in the remainder of
the precinct?"

The board of elections shall furnish printed ballots at
the special election as provided under section 3505.06 of the
Revised Code, except that a separate ballot shall be used for
the special election. One or both of the questions set forth in
this section shall be printed on each ballot and the board shall
insert in the question and statement appropriate words to
complete each and a description of the portion of the precinct that would be affected by the results of the election.

The description of the portion of the precinct shall include either the complete listing of street addresses in that portion or a condensed text that accurately describes the boundaries of the portion of the precinct by street name or by another name generally known by the residents of the portion of the precinct. If other than a full street listing is used, the full street listing also shall be posted in each polling place in a location that is easily accessible to all voters. Failure of the board of elections to completely and accurately list all street addresses in the affected area of the precinct does not affect the validity of the election at which the failure occurred and is not grounds for contesting an election under section 3515.08 of the Revised Code. Votes shall be cast as provided under section 3505.06 of the Revised Code.

Sec. 4301.354. (A) As used in this division, "dry precinct" has the same meaning as in section 4303.182 of the Revised Code.

If a petition is filed under section 4301.332 of the Revised Code for the submission of one or more questions set forth in this section, the question of whether the sale of intoxicating liquor shall be permitted on Sunday in a dry precinct, a special election shall be held in the precinct as ordered by the board of elections under that section. The expense of holding the special election shall be charged to the municipal corporation or township of which the precinct is a part.

(B) At the election, one or more of the following questions, as designated in a valid petition, shall be
submitted to the electors of the precinct concerning Sunday sales:

(1) "Shall the sale of (insert intoxicating liquor) be permitted in a portion of this precinct between the hours of eleven a.m. and midnight on Sunday for on-premises consumption on the premises where sold, the sale of wine and mixed beverages for off-premises consumption, or both) be permitted in a portion of this precinct on Sunday where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?"

(2) "Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of eleven a.m. and midnight on Sunday for consumption on the premises where sold at licensed premises where the sale of food and other goods exceeds fifty per cent of the total gross receipts of the permit holder at the premises, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?"

(3) "Shall the sale of wine and mixed beverages be permitted in a portion of this precinct between the hours of eleven a.m. and midnight on Sunday for consumption off the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?"

(C) At the election, one or more of the following questions, as designated in a valid petition, shall be submitted to the electors of the precinct concerning Sunday sales:

(1) "Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of ten a.m. and..."
midnight on Sunday for consumption on the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?"

(2) "Shall the sale of intoxicating liquor be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption on the premises where sold at licensed premises where the sale of food and other goods exceeds fifty per cent of the total gross receipts of the permit holder at the premises, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?"

(3) "Shall the sale of wine and mixed beverages be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption off the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?"

(D) The board of elections shall furnish printed ballots at the special election as provided under section 3505.06 of the Revised Code, except that a separate ballot shall be used for the special election. The one or more questions set forth in divisions (B) and (C) of this section shall be printed on each ballot, and the board shall insert in the question appropriate words to complete each it and a description of the portion of the precinct that would be affected by the results of the election.

The description of the portion of the precinct shall include either the complete listing of street addresses in that portion or a condensed text that accurately describes the
boundaries of the portion of the precinct by street name or by another name generally known by the residents of the portion of the precinct. If other than a full street listing is used, the full street listing also shall be posted in each polling place in a location that is easily accessible to all voters. Failure of the board of elections to completely and accurately list all street addresses in the affected area of the precinct does not affect the validity of the election at which the failure occurred and is not grounds for contesting an election under section 3515.08 of the Revised Code. Votes shall be cast as provided under section 3505.06 of the Revised Code.

Sec. 4301.355. (A) If a petition is filed under section 4301.333 of the Revised Code for the submission of the question or questions set forth in this section, it shall be held in the precinct as ordered by the board of elections under that section. The expense of holding the election shall be charged to the municipal corporation or township of which the precinct is a part.

(B) At the election, one or more of the following questions, as designated in a valid petition, shall be submitted to the electors of the precinct:

(1) "Shall the sale of ________ (insert beer, wine and mixed beverages, or spirituous liquor) be permitted by ________ (insert name of applicant, liquor permit holder, or liquor agency store, including trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either intends to do, or does, business at the particular location), an ________ (insert "applicant for" or "holder of" or "operator of") a ________ (insert class name of liquor permit or permits followed by the words "liquor
permit(s)" or, if appropriate, the words "liquor agency store
for the State of Ohio"), who is engaged in the business of
________ (insert general nature of the business in which
applicant or liquor permit holder is engaged or will be engaged
in at the particular location, as described in the petition) at
________ (insert address of the particular location within the
precinct as set forth in the petition) in this precinct?"

(2)(C) At the election, if the location is a dry
location, the following question, as designated in a valid
petition, shall be submitted to the electors of the precinct:

"Shall the sale of __________ (insert beer, wine and mixed
beverages, or spirituous liquor) be permitted for sale on Sunday
between the hours of __________ (insert "ten a.m. and midnight"
or "eleven a.m. and midnight") by __________ (insert name of
applicant, liquor permit holder, or liquor agency store,
including trade or fictitious name under which applicant for, or
holder of, liquor permit or liquor agency store either intends
to do, or does, business at the particular location), an _____
(insert "applicant for a D-6 liquor permit," "holder of a D-6
liquor permit," "applicant for or holder of an A-1-A, A-2, A-2f,
A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-
5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o,
or D-7 liquor permit," if only the approval of beer sales is
sought, or "liquor agency store") who is engaged in the business
of __________ (insert general nature of the business in which
applicant or liquor permit holder is engaged or will be engaged
in at the particular location, as described in the petition) at
__________ (insert address of the particular location within the
precinct) in this precinct?"

(C)(D) The board of elections shall furnish printed
ballots at the election as provided under section 3505.06 of the Revised Code, except that a separate ballot shall be used for the election under this section. The question set forth in this section shall be printed on each ballot, and the board shall insert in the question appropriate words to complete it. Votes shall be cast as provided under section 3505.06 of the Revised Code.

(E) As used in this section, "dry location" has the same meaning as in section 4303.182 of the Revised Code.

Sec. 4301.356. If a petition is filed under section 4301.334 of the Revised Code for the submission of the question set forth in this section, an election shall be held in the municipal corporation or unincorporated area of a township as ordered by the board of elections under that section.

Except as otherwise provided in this section, if the legislative authority of a municipal corporation in whose territory, or the board of township trustees of a township in whose unincorporated area, a community facility is located submits, not later than four p.m. of the ninetieth day before the day of a special election held on the day of a primary election or general election, to the board of elections of the county in which the community facility is located an ordinance or resolution requesting the submission of the question set forth in this section to the electors of the municipal corporation or unincorporated area of the township, the board of elections shall order that an election be held on that question in the municipal corporation or the unincorporated area of the township on the day of the next special election held on the day of a primary election or next general election, whichever occurs first. The legislative authority or board of township trustees
shall submit the name and address of any permit holder who would be affected by the results of the election to the board of elections at the same time it submits the ordinance or resolution. The board of elections, within five days after receiving the name and address, shall give notice by certified mail to each permit holder that it has received the ordinance or resolution. Failure of the legislative authority or board of township trustees to supply the name and address of each permit holder to the board of elections invalidates the effect of the ordinance or resolution.

At the election, the following question shall be submitted to the electors of the municipal corporation or unincorporated area of a township:

"Shall the sale of beer and intoxicating liquor be permitted on days of the week other than Monday through Sunday and between the hours of __________ (insert "ten a.m." or "eleven a.m.") and midnight on Sunday, at ________ (insert name of community facility), a community facility as defined by section 4301.01 of the Revised Code, and located at ________ (insert the address of the community facility, if the community facility is a community entertainment district, the boundaries of the district, as set forth in the petition)"

The board of elections shall furnish printed ballots at the election as provided under section 3505.06 of the Revised Code, except that a separate ballot shall be used for the election under this section. The question set forth in this section shall be printed on each ballot, and the board shall insert in the question appropriate words to complete it, subject to the approval of the secretary of state. Votes shall be cast as provided under section 3505.06 of the Revised Code.
Sec. 4301.36. (A)(1) If a majority of the electors voting in a precinct vote "yes" on question (A), (B), or (C) as set forth in section 4301.35 of the Revised Code, the sales specified in such one or more of the questions on which a majority of the electors voting in such precinct voted "yes" shall be subject in the precinct only to Chapters 4301. and 4303. of the Revised Code.

(2) If a majority of the electors voting in such precinct vote "no" on question (A), (B), or (C) set forth in section 4301.35 of the Revised Code, no C or D permit holder shall sell intoxicating liquor of the kind or in the manner specified in such one or more of the questions on which a majority of the electors voting in the precinct voted "no," within the precinct concerned, during the period such election is in effect as defined in section 4301.37 of the Revised Code.

(B) If a majority of the electors voting in such precinct vote "no" on question (D) as set forth in section 4301.35 of the Revised Code, all state liquor stores in the precinct shall be forthwith closed and, during the period the vote is in effect, as defined in section 4301.37 of the Revised Code, no state liquor store shall be opened in that precinct.

(C)(1) If a majority of the electors voting in a precinct vote "yes" on question (E) as set forth in section 4301.35 of the Revised Code, the sales specified in that question shall be allowed in the precinct and subject only to this chapter and Chapter 4303. of the Revised Code.

(2) If a majority of the electors voting in a precinct vote "no" on question (E) set forth in section 4301.35 of the Revised Code, no A-1-A, A-1c, A-2, A-2f, A-3a, class C, or class D permit holder shall sell beer or intoxicating liquor of the
kind or in the manner specified in that question within the precinct concerned, during the period such election is in effect as defined in section 4301.37 of the Revised Code.

(D)(1) If a majority of the electors voting in a precinct vote "yes" on question (F) as set forth in section 4301.35 of the Revised Code, the sales specified in that question shall be allowed in the precinct and subject only to this chapter and Chapter 4303. of the Revised Code. In addition, sales shall continue in the precinct under the authority of any previous election in effect in the precinct in which the electors approved a question or questions under this chapter or Chapter 4305. of the Revised Code.

(2) If a majority of the electors voting in a precinct vote "no" on question (F) set forth in section 4301.35 of the Revised Code, the sales specified in that question shall not be allowed in the precinct. However, sales shall continue in the precinct under the authority of any previous election in effect in the precinct in which the electors approved a question or questions under this chapter or Chapter 4305. of the Revised Code.

Sec. 4301.361. (A) If a majority of the electors voting on questions set forth in section 4301.351 of the Revised Code in a precinct vote "yes" on the question (B)(1) or (C)(1), or, if both questions (B)(1) and (B)(2), or questions (C)(1) and (C)(2), are submitted, "yes" on both questions or "yes" on question (B)(1) or (C)(1) but "no" on question (B)(2) or (C)(2), sales of intoxicating liquor shall be allowed on Sunday in the manner and under the conditions specified in the question (B)(1) or (C)(1), under a D-6 permit, within the precinct concerned, during the hours specified in division (A)
of section 4303.182 of the Revised Code and during the period the election is in effect as defined in section 4301.37 of the Revised Code. In addition, the question shall not be subsequently submitted to the electors of that precinct.

(B) If only question (B)(2) or (C)(2) is submitted to the voters or if questions (B)(2) and (B)(3) or (C)(2) and (C)(3) are submitted and a majority of the electors voting in a precinct vote "yes" on question (B)(2) or (C)(2) as set forth in section 4301.351 of the Revised Code, sales of intoxicating liquor shall be allowed on Sunday in the manner and under the conditions specified in question (B)(2) or (C)(2), under a D-6 permit, within the precinct concerned, during the hours specified in division (A) of section 4303.182 of the Revised Code and during the period the election is in effect as defined in section 4301.37 of the Revised Code, even if question (B)(1) or (C)(1) was also submitted and a majority of the electors voting in the precinct voted "no."

(C) If question (B)(3) or (C)(3) is submitted and a majority of electors voting on question (B)(3) or (C)(3) as set forth in section 4301.351 of the Revised Code in a precinct vote "yes," sales of wine and mixed beverages shall be allowed on Sunday in the manner and under the conditions specified in question (B)(3) or (C)(3), under a D-6 permit, within the precinct concerned, during the hours specified in division (A) of section 4303.182 of the Revised Code and during the period the election is in effect as defined in section 4301.37 of the Revised Code.

(D) If questions (B)(1), (B)(2), and (B)(3), or questions (C)(1), (C)(2), and (C)(3), as set forth in section 4301.351 of the Revised Code, are all submitted and As used in this
division, "dry precinct" has the same meaning as in section 4303.182 of the Revised Code.

If a majority of the electors voting in such precinct on the question set forth in section 4301.351 of the Revised Code in a dry precinct vote "no" on all three questions, no sales of intoxicating liquor shall be made within the dry precinct concerned after two-thirty a.m. on Sunday as specified in the question submitted, during the period the election is in effect as defined in section 4301.37 of the Revised Code. In addition, the question shall not be submitted to the electors of that precinct for four years after the date of the "no" vote.

(E) If question (C)(1) as set forth in section 4301.351 of the Revised Code is submitted to the voters in a precinct in which question (B)(1) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(1) are still in effect in the precinct; or if question (C)(2) as set forth in that section is submitted to the voters in a precinct in which question (B)(2) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(2) are still in effect in the precinct; or if question (C)(3) as set forth in that section is submitted to the voters in a precinct in which question (B)(3) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(3) are still in effect in the precinct; and if a majority of the electors voting on question (C)(1), (C)(2), or (C)(3) vote "no," then sales shall continue to be allowed in the precinct in the manner and under the conditions specified in the previously approved question (B)(1), (B)(2), or (B)(3), as applicable.
(F) If question (B)(4) as set forth in section 4301.351 of the Revised Code is submitted and a majority of the electors voting in the precinct vote "yes," sales of intoxicating liquor shall be allowed on Sunday at outdoor performing arts centers in the manner and under the conditions specified in question (B)(4) under a D-6 permit, within the precinct concerned, during the hours specified in division (F) of section 4303.182 of the Revised Code and during the period the election is in effect as defined in section 4301.37 of the Revised Code. If question (B)(4) as set forth in section 4301.351 of the Revised Code is submitted and a majority of the electors voting in the precinct vote "no," no sales of intoxicating liquor shall be allowed at outdoor performing arts centers in the precinct concerned under a D-6 permit, after 2:30 a.m. on Sunday, during the period the election is in effect as defined in section 4301.37 of the Revised Code.

Sec. 4301.364. (A) If a majority of the electors in a precinct vote "yes" on the question (B)(1) or (C)(1) as set forth in section 4301.354 of the Revised Code, the sale of intoxicating liquor, of the same types as may be legally sold in the precinct on other days of the week, shall be permitted on Sunday in the portion of the precinct affected by the results of the election during the hours specified in division (A) of section 4303.182 of the Revised Code and in the manner and under the conditions specified in the question, subject only to this chapter and Chapter 4303. of the Revised Code. In addition, the question shall not be subsequently submitted to the electors of that precinct.

(B) If a majority of the electors in a precinct vote "yes" on question (B)(2) or (C)(2) as set forth in section 4301.354 of the Revised Code, the sale of intoxicating liquor, of the same
types as may be legally sold in the precinct on other days of
the week, shall be permitted on Sunday in the portion of the
precinct affected by the results of the election during the
hours specified in division (A) of section 4303.182 of the
Revised Code and in the manner and under the conditions
specified in the question, subject only to this chapter and
Chapter 4303. of the Revised Code.

(C) If a majority of the electors in a precinct vote "yes"
on question (B)(3) or (C)(3) as set forth in section 4301.354 of
the Revised Code, the sale of wine and mixed beverages shall be
permitted on Sunday in the portion of the precinct affected by
the results of the election during the hours specified in
division (A) of section 4303.182 of the Revised Code and in the
manner and under the conditions specified in the question,
subject only to this chapter and Chapter 4303. of the Revised
Code.

(D) As used in this division, "dry precinct" has the
same meaning as in section 4303.182 of the Revised Code.

If a majority of the electors in a dry precinct vote "no"
on the question (B)(1) or (C)(1) as set forth in section
4301.354 of the Revised Code, no sale of intoxicating liquor
shall be permitted on Sunday in the manner and under the
conditions specified in the question in the portion of the
precinct affected by the results of the election. In addition,
the question shall not be submitted to the electors of that
portion of the precinct for four years after the date of the
"no" vote.

(E) If a majority of the electors in a precinct vote "no"
on question (B)(2) or (C)(2) as set forth in section 4301.354 of
the Revised Code, no sale of intoxicating liquor shall be


permitted on Sunday in the manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(F) If a majority of the electors in a precinct vote "no" on question (B)(3) or (C)(3) as set forth in section 4301.354 of the Revised Code, no sale of wine or mixed beverages shall be permitted on Sunday in the manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(G) If question (C)(1) as set forth in section 4301.354 of the Revised Code is submitted to the voters in a precinct in which question (B)(1) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(1) are still in effect in the precinct; or if question (C)(2) as set forth in that section is submitted to the voters in a precinct in which question (B)(2) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(2) are still in effect in the precinct; or if question (C)(3) as set forth in that section is submitted to the voters in a precinct in which question (B)(3) as set forth in that section previously was submitted and approved, and the results of the election on question (B)(3) are still in effect in the precinct; and if a majority of the electors voting on question (C)(1), (C)(2), or (C)(3) vote "no," then sales shall continue to be allowed in the precinct in the manner and under the conditions specified in the previously approved question (B)(1), (B)(2), or (B)(3), as applicable.

Sec. 4301.356. (A) If a majority of the electors in a precinct vote "yes" on questions (B)(1) and (2) as the question...
set forth in division (B) of section 4301.355 of the Revised Code, the sale of beer, wine and mixed beverages, or spirituous liquor, whichever was the subject of the election, shall be allowed at the particular location and for the use specified in the question under each permit applied for by the petitioner or at the address listed for the liquor agency store, and, in relation to question (B)(2), during the hours on Sunday specified in division (A) of section 4303.182 of the Revised Code, subject only to this chapter and Chapter 4303. of the Revised Code. Failure to continue to use the particular location for any proposed or stated use set forth in the petition is grounds for the denial of a renewal of the liquor permit under division (A) of section 4303.271 of the Revised Code or is grounds for the nonrenewal or cancellation of the liquor agency store contract by the division of liquor control, except in the case where the liquor permit holder or liquor agency store decides to cease the sale of beer, wine and mixed beverages, or spirituous liquor, whichever was the subject of the election, on Sundays.

(B) Except as otherwise provided in division (H) of this section, if a majority of the electors in a precinct vote "yes" on question (B)(1) and "no" on question (B)(2) as set forth in section 4301.355 of the Revised Code, the sale of beer, wine and mixed beverages, or spirituous liquor, whichever was the subject of the election, shall be allowed at the particular location for the use specified in question (B)(1) of section 4301.355 of the Revised Code and under each permit applied for by the petitioner, except for a D-6 permit, subject only to this chapter and Chapter 4303. of the Revised Code.

(C) If a majority of the electors in a precinct vote "no" on question (B)(1) of (B) as set forth in section 4301.355 of the
Revised Code, no sales of beer, wine and mixed beverages, or spirituous liquor, whichever was the subject of the election, shall be allowed at the particular location for the use specified in the petition during the period the election is in effect as defined in section 4301.37 of the Revised Code.

(D) (C) If a majority of the electors in a precinct vote only on question (B)(2)(C) as set forth in section 4301.355 of the Revised Code and that vote results in a majority "yes" vote, sales of beer, wine and mixed beverages, or spirituous liquor, whichever was the subject of the election, shall be allowed at the particular location for the use specified in the petition on Sunday during the hours specified in division (A) of section 4303.182 of the Revised Code and during the period the election is in effect as defined in section 4301.37 of the Revised Code. In addition, the question shall not be subsequently submitted to the electors of that precinct.

(E) Except as otherwise provided in division (H) of this section, if (D) As used in this division, "dry location" has the same meaning as in section 4303.182 of the Revised Code.

If a majority of the electors in a precinct vote only on question (B)(2)(C) as set forth in section 4301.355 of the Revised Code and that vote results in a majority "no" vote, no sales of beer, wine and mixed beverages, or spirituous liquor, whichever was the subject of the election, shall be allowed at the particular dry location for the use and during the hours specified in the petition on Sunday during the period the election is in effect as defined in section 4301.37 of the Revised Code. In addition, the question shall not be submitted to the electors of that precinct regarding that location for four years after the date of the "no" vote.
(F) In case of elections in the same precinct for the question or questions set forth in section 4301.355 of the Revised Code and for a question or questions set forth in section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code, the results of the election held on the question or questions set forth in section 4301.355 of the Revised Code shall apply to the particular location notwithstanding the results of the election held on the question or questions set forth in section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code.

(G) Sections 4301.32 to 4301.41 of the Revised Code do not prohibit the transfer of ownership of a permit that was issued to a particular location as the result of an election held on sales of beer, wine and mixed beverages, spirituous liquor, or intoxicating liquor at that particular location as long as the general nature of the business at that particular location described in the petition for that election remains the same after the transfer.

(H) If question (B)(2) as set forth in section 4301.355 of the Revised Code is submitted to the electors of a precinct proposing to authorize the sale of beer, wine and mixed beverages, or spirituous liquor between the hours of ten a.m. and midnight at a particular location at which the sale of beer, wine and mixed beverages, spirituous liquor, or intoxicating liquor is already allowed between the hours of eleven a.m. and midnight or one p.m. and midnight and the question submitted is defeated, the sale of beer, wine and mixed beverages, spirituous liquor, or intoxicating liquor between the hours of eleven a.m. and midnight or one p.m. and midnight, as applicable, shall continue at that particular location.
Sec. 4301.366. If a majority of the electors voting on the question specified in section 4301.356 of the Revised Code vote "yes," the sale of beer and intoxicating liquor shall be allowed at the community facility on days of the week other than Sunday and during the hours on Sunday specified in division (A) of section 4303.182 of the Revised Code, for the use specified in the question, subject only to this chapter and Chapter 4303. of the Revised Code. Failure to continue to use the location as a community facility constitutes good cause for rejection of the renewal of the liquor permit under division (A) of section 4303.271 of the Revised Code.

If a majority of the electors voting on the question specified in section 4301.356 of the Revised Code vote "no," no sales of beer or intoxicating liquor shall be made at or within the community facility during the period the election is in effect as defined in section 4301.37 of the Revised Code.

Sec. 4301.37. (A) When a local option election, other than an election under section 4301.351, 4301.352, 4301.353, 4301.354, 4301.355, or 4301.356 of the Revised Code, is held in any precinct, except as provided in divisions (G) and (H) of section 4301.39 of the Revised Code, the result of the election shall be effective in the precinct until another election is called and held pursuant to sections 4301.32 to 4301.36 of the Revised Code, but no such election shall be held in the precinct on the same question more than once in each four years.

(B) When a local option election under section 4301.351 of the Revised Code is held in any precinct, except as provided in divisions (G) and (H) of section 4301.39 of the Revised Code, the result of the election shall be effective in the precinct until another election is called and held pursuant to sections...
4301.32 to 4301.361 of the Revised Code, but no such election shall be held under section 4301.351 of the Revised Code in the precinct on the same question more than once in each four years.

(C) When a local option election is held in a precinct under section 4301.352 of the Revised Code and a majority of the electors voting on the question vote "yes," no subsequent local option election shall be held in the precinct upon the sale of beer or intoxicating liquor by the class C or D permit holder at the specified premises for a period of at least four years from the date of the most recent local option election, except that this division shall not be construed to prohibit the holding or affect the results of a local option election under section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code.

(D) When a local option election is held in a precinct under section 4301.353 or 4301.354 of the Revised Code, except as provided in divisions (G) and (H) of section 4301.39 of the Revised Code, the results of the election shall be effective until another election is held under that section on the same question, but no such election shall be held in a precinct under that section on the same question for a period of at least four years from the date of the most recent election on that question. This division shall not be construed to prohibit the future holding of, or affect the future results of, a local option election held under section 4301.35, 4301.351, 4301.355, 4303.29, or 4305.14 of the Revised Code.

(E) When a local option election is held in a precinct under division (B) of section 4301.355 of the Revised Code, the results of that election shall be effective at the particular location designated in the petition until another election is held under that section on the same question.
held pursuant to section 4301.355 of the Revised Code that division or until such time as an election is held pursuant to section 4301.352 of the Revised Code, but no election shall be held under division (B) of section 4301.355 of the Revised Code regarding the same use at that particular location for a period of at least four years from the date of the most recent election on that question. The results of a local option election held in a precinct under division (B) of section 4301.355 of the Revised Code shall not prohibit the holding of, and shall be affected by the results of, a local option election held under section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code.

(F) (E) When a local option election is held in a municipal corporation or unincorporated area of a township under section 4301.356 of the Revised Code, the results of the election shall be effective at the community facility that was the subject of the election until another such election is held regarding that community facility, but no such election shall be held for a period of at least four years from the date of the election. The results of a local option election held in a municipal corporation or unincorporated area of a township under section 4301.356 of the Revised Code shall not prohibit the holding of, or affect or be affected by the results of, a local option election held under section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code.

(G) (F) If a community facility is located in an election precinct in which a previous local option election in the precinct resulted in approval of the sale of beer or intoxicating liquor in the precinct, the community facility shall sell beer or intoxicating liquor only to the extent permitted by the previous local option election until an
election is held pursuant to section 4301.356 of the Revised Code.

   (H) (G) A community facility shall not be affected by a local option election held on or after March 30, 1999, unless the election is held under section 4301.356 of the Revised Code.

Sec. 4301.403. (A) As used in this section, "exhibition premises" means a premises at the site where an exhibition sanctioned by the U.S. Christopher Columbus quincentenary jubilee commission is being or has been held, if the exhibition is or was sponsored by an organization that also is sponsoring or has sponsored an exhibition sanctioned by the international association of horticulture producers.

(B) Sections 4301.32 to 4301.391 and 4305.14 of the Revised Code and the provisions for local option elections and the election on the question of the repeal of Section 9 of Article XV, Ohio Constitution, in section 4303.29 of the Revised Code do not affect or prohibit the sale of beer or intoxicating liquor at an exhibition premises if the permit holder for the premises operates pursuant to the authority of a D liquor permit issued pursuant to Chapter 4303. of the Revised Code.

Permit D-6 shall be issued to the holder of any D permit that authorizes the sale of intoxicating liquor and that is issued for an exhibition premises to allow the sale of intoxicating liquor under the permit at the premises between the hours of one p.m. and midnight on Sunday, whether or not such sale has been authorized in an election held under section 4301.351 of the Revised Code. Notwithstanding section 4301.351 of the revised code, the holder of a D permit issued for an exhibition premises may sell beer on Sunday whether or not the sale of intoxicating liquor has been authorized in an election.
held under that section.

(C) Nothing in section 4303.29 of the Revised Code shall be construed to restrict the issuance of a D permit for an exhibition premises. An application for a D permit for an exhibition premises is exempt from the population quota restrictions contained in section 4303.29 of the Revised Code and from the population quota restrictions contained in any rule of the liquor control commission. The location of a D permit issued for an exhibition premises shall not be transferred. An applicant applying for a D-1, D-2, D-3, D-4, or D-5 permit for an exhibition premises is not subject to section 4303.31 of the Revised Code.

Sec. 4301.404. (A) As used in this section, "center for the preservation of wild animals" means a conservation center located on not less than five thousand acres of land that provides scientific, educational, and recreational resources to advance the conservation of animal populations and habitats.

(B) Sections 4301.32 to 4301.391 and 4305.14 of the Revised Code and the provisions for local option elections and the election on the repeal of Ohio Constitution, Article XV, Section 9 in section 4303.29 of the Revised Code do not affect or prohibit the sale of beer or intoxicating liquor at a center for the preservation of wild animals if any permit holder for the premises operates pursuant to the authority of a D liquor permit issued pursuant to Chapter 4303. of the Revised Code.

(C) Permit D-6 shall be issued to the holder of any D permit that authorizes the sale of intoxicating liquor and that is issued for a center for the preservation of wild animals to allow the sale of intoxicating liquor under the permit at the premises between the hours of one p.m. and midnight on Sunday,
whether or not such sale has been authorized in an election held under section 4301.351 of the Revised Code. Notwithstanding section 4301.351 of the Revised Code, the holder of a D permit issued for a center for the preservation of wild animals may sell beer on Sunday whether or not the sale of intoxicating liquor has been authorized in an election held under that section.

Sec. 4301.82. (A) As used in this section:

(1) "Qualified permit holder" means the holder of an A-1, A-1-A, A-1c, A-2, A-2f, or D class permit issued under Chapter 4303. of the Revised Code.

(2) "D class permit" does not include a D-6 or D-8 permit.

(B) The executive officer of a municipal corporation or the fiscal officer of a township may file an application with the legislative authority of the municipal corporation or township to have property within the municipal corporation or township designated as create an outdoor refreshment area or to expand an existing outdoor refreshment area to include additional property within the municipal corporation or township. To create an outdoor refreshment area, the executive officer of the municipal corporation or the fiscal officer of the township shall ensure that the application contains all of the following:

(1) A map or survey of the proposed outdoor refreshment area is made in sufficient detail to identify the boundaries of the area, which shall not exceed either of the following, as applicable:

(a) Three hundred twenty contiguous acres or one-half square mile if the municipal corporation or township has a

2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179
population of more than thirty-five thousand as specified in division (D) of this section;

(b) One hundred fifty contiguous acres if the municipal corporation or township has a population of thirty-five thousand or less as specified in division (D) of this section.

(2) A general statement of the nature and types of establishments that will be located within the proposed outdoor refreshment area;

(3) A statement that the proposed outdoor refreshment area will encompass not fewer than four two qualified permit holders;

(4) Evidence that the uses of land within the proposed outdoor refreshment area are in accord with the master zoning plan or map of the municipal corporation or township;

(5) Proposed requirements for the purpose of ensuring public health and safety within the proposed outdoor refreshment area.

(C) Within forty-five days after the date the application is filed with the legislative authority of a municipal corporation or township, the legislative authority shall publish public notice of the application once a week for two consecutive weeks in one newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code. The legislative authority shall ensure that the notice states that the application is on file in the office of the clerk of the municipal corporation or township and is available for inspection by the public during regular business hours. The legislative authority also shall indicate in the
notice the date and time of any public hearing to be held regarding the application by the legislative authority.

Not earlier than thirty but not later than sixty days after the initial publication of notice, the legislative authority shall approve or disapprove the application by either ordinance or resolution, as applicable. Approval of an application requires an affirmative vote of a majority of the legislative authority. Upon approval of the application by the legislative authority, the executive officer of a municipal corporation or the fiscal officer of a township completes the tasks in division (B) of this section, the territory described in the application that division constitutes an outdoor refreshment area. The legislative authority municipal corporation or township shall provide notice to the division of liquor control and the investigative unit of the department of public safety notice of the approval of the application creation of an outdoor refreshment area and a description of the area specified in the application. If the legislative authority disapproves the application, the executive officer of a municipal corporation or fiscal officer of a township may make changes in the application to secure its approval by the legislative authority.

(D) The creation of outdoor refreshment areas is limited as follows:

(1) A municipal corporation or township with a population of more than fifty thousand shall not create more than two outdoor refreshment areas.

(2) A municipal corporation or township with a population of more than thirty-five thousand but less than or equal to fifty thousand shall not create more than one outdoor
refreshment area.

(3)(a) Except as provided in division (D)(3)(b) of this section, a municipal corporation or township with a population of thirty-five thousand or less shall not create an outdoor refreshment area.

(b) A municipal corporation or township with a population of thirty-five thousand or less may create one outdoor refreshment area if the proposed area will include at least four qualified permit holders and be composed of one hundred fifty or fewer contiguous acres.

For purposes of this section, the population of a municipal corporation or township is deemed to be the population shown by the most recent regular federal decennial census.

(E) As soon as possible after receiving notice that an outdoor refreshment area has been approved, the division of liquor control, for purposes of section 4301.62 of the Revised Code, shall issue an outdoor refreshment area designation to each qualified permit holder located within the refreshment area that is in compliance with all applicable requirements under Chapters 4301. and 4303. of the Revised Code. The division shall not charge any fee for the issuance of the designation. Any permit holder that receives such a designation shall comply with all laws, rules, and regulations that govern its license type, and the applicable public health and safety requirements established for the area under division (E) of this section.

(F)(1) At the time of the creation of an outdoor refreshment area, the legislative authority of a municipal corporation or township in which such an area is to be
located shall adopt an ordinance or resolution, as applicable, that establishes requirements the legislative authority determines necessary to ensure public health and safety within the area. The legislative authority shall include in the ordinance or resolution all of the following:

(a) The specific boundaries of the area, including street addresses;

(b) The number, spacing, and type of signage designating the area;

(c) The hours of operation for the area;

(d) The number of personnel needed to ensure public safety in the area;

(e) A sanitation plan that will help maintain the appearance and public health of the area;

(f) The number of personnel needed to execute the sanitation plan;

(g) A requirement that beer and intoxicating liquor be served solely in plastic bottles or other plastic containers in the area.

The legislative authority may, but is not required to, include in the ordinance or resolution any public health and safety requirements proposed in an application under division (B) of this section to designate or expand the outdoor refreshment area. The legislative authority may subsequently modify the public health and safety requirements as determined necessary by the legislative authority.

(2) Prior to adopting an ordinance or resolution under this division, the legislative authority shall give notice of

...
its proposed action by publication once a week for two
consecutive weeks in one newspaper of general circulation in the
municipal corporation or township or as provided in section 7.16
of the Revised Code.

(3) The legislative authority shall provide to the
division of liquor control and the investigative unit of the
department of public safety notice of the public health and
safety requirements established or modified under this division.

(G) (F) If an outdoor refreshment area has been created in
accordance with this section, the holder of an F class permit
that sponsors an event located in the outdoor refreshment area
may apply to the division for issuance of an outdoor refreshment
area designation. The division shall issue such a designation if
the division determines that the permit holder is in compliance
with all applicable requirements established under this chapter
and Chapter 4303. of the Revised Code. An F class permit holder
that receives a designation under this division shall do both of
the following:

(1) Comply with all laws, rules, and regulations that
govern its type of permit, and the applicable public health and
safety requirements established for the outdoor refreshment area
under division (F) (E) of this section;

(2) Not block ingress or egress to the outdoor refreshment
area or any other liquor permit premises located within the
area.

(G) (H) Section 4399.18 of the Revised Code applies to a
liquor permit holder located within an outdoor refreshment area
in the same manner as if the liquor permit holder were not
located in an outdoor refreshment area.
(I)(1) Five years after the date of creation of an outdoor refreshment area, the legislative authority of the municipal corporation or township that in which the area was created the area under this section shall review the operation of the area and shall, by ordinance or resolution, either approve the continued operation of the area or dissolve the area. Prior to adopting the ordinance or resolution, the legislative authority shall give notice of its proposed action to the permit holders in the outdoor refreshment area and by publication once a week for two consecutive weeks in one newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code.

If the legislative authority dissolves the outdoor refreshment area, the outdoor refreshment area ceases to exist. The legislative authority then shall provide notice of its action to the division of liquor control and the investigative unit of the department of public safety. Upon receipt of the notice, the division shall revoke all outdoor refreshment area designations issued to qualified permit holders within the dissolved area. If the legislative authority approves the continued operation of the outdoor refreshment area, the area continues in operation.

(2) Five years after the approval of the continued operation of an outdoor refreshment area under division (I)(1) of this section, the legislative authority shall conduct a review in the same manner as provided in division (I)(1)(H) of this section. The legislative authority also shall conduct such a review five years after any subsequent approval of continued operation under division (I)(2)(H)(2) of this section.
At any time, the legislative authority of a municipal corporation or township in which an outdoor refreshment area is located may, by ordinance or resolution, dissolve all or a part of the outdoor refreshment area. Prior to adopting the resolution or ordinance, the legislative authority shall give notice of its proposed action to the permit holders in the outdoor refreshment area and by publication once a week for two consecutive weeks in one newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code. If the legislative authority dissolves all or part of an outdoor refreshment area, the area designated in the ordinance or resolution no longer constitutes an outdoor refreshment area. The legislative authority shall provide notice of its actions to the division of liquor control and the investigative unit of the department of public safety. Upon receipt of the notice, the division shall revoke all outdoor refreshment area designations issued to qualified permit holders or the holder of an F class permit within the dissolved area or portion of the area.

Sec. 4303.021. (A) Permit A-1-A may be issued to the holder of an A-1, A-1c, A-2, A-2f, or A-3a permit to sell beer and any intoxicating liquor at retail, only by the individual drink in glass or from a container, provided that one of the following applies to the A-1-A permit premises:

1. It is situated on the same parcel or tract of land as the related A-1, A-1c, A-2, A-2f, or A-3a manufacturing permit premises.

2. It is separated from the parcel or tract of land on which is located the A-1, A-1c, A-2, A-2f, or A-3a manufacturing permit premises only by public streets or highways or by other...
lands owned by the holder of the A-1, A-1c, A-2, A-2f, or A-3a permit and used by the holder in connection with or in promotion of the holder's A-1, A-1c, A-2, A-2f, or A-3a permit business.

(3) In the case of an A-1, A-1c, A-2, or A-2f permit holder, it is situated on a parcel or tract of land that is not more than one-half mile from the A-1, A-1c, A-2, or A-2f manufacturing permit premises.

(4) In the case of an A-3a permit holder, it is situated on a parcel or tract of land that is not more than two hundred feet from the A-3a manufacturing permit premises.

(B) The fee for this permit is three thousand nine hundred six dollars.

(C)(1) The holder of an A-1-A permit may sell beer and any intoxicating liquor during the same hours as the holders of D-5 permits under this chapter or Chapter 4301. of the Revised Code or the rules of the liquor control commission. Except as provided in division (C)(2) of this section, the permit holder shall obtain a license as a retail food establishment or a food service operation pursuant to Chapter 3717. of the Revised Code and operate as a restaurant for purposes of this chapter.

(2) In lieu of obtaining a license as a retail food establishment or food service operation, an A-1c permit holder may do either of the following:

(a) Serve prepackaged meals and nonalcoholic beverages, as well as beer and intoxicating liquor, under the exemption provided for under sections 3717.22 and 3717.42 of the Revised Code;

(b) Maintain a schedule with the owner or operator of a mobile retail food establishment or a mobile food service
operation licensed under Chapter 3717. of the Revised Code to serve food to the A-1-A permit holder's customers. The schedule shall be in writing and agreed upon a week in advance. In addition, the A-1-A permit holder shall maintain the schedule for a minimum of one month.

(2)

(3) If a permit A-1-A is issued to the holder of an A-1 or A-1c permit, the A-1-A permit holder may sell beer at the A-1-A permit premises dispensed in glass containers with a capacity that does not exceed one gallon and not for consumption on the premises where sold if all of the following apply:

(a) The A-1-A permit premises is situated in the same municipal corporation or township as the related A-1 or A-1c manufacturing permit premises.

(b) The containers are sealed, marked, and transported in accordance with division (E) of section 4301.62 of the Revised Code.

(c) The containers have been cleaned immediately before being filled in accordance with rule 4301:1-1-28 of the Administrative Code.

(D) Except as otherwise provided in this section, the division of liquor control shall not issue a new A-1-A permit to the holder of an A-1, A-1c, A-2, A-2f, or A-3a permit unless the sale of beer and intoxicating liquor under class D permits is permitted in the precinct in which the A-1, A-1c, A-2, A-2f, or A-3a permit is located and, in the case of an A-2 or A-2f permit, unless the holder of the A-2 or A-2f permit manufactures or has a storage capacity of at least twenty-five thousand gallons of wine per year. The immediately preceding sentence...
does not prohibit the issuance of an A-1-A permit to an applicant for such a permit who is the holder of an A-1 permit and whose application was filed with the division of liquor control before June 1, 1994. The liquor control commission shall not restrict the number of A-1-A permits which may be located within a precinct.

Sec. 4303.15. Permit D-3 may be issued to the owner or operator of a hotel, of a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter, or of a club, boat, or vessel, to sell spirituous liquor at retail, only by the individual drink in glass or from the container, for consumption on the premises where sold. No sales of intoxicating liquor shall be made by a holder of a D-3 permit after one a.m. The fee for this permit is seven hundred fifty dollars for each location, boat, or vessel.

Sec. 4303.171. Permit D-4a may be issued to an airline company that leases and operates a premises exclusively for the benefit of the members and their guests of a private club sponsored by the airline company, at a publicly owned airport, as defined in section 4563.01 of the Revised Code, at which commercial airline companies operate regularly scheduled flights on which space is available to the public, to sell beer and any intoxicating liquor to members of the private club and their guests, only by the individual drink in glass and from the container, for consumption on the premises where sold. In addition to the privileges authorized in this section, the holder of a D-4a permit may exercise the same privileges as a holder of a D-4 permit. The holder of a D-4a permit may not sell intoxicating liquor to any person who is over 21 years of age. The fee for this permit is seven hundred fifty dollars for each location, boat, or vessel.
permit shall make no sales of beer or intoxicating liquor after two-thirty a.m.

A D-4a permit shall not be transferred to another location. No quota restriction shall be placed upon the number of such permits which may be issued.

The fee for this permit is seven hundred fifty dollars.

Sec. 4303.181. (A) Permit D-5a may be issued either to the owner or operator of a hotel or motel that is required to be licensed under section 3731.03 of the Revised Code, that contains at least fifty rooms for registered transient guests or is owned by a state institution of higher education as defined in section 3345.011 of the Revised Code or a private college or university, and that qualifies under the other requirements of this section, or to the owner or operator of a restaurant specified under this section, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and to registered guests in their rooms, which may be sold by means of a controlled access alcohol and beverage cabinet in accordance with division (B) of section 4301.21 of the Revised Code; and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by holders of D-1 and D-2 permits. The premises of the hotel or motel shall include a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is affiliated with the hotel or motel and within or contiguous to the hotel or motel, and that serves food within the hotel or motel, but the principal business of the owner or operator of the hotel or motel shall be the
accommodation of transient guests. In addition to the privileges authorized in this division, the holder of a D-5a permit may exercise the same privileges as the holder of a D-5 permit.

The owner or operator of a hotel, motel, or restaurant who qualified for and held a D-5a permit on August 4, 1976, may, if the owner or operator held another permit before holding a D-5a permit, either retain a D-5a permit or apply for the permit formerly held, and the division of liquor control shall issue the permit for which the owner or operator applies and formerly held, notwithstanding any quota.

A D-5a permit shall not be transferred to another location. No quota restriction shall be placed on the number of D-5a permits that may be issued.

The fee for this permit is two thousand three hundred forty-four dollars.

(B) Permit D-5b may be issued to the owner, operator, tenant, lessee, or occupant of an enclosed shopping center to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold; and to sell the same products in the same manner and amount not for consumption on the premises as may be sold by holders of D-1 and D-2 permits. In addition to the privileges authorized in this division, the holder of a D-5b permit may exercise the same privileges as a holder of a D-5 permit.

A D-5b permit shall not be transferred to another location.

One D-5b permit may be issued at an enclosed shopping center containing at least two hundred twenty-five thousand, but
less than four hundred thousand, square feet of floor area.

Two D-5b permits may be issued at an enclosed shopping center containing at least four hundred thousand square feet of floor area. No more than one D-5b permit may be issued at an enclosed shopping center for each additional two hundred thousand square feet of floor area or fraction of that floor area, up to a maximum of five D-5b permits for each enclosed shopping center. The number of D-5b permits that may be issued at an enclosed shopping center shall be determined by subtracting the number of D-3 and D-5 permits issued in the enclosed shopping center from the number of D-5b permits that otherwise may be issued at the enclosed shopping center under the formulas provided in this division. Except as provided in this section, no quota shall be placed on the number of D-5b permits that may be issued. Notwithstanding any quota provided in this section, the holder of any D-5b permit first issued in accordance with this section is entitled to its renewal in accordance with section 4303.271 of the Revised Code.

The holder of a D-5b permit issued before April 4, 1984, whose tenancy is terminated for a cause other than nonpayment of rent, may return the D-5b permit to the division of liquor control, and the division shall cancel that permit. Upon cancellation of that permit and upon the permit holder's payment of taxes, contributions, premiums, assessments, and other debts owing or accrued upon the date of cancellation to this state and its political subdivisions and a filing with the division of a certification of that payment, the division shall issue to that person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as that person requests. The division shall issue the D-5 permit, or the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, D-3, or D-5 permits currently issued in the municipal
corporation or in the unincorporated area of the township where
that person's proposed premises is located equals or exceeds the
maximum number of such permits that can be issued in that
municipal corporation or in the unincorporated area of that
township under the population quota restrictions contained in
section 4303.29 of the Revised Code. Any D-1, D-2, D-3, or D-5
permit so issued shall not be transferred to another location.
If a D-5b permit is canceled under the provisions of this
paragraph, the number of D-5b permits that may be issued at the
enclosed shopping center for which the D-5b permit was issued,
under the formula provided in this division, shall be reduced by
one if the enclosed shopping center was entitled to more than
one D-5b permit under the formula.

The fee for this permit is two thousand three hundred
forty-four dollars.

(C) Permit D-5c may be issued to the owner or operator of
a retail food establishment or a food service operation licensed
pursuant to Chapter 3717. of the Revised Code that operates as a
restaurant for purposes of this chapter and that qualifies under
the other requirements of this section to sell beer and any
intoxicating liquor at retail, only by the individual drink in
glass and from the container, for consumption on the premises
where sold, and to sell the same products in the same manner and
amounts not for consumption on the premises as may be sold by
holders of D-1 and D-2 permits. In addition to the privileges
authorized in this division, the holder of a D-5c permit may
exercise the same privileges as the holder of a D-5 permit.

To qualify for a D-5c permit, the owner or operator of a
retail food establishment or a food service operation licensed
pursuant to Chapter 3717. of the Revised Code that operates as a
As Reported by the House Commerce and Labor Committee

restaurant for purposes of this chapter, shall have operated the restaurant at the proposed premises for not less than twenty-four consecutive months immediately preceding the filing of the application for the permit, have applied for a D-5 permit no later than December 31, 1988, and appear on the division's quota waiting list for not less than six months immediately preceding the filing of the application for the permit. In addition to these requirements, the proposed D-5c permit premises shall be located within a municipal corporation and further within an election precinct that, at the time of the application, has no more than twenty-five per cent of its total land area zoned for residential use.

A D-5c permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued.

Any person who has held a D-5c permit for at least two years may apply for a D-5 permit, and the division of liquor control shall issue the D-5 permit notwithstanding the quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission.

The fee for this permit is one thousand five hundred sixty-three dollars.

(D)(1) Permit D-5d may be issued to the owner or operator of a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located at an airport operated by a board of county commissioners pursuant to section 307.20 of the Revised Code, at an airport operated by a port authority pursuant to Chapter 4582. of the Revised Code, or at an airport operated by a
As Reported by the House Commerce and Labor Committee

regional airport authority pursuant to Chapter 308. of the Revised Code. The

(2) The holder of a D-5d permit may sell beer either of the following:

(a) Beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the. In addition, such consumption may occur in the area of the airport that is restricted to persons taking flights to and from the airport, provided both all of the following apply:

(i) The airport is a public use airport, as defined in section 4563.30 of the Revised Code;
(ii) The D-5d permit holder is located in the area of the airport that is restricted to persons taking flights to and from the airport;
(iii) The airport's governing body authorizes the consumption of beer and intoxicating liquor in that area.
(b) The same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In

In addition to the privileges authorized in this division (D) of this section, the holder of a D-5d permit may exercise the same privileges as the holder of a D-5 permit.

(3) A D-5d permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued.

(4) The fee for the D-5d permit is two thousand three hundred forty-four dollars.
(E) Permit D-5e may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, or that is a charitable organization under any chapter of the Revised Code, and that owns or operates a riverboat that meets all of the following:

1. Is permanently docked at one location;
2. Is designated as an historical riverboat by the Ohio history connection;
3. Contains not less than fifteen hundred square feet of floor area;
4. Has a seating capacity of fifty or more persons.

The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

The fee for this permit is one thousand two hundred nineteen dollars.
(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:

1. It contains not less than twenty-five hundred square feet of floor area.
2. It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.
3. It provides docking space for twenty-five boats.
4. It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration.

In addition, each application for a D-5f permit shall be accompanied by a certification from the local legislative authority that the issuance of the D-5f permit is not inconsistent with that political subdivision's comprehensive development plan or other economic development goal as officially established by the local legislative authority.

The holder of a D-5f permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5f permit shall not be transferred to another location.

The division of liquor control shall not issue a D-5f permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by
As Reported by the House Commerce and Labor Committee

the glass is prohibited.

A fee for this permit is two thousand three hundred forty-four dollars.

As used in this division, "navigable river" means a river that is also a "navigable water" as defined in the "Federal Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796.

(G) Permit D-5g may be issued to a nonprofit corporation that is either the owner or the operator of a national professional sports museum. The holder of a D-5g permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. The Except as authorized under section 4303.221 or 4303.222 of the Revised Code, the holder of a D-5g permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. A D-5g permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5g permits that may be issued. The fee for this permit is one thousand eight hundred seventy-five dollars.

(H)(1) Permit D-5h may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, that owns or operates any of the following:

(a) A fine arts museum, provided that the nonprofit organization has no less than one thousand five hundred bona fide members possessing full membership privileges;

(b) A community arts center. As used in division (H)(1)(b) of this section, "community arts center" means a facility that
provides arts programming to the community in more than one arts
discipline, including, but not limited to, exhibits of works of
art and performances by both professional and amateur artists.

(c) A community theater, provided that the nonprofit
organization is a member of the Ohio arts council and the
American community theatre association and has been in existence
for not less than ten years. As used in division (H)(1)(c) of
this section, "community theater" means a facility that contains
at least one hundred fifty seats and has a primary function of
presenting live theatrical performances and providing
recreational opportunities to the community.

(2) The holder of a D-5h permit may sell beer and any
intoxicating liquor at retail, only by the individual drink in
glass and from the container, for consumption on the premises
where sold. Except as authorized under section 4303.221 or
4303.222 of the Revised Code, the holder of a D-5h permit shall
sell no beer or intoxicating liquor for consumption on the
premises where sold after one a.m. A D-5h permit shall not be
transferred to another location. No quota restrictions shall be
placed on the number of D-5h permits that may be issued.

(3) The fee for a D-5h permit is one thousand eight
hundred seventy-five dollars.

(I) Permit D-5i may be issued to the owner or operator of
a retail food establishment or a food service operation licensed
under Chapter 3717. of the Revised Code that operates as a
restaurant for purposes of this chapter and that meets all of
the following requirements:

(1) It is located in a municipal corporation or a township
with a population of one hundred thousand or less.
(2) It has inside seating capacity for at least one hundred forty persons.

(3) It has at least four thousand square feet of floor area.

(4) It offers full-course meals, appetizers, and sandwiches.

(5) Its receipts from beer and liquor sales, excluding wine sales, do not exceed twenty-five per cent of its total gross receipts.

(6) It has at least one of the following characteristics:

(a) The value of its real and personal property exceeds seven hundred twenty-five thousand dollars.

(b) It is located on property that is owned or leased by the state or a state agency, and its owner or operator has authorization from the state or state agency that owns or leases the property to obtain a D-5i permit.

The holder of a D-5i permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5i permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. In addition to the privileges authorized in this division, the holder of a D-5i permit may exercise the same privileges as the holder of a D-5 permit.
A D-5i permit shall not be transferred to another location. The division of liquor control shall not renew a D-5i permit unless the retail food establishment or food service operation for which it is issued continues to meet the requirements described in divisions (I)(1) to (6) of this section. No quota restrictions shall be placed on the number of D-5i permits that may be issued. The fee for the D-5i permit is two thousand three hundred forty-four dollars.

(J) Permit D-5j may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold and to sell beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5j permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit.

The D-5j permit shall be issued only within a community entertainment district that is designated under section 4301.80 of the Revised Code. The permit shall not be issued to a community entertainment district that is designated under divisions (B) and (C) of section 4301.80 of the Revised Code if the district does not meet one of the following qualifications:

(1) It is located in a municipal corporation with a population of at least one hundred thousand.

(2) It is located in a municipal corporation with a population of at least twenty thousand, and either of the following applies:
(a) It contains an amusement park the rides of which have been issued a permit by the department of agriculture under Chapter 1711. of the Revised Code.

(b) Not less than fifty million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.

(3) It is located in a township with a population of at least forty thousand.

(4) It is located in a township with a population of at least twenty thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the township.

(5) It is located in a municipal corporation with a population between seven thousand and twenty thousand, and both of the following apply:

(a) The municipal corporation was incorporated as a village prior to calendar year 1880 and currently has a historic downtown business district.

(b) The municipal corporation is located in the same county as another municipal corporation with at least one community entertainment district.

(6) It is located in a municipal corporation with a population of at least ten thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.

(7) It is located in a municipal corporation with a population of at least three thousand, and not less than one
hundred fifty million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.

The location of a D-5j permit may be transferred only within the geographic boundaries of the community entertainment district in which it was issued and shall not be transferred outside the geographic boundaries of that district.

Not more than one D-5j permit shall be issued within each community entertainment district for each five acres of land located within the district. Not more than fifteen D-5j permits may be issued within a single community entertainment district. Except as otherwise provided in division (J)(4) of this section, no quota restrictions shall be placed upon the number of D-5j permits that may be issued.

The fee for a D-5j permit is two thousand three hundred forty-four dollars.

(K)(1) Permit D-5k may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, that is the owner or operator of a botanical garden recognized by the American association of botanical gardens and arboreta, and that has not less than twenty-five hundred bona fide members.

(2) The holder of a D-5k permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, on the premises where sold.

(3) Except as authorized under section 4303.221 or 4303.222 of the Revised Code, the holder of a D-5k permit shall sell no beer or intoxicating liquor for consumption on the
(4) A D-5k permit shall not be transferred to another location.

(5) No quota restrictions shall be placed on the number of D-5k permits that may be issued.

(6) The fee for the D-5k permit is one thousand eight hundred seventy-five dollars.

(L)(1) Permit D-5l may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold and to sell beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5l permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit.

(2) The D-5l permit shall be issued only to a premises to which all of the following apply:

(a) The premises has gross annual receipts from the sale of food and meals that constitute not less than seventy-five percent of its total gross annual receipts.

(b) The premises is located within a revitalization district that is designated under section 4301.81 of the Revised Code.

(c) The premises is located in a municipal corporation or township in which the number of D-5 permits issued equals or
exceeds the number of those permits that may be issued in that municipal corporation or township under section 4303.29 of the Revised Code.

(d) The premises meets any of the following qualifications:

(i) It is located in a county with a population of one hundred twenty-five thousand or less according to the population estimates certified by the development services agency for calendar year 2006.

(ii) It is located in the municipal corporation that has the largest population in a county when the county has a population between two hundred fifteen thousand and two hundred twenty-five thousand according to the population estimates certified by the development services agency for calendar year 2006. Division (L)(2)(d)(ii) of this section applies only to a municipal corporation that is wholly located in a county.

(iii) It is located in the municipal corporation that has the largest population in a county when the county has a population between one hundred forty thousand and one hundred forty-one thousand according to the population estimates certified by the development services agency for calendar year 2006. Division (L)(2)(d)(iii) of this section applies only to a municipal corporation that is wholly located in a county.

(iv) It is located in a township with a population density of less than four hundred fifty people per square mile. For purposes of division (L)(2)(d)(iv) of this section, the population of a township is considered to be the population shown by the most recent regular federal decennial census.

(v) It is located in a municipal corporation that is
wholly located within the geographic boundaries of a township, provided that the municipal corporation and the unincorporated portion of the township have a combined population density of less than four hundred fifty people per square mile. For purposes of division (L)(2)(d)(v) of this section, the population of a municipal corporation and unincorporated portion of a township is the population shown by the most recent federal decennial census.

(vi) It is located in a county with a population of not less than one hundred seventy-two thousand and not more than one hundred ninety-five thousand. For purposes of division (L)(2)(d)(vi) of this section, the population of a county is the population shown by the most recent decennial census.

(vii) It is located in a municipal corporation with a population of less than ten thousand and the municipal corporation is located in a county with a population of more than one million. For purposes of division (L)(2)(d)(vii) of this section, the population of a municipal corporation and a county is the population shown by the most recent decennial census.

(3) The location of a D-51 permit may be transferred only within the geographic boundaries of the revitalization district in which it was issued and shall not be transferred outside the geographic boundaries of that district.

(4) Not more than one D-51 permit shall be issued within each revitalization district for each five acres of land located within the district. Not more than fifteen D-51 permits may be issued within a single revitalization district. Except as otherwise provided in division (L)(4) of this section, no quota restrictions shall be placed upon the number of D-51 permits
(5) No D-5l permit shall be issued to an adult entertainment establishment as defined in section 2907.39 of the Revised Code.

(6) The fee for a D-5l permit is two thousand three hundred forty-four dollars.

(M) Permit D-5m may be issued to either the owner or the operator of a retail food establishment or food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located in, or affiliated with, a center for the preservation of wild animals as defined in section 4301.404 of the Revised Code, to sell beer and any intoxicating liquor at retail, only by the glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5m permit may exercise the same privileges as the holder of a D-5 permit.

A D-5m permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5m permits that may be issued. The fee for a permit D-5m is two thousand three hundred forty-four dollars.

(N) Permit D-5n shall be issued to either a casino operator or a casino management company licensed under Chapter 3772. of the Revised Code that operates a casino facility under that chapter, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the
container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5n permit may exercise the same privileges as the holder of a D-5 permit. A D-5n permit shall not be transferred to another location. Only one D-5n permit may be issued per casino facility and not more than four D-5n permits shall be issued in this state. The fee for a permit D-5n shall be twenty thousand dollars. The holder of a D-5n permit may conduct casino gaming on the permit premises notwithstanding any provision of the Revised Code or Administrative Code.

(O) Permit D-5o may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located within a casino facility for which a D-5n permit has been issued. The holder of a D-5o permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5o permit may exercise the same privileges as the holder of a D-5 permit. A D-5o permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued. The fee for this permit is two thousand three hundred forty-four dollars.

Sec. 4303.182. (A) As used in this section:
(1) "Dry location" means a particular retail permit premises or agency store to which both of the following apply:

(a) Immediately prior to the effective date of this section, the sale of beer or intoxicating liquor was authorized on Monday through Saturday at the particular retail permit premises or agency store, but was prohibited on Sunday.

(b) The majority of the voters of the precinct in which the particular retail permit premises or agency store is located voted "no" on the sale of beer, wine, mixed beverages, or spirituous liquor on Sunday at that particular premises or agency store in the ten years immediately prior to the effective date of this section and have not subsequently voted "yes" for that particular premises.

(2) "Dry precinct" means a precinct or portion of a precinct to which both of the following apply:

(a) Immediately prior to the effective date of this section, the sale of beer or intoxicating liquor was authorized on Monday through Saturday, but was prohibited on Sunday.

(b) The majority of the voters of the precinct or portion of the precinct voted "no" on the sale of beer, wine, mixed beverages, or spirituous liquor on Sunday for the precinct or portion of the precinct in the ten years immediately prior to the effective date of this section and have not subsequently voted "yes."

(3) "Retail permit" means an A-1-A, A-2, A-2f, A-3a, A-5, or class C or D permit.

(B)(1) Except for a retail permit holder or agency store that is a dry location or located in a dry precinct, a retail permit holder or an agency store may sell beer, wine, mixed
beverages, or spirituous liquor, as applicable, on Sunday during the same hours that the permit holder or contract holder may sell those products on Monday through Saturday.

(2) An A-1 or A-1c permit holder may sell beer on Sunday during the same hours that the permit holder may sell beer on Monday through Saturday.

(3) An F class permit holder may sell beer, wine, mixed beverages, or spirituous liquor, as applicable, on Sunday during the same hours that the permit holder may sell those products on Monday through Saturday.

Sec. 4303.184. (A) Subject to division (B) of this section, a D-8 permit may be issued to any of the following:

(1) An agency store;

(2) The holder of a C-1, C-2, or C-2x permit issued to a retail store that has any of the following characteristics:

(a) The store has at least five thousand five hundred square feet of floor area, and it generates more than sixty per cent of its sales in general merchandise items and food for consumption off the premises where sold.

(b) The store is located in a municipal corporation or township with a population of five thousand or less, has at least four thousand five hundred square feet of floor area, and generates more than sixty per cent of its sales in general merchandise items and food for consumption off the premises where sold.

(c) Wine constitutes at least sixty per cent of the value of the store's inventory.

(3) The holder of both a C-1 and C-2 permit, or the holder
of a C-2x permit, issued to a retail store that is located within a municipal corporation or township with a population of fifteen thousand or less.

(B) A D-8 permit may be issued to the holder of a C-1, C-2, or C-2x permit only if the premises of the permit holder are located in a precinct, or at a particular location in a precinct, in which the sale of beer, wine, or mixed beverages is permitted for consumption off the premises where sold. Sales under a D-8 permit are not affected by whether sales for consumption on the premises where sold are permitted in the precinct or at the particular location where the D-8 premises are located.

(C)(1) The holder of a D-8 permit described in division (A)(2) or (3) of this section may sell tasting samples of beer, wine, and mixed beverages, but not spirituous liquor, at retail, for consumption on the premises where sold in an amount not to exceed two ounces or another amount designated by rule of the liquor control commission. A tasting sample shall not be sold for general consumption.

(2) The holder of a D-8 permit described in division (A)(1) of this section may allow the sale of tasting samples of spirituous liquor in accordance with section 4301.171 of the Revised Code.

(3) No D-8 permit holder described in division (A)(2) or (3) of this section shall allow any authorized purchaser to consume more than four tasting samples of beer, wine, or mixed beverages, or any combination of beer, wine, or mixed beverages, per day.

(D)(1) Notwithstanding sections 4303.11 and 4303.121 of
the Revised Code, the holder of a D-8 permit described in
division (A)(2) or (3) of this section may sell beer that is
dispensed from containers that have a capacity equal to or
greater than five and one-sixth gallons if all of the following
conditions are met:

(a) A product registration fee for the beer has been paid
as required in division (A)(8)(b) of section 4301.10 of the
Revised Code.

(b) The beer is dispensed only in glass containers whose
capacity does not exceed one gallon and not for consumption on
the premises where sold.

(c) The containers are sealed, marked, and transported in
accordance with division (E) of section 4301.62 of the Revised
Code.

(d) The containers have been cleaned immediately before
being filled in accordance with rule 4301:1-1-28 of the
Administrative Code.

(2) Beer that is sold and dispensed under division (D)(1)
of this section is subject to both of the following:

(a) All applicable rules adopted by the liquor control
commission, including, but not limited to, rule 4301:1-1-27 and
rule 4301:1-1-72 of the Administrative Code;

(b) All applicable federal laws and regulations.

(E) The privileges authorized for the holder of a D-8
permit described in division (A)(2) or (3) of this section may
only be exercised in conjunction with and during the hours of
operation authorized by a C-1, C-2, or C-2x, or D-6 permit.

(F) A D-8 permit shall not be transferred to another
location.

(G) The fee for the D-8 permit is five hundred dollars.

Sec. 4303.19. Permit E may be issued to the owner or operator of any railroad, a sleeping car company operating dining cars, buffet cars, club cars, lounge cars, or similar equipment, or an airline providing charter or regularly scheduled aircraft transportation service with dining, buffet, club, lounge, or similar facilities, to sell beer or any intoxicating liquor in any such car or aircraft to bona fide passengers at retail in glass and from the container for consumption in such car or aircraft, including sale on Sunday between the hours of one p.m. and midnight. The fee for this permit is five hundred dollars.

Sec. 4303.202. (A) The division of liquor control may issue an F-2 permit to an association or corporation, or to a recognized subordinate lodge, chapter, or other local unit of an association or corporation, to sell beer or intoxicating liquor by the individual drink at an event to be held on premises located in a political subdivision or part thereof where the sale of beer or intoxicating liquor, but not spirituous liquor, on that day is otherwise permitted by law. However, the division may issue the F-2 permit only if the association, corporation, or recognized subordinate lodge, chapter, or other local unit of an association or corporation meets all of the following:

(1) It is organized not for profit;

(2) It is operated for a charitable, cultural, educational, fraternal, or political purpose;

(3) It is not affiliated with the holder of any class of liquor permit, other than a D-4 permit.
(B) Sales under an F-2 permit on Sundays are not affected by whether Sunday sales of beer or intoxicating liquor for consumption on the premises where sold are allowed to be made by persons holding another type of permit in the precinct or at the particular location where the event is to be held, provided that the F-2 permit is issued for other days of the week in addition to Sunday.

(C) The premises on which the permit is to be used shall be clearly defined and sufficiently restricted to allow proper supervision of the permit use by state and local law enforcement personnel. An F-2 permit may be issued for the same premises for which another class of permit is issued.

(D)(1) No F-2 permit shall be effective for more than four consecutive days, and sales shall be confined to the same hours permitted to the holder of a D-3 permit. The division shall not issue more than one F-2 permit in a thirty-day period to the same association, corporation, or local unit of an association or corporation. The fee for an F-2 permit is one hundred fifty dollars.

(2) No association, corporation, local unit of an association or corporation, or D-permit holder who holds an F-2 permit shall sell beer or intoxicating liquor beyond the hours of sale allowed by the permit. Division (D)(2) of this section imposes strict liability on the holder of such permit and on any officer, agent, or employee of such permit holder.

(E)(D) If an applicant wishes the holder of a D permit issued under sections 4303.13 to 4303.181 of the Revised Code to conduct the sale of beer and intoxicating liquor at the event, the applicant may request that the F-2 permit be issued jointly to the association, corporation, or local unit and the D-permit
holder. If a permit is issued jointly, the association, corporation, or local unit and the D-permit holder shall both be held responsible for any conduct that violates laws pertaining to the sale of alcoholic beverages, including sales by the D-permit holder; otherwise, the association, corporation, or local unit shall be held responsible. In addition to the permit fee paid by the association, corporation, or local unit, the D-permit holder shall pay a fee of ten dollars. A D-permit holder may receive an unlimited number of joint F-2 permits.

(E) (1) Any association, corporation, or local unit applying for an F-2 permit shall file with the application a statement of the organizational purpose of the association, corporation, or local unit, the location and purpose of the event, and a list of its officers. The application form shall contain a notice that a person who knowingly makes a false statement on the application or statement is guilty of the crime of falsification, a misdemeanor of the first degree. In ruling on an application, the division shall consider, among other things, the past activities of the association, corporation, or local unit and any D-permit holder while operating under other F-2 permits, the location of the event for which the current application is made, and any objections of local residents or law enforcement authorities. If the division approves the application, it shall send copies of the approved application to the proper law enforcement authorities prior to the scheduled event.

(2) Notwithstanding section 1711.09 of the Revised Code, this section applies to any association or corporation or a recognized subordinate lodge, chapter, or other local unit of an association or corporation.
Using the procedures of Chapter 119. of the Revised Code, the liquor control commission may adopt such rules as are necessary to administer this section.

Sec. 4303.205. (A) As used in this section:

(1) "Festival" means an event organized by a nonprofit organization that includes food, music, and entertainment and the participation of at least five riverboats.

(2) "Nonprofit organization" has the same meaning as in section 4303.201 of the Revised Code.

(B) The division of liquor control may issue an F-5 permit to the owner or operator of a riverboat that has a capacity in excess of fifty-five persons, that is not regularly docked in this state, and whose owner or operator has entered into a written contract with a nonprofit organization for the riverboat to participate in a festival.

(C) The holder of an F-5 permit may sell beer and any intoxicating liquor, only by the individual drink in glass and from the container, for consumption on the premises where sold until one a.m., on any day of the week, including Sunday.

(D) The division shall prepare and make available an F-5 permit application form and may require applicants for the permit to provide information, in addition to that required by this section, that is necessary for the administration of this section.

(E) Sales under an F-5 permit are not affected by whether sales of beer or intoxicating liquor for consumption on the premises where sold are permitted to be made by persons holding another type of permit in the precinct or at the particular location where the riverboat is located.
(F) No F-5 permit shall be in effect for more than six consecutive days.

(G) The division shall not issue more than one F-5 permit in any one calendar year for the same riverboat.

(H) The fee for an F-5 permit is one hundred eighty dollars.

Sec. 4303.2011. (A) As used in this section, "nonprofit organization" means a corporation, association, group, institution, society, or other organization that:

(1) Is exempt from federal income taxation;

(2) Has a membership of two hundred fifty or more persons.

(B) The division of liquor control may issue an F-11 permit to a nonprofit organization to conduct an event if the event has all of the following characteristics:

(1) The event is coordinated by the nonprofit organization and the nonprofit organization is responsible for the activities at the event.

(2) One of the event's purposes is the introduction, showcasing, or promotion of craft beers manufactured in this state.

(3) The event includes the sale of food for consumption on the premises where sold.

(4) The event features at least twenty A-1c permit holders, who are members of the nonprofit organization that has organized the event, as participants. The nonprofit organization may allow any number of A-1 permit holders to participate in the event.
(C) An F-11 permit holder may sell, at the event, beer that it has purchased from the A-1 or A-1c permit holders that are participating in the event. The F-11 permit holder may sell the beer in four-ounce samples or in containers not exceeding sixteen ounces for consumption on the premises where sold.

The F-11 permit holder may sell beer on the F-11 permit premises only where and when the sale of beer is otherwise permitted by law.

(D) The F-11 permit holder shall clearly define and sufficiently restrict the premises of the event to allow proper enforcement of the permit by state and local law enforcement officers. If an F-11 permit is issued for all or a portion of the same premises for which another class of permit is issued, that permit holder's privileges are suspended in that portion of the premises in which the F-11 permit is in effect.

(E)(1) No F-11 permit is effective for more than seventy-two consecutive hours. However, for purposes of an exposition at the state fairgrounds, an F-11 permit is effective for the duration of the exposition.

(2) No sales of beer shall take place under an F-11 permit after one a.m.

(F) The division shall not issue more than six F-11 permits to the same nonprofit organization in any one calendar year.

(G) An applicant for an F-11 permit shall apply for the permit not later than thirty days prior to the first day of the event for which the permit is sought. In the application, the applicant shall list all of the A-1 and A-1c permit holders that will participate in the event. The fee for the F-11 permit is
sixty dollars for each day of the event.

The division shall prepare and make available an F-11 permit application form and may require applicants for and holders of the F-11 permit to provide information that is in addition to that required by this section and that is necessary for the administration of this section.

(H)(1) An F-11 permit holder is responsible, and is subject to penalties, for any violations of this chapter or Chapter 4301. of the Revised Code that occur during the event.

(2) An F-11 permit holder shall not allow an A-1 or A-1c permit holder to participate in the event if the A-1 or A-1c permit or, if applicable, the A-1-A permit of that A-1 or A-1c permit holder is under suspension.

(3) The division may refuse to issue an F-11 permit to an applicant if both of the following apply:

(a) The applicant has pleaded guilty to or has been convicted of violating this chapter or Chapter 4301. of the Revised Code while operating under a previously issued F-11 permit.

(b) The violation occurred within the two years preceding the filing of the new F-11 permit application.

(I) Notwithstanding any provision of section 4301.24 of the Revised Code or any rule adopted by the liquor control commission to the contrary, employees of an A-1 or A-1c permit holder or B-1 permit holder, or employees or agents of a B-1 permit holder may assist an F-11 permit holder in serving beer at an event for which an F-11 permit is issued.

Sec. 4303.221. Notwithstanding any provision of the
Revised Code that restricts the hours of sale of beer and intoxicating liquor, the division of liquor control may issue a J permit to the holder of an A-1-A, A-1c, A-2, A-2f, A-3a, C class, or D class permit to extend the hours of operation of the applicable permit. A J permit holder may sell beer, wine, mixed beverages, or spirituous liquor, as applicable, until four a.m. on Saturday and Sunday only.

The fee for the J permit is one hundred dollars.

Sec. 4303.222. (A) As used in this section, "permit" means an A-1-A, A-1c, A-2, A-2f, A-3a, C-1, C-2, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit.

(B) The division of liquor control shall issue a K permit to the holder of a permit to sell beer, wine, mixed beverages, or spirituous liquor, as applicable, twenty-four hours a day Monday through Sunday if both of the following apply:

(1) The sale of beer, wine, mixed beverages, or spirituous liquor, as applicable, during those hours has been approved under question (E) or (F) of section 4301.35 of the Revised Code; and

(2) Such sales are authorized under section 4301.36 of the Revised Code. Any such sales shall take place under the restrictions of that authorization.

(C) The fee for the K permit is one hundred dollars.

Sec. 4303.30. The rights granted by any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, or D-5o, or D-6 permit shall be exercised at not more than two fixed counters, commonly known as bars, in rooms or places on the permit premises, where beer, mixed
beverages, wine, or spirituous liquor is sold to the public for consumption on the premises. For each additional fixed counter on the permit premises where those beverages are sold for consumption on the premises, the permit holder shall obtain a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, or D-5o, or D-6 permit.

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, or D-5o, or D-6 permit shall be granted, upon application to the division of liquor control, a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, or D-5o, or D-6 permit for each additional fixed counter on the permit premises at which beer, mixed beverages, wine, or spirituous liquor is sold for consumption on the premises, provided the application is made in the same manner as an application for an original permit. The application shall be identified with DUPLICATE printed on the permit application form furnished by the department, in boldface type. The application shall identify by name, or otherwise amply describe, the room or place on the premises where the duplicate permit is to be operative. Each duplicate permit shall be issued only to the same individual, firm, or corporation as that of the original permit and shall be an exact duplicate in size and word content as the original permit, except that it shall show on it the name or other ample identification of the room, or place, for which it is issued and shall have DUPLICATE printed on it in boldface type. A duplicate permit shall bear the same number as the original permit. The fee for a duplicate permit is: D-1, one hundred dollars; D-2, one hundred dollars; D-3, four hundred dollars; D-3a, four hundred dollars; D-4, two hundred dollars;
D-5, one thousand dollars; D-5a, one thousand dollars; D-5b, one thousand dollars; D-5c, four hundred dollars; D-5e, six hundred fifty dollars; D-5f, one thousand dollars; D-5o, one thousand dollars; D-6, one hundred dollars when issued to the holder of a D-4a permit; and in all other cases one hundred dollars or an amount which is twenty per cent of the fees payable for the A-1-A, D-2, D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, and D-6 permits issued to the same premises, whichever is higher. Application for a duplicate permit may be filed any time during the life of an original permit. The fee for each duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, or D-6 permit shall be paid in accordance with section 4303.24 of the Revised Code.

Sec. 4303.99. (A) Whoever violates section 4303.28 of the Revised Code shall be fined not less than one thousand nor more than twenty-five hundred dollars or imprisoned not less than six months nor more than one year.

(B) Whoever violates section 4303.36 of the Revised Code shall be fined not less than twenty-five nor more than one hundred dollars.

(C) Whoever violates section 4303.37 of the Revised Code shall be fined not less than twenty-five nor more than fifty dollars.

(D) Whoever violates division (D) (C) (2) of section 4303.202 or division (C) of section 4303.208 of the Revised Code is guilty of a misdemeanor of the fourth degree.

Section 2. That existing sections 3717.22, 3717.42, 4301.03, 4301.171, 4301.22, 4301.24, 4301.322, 4301.33,
As Reported by the House Commerce and Labor Committee


Section 3. That section 4303.182 of the Revised Code is hereby repealed.

Section 4. (A) As used in this section:

(1) "Order" means any executive order addressing COVID-19 or any other order related to such an executive order.

(2) "Permitting authority" means a board of health, the Department of Health, the Division of Liquor Control, or the Liquor Control Commission.

(3) "Retail permit holder" means an A-1, A-1-A, A-1c, A-2, A-2f, A-3a, E, or class C or D permit issued under Chapter 4303 of the Revised Code.

(B) Notwithstanding any provision of law to the contrary, a permitting authority shall not take any disciplinary action or, if disciplinary action has been initiated, shall cease taking such action, against a retail permit holder if both of the following apply:

(1) The disciplinary action is based on a violation of an order and the violation occurred prior to June 1, 2020.

(2) Other than violating the order, the retail permit holder operated in compliance with the retail permit holder's liquor permit.

Section 5. On the effective date of this section, if a
board of elections is in the process of reviewing a petition submitted under Chapter 4301. of the Revised Code, as that chapter existed prior to its amendment by this act, calling for the submission of a question or questions authorizing Sunday sales of beer, wine, mixed beverages, or spirituous liquor on the ballot of the next general election or a special election conducted on the day of the next primary election, the board shall do either of the following, as applicable:

(A) If ballots have not been printed, remove the question or questions submitted to the board for placement on the ballot of the next general election or a special election conducted on the day of the next primary election;

(B) If ballots have been printed with the question or questions on them, post a notice at each polling place on the day of the election, and enclose with each absent voter's ballot given or mailed after the question or questions are to be removed, a notice that votes for the removed question or questions will be void and will not be counted. If the question or questions are not removed from all ballots before the day of the election, the votes for the removed question or questions are void and shall not be counted.

Section 6. The provisions of this act are severable as provided in section 1.50 of the Revised Code.

Section 7. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to provide economic relief to liquor permit holders as a result of the COVID-19 outbreak. Therefore, this act shall go into immediate effect.