

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 342**

**Representative Young**

**Cosponsors: Representatives Becker, Grossman, Hackett, Schaffer, Vitale**

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**A BILL**

To amend sections 4301.12, 4301.13, 4301.24, 1  
4301.30, 4301.355, 4301.43, 4301.432, 4301.47, 2  
4301.62, 4301.82, 4301.83, 4303.021, 4303.07, 3  
4303.10, 4303.182, 4303.204, 4303.33, 4303.333, 4  
and 5709.55 and to enact section 4303.031 of the 5  
Revised Code to create the Ohio Farm Winery 6  
Permit. 7

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

**Section 1.** That sections 4301.12, 4301.13, 4301.24, 8  
4301.30, 4301.355, 4301.43, 4301.432, 4301.47, 4301.62, 4301.82, 9  
4301.83, 4303.021, 4303.07, 4303.10, 4303.182, 4303.204, 10  
4303.33, 4303.333, and 5709.55 be amended and section 4303.031 11  
of the Revised Code be enacted to read as follows: 12

**Sec. 4301.12.** The division of liquor control shall provide 13  
for the custody, safekeeping, and deposit of all moneys, checks, 14  
and drafts received by it or any of its employees or agents 15  
prior to paying them to the treasurer of state as provided by 16  
section 113.08 of the Revised Code. 17

A sum equal to three dollars and thirty-eight cents for 18

each gallon of spirituous liquor sold by the division, JobsOhio, 19  
or a designee of JobsOhio during the period covered by the 20  
payment shall be paid into the state treasury to the credit of 21  
the general revenue fund. All moneys received from permit fees, 22  
except B-2a and S permit fees from B-2a and S permit holders who 23  
do not also hold A-2 or A-2f permits, shall be paid to the 24  
credit of the undivided liquor permit fund established by 25  
section 4301.30 of the Revised Code. 26

Except as otherwise provided by law, all moneys collected 27  
under Chapters 4301. and 4303. of the Revised Code shall be paid 28  
by the division into the state treasury to the credit of the 29  
liquor control fund, which is hereby created. In addition, 30  
revenue resulting from any contracts with the department of 31  
commerce pertaining to the responsibilities and operations 32  
described in this chapter may be credited to the fund. Amounts 33  
in the liquor control fund may be used to pay the operating 34  
expenses of the liquor control commission. 35

Whenever, in the judgment of the director of budget and 36  
management, the amount in the liquor control fund is in excess 37  
of that needed to meet the maturing obligations of the division, 38  
as working capital for its further operations, to pay the 39  
operating expenses of the commission, and for the alcohol 40  
testing program under section 3701.143 of the Revised Code, the 41  
director shall transfer the excess to the credit of the general 42  
revenue fund. If the director determines that the amount in the 43  
liquor control fund is insufficient, the director may transfer 44  
money from the general revenue fund to the liquor control fund. 45

**Sec. 4301.13.** The liquor control commission may adopt, 46  
promulgate, repeal, rescind, and amend rules to regulate the 47  
manner of dealing in and distributing and selling bottled wine 48

within the state. The commission may require out-of-state 49  
producers, shippers, bottlers, and holders of federal importers' 50  
permits shipping bottled wine into Ohio and holders of A-2, A- 51  
2f, B-5, B-3, and B-2 permits issued by the division of liquor 52  
control, engaged in distributing and selling bottled wine in 53  
Ohio, to file with the division a schedule of prices in which 54  
minimum prices are set forth for the sale of bottled wine at 55  
wholesale or retail, or both, in Ohio. Any amendments, 56  
additions, alterations, or revisions to the schedule of prices 57  
as originally filed with the division shall be filed in the same 58  
manner as the original schedule of prices required to be filed 59  
with the division. 60

The commission may determine and fix the minimum mark-ups 61  
at wholesale or retail, or both, for bottled wine, and fix the 62  
minimum prices at which the various classes of bottled wine 63  
shall be distributed and sold in Ohio either at wholesale or 64  
retail, or both. 65

**Sec. 4301.24.** (A) Except as provided in section 4301.242 66  
of the Revised Code, no manufacturer shall aid or assist the 67  
holder of any permit for sale at wholesale, and no manufacturer 68  
or wholesale distributor shall aid or assist the holder of any 69  
permit for sale at retail, by gift or loan of any money or 70  
property of any description or other valuable thing, or by 71  
giving premiums or rebates. Except as provided in section 72  
4301.242 of the Revised Code, no holder of any such permit shall 73  
accept the same, provided that the manufacturer or wholesale 74  
distributor may furnish to a retail permittee the inside signs 75  
or advertising and the tap signs or devices authorized by 76  
divisions (E) and (F) of section 4301.22 of the Revised Code. 77

(B) No manufacturer shall have any financial interest, 78

directly or indirectly, by stock ownership, or through 79  
interlocking directors in a corporation, or otherwise, in the 80  
establishment, maintenance, or promotion in the business of any 81  
wholesale distributor. No retail permit holder shall have any 82  
interest, directly or indirectly, in the operation of, or any 83  
ownership in, the business of any wholesale distributor or 84  
manufacturer. 85

(C) (1) No manufacturer shall, except as authorized by 86  
section 4303.021 of the Revised Code, have any financial 87  
interest, directly or indirectly, by stock ownership, or through 88  
interlocking directors in a corporation, or otherwise, in the 89  
establishment, maintenance, or promotion of the business of any 90  
retail dealer. No wholesale distributor or employee of a 91  
wholesale distributor shall have any financial interest, 92  
directly or indirectly, by stock ownership, interlocking 93  
directors in a corporation, or otherwise, in the establishment, 94  
maintenance, or promotion of the business of any retail dealer. 95  
No manufacturer or wholesale distributor or any stockholder of a 96  
manufacturer or wholesale distributor shall acquire, by 97  
ownership in fee, leasehold, mortgage, or otherwise, directly or 98  
indirectly, any interest in the premises on which the business 99  
of any other person engaged in the business of trafficking in 100  
beer or intoxicating liquor is conducted. 101

(2) All contracts, covenants, conditions, and limitations 102  
whereby any person engaged or proposing to engage in the sale of 103  
beer or intoxicating liquors promises to confine the person's 104  
sales of a particular kind or quality of beer or intoxicating 105  
liquor to one or more products, or the products of a specified 106  
manufacturer or wholesale distributor, or to give preference to 107  
those products, shall to the extent of that promise be void. The 108  
making of a promise in any such form shall be cause for the 109

revocation or suspension of any permit issued to any party. 110

(D) No manufacturer shall sell or offer to sell to any 111  
wholesale distributor or retail permit holder, no wholesale 112  
distributor shall sell or offer to sell to any retail permit 113  
holder, and no wholesale distributor or retail permit holder 114  
shall purchase or receive from any manufacturer or wholesale 115  
distributor, any beer, brewed beverages, or wine manufactured in 116  
the United States except for cash. No right of action shall 117  
exist to collect any claims for credit extended contrary to this 118  
section. 119

This section does not prohibit a licensee from crediting 120  
to a purchaser the actual prices charged for packages or 121  
containers returned by the original purchaser as a credit on any 122  
sale or from refunding to any purchaser the amount paid by that 123  
purchaser for containers or as a deposit on containers when 124  
title is retained by the vendor, if those containers or packages 125  
have been returned to the manufacturer or distributor. This 126  
section does not prohibit a manufacturer from extending usual 127  
and customary credit for beer, brewed beverages, or wine 128  
manufactured in the United States and sold to customers who live 129  
or maintain places of business outside this state when the 130  
beverages so sold are actually transported and delivered to 131  
points outside this state. 132

No wholesale or retail permit shall be issued to an 133  
applicant unless the applicant has paid in full all accounts for 134  
beer or wine, manufactured in the United States, outstanding as 135  
of September 6, 1939. No beer or wine manufactured in the United 136  
States shall be imported into the state unless the beer or wine 137  
has been paid for in cash, and no supplier registration for any 138  
such beer or wine manufactured in the United States shall be 139

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

(2) 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) 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) 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 169  
purpose of the holder purchasing an ownership interest in the 170  
business, existing inventory and equipment, or property of 171  
another B permit holder, including, but not limited to, 172  
participation in a limited liability partnership, limited 173  
liability company, or any other legal entity authorized to do 174  
business in this state. 175

(2) This section does not permit a manufacturer to give 176  
financial assistance to the holder of a B permit to purchase 177  
inventory or equipment used in the daily operation of a B permit 178  
holder. 179

(G) This section does not prohibit a manufacturer or 180  
subsidiary of a manufacturer from continuing to operate a 181  
wholesale distribution franchise or distribute beer or wine 182  
within a designated territory if prior to the effective date of 183  
this amendment the manufacturer either acquired the distribution 184  
franchise or territory, or awarded the franchise or territory to 185  
itself or a subsidiary. 186

(H) This section shall not prevent a manufacturer from 187  
securing and holding an A-1c or B-2a permit or permits and 188  
operating as a wholesale distributor pursuant to such permits. 189

**Sec. 4301.30.** (A) All fees collected by the division of 190  
liquor control shall be deposited in the state treasury to the 191  
credit of the undivided liquor permit fund, which is hereby 192  
created, at the time prescribed under section 4301.12 of the 193  
Revised Code. Each payment shall be accompanied by a statement 194  
showing separately the amount collected for each class of 195  
permits in each municipal corporation and in each township 196  
outside the limits of any municipal corporation in such 197  
township. 198

(B) (1) An amount equal to forty-five per cent of the fund 199  
shall be paid from the fund into the state liquor regulatory 200  
fund, which is hereby created in the state treasury. The state 201  
liquor regulatory fund shall be used to pay the operating 202  
expenses of the division of liquor control in administering and 203  
enforcing Title XLIII of the Revised Code and the operating 204  
expenses of the liquor control commission. Investment earnings 205  
of the fund shall be credited to the fund. 206

(2) Whenever, in the judgment of the director of budget 207  
and management, the amount of money that is in the state liquor 208  
regulatory fund is in excess of the amount that is needed to pay 209  
the operating expenses of the division in administering and 210  
enforcing Title XLIII of the Revised Code and the operating 211  
expenses of the commission, the director shall credit the excess 212  
amount to the general revenue fund. 213

(C) Twenty per cent of the undivided liquor permit fund 214  
shall be paid into the statewide treatment and prevention fund, 215  
which is hereby created in the state treasury. This amount shall 216  
be appropriated by the general assembly, together with an amount 217  
equal to one and one-half per cent of the gross profit of the 218  
division of liquor control derived under division (B) (4) of 219  
section 4301.10 of the Revised Code, to the department of mental 220  
health and addiction services. In planning for the allocation of 221  
and in allocating these amounts for the purposes of Chapter 222  
5119. of the Revised Code, the department shall comply with the 223  
nondiscrimination provisions of Title VI of the Civil Rights Act 224  
of 1964, and any rules adopted under that act. 225

(D) Thirty-five per cent of the undivided liquor permit 226  
fund shall be distributed by the superintendent of liquor 227  
control at quarterly calendar periods as follows: 228

(1) To each municipal corporation, the aggregate amount 229  
shown by the statements to have been collected from permits in 230  
the municipal corporation, for the use of the general fund of 231  
the municipal corporation; 232

(2) To each township, the aggregate amount shown by the 233  
statements to have been collected from permits in its territory, 234  
outside the limits of any municipal corporation located in the 235  
township, for the use of the general fund of the township, or 236  
for fire protection purposes, including buildings and equipment 237  
in the township or in an established fire district within the 238  
township, to the extent that the funds are derived from liquor 239  
permits within the territory comprising such fire district. 240

(E) For the purpose of the distribution required by this 241  
section, E, H, and D permits covering boats or vessels are 242  
deemed to have been issued in the municipal corporation or 243  
township wherein the owner or operator of the vehicle, boat, 244  
vessel, or dining car equipment to which the permit relates has 245  
the owner's or operator's principal office or place of business 246  
within the state. 247

(F) If the liquor control commission determines that the 248  
police or other officers of any municipal corporation or 249  
township entitled to share in distributions under this section 250  
are refusing or culpably neglecting to enforce this chapter and 251  
Chapter 4303. of the Revised Code, or the penal laws of this 252  
state relating to the manufacture, importation, transportation, 253  
distribution, and sale of beer and intoxicating liquors, or if 254  
the prosecuting officer of a municipal corporation or a 255  
municipal court fails to comply with the request of the 256  
commission authorized by division (A) (4) of section 4301.10 of 257  
the Revised Code, the commission, by certified mail, may notify 258

the chief executive officer of the municipal corporation or the 259  
board of township trustees of the township of the failure and 260  
require the immediate cooperation of the responsible officers of 261  
the municipal corporation or township with the division of 262  
liquor control in the enforcement of those chapters and penal 263  
laws. Within thirty days after the notice is served, the 264  
commission shall determine whether the requirement has been 265  
complied with. If the commission determines that the requirement 266  
has not been complied with, it may issue an order to the 267  
superintendent to withhold the distributive share of the 268  
municipal corporation or township until further order of the 269  
commission. This action of the commission is reviewable within 270  
thirty days thereafter in the court of common pleas of Franklin 271  
county. 272

(G) All fees collected by the division of liquor control 273  
from the issuance or renewal of B-2a and S permits, and paid by 274  
B-2a and S permit holders who do not also hold A-2 or A-2f 275  
permits, shall be deposited in the state treasury to the credit 276  
of the state liquor regulatory fund. Once during each fiscal 277  
year, an amount equal to fifty per cent of the fees collected 278  
shall be paid from the state liquor regulatory fund into the 279  
general revenue fund. 280

**Sec. 4301.355.** (A) If a petition is filed under section 281  
4301.333 of the Revised Code for the submission of the question 282  
or questions set forth in this section, it shall be held in the 283  
precinct as ordered by the board of elections under that 284  
section. The expense of holding the election shall be charged to 285  
the municipal corporation or township of which the precinct is a 286  
part. 287

(B) At the election, one or more of the following 288

questions, as designated in a valid petition, shall be submitted 289  
to the electors of the precinct: 290

(1) "Shall the sale of ..... (insert beer, wine and 291  
mixed beverages, or spirituous liquor) be permitted 292  
by ..... (insert name of applicant, liquor permit holder, 293  
or liquor agency store, including trade or fictitious name under 294  
which applicant for, or holder of, liquor permit or liquor 295  
agency store either intends to do, or does, business at the 296  
particular location), an ..... (insert "applicant for" or 297  
"holder of" or "operator of") a ..... (insert class name of 298  
liquor permit or permits followed by the words "liquor 299  
permit(s)" or, if appropriate, the words "liquor agency store 300  
for the State of Ohio"), who is engaged in the business 301  
of ..... (insert general nature of the business in which 302  
applicant or liquor permit holder is engaged or will be engaged 303  
in at the particular location, as described in the petition) 304  
at ..... (insert address of the particular location within 305  
the precinct as set forth in the petition) in this precinct?" 306

(2) "Shall the sale of ..... (insert beer, wine and 307  
mixed beverages, or spirituous liquor) be permitted for sale on 308  
Sunday between the hours of ..... (insert "ten a.m. and 309  
midnight" or "eleven a.m. and midnight") by ..... (insert 310  
name of applicant, liquor permit holder, or liquor agency store, 311  
including trade or fictitious name under which applicant for, or 312  
holder of, liquor permit or liquor agency store either intends 313  
to do, or does, business at the particular location), an ..... 314  
(insert "applicant for a D-6 liquor permit," "holder of a D-6 315  
liquor permit," "applicant for or holder of an A-1-A, A-2, A-2f, 316  
A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D- 317  
5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, 318  
or D-7 liquor permit," if only the approval of beer sales is 319

sought, or "liquor agency store") who is engaged in the business 320  
of ..... (insert general nature of the business in which 321  
applicant or liquor permit holder is engaged or will be engaged 322  
in at the particular location, as described in the petition) 323  
at ..... (insert address of the particular location within 324  
the precinct) in this precinct?" 325

(C) The board of elections shall furnish printed ballots 326  
at the election as provided under section 3505.06 of the Revised 327  
Code, except that a separate ballot shall be used for the 328  
election under this section. The question set forth in this 329  
section shall be printed on each ballot, and the board shall 330  
insert in the question appropriate words to complete it. Votes 331  
shall be cast as provided under section 3505.06 of the Revised 332  
Code. 333

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 334  
of the Revised Code: 335

(1) "Gallon" or "wine gallon" means one hundred twenty- 336  
eight fluid ounces. 337

(2) "Sale" or "sell" includes exchange, barter, gift, 338  
distribution, and, except with respect to A-4 permit holders, 339  
offer for sale. 340

(B) For the purposes of providing revenues for the support 341  
of the state and encouraging the grape industries in the state, 342  
a tax is hereby levied on the sale or distribution of wine in 343  
Ohio, except for known sacramental purposes, at the rate of 344  
thirty cents per wine gallon for wine containing not less than 345  
four per cent of alcohol by volume and not more than fourteen 346  
per cent of alcohol by volume, ninety-eight cents per wine 347  
gallon for wine containing more than fourteen per cent but not 348

more than twenty-one per cent of alcohol by volume, one dollar 349  
and eight cents per wine gallon for vermouth, and one dollar and 350  
forty-eight cents per wine gallon for sparkling and carbonated 351  
wine and champagne, the tax to be paid by the holders of A-2, A- 352  
2f, and B-5 permits or by any other person selling or 353  
distributing wine upon which no tax has been paid. From the tax 354  
paid under this section on wine, vermouth, and sparkling and 355  
carbonated wine and champagne, the treasurer of state shall 356  
credit to the Ohio grape industries fund created under section 357  
924.54 of the Revised Code a sum equal to one cent per gallon 358  
for each gallon upon which the tax is paid. 359

(C) For the purpose of providing revenues for the support 360  
of the state, there is hereby levied a tax on prepared and 361  
bottled highballs, cocktails, cordials, and other mixed 362  
beverages at the rate of one dollar and twenty cents per wine 363  
gallon to be paid by holders of A-4 permits or by any other 364  
person selling or distributing those products upon which no tax 365  
has been paid. Only one sale of the same article shall be used 366  
in computing the amount of tax due. The tax on mixed beverages 367  
to be paid by holders of A-4 permits under this section shall 368  
not attach until the ownership of the mixed beverage is 369  
transferred for valuable consideration to a wholesaler or 370  
retailer, and no payment of the tax shall be required prior to 371  
that time. 372

(D) During the period of July 1, 2013, through June 30, 373  
2015, from the tax paid under this section on wine, vermouth, 374  
and sparkling and carbonated wine and champagne, the treasurer 375  
of state shall credit to the Ohio grape industries fund created 376  
under section 924.54 of the Revised Code a sum equal to two 377  
cents per gallon upon which the tax is paid. The amount credited 378  
under this division is in addition to the amount credited to the 379

Ohio grape industries fund under division (B) of this section. 380

(E) For the purpose of providing revenues for the support 381  
of the state, there is hereby levied a tax on cider at the rate 382  
of twenty-four cents per wine gallon to be paid by the holders 383  
of A-2, A-2f, and B-5 permits or by any other person selling or 384  
distributing cider upon which no tax has been paid. Only one 385  
sale of the same article shall be used in computing the amount 386  
of the tax due. 387

**Sec. 4301.432.** For the purpose of encouraging the grape 388  
industries of the state, a tax is hereby levied on the sale or 389  
distribution of vermouth, sparkling and carbonated wine and 390  
champagne, and other wine, except for known sacramental 391  
purposes, at the rate of two cents per wine gallon, the tax to 392  
be paid by the holders of A-2, A-2f, B-2a, B-5, and S permits or 393  
by any other person selling or distributing wine upon which no 394  
such tax has been paid. The treasurer of state shall credit to 395  
the Ohio grape industries fund created under section 924.54 of 396  
the Revised Code the moneys the treasurer of state receives from 397  
this tax. 398

**Sec. 4301.47.** Every class A-1, A-1c, A-2, A-2f, and A-4 399  
permit holder and each class B or S permit holder shall maintain 400  
and keep for a period of three years a record of the beer, wine, 401  
and mixed beverages purchased, distributed, or sold within this 402  
state by the permit holder, together with invoices, records, 403  
receipts, bills of lading, and other pertinent papers required 404  
by the tax commissioner and, upon demand by the tax 405  
commissioner, shall produce these records for a three-year 406  
period prior to the demand unless upon satisfactory proof it is 407  
shown that the nonproduction is due to causes beyond the permit 408  
holder's control. 409

<b>Sec. 4301.62.</b> (A) As used in this section:	410
(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code.	411 412
(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code.	413 414
(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:	415 416 417
(1) Except as provided in division (C) (1) (e) of this section, in an agency store;	418 419
(2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the division of liquor control;	420 421 422
(3) In any other public place;	423
(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;	424 425 426 427 428
(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.	429 430 431 432
(C) (1) A person may have in the person's possession an opened container of any of the following:	433 434
(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the	435 436

holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 437  
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 438  
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F- 439  
7, or F-8 permit; 440

(b) Beer, wine, or mixed beverages served for consumption 441  
on the premises by the holder of an F-3 permit or wine served 442  
for consumption on the premises by the holder of an F-4 or F-6 443  
permit; 444

(c) Beer or intoxicating liquor consumed on the premises 445  
of a convention facility as provided in section 4303.201 of the 446  
Revised Code; 447

(d) Beer or intoxicating liquor to be consumed during 448  
tastings and samplings approved by rule of the liquor control 449  
commission; 450

(e) Spirituous liquor to be consumed for purposes of a 451  
tasting sample, as defined in section 4301.171 of the Revised 452  
Code. 453

(2) A person may have in the person's possession on an F 454  
liquor permit premises an opened container of beer or 455  
intoxicating liquor that was not purchased from the holder of 456  
the F permit if the premises for which the F permit is issued is 457  
a music festival and the holder of the F permit grants 458  
permission for that possession on the premises during the period 459  
for which the F permit is issued. As used in this division, 460  
"music festival" means a series of outdoor live musical 461  
performances, extending for a period of at least three 462  
consecutive days and located on an area of land of at least 463  
forty acres. 464

(3) (a) A person may have in the person's possession on a 465

D-2 liquor permit premises an opened or unopened container of 466  
wine that was not purchased from the holder of the D-2 permit if 467  
the premises for which the D-2 permit is issued is an outdoor 468  
performing arts center, the person is attending an orchestral 469  
performance, and the holder of the D-2 permit grants permission 470  
for the possession and consumption of wine in certain 471  
predesignated areas of the premises during the period for which 472  
the D-2 permit is issued. 473

(b) As used in division (C) (3) (a) of this section: 474

(i) "Orchestral performance" means a concert comprised of 475  
a group of not fewer than forty musicians playing various 476  
musical instruments. 477

(ii) "Outdoor performing arts center" means an outdoor 478  
performing arts center that is located on not less than one 479  
hundred fifty acres of land and that is open for performances 480  
from the first day of April to the last day of October of each 481  
year. 482

(4) A person may have in the person's possession an opened 483  
or unopened container of beer or intoxicating liquor at an 484  
outdoor location at which the person is attending an orchestral 485  
performance as defined in division (C) (3) (b) (i) of this section 486  
if the person with supervision and control over the performance 487  
grants permission for the possession and consumption of beer or 488  
intoxicating liquor in certain predesignated areas of that 489  
outdoor location. 490

(5) A person may have in the person's possession on an F-9 491  
liquor permit premises an opened or unopened container of beer 492  
or intoxicating liquor that was not purchased from the holder of 493  
the F-9 permit if the person is attending an orchestral 494

performance and the holder of the F-9 permit grants permission 495  
for the possession and consumption of beer or intoxicating 496  
liquor in certain predesignated areas of the premises during the 497  
period for which the F-9 permit is issued. 498

As used in division (C) (5) of this section, "orchestral 499  
performance" has the same meaning as in division (C) (3) (b) of 500  
this section. 501

(6) (a) A person may have in the person's possession on the 502  
property of an outdoor motorsports facility an opened or 503  
unopened container of beer or intoxicating liquor that was not 504  
purchased from the owner of the facility if both of the 505  
following apply: 506

(i) The person is attending a racing event at the 507  
facility; and 508

(ii) The owner of the facility grants permission for the 509  
possession and consumption of beer or intoxicating liquor on the 510  
property of the facility. 511

(b) As used in division (C) (6) (a) of this section: 512

(i) "Racing event" means a motor vehicle racing event 513  
sanctioned by one or more motor racing sanctioning 514  
organizations. 515

(ii) "Outdoor motorsports facility" means an outdoor 516  
racetrack to which all of the following apply: 517

(I) It is two and four-tenths miles or more in length. 518

(II) It is located on two hundred acres or more of land. 519

(III) The primary business of the owner of the facility is 520  
the hosting and promoting of racing events. 521

(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.	522 523
(7) (a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under section 4301.82 of the Revised Code if the opened container of beer or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:	524 525 526 527 528 529
(i) The permit holder's premises is located within the outdoor refreshment area.	530 531
(ii) The permit held by the permit holder has an outdoor refreshment area designation.	532 533
(b) Division (C) (7) of this section does not authorize a person to do either of the following:	534 535
(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;	536 537 538
(ii) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area, unless the motor vehicle is stationary and is not being operated in a lane of vehicular travel or unless the possession is otherwise authorized under division (D) or (E) of this section.	539 540 541 542 543 544
(D) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of the person, when all of the following apply:	545 546 547 548
(1) The person or guest is a passenger in the limousine.	549

(2) The person or guest is located in the limousine, but 550  
is not occupying a seat in the front compartment of the 551  
limousine where the operator of the limousine is located. 552

(3) The limousine is located on any street, highway, or 553  
other public or private property open to the public for purposes 554  
of vehicular travel or parking. 555

(E) An opened bottle of wine that was purchased from the 556  
holder of a permit that authorizes the sale of wine for 557  
consumption on the premises where sold is not an opened 558  
container for the purposes of this section if both of the 559  
following apply: 560

(1) The opened bottle of wine is securely resealed by the 561  
permit holder or an employee of the permit holder before the 562  
bottle is removed from the premises. The bottle shall be secured 563  
in such a manner that it is visibly apparent if the bottle has 564  
been subsequently opened or tampered with. 565

(2) The opened bottle of wine that is resealed in 566  
accordance with division (E) (1) of this section is stored in the 567  
trunk of a motor vehicle or, if the motor vehicle does not have 568  
a trunk, behind the last upright seat or in an area not normally 569  
occupied by the driver or passengers and not easily accessible 570  
by the driver. 571

(F) (1) Except if an ordinance or resolution is enacted or 572  
adopted under division (F) (2) of this section, this section does 573  
not apply to a person who, pursuant to a prearranged contract, 574  
is a passenger riding on a commercial quadricycle when all of 575  
the following apply: 576

(a) The person is not occupying a seat in the front of the 577  
commercial quadricycle where the operator is steering or 578

braking. 579

(b) The commercial quadricycle is being operated on a 580  
street, highway, or other public or private property open to the 581  
public for purposes of vehicular travel or parking. 582

(c) The person has in their possession on the commercial 583  
quadricycle an opened container of beer or wine. 584

(d) The person has in their possession on the commercial 585  
quadricycle not more than either thirty-six ounces of beer or 586  
eighteen ounces of wine. 587

(2) The legislative authority of a municipal corporation 588  
or township may enact an ordinance or adopt a resolution, as 589  
applicable, that prohibits a passenger riding on a commercial 590  
quadricycle from possessing an opened container of beer or wine. 591

(3) As used in this section, "commercial quadricycle" 592  
means a vehicle that has fully-operative pedals for propulsion 593  
entirely by human power and that meets all of the following 594  
requirements: 595

(a) It has four wheels and is operated in a manner similar 596  
to a bicycle. 597

(b) It has at least five seats for passengers. 598

(c) It is designed to be powered by the pedaling of the 599  
operator and the passengers. 600

(d) It is used for commercial purposes. 601

(e) It is operated by the vehicle owner or an employee of 602  
the owner. 603

**Sec. 4301.82.** (A) As used in this section, "qualified 604  
permit holder" means the holder of an A-1, A-1-A, A-1c, A-2, A- 605

2f., or D permit issued under Chapter 4303. of the Revised Code. 606

(B) The executive officer of a municipal corporation or 607  
the fiscal officer of a township may file an application with 608  
the legislative authority of the municipal corporation or 609  
township to have property within the municipal corporation or 610  
township designated as an outdoor refreshment area or to expand 611  
an existing outdoor refreshment area to include additional 612  
property within the municipal corporation or township. The 613  
executive officer or fiscal officer shall ensure that the 614  
application contains all of the following: 615

(1) A map or survey of the proposed outdoor refreshment 616  
area in sufficient detail to identify the boundaries of the 617  
area, which shall not exceed either of the following, as 618  
applicable: 619

(a) Three hundred twenty contiguous acres or one-half 620  
square mile if the municipal corporation or township has a 621  
population of more than thirty-five thousand as specified in 622  
division (D) of this section; 623

(b) One hundred fifty contiguous acres if the municipal 624  
corporation or township has a population of thirty-five thousand 625  
or less as specified in division (D) of this section. 626

(2) A general statement of the nature and types of 627  
establishments that will be located within the proposed outdoor 628  
refreshment area; 629

(3) A statement that the proposed outdoor refreshment area 630  
will encompass not fewer than four qualified permit holders; 631

(4) Evidence that the uses of land within the proposed 632  
outdoor refreshment area are in accord with the master zoning 633  
plan or map of the municipal corporation or township; 634

(5) Proposed requirements for the purpose of ensuring 635  
public health and safety within the proposed outdoor refreshment 636  
area. 637

(C) Within forty-five days after the date the application 638  
is filed with the legislative authority of a municipal 639  
corporation or township, the legislative authority shall publish 640  
public notice of the application once a week for two consecutive 641  
weeks in one newspaper of general circulation in the municipal 642  
corporation or township or as provided in section 7.16 of the 643  
Revised Code. The legislative authority shall ensure that the 644  
notice states that the application is on file in the office of 645  
the clerk of the municipal corporation or township and is 646  
available for inspection by the public during regular business 647  
hours. The legislative authority also shall indicate in the 648  
notice the date and time of any public hearing to be held 649  
regarding the application by the legislative authority. 650

Not earlier than thirty but not later than sixty days 651  
after the initial publication of notice, the legislative 652  
authority shall approve or disapprove the application by either 653  
ordinance or resolution, as applicable. Approval of an 654  
application requires an affirmative vote of a majority of the 655  
legislative authority. Upon approval of the application by the 656  
legislative authority, the territory described in the 657  
application constitutes an outdoor refreshment area. The 658  
legislative authority shall provide to the division of liquor 659  
control and the investigative unit of the department of public 660  
safety notice of the approval of the application and a 661  
description of the area specified in the application. If the 662  
legislative authority disapproves the application, the executive 663  
officer of a municipal corporation or fiscal officer of a 664  
township may make changes in the application to secure its 665

approval by the legislative authority. 666

(D) The creation of outdoor refreshment areas is limited 667  
as follows: 668

(1) A municipal corporation or township with a population 669  
of more than fifty thousand shall not create more than two 670  
outdoor refreshment areas. 671

(2) A municipal corporation or township with a population 672  
of more than thirty-five thousand but less than or equal to 673  
fifty thousand shall not create more than one outdoor 674  
refreshment area. 675

(3) (a) Except as provided in division (D) (3) (b) of this 676  
section, a municipal corporation or township with a population 677  
of thirty-five thousand or less shall not create an outdoor 678  
refreshment area. 679

(b) A municipal corporation or township with a population 680  
of thirty-five thousand or less may create one outdoor 681  
refreshment area if the proposed area will include at least four 682  
qualified permit holders and be composed of one hundred fifty or 683  
fewer contiguous acres. 684

For purposes of this section, the population of a 685  
municipal corporation or township is deemed to be the population 686  
shown by the most recent regular federal decennial census. 687

(E) As soon as possible after receiving notice that an 688  
outdoor refreshment area has been approved, the division of 689  
liquor control, for purposes of section 4301.62 of the Revised 690  
Code, shall issue an outdoor refreshment area designation to 691  
each qualified permit holder located within the refreshment area 692  
that is in compliance with all applicable requirements under 693  
Chapters 4301. and 4303. of the Revised Code. The division shall 694

not charge any fee for the issuance of the designation. Any 695  
permit holder that receives such a designation shall comply with 696  
all laws, rules, and regulations that govern its license type, 697  
and the applicable public health and safety requirements 698  
established for the area under division (F) of this section. 699

(F) (1) At the time of the creation of an outdoor 700  
refreshment area, the legislative authority of a municipal 701  
corporation or township in which such an area is located shall 702  
adopt an ordinance or resolution, as applicable, that 703  
establishes requirements the legislative authority determines 704  
necessary to ensure public health and safety within the area. 705  
The legislative authority shall include in the ordinance or 706  
resolution all of the following: 707

(a) The specific boundaries of the area, including street 708  
addresses; 709

(b) The number, spacing, and type of signage designating 710  
the area; 711

(c) The hours of operation for the area; 712

(d) The number of personnel needed to ensure public safety 713  
in the area; 714

(e) A sanitation plan that will help maintain the 715  
appearance and public health of the area; 716

(f) The number of personnel needed to execute the 717  
sanitation plan; 718

(g) A requirement that beer and intoxicating liquor be 719  
served solely in plastic bottles or other plastic containers in 720  
the area. 721

The legislative authority may, but is not required to, 722

include in the ordinance or resolution any public health and 723  
safety requirements proposed in an application under division 724  
(B) of this section to designate or expand the outdoor 725  
refreshment area. The legislative authority may subsequently 726  
modify the public health and safety requirements as determined 727  
necessary by the legislative authority. 728

(2) Prior to adopting an ordinance or resolution under 729  
this division, the legislative authority shall give notice of 730  
its proposed action by publication once a week for two 731  
consecutive weeks in one newspaper of general circulation in the 732  
municipal corporation or township or as provided in section 7.16 733  
of the Revised Code. 734

(3) The legislative authority shall provide to the 735  
division of liquor control and the investigative unit of the 736  
department of public safety notice of the public health and 737  
safety requirements established or modified under this division. 738

(G) Section 4399.18 of the Revised Code applies to a 739  
liquor permit holder located within an outdoor refreshment area 740  
in the same manner as if the liquor permit holder were not 741  
located in an outdoor refreshment area. 742

(H) (1) Five years after the date of creation of an outdoor 743  
refreshment area, the legislative authority of the municipal 744  
corporation or township that created the area under this section 745  
shall review the operation of the area and shall, by ordinance 746  
or resolution, either approve the continued operation of the 747  
area or dissolve the area. Prior to adopting the ordinance or 748  
resolution, the legislative authority shall give notice of its 749  
proposed action by publication once a week for two consecutive 750  
weeks in one newspaper of general circulation in the municipal 751  
corporation or township or as provided in section 7.16 of the 752

Revised Code. 753

If the legislative authority dissolves the outdoor 754  
refreshment area, the outdoor refreshment area ceases to exist. 755  
The legislative authority then shall provide notice of its 756  
action to the division of liquor control and the investigative 757  
unit of the department of public safety. Upon receipt of the 758  
notice, the division shall revoke all outdoor refreshment area 759  
designations issued to qualified permit holders within the 760  
dissolved area. If the legislative authority approves the 761  
continued operation of the outdoor refreshment area, the area 762  
continues in operation. 763

(2) Five years after the approval of the continued 764  
operation of an outdoor refreshment area under division (H) (1) 765  
of this section, the legislative authority shall conduct a 766  
review in the same manner as provided in division (H) (1) of this 767  
section. The legislative authority also shall conduct such a 768  
review five years after any subsequent approval of continued 769  
operation under division (H) (2) of this section. 770

(I) At any time, the legislative authority of a municipal 771  
corporation or township in which an outdoor refreshment area is 772  
located may, by ordinance or resolution, dissolve all or a part 773  
of the outdoor refreshment area. Prior to adopting the 774  
resolution or ordinance, the legislative authority shall give 775  
notice of its proposed action by publication once a week for two 776  
consecutive weeks in one newspaper of general circulation in the 777  
municipal corporation or township or as provided in section 7.16 778  
of the Revised Code. If the legislative authority dissolves all 779  
or part of an outdoor refreshment area, the area designated in 780  
the ordinance or resolution no longer constitutes an outdoor 781  
refreshment area. The legislative authority shall provide notice 782

of its actions to the division of liquor control and the 783  
investigative unit of the department of public safety. Upon 784  
receipt of the notice, the division shall revoke all outdoor 785  
refreshment area designations issued to qualified permit holders 786  
within the dissolved area or portion of the area. 787

**Sec. 4301.83.** (A) As used in this section: 788

(1) "Qualified permit holder" means a person to which both 789  
of the following apply: 790

(a) The person is the holder of an A-1, A-1-A, A-1c, A-2, 791  
A-2f, or D permit issued under Chapter 4303. of the Revised 792  
Code. 793

(b) The location of the premises for which the person has 794  
been issued a permit specified in division (A)(1)(a) of this 795  
section is in a county in which a major event will occur or in a 796  
county contiguous to the county in which a major event will 797  
occur. 798

(2) "Major event" means an event that meets all of the 799  
following conditions: 800

(a) It is scheduled to occur in a municipal corporation 801  
with a population of three hundred fifty thousand or more on or 802  
~~after the effective date of this section~~ September 29, 2015. 803

(b) It is expected to attract not less than three thousand 804  
visitors. 805

(c) It is scheduled to have a duration of not less than 806  
one day and not more than ten days. 807

(B) Notwithstanding any provision of law to the contrary 808  
and upon issuance of a waiver by the division of liquor control 809  
under this section, a qualified permit holder may serve beer, 810

intoxicating liquor, or both between five thirty a.m. and four 811  
a.m. the following day during a major event. 812

(C) Not later than one hundred twenty days prior to the 813  
commencement of a major event, a qualified permit holder may 814  
file an application for a waiver with the chief executive 815  
officer of the municipal corporation in which the permit 816  
holder's premises is located or the fiscal officer of the 817  
township in which the permit holder's premises is located. The 818  
qualified permit holder shall include in the application both of 819  
the following: 820

(1) The name and address of the qualified permit holder; 821

(2) The name and address of the premises that is the 822  
subject of the application. 823

(D) (1) Not later than ninety days prior to the 824  
commencement of the major event, the chief executive officer of 825  
the municipal corporation or the fiscal officer of the township 826  
that receives an application under division (C) of this section 827  
shall review all applications received under division (C) of 828  
this section and compile a list of the applicants. 829

(2) In compiling the list under division (D) (1) of this 830  
section, the chief executive officer or fiscal officer shall 831  
consult with the chief law enforcement officer of the municipal 832  
corporation or township, as applicable, to determine whether to 833  
retain each applicant on the list. 834

(E) (1) Not later than sixty days prior to the commencement 835  
of the major event, the chief executive officer of the municipal 836  
corporation or the fiscal officer of the township that compiles 837  
a list of qualified permit holders under division (D) of this 838  
section shall submit the list to the division. 839

(2) The division shall review the list and determine 840  
whether to retain each qualified permit holder on the list. The 841  
division may remove the name of a permit holder from the list 842  
for good cause. After review, the division shall certify the 843  
list. 844

(F) Not later than thirty days prior to the commencement 845  
of the major event, the division shall do both of the following: 846

(1) Return the list certified under division (E) of this 847  
section to the chief executive officer of the municipal 848  
corporation or the fiscal officer of the township that submitted 849  
the original list under division (E) of this section; 850

(2) Issue a waiver to each permit holder on the list that 851  
allows the permit holder to serve beer, intoxicating liquor, or 852  
both between five thirty a.m. and four a.m. the following day 853  
during the major event. 854

(G) The division shall establish the form of the 855  
application to be used under this section and shall make it 856  
available for use by qualified permit holders. 857

**Sec. 4303.021.** (A) Permit A-1-A may be issued to the 858  
holder of an A-1, A-1c, ~~or A-2,~~ or A-2f permit to sell beer and 859  
any intoxicating liquor at retail, only by the individual drink 860  
in glass or from a container, provided that one of the following 861  
applies to the A-1-A permit premises: 862

(1) It is situated on the same parcel or tract of land as 863  
the related A-1, A-1c, ~~or A-2,~~ or A-2f manufacturing permit 864  
premises. 865

(2) It is separated from the parcel or tract of land on 866  
which is located the A-1, A-1c, ~~or A-2,~~ or A-2f manufacturing 867  
permit premises only by public streets or highways or by other 868

lands owned by the holder of the A-1, A-1c, ~~or A-2,~~ or A-2f 869  
permit and used by the holder in connection with or in promotion 870  
of the holder's A-1, A-1c, ~~or A-2,~~ or A-2f permit business. 871

(3) It is situated on a parcel or tract of land that is 872  
not more than one-half mile from the A-1, A-1c, ~~or A-2,~~ or A-2f 873  
manufacturing permit premises. 874

(B) The fee for this permit is three thousand nine hundred 875  
six dollars. 876

(C) (1) The holder of an A-1-A permit may sell beer and any 877  
intoxicating liquor during the same hours as the holders of D-5 878  
permits under this chapter or Chapter 4301. of the Revised Code 879  
or the rules of the liquor control commission and shall obtain a 880  
license as a retail food establishment or a food service 881  
operation pursuant to Chapter 3717. of the Revised Code and 882  
operate as a restaurant for purposes of this chapter. 883

(2) If a permit A-1-A is issued to the holder of an A-1 or 884  
A-1c permit, the A-1-A permit holder may sell beer at the A-1-A 885  
permit premises dispensed in glass containers with a capacity 886  
that does not exceed one gallon and not for consumption on the 887  
premises where sold if all of the following apply: 888

(a) The A-1-A permit premises is situated in the same 889  
municipal corporation or township as the related A-1 or A-1c 890  
manufacturing permit premises. 891

(b) The containers are sealed, marked, and transported in 892  
accordance with division (E) of section 4301.62 of the Revised 893  
Code. 894

(c) The containers have been cleaned immediately before 895  
being filled in accordance with rule 4301:1-1-28 of the 896  
Administrative Code. 897

(D) Except as otherwise provided in this section, the 898  
division of liquor control shall not issue a new A-1-A permit to 899  
the holder of an A-1, A-1c, ~~or A-2,~~ or A-2f permit unless the 900  
sale of beer and intoxicating liquor under class D permits is 901  
permitted in the precinct in which the A-1, A-1c, ~~or A-2,~~ or A- 902  
2f permit is located and, in the case of an A-2 or A-2f permit, 903  
unless the holder of the A-2 or A-2f permit manufactures or has 904  
a storage capacity of at least twenty-five thousand gallons of 905  
wine per year. The immediately preceding sentence does not 906  
prohibit the issuance of an A-1-A permit to an applicant for 907  
such a permit who is the holder of an A-1 permit and whose 908  
application was filed with the division of liquor control before 909  
June 1, 1994. The liquor control commission shall not restrict 910  
the number of A-1-A permits which may be located within a 911  
precinct. 912

Sec. 4303.031. (A) Subject to divisions (B) and (C) of 913  
this section, permit A-2f may be issued to a manufacturer to do 914  
all of the following: 915

(1) Manufacture wine from grapes or other fruits; 916

(2) Import and purchase wine in bond for blending 917  
purposes. The total amount of wine imported for blending 918  
purposes during any year covered by the permit shall not exceed 919  
forty per cent of all the wine manufactured and imported. 920

(3) Manufacture, purchase, and import brandy for 921  
fortifying purposes; 922

(4) Sell products produced under divisions (A) (1) to (3) 923  
of this section either in glass or container for consumption on 924  
the premises where manufactured, in sealed containers for 925  
consumption off the premises where manufactured, and to 926

wholesale permit holders under the rules adopted by the division 927  
of liquor control. 928

(B) The division may issue permit A-2f to a manufacturer 929  
only if both of the following apply: 930

(1) The manufacturer grows grapes or other fruits on 931  
property owned by the manufacturer that is classified as land 932  
devoted exclusively to agricultural use in accordance with 933  
section 5713.31 of the Revised Code. 934

(2) The manufacturer processes the grapes or other fruits 935  
specified in division (B) (1) of this section into wine and sells 936  
the wine as authorized in this section. 937

(C) (1) The holder of an A-2f permit shall not sell 938  
directly to a retailer. In order to make sales to a retailer, 939  
the manufacturer shall obtain a B-2a permit or make the sale 940  
directly to a B-2 or B-5 permit holder for subsequent resale to 941  
a retailer. 942

(2) The holder of an A-2f permit shall not sell directly 943  
to a consumer unless the product is sold on the premises in 944  
accordance with division (A) of this section. In order to make 945  
sales to a consumer off the premises where the wine is 946  
manufactured, the manufacturer shall obtain an S permit. 947

(3) Nothing in this chapter prohibits an A-2f permit 948  
holder from also holding a B-2a or S permit. 949

(D) The fee for this permit is seventy-six dollars for 950  
each plant to which this permit is issued. 951

(E) The A-2f permit shall be known as the "Ohio Farm 952  
Winery Permit." 953

**Sec. 4303.07.** Permit B-2 may be issued to a wholesale 954

distributor of wine to purchase from holders of A-2, A-2f, and 955  
B-5 permits and distribute or sell that product, in the original 956  
container in which it was placed by the B-5 permit holder or 957  
manufacturer at the place where manufactured, to retail permit 958  
holders and for home use. The fee for this permit is five 959  
hundred dollars for each distributing plant or warehouse. 960

**Sec. 4303.10.** Permit B-5 may be issued to a wholesale 961  
distributor of wine to purchase wine from the holders of A-2 and 962  
A-2f permits, to purchase and import wine in bond or otherwise, 963  
in bulk or in containers of any size, and to bottle wine for 964  
distribution and sale to holders of wholesale or retail permits 965  
and for home use in sealed containers. No wine shall be bottled 966  
by a B-5 permit holder in containers supplied by any person who 967  
intends the wine for home use. The fee for this permit is one 968  
thousand five hundred sixty-three dollars. 969

**Sec. 4303.182.** (A) Except as otherwise provided in 970  
divisions (B) to (J) of this section, permit D-6 shall be issued 971  
to the holder of an A-1-A, A-2, A-2f, A-3a, C-2, D-2, D-3, D-3a, 972  
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 973  
D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow 974  
sale under that permit as follows: 975

(1) Between the hours of ten a.m. and midnight on Sunday 976  
if sale during those hours has been approved under question (C) 977  
(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised 978  
Code, under question (B) (2) of section 4301.355 of the Revised 979  
Code, or under section 4301.356 of the Revised Code and has been 980  
authorized under section 4301.361, 4301.364, 4301.365, or 981  
4301.366 of the Revised Code, under the restrictions of that 982  
authorization; 983

(2) Between the hours of eleven a.m. and midnight on 984

Sunday, if sale during those hours has been approved on or after 985  
~~the effective date of this amendment~~ October 16, 2009, under 986  
question (B) (1), (2), or (3) of section 4301.351 or 4301.354 of 987  
the Revised Code, under question (B) (2) of section 4301.355 of 988  
the Revised Code, or under section 4301.356 of the Revised Code 989  
and has been authorized under section 4301.361, 4301.364, 990  
4301.365, or 4301.366 of the Revised Code, under the 991  
restrictions of that authorization; 992

(3) Between the hours of eleven a.m. and midnight on 993  
Sunday if sale between the hours of one p.m. and midnight was 994  
approved before ~~the effective date of this amendment~~ October 16, 995  
2009, under question (B) (1), (2), or (3) of section 4301.351 or 996  
4301.354 of the Revised Code, under question (B) (2) of section 997  
4301.355 of the Revised Code, or under section 4301.356 of the 998  
Revised Code and has been authorized under section 4301.361, 999  
4301.364, 4301.365, or 4301.366 of the Revised Code, under the 1000  
other restrictions of that authorization. 1001

(B) Permit D-6 shall be issued to the holder of any 1002  
permit, including a D-4a and D-5d permit, authorizing the sale 1003  
of intoxicating liquor issued for a premises located at any 1004  
publicly owned airport, as defined in section 4563.01 of the 1005  
Revised Code, at which commercial airline companies operate 1006  
regularly scheduled flights on which space is available to the 1007  
public, to allow sale under such permit between the hours of ten 1008  
a.m. and midnight on Sunday, whether or not that sale has been 1009  
authorized under section 4301.361, 4301.364, 4301.365, or 1010  
4301.366 of the Revised Code. 1011

(C) Permit D-6 shall be issued to the holder of a D-5a 1012  
permit, and to the holder of a D-3 or D-3a permit who is the 1013  
owner or operator of a hotel or motel that is required to be 1014

licensed under section 3731.03 of the Revised Code, that 1015  
contains at least fifty rooms for registered transient guests, 1016  
and that has on its premises a retail food establishment or a 1017  
food service operation licensed pursuant to Chapter 3717. of the 1018  
Revised Code that operates as a restaurant for purposes of this 1019  
chapter and is affiliated with the hotel or motel and within or 1020  
contiguous to the hotel or motel and serving food within the 1021  
hotel or motel, to allow sale under such permit between the 1022  
hours of ten a.m. and midnight on Sunday, whether or not that 1023  
sale has been authorized under section 4301.361, 4301.364, 1024  
4301.365, or 4301.366 of the Revised Code. 1025

(D) The holder of a D-6 permit that is issued to a sports 1026  
facility may make sales under the permit between the hours of 1027  
eleven a.m. and midnight on any Sunday on which a professional 1028  
baseball, basketball, football, hockey, or soccer game is being 1029  
played at the sports facility. As used in this division, "sports 1030  
facility" means a stadium or arena that has a seating capacity 1031  
of at least four thousand and that is owned or leased by a 1032  
professional baseball, basketball, football, hockey, or soccer 1033  
franchise or any combination of those franchises. 1034

(E) Permit D-6 shall be issued to the holder of any permit 1035  
that authorizes the sale of beer or intoxicating liquor and that 1036  
is issued to a premises located in or at the Ohio historical 1037  
society area or the state fairgrounds, as defined in division 1038  
(B) of section 4301.40 of the Revised Code, to allow sale under 1039  
that permit between the hours of ten a.m. and midnight on 1040  
Sunday, whether or not that sale has been authorized under 1041  
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 1042  
Code. 1043

(F) Permit D-6 shall be issued to the holder of any permit 1044

that authorizes the sale of intoxicating liquor and that is 1045  
issued to an outdoor performing arts center to allow sale under 1046  
that permit between the hours of one p.m. and midnight on 1047  
Sunday, whether or not that sale has been authorized under 1048  
section 4301.361 of the Revised Code. A D-6 permit issued under 1049  
this division is subject to the results of an election, held 1050  
after the D-6 permit is issued, on question (B) (4) as set forth 1051  
in section 4301.351 of the Revised Code. Following the end of 1052  
the period during which an election may be held on question (B) 1053  
(4) as set forth in that section, sales of intoxicating liquor 1054  
may continue at an outdoor performing arts center under a D-6 1055  
permit issued under this division, unless an election on that 1056  
question is held during the permitted period and a majority of 1057  
the voters voting in the precinct on that question vote "no." 1058

As used in this division, "outdoor performing arts center" 1059  
means an outdoor performing arts center that is located on not 1060  
less than eight hundred acres of land and that is open for 1061  
performances from the first day of April to the last day of 1062  
October of each year. 1063

(G) Permit D-6 shall be issued to the holder of any permit 1064  
that authorizes the sale of beer or intoxicating liquor and that 1065  
is issued to a golf course owned by the state, a conservancy 1066  
district, a park district created under Chapter 1545. of the 1067  
Revised Code, or another political subdivision to allow sale 1068  
under that permit between the hours of ten a.m. and midnight on 1069  
Sunday, whether or not that sale has been authorized under 1070  
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 1071  
Code. 1072

(H) Permit D-6 shall be issued to the holder of a D-5g 1073  
permit to allow sale under that permit between the hours of ten 1074

a.m. and midnight on Sunday, whether or not that sale has been 1075  
authorized under section 4301.361, 4301.364, 4301.365, or 1076  
4301.366 of the Revised Code. 1077

(I) Permit D-6 shall be issued to the holder of any D 1078  
permit for a premises that is licensed under Chapter 3717. of 1079  
the Revised Code and that is located at a ski area to allow sale 1080  
under the D-6 permit between the hours of ten a.m. and midnight 1081  
on Sunday, whether or not that sale has been authorized under 1082  
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 1083  
Code. 1084

As used in this division, "ski area" means a ski area as 1085  
defined in section 4169.01 of the Revised Code, provided that 1086  
the passenger tramway operator at that area is registered under 1087  
section 4169.03 of the Revised Code. 1088

(J) Permit D-6 shall be issued to the holder of any permit 1089  
that is described in division (A) of this section for a permit 1090  
premises that is located in a community entertainment district, 1091  
as defined in section 4301.80 of the Revised Code, that was 1092  
approved by the legislative authority of a municipal corporation 1093  
under that section between October 1 and October 15, 2005, to 1094  
allow sale under the permit between the hours of ten a.m. and 1095  
midnight on Sunday, whether or not that sale has been authorized 1096  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 1097  
Revised Code. 1098

(K) If the restriction to licensed premises where the sale 1099  
of food and other goods and services exceeds fifty per cent of 1100  
the total gross receipts of the permit holder at the premises is 1101  
applicable, the division of liquor control may accept an 1102  
affidavit from the permit holder to show the proportion of the 1103  
permit holder's gross receipts derived from the sale of food and 1104

other goods and services. If the liquor control commission 1105  
determines that affidavit to have been false, it shall revoke 1106  
the permits of the permit holder at the premises concerned. 1107

(L) The fee for the D-6 permit is five hundred dollars 1108  
when it is issued to the holder of an A-1-A, A-2, A-2f, A-3a, D- 1109  
2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D- 1110  
5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 1111  
permit. The fee for the D-6 permit is four hundred dollars when 1112  
it is issued to the holder of a C-2 permit. 1113

**Sec. 4303.204.** (A) The division of liquor control may 1114  
issue an F-4 permit to an organization or corporation organized 1115  
not-for-profit in this state to conduct an event that includes 1116  
the introduction, showcasing, or promotion of Ohio wines, if the 1117  
event has all of the following characteristics: 1118

(1) It is coordinated by that organization or corporation, 1119  
and the organization or corporation is responsible for the 1120  
activities at it. 1121

(2) It has as one of its purposes the intent to introduce, 1122  
showcase, or promote Ohio wines to persons who attend it. 1123

(3) It includes the sale of food for consumption on the 1124  
premises where sold. 1125

(4) It features any combination of at least three A-2 or 1126  
A-2f permit holders who sell Ohio wine at it. 1127

(B) The holder of an F-4 permit may furnish, with or 1128  
without charge, wine that it has obtained from the A-2 permit 1129  
holders that are participating in the event for which the F-4 1130  
permit is issued, in two-ounce samples for consumption on the 1131  
premises where furnished and may sell such wine by the glass for 1132  
consumption on the premises where sold. The holder of an A-2 1133

permit that is participating in the event for which the F-4 1134  
permit is issued may sell wine that it has manufactured, in 1135  
sealed containers for consumption off the premises where sold. 1136  
Wine may be furnished or sold on the premises of the event for 1137  
which the F-4 permit is issued only where and when the sale of 1138  
wine is otherwise permitted by law. 1139

(C) The premises of the event for which the F-4 permit is 1140  
issued shall be clearly defined and sufficiently restricted to 1141  
allow proper enforcement of the permit by state and local law 1142  
enforcement officers. If an F-4 permit is issued for all or a 1143  
portion of the same premises for which another class of permit 1144  
is issued, that permit holder's privileges will be suspended in 1145  
that portion of the premises in which the F-4 permit is in 1146  
effect. 1147

(D) No F-4 permit shall be effective for more than 1148  
seventy-two consecutive hours. No sales or furnishing of wine 1149  
shall take place under an F-4 permit after one a.m. 1150

(E) The division shall not issue more than six F-4 permits 1151  
to the same not-for-profit organization or corporation in any 1152  
one calendar year. 1153

(F) An applicant for an F-4 permit shall apply for the 1154  
permit not later than thirty days prior to the first day of the 1155  
event for which the permit is sought. The application for the 1156  
permit shall list all of the A-2 permit holders that will 1157  
participate in the event for which the F-4 permit is sought. The 1158  
fee for the F-4 permit is sixty dollars per day. 1159

The division shall prepare and make available an F-4 1160  
permit application form and may require applicants for and 1161  
holders of the F-4 permit to provide information that is in 1162

addition to that required by this section and that is necessary 1163  
for the administration of this section. 1164

(G) (1) The holder of an F-4 permit is responsible for, and 1165  
is subject to penalties for, any violations of this chapter or 1166  
Chapter 4301. of the Revised Code or the rules adopted under 1167  
this and that chapter. 1168

(2) An F-4 permit holder shall not allow an A-2 permit 1169  
holder to participate in the event for which the F-4 permit is 1170  
issued if the A-2 or A-1-A permit of that A-2 permit holder is 1171  
under suspension. 1172

(3) The division may refuse to issue an F-4 permit to an 1173  
applicant who has violated any provision of this chapter or 1174  
Chapter 4301. of the Revised Code during the applicant's 1175  
previous operation under an F-4 permit, for a period of up to 1176  
two years after the date of the violation. 1177

(H) (1) Notwithstanding division (D) of section 4301.22 of 1178  
the Revised Code, an A-2 permit holder that participates in an 1179  
event for which an F-4 permit is issued may donate wine that it 1180  
has manufactured to the holder of that F-4 permit. The holder of 1181  
an F-4 permit may return unused and sealed containers of wine to 1182  
the A-2 permit holder that donated the wine at the conclusion of 1183  
the event for which the F-4 permit was issued. 1184

(2) The participation by an A-2 permit holder or its 1185  
employees in an event for which an F-4 permit is issued does not 1186  
violate section 4301.24 of the Revised Code. 1187

**Sec. 4303.33.** (A) Every A-1 or A-1c permit holder in this 1188  
state, every bottler, importer, wholesale dealer, broker, 1189  
producer, or manufacturer of beer outside this state and within 1190  
the United States, and every B-1 permit holder and importer 1191

importing beer from any manufacturer, bottler, person, or group 1192  
of persons however organized outside the United States for sale 1193  
or distribution for sale in this state, on or before the 1194  
eighteenth day of each month, shall make and file with the tax 1195  
commissioner upon a form prescribed by the tax commissioner an 1196  
advance tax payment in an amount estimated to equal the 1197  
taxpayer's tax liability for the month in which the advance tax 1198  
payment is made. If the advance tax payment credits claimed on 1199  
the report are for advance tax payments received by the tax 1200  
commissioner on or before the eighteenth day of the month 1201  
covered by the report, the taxpayer is entitled to an additional 1202  
credit of three per cent of the advance tax payment and a 1203  
discount of three per cent shall be allowed the taxpayer at the 1204  
time of filing the report if filed as provided in division (B) 1205  
of this section on any amount by which the tax liability 1206  
reflected in the report exceeds the advance tax payment estimate 1207  
by not more than ten per cent. The additional three per cent 1208  
credit and three per cent discount shall be in consideration for 1209  
advancing the payment of the tax and other services performed by 1210  
the permit holder and other taxpayers in the collection of the 1211  
tax. 1212

"Advance tax payment credit" means credit for payments 1213  
made by an A-1, A-1c, or B-1 permit holder and any other persons 1214  
during the period covered by a report which was made in 1215  
anticipation of the tax liability required to be reported on 1216  
that report. 1217

"Tax liability" as used in division (A) of this section 1218  
means the total gross tax liability of an A-1, A-1c, or B-1 1219  
permit holder and any other persons for the period covered by a 1220  
report before any allowance for credits and discount. 1221

(B) Every A-1 or A-1c permit holder in this state, every  
bottler, importer, wholesale dealer, broker, producer, or  
manufacturer of beer outside this state and within the United  
States, every B-1 permit holder importing beer from any  
manufacturer, bottler, person, or group of persons however  
organized outside the United States, and every S permit holder,  
on or before the tenth day of each month, shall make and file a  
report for the preceding month upon a form prescribed by the tax  
commissioner which report shall show the amount of beer  
produced, sold, and distributed for sale in this state by the A-  
1 or A-1c permit holder, sold and distributed for sale in this  
state by each manufacturer, bottler, importer, wholesale dealer,  
or broker outside this state and within the United States, the  
amount of beer imported into this state from outside the United  
States and sold and distributed for sale in this state by the B-  
1 permit holder or importer, and the amount of beer sold in this  
state by the S permit holder.

The report shall be filed by mailing it to the tax  
commissioner, together with payment of the tax levied by  
sections 4301.42 and 4305.01 of the Revised Code shown to be due  
on the report after deduction of advance payment credits and any  
additional credits or discounts provided for under this section.

(C) (1) Every A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, and  
S permit holder in this state, on or before the eighteenth day  
of each month, shall make and file a report with the tax  
commissioner upon a form prescribed by the tax commissioner  
which report shall show, on the report of each A-2, A-2f, A-4,  
B-2a, and S permit holder the amount of wine, cider, and mixed  
beverages produced and sold, or sold in this state by each such  
A-2, A-2f, A-4, B-2a, and S permit holder for the next preceding  
calendar month and such other information as the tax

commissioner requires, and on the report of each such B-2, B-3, 1253  
B-4, and B-5 permit holder the amount of wine, cider, and mixed 1254  
beverages purchased from an importer, broker, wholesale dealer, 1255  
producer, or manufacturer located outside this state and sold 1256  
and distributed in this state by such B-2, B-3, B-4, and B-5 1257  
permit holder, for the next preceding calendar month and such 1258  
other information as the tax commissioner requires. 1259

(2) Every such A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, 1260  
and S permit holder in this state shall remit with the report 1261  
the tax levied by sections 4301.43 and, if applicable, 4301.432 1262  
of the Revised Code less a discount thereon of three per cent of 1263  
the total tax so levied and paid, provided the return is filed 1264  
together with remittance of the amount of tax shown to be due 1265  
thereon, within the time prescribed. Any permit holder or other 1266  
persons who fail to file a report under this section, for each 1267  
day the person so fails, may be required to forfeit and pay into 1268  
the state treasury the sum of one dollar as revenue arising from 1269  
the tax imposed by sections 4301.42, 4301.43, 4301.432, and 1270  
4305.01 of the Revised Code, and that sum may be collected by 1271  
assessment in the manner provided in section 4305.13 of the 1272  
Revised Code. 1273

(3) If the tax commissioner determines that the quantity 1274  
reported by a person does not warrant monthly reporting, the 1275  
commissioner may authorize the filing of returns and the payment 1276  
of the tax required by this section for periods longer than one 1277  
month. 1278

(D) Every B-1 permit holder and importer in this state 1279  
importing beer from any manufacturer, bottler, person, or group 1280  
of persons however organized, outside the United States, if 1281  
required by the tax commissioner shall post a bond payable to 1282

the state in such form and amount as the commissioner prescribes 1283  
with surety to the satisfaction of the tax commissioner, 1284  
conditioned upon the payment to the tax commissioner of taxes 1285  
levied by sections 4301.42 and 4305.01 of the Revised Code. 1286

(E) No such wine, beer, cider, or mixed beverages sold or 1287  
distributed in this state shall be taxed more than once under 1288  
sections 4301.42, 4301.43, and 4305.01 of the Revised Code. 1289

(F) As used in this section: 1290

(1) "Cider" has the same meaning as in section 4301.01 of 1291  
the Revised Code. 1292

(2) "Wine" has the same meaning as in section 4301.01 of 1293  
the Revised Code, except that "wine" does not include cider. 1294

(G) All money collected by the tax commissioner under this 1295  
section shall be paid to the treasurer of state as revenue 1296  
arising from the taxes levied by sections 4301.42, 4301.43, 1297  
4301.432, and 4305.01 of the Revised Code. 1298

**Sec. 4303.333.** (A) An A-2 or A-2f permit holder in this 1299  
state whose total production of wine, wherever produced, which 1300  
but for this exemption is taxable under section 4301.43 of the 1301  
Revised Code does not exceed five hundred thousand gallons in a 1302  
calendar year, shall be allowed an exemption from the taxes 1303  
levied under section 4301.43 of the Revised Code on wine 1304  
produced and sold or distributed in this state. The exemption 1305  
may be claimed monthly against current taxes levied under such 1306  
section as the reports required by section 4303.33 of the 1307  
Revised Code are due. At the time the report for December is due 1308  
for a calendar year during which a permit holder claimed an 1309  
exemption under this section, if the permit holder has paid the 1310  
tax levied under section 4301.43 of the Revised Code, the permit 1311

holder may claim a refund of such tax paid during the calendar 1312  
year or shall remit any additional tax due because it did not 1313  
qualify for the exemption on the December report. For the 1314  
purpose of providing this refund, taxes previously paid under 1315  
section 4303.33 of the Revised Code during the calendar year 1316  
shall not be considered final until the December report is 1317  
filed. 1318

(B) The tax commissioner shall prescribe forms for and 1319  
allow the exemptions and refunds authorized by this section. 1320

**Sec. 5709.55.** Personal property used exclusively to 1321  
transport, store, crush, press, process, ferment, or age grape 1322  
agricultural products in the production of grape juice or grape 1323  
wine, and grape juice or grape wine held in the course of 1324  
business, but not held in labeled containers in which it will be 1325  
sold, are exempt from personal property taxation if either of 1326  
the following apply: 1327

(A) The property is used or held by the holder of a liquor 1328  
permit issued under section 4303.03 or 4303.031 of the Revised 1329  
Code whose primary business is the production of wine~~+~~. 1330

(B) The production is used or held by a person or 1331  
enterprise engaged in agriculture that sells the grape 1332  
agricultural products or juice or wine to a holder of a liquor 1333  
permit issued under section 4303.03 or 4303.031 of the Revised 1334  
Code if the primary business of the permittee is the production 1335  
of wine. 1336

**Section 2.** That existing sections 4301.12, 4301.13, 1337  
4301.24, 4301.30, 4301.355, 4301.43, 4301.432, 4301.47, 4301.62, 1338  
4301.82, 4301.83, 4303.021, 4303.07, 4303.10, 4303.182, 1339  
4303.204, 4303.33, 4303.333, and 5709.55 of the Revised Code are 1340

hereby repealed. 1341

**Section 3.** Section 4303.07 of the Revised Code is 1342  
presented in this act as a composite of the section as amended 1343  
by both Am. Sub. H.B. 306 and Am. Sub. S.B. 164 of the 125th 1344  
General Assembly. The General Assembly, applying the principle 1345  
stated in division (B) of section 1.52 of the Revised Code that 1346  
amendments are to be harmonized if reasonably capable of 1347  
simultaneous operation, finds that the composite is the 1348  
resulting version of the section in effect prior to the 1349  
effective date of the section as presented in this act. 1350