

As Reported by the Senate Agriculture Committee

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Regular Session

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Sub. H. B. No. 342

Representative Young

Cosponsors: Representatives Becker, Grossman, Hackett, Schaffer, Vitale, Brown, Blessing, Anielski, Antonio, Arndt, Baker, Boose, Brenner, Buchy, Celebrezze, Cera, Clyde, Dovilla, Fedor, Hambley, Hill, Lepore-Hagan, Manning, O'Brien, S., Patterson, Phillips, Ramos, Retherford, Rogers, Romanchuk, Sears, Sheehy, Sprague, Strahorn, Thompson

Senator Uecker

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, 4303.03, 3
4303.07, 4303.10, 4303.181, 4303.182, 4303.204, 4
4303.33, 4303.333, and 5709.55 and to enact 5
section 4303.031 of the Revised Code to create 6
the Ohio Farm Winery Permit and to authorize the 7
Division of Liquor Control to issue a D-51 8
liquor permit to a premises that is located in a 9
municipal corporation that is wholly within the 10
geographic boundaries of a township, provided 11
that a specified population density applies to 12
the municipal corporation and township. 13

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

Section 1. That sections 4301.12, 4301.13, 4301.24, 14
4301.30, 4301.355, 4301.43, 4301.432, 4301.47, 4301.62, 15

4301.82, 4301.83, 4303.021, 4303.03, 4303.07, 4303.10, 4303.181, 16
4303.182, 4303.204, 4303.33, 4303.333, and 5709.55 be amended 17
and section 4303.031 of the Revised Code be enacted to read as 18
follows: 19

Sec. 4301.12. The division of liquor control shall provide 20
for the custody, safekeeping, and deposit of all moneys, checks, 21
and drafts received by it or any of its employees or agents 22
prior to paying them to the treasurer of state as provided by 23
section 113.08 of the Revised Code. 24

A sum equal to three dollars and thirty-eight cents for 25
each gallon of spirituous liquor sold by the division, JobsOhio, 26
or a designee of JobsOhio during the period covered by the 27
payment shall be paid into the state treasury to the credit of 28
the general revenue fund. All moneys received from permit fees, 29
except B-2a and S permit fees from B-2a and S permit holders who 30
do not also hold A-2 or A-2f permits, shall be paid to the 31
credit of the undivided liquor permit fund established by 32
section 4301.30 of the Revised Code. 33

Except as otherwise provided by law, the division shall 34
deposit all moneys collected under Chapters 4301. and 4303. of 35
the Revised Code into the state treasury to the credit of the 36
state liquor regulatory fund created in section 4301.30 of the 37
Revised Code. In addition, revenue resulting from any contracts 38
with the department of commerce pertaining to the 39
responsibilities and operations described in this chapter may be 40
credited to the fund. 41

Whenever, in the judgment of the director of budget and 42
management, the amount in the liquor control fund is in excess 43
of that needed to meet the maturing obligations of the division, 44
as working capital for its further operations, to pay the 45

operating expenses of the commission, and for the alcohol 46
testing program under section 3701.143 of the Revised Code, the 47
director shall transfer the excess to the credit of the general 48
revenue fund. If the director determines that the amount in the 49
liquor control fund is insufficient, the director may transfer 50
money from the general revenue fund to the liquor control fund. 51

Sec. 4301.13. The liquor control commission may adopt, 52
promulgate, repeal, rescind, and amend rules to regulate the 53
manner of dealing in and distributing and selling bottled wine 54
within the state. The commission may require out-of-state 55
producers, shippers, bottlers, and holders of federal importers' 56
permits shipping bottled wine into Ohio and holders of A-2, A- 57
2f, B-5, B-3, and B-2 permits issued by the division of liquor 58
control, engaged in distributing and selling bottled wine in 59
Ohio, to file with the division a schedule of prices in which 60
minimum prices are set forth for the sale of bottled wine at 61
wholesale or retail, or both, in Ohio. Any amendments, 62
additions, alterations, or revisions to the schedule of prices 63
as originally filed with the division shall be filed in the same 64
manner as the original schedule of prices required to be filed 65
with the division. 66

The commission may determine and fix the minimum mark-ups 67
at wholesale or retail, or both, for bottled wine, and fix the 68
minimum prices at which the various classes of bottled wine 69
shall be distributed and sold in Ohio either at wholesale or 70
retail, or both. 71

Sec. 4301.24. (A) Except as provided in section 4301.242 72
of the Revised Code, no manufacturer shall aid or assist the 73
holder of any permit for sale at wholesale, and no manufacturer 74
or wholesale distributor shall aid or assist the holder of any 75

permit for sale at retail, by gift or loan of any money or 76
property of any description or other valuable thing, or by 77
giving premiums or rebates. Except as provided in section 78
4301.242 of the Revised Code, no holder of any such permit shall 79
accept the same, provided that the manufacturer or wholesale 80
distributor may furnish to a retail permittee the inside signs 81
or advertising and the tap signs or devices authorized by 82
divisions (E) and (F) of section 4301.22 of the Revised Code. 83

(B) No manufacturer shall have any financial interest, 84
directly or indirectly, by stock ownership, or through 85
interlocking directors in a corporation, or otherwise, in the 86
establishment, maintenance, or promotion in the business of any 87
wholesale distributor. No retail permit holder shall have any 88
interest, directly or indirectly, in the operation of, or any 89
ownership in, the business of any wholesale distributor or 90
manufacturer. 91

(C) (1) No manufacturer shall, except as authorized by 92
section 4303.021 of the Revised Code, have any financial 93
interest, directly or indirectly, by stock ownership, or through 94
interlocking directors in a corporation, or otherwise, in the 95
establishment, maintenance, or promotion of the business of any 96
retail dealer. No wholesale distributor or employee of a 97
wholesale distributor shall have any financial interest, 98
directly or indirectly, by stock ownership, interlocking 99
directors in a corporation, or otherwise, in the establishment, 100
maintenance, or promotion of the business of any retail dealer. 101
No manufacturer or wholesale distributor or any stockholder of a 102
manufacturer or wholesale distributor shall acquire, by 103
ownership in fee, leasehold, mortgage, or otherwise, directly or 104
indirectly, any interest in the premises on which the business 105
of any other person engaged in the business of trafficking in 106

beer or intoxicating liquor is conducted. 107

(2) All contracts, covenants, conditions, and limitations 108
whereby any person engaged or proposing to engage in the sale of 109
beer or intoxicating liquors promises to confine the person's 110
sales of a particular kind or quality of beer or intoxicating 111
liquor to one or more products, or the products of a specified 112
manufacturer or wholesale distributor, or to give preference to 113
those products, shall to the extent of that promise be void. The 114
making of a promise in any such form shall be cause for the 115
revocation or suspension of any permit issued to any party. 116

(D) No manufacturer shall sell or offer to sell to any 117
wholesale distributor or retail permit holder, no wholesale 118
distributor shall sell or offer to sell to any retail permit 119
holder, and no wholesale distributor or retail permit holder 120
shall purchase or receive from any manufacturer or wholesale 121
distributor, any beer, brewed beverages, or wine manufactured in 122
the United States except for cash. No right of action shall 123
exist to collect any claims for credit extended contrary to this 124
section. 125

This section does not prohibit a licensee from crediting 126
to a purchaser the actual prices charged for packages or 127
containers returned by the original purchaser as a credit on any 128
sale or from refunding to any purchaser the amount paid by that 129
purchaser for containers or as a deposit on containers when 130
title is retained by the vendor, if those containers or packages 131
have been returned to the manufacturer or distributor. This 132
section does not prohibit a manufacturer from extending usual 133
and customary credit for beer, brewed beverages, or wine 134
manufactured in the United States and sold to customers who live 135
or maintain places of business outside this state when the 136

beverages so sold are actually transported and delivered to 137
points outside this state. 138

No wholesale or retail permit shall be issued to an 139
applicant unless the applicant has paid in full all accounts for 140
beer or wine, manufactured in the United States, outstanding as 141
of September 6, 1939. No beer or wine manufactured in the United 142
States shall be imported into the state unless the beer or wine 143
has been paid for in cash, and no supplier registration for any 144
such beer or wine manufactured in the United States shall be 145
issued by the division of liquor control until the A-2, A-2f, B- 146
1, or B-5 permit holder establishes to the satisfaction of the 147
division that the beer or wine has been paid for in cash. 148

(E) This section does not prevent a manufacturer from 149
securing and holding any financial interest, directly or 150
indirectly, by stock ownership or through interlocking directors 151
in a corporation, or otherwise, in the establishment, 152
maintenance, or promotion of the business or premises of any C 153
or D permit holder, provided that the following conditions are 154
met: 155

(1) Either the manufacturer or one of its parent companies 156
is listed on a national securities exchange. 157

(2) All purchases of alcoholic beverages by the C or D 158
permit holder are made from wholesale distributors in this state 159
or agency stores licensed by the division of liquor control. 160

(3) If the C or D permit holder sells brands of alcoholic 161
beverages that are produced or distributed by the manufacturer 162
that holds the financial interest, the C or D permit holder also 163
sells other competing brands of alcoholic beverages produced by 164
other manufacturers, no preference is given to the products of 165

the manufacturer, and there is no exclusion, in whole or in 166
part, of products sold or offered for sale by other 167
manufacturers, suppliers, or importers of alcoholic beverages 168
that constitutes a substantial impairment of commerce. 169

(4) The primary purpose of the C or D permit premises is a 170
purpose other than to sell alcoholic beverages, and the sale of 171
other goods and services exceeds fifty per cent of the total 172
gross receipts of the C or D permit holder at its premises. 173

(F) (1) This section does not prevent a manufacturer from 174
giving financial assistance to the holder of a B permit for the 175
purpose of the holder purchasing an ownership interest in the 176
business, existing inventory and equipment, or property of 177
another B permit holder, including, but not limited to, 178
participation in a limited liability partnership, limited 179
liability company, or any other legal entity authorized to do 180
business in this state. 181

(2) This section does not permit a manufacturer to give 182
financial assistance to the holder of a B permit to purchase 183
inventory or equipment used in the daily operation of a B permit 184
holder. 185

(G) This section does not prohibit a manufacturer or 186
subsidiary of a manufacturer from continuing to operate a 187
wholesale distribution franchise or distribute beer or wine 188
within a designated territory if prior to the effective date of 189
this amendment the manufacturer either acquired the distribution 190
franchise or territory, or awarded the franchise or territory to 191
itself or a subsidiary. 192

(H) This section shall not prevent a manufacturer from 193
securing and holding an A-1c or B-2a permit or permits and 194

operating as a wholesale distributor pursuant to such permits. 195

Sec. 4301.30. (A) All fees collected by the division of 196
liquor control shall be deposited in the state treasury to the 197
credit of the undivided liquor permit fund, which is hereby 198
created, at the time prescribed under section 4301.12 of the 199
Revised Code. Each payment shall be accompanied by a statement 200
showing separately the amount collected for each class of 201
permits in each municipal corporation and in each township 202
outside the limits of any municipal corporation in such 203
township. 204

(B) (1) An amount equal to forty-five per cent of the fund 205
shall be paid from the fund into the state liquor regulatory 206
fund, which is hereby created in the state treasury. The state 207
liquor regulatory fund shall be used to pay the operating 208
expenses of the division of liquor control in administering and 209
enforcing Title XLIII of the Revised Code and the operating 210
expenses of the liquor control commission. Investment earnings 211
of the fund shall be credited to the fund. 212

(2) Whenever, in the judgment of the director of budget 213
and management, the amount of money that is in the state liquor 214
regulatory fund is in excess of the amount that is needed to pay 215
the operating expenses of the division in administering and 216
enforcing Title XLIII of the Revised Code and the operating 217
expenses of the commission, the director shall credit the excess 218
amount to the general revenue fund. 219

(C) Twenty per cent of the undivided liquor permit fund 220
shall be paid into the statewide treatment and prevention fund, 221
which is hereby created in the state treasury. This amount shall 222
be appropriated by the general assembly, together with an amount 223
equal to one and one-half per cent of the gross profit of the 224

division of liquor control derived under division (B) (4) of 225
section 4301.10 of the Revised Code, to the department of mental 226
health and addiction services. In planning for the allocation of 227
and in allocating these amounts for the purposes of Chapter 228
5119. of the Revised Code, the department shall comply with the 229
nondiscrimination provisions of Title VI of the Civil Rights Act 230
of 1964, and any rules adopted under that act. 231

(D) Thirty-five per cent of the undivided liquor permit 232
fund shall be distributed by the superintendent of liquor 233
control at quarterly calendar periods as follows: 234

(1) To each municipal corporation, the aggregate amount 235
shown by the statements to have been collected from permits in 236
the municipal corporation, for the use of the general fund of 237
the municipal corporation; 238

(2) To each township, the aggregate amount shown by the 239
statements to have been collected from permits in its territory, 240
outside the limits of any municipal corporation located in the 241
township, for the use of the general fund of the township, or 242
for fire protection purposes, including buildings and equipment 243
in the township or in an established fire district within the 244
township, to the extent that the funds are derived from liquor 245
permits within the territory comprising such fire district. 246

(E) For the purpose of the distribution required by this 247
section, E, H, and D permits covering boats or vessels are 248
deemed to have been issued in the municipal corporation or 249
township wherein the owner or operator of the vehicle, boat, 250
vessel, or dining car equipment to which the permit relates has 251
the owner's or operator's principal office or place of business 252
within the state. 253

(F) If the liquor control commission determines that the police or other officers of any municipal corporation or township entitled to share in distributions under this section are refusing or culpably neglecting to enforce this chapter and Chapter 4303. of the Revised Code, or the penal laws of this state relating to the manufacture, importation, transportation, distribution, and sale of beer and intoxicating liquors, or if the prosecuting officer of a municipal corporation or a municipal court fails to comply with the request of the commission authorized by division (A)(4) of section 4301.10 of the Revised Code, the commission, by certified mail, may notify the chief executive officer of the municipal corporation or the board of township trustees of the township of the failure and require the immediate cooperation of the responsible officers of the municipal corporation or township with the division of liquor control in the enforcement of those chapters and penal laws. Within thirty days after the notice is served, the commission shall determine whether the requirement has been complied with. If the commission determines that the requirement has not been complied with, it may issue an order to the superintendent to withhold the distributive share of the municipal corporation or township until further order of the commission. This action of the commission is reviewable within thirty days thereafter in the court of common pleas of Franklin county.

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

shall be paid from the state liquor regulatory fund into the 285
general revenue fund. 286

Sec. 4301.355. (A) If a petition is filed under section 287
4301.333 of the Revised Code for the submission of the question 288
or questions set forth in this section, it shall be held in the 289
precinct as ordered by the board of elections under that 290
section. The expense of holding the election shall be charged to 291
the municipal corporation or township of which the precinct is a 292
part. 293

(B) At the election, one or more of the following 294
questions, as designated in a valid petition, shall be submitted 295
to the electors of the precinct: 296

(1) "Shall the sale of (insert beer, wine and 297
mixed beverages, or spirituous liquor) be permitted 298
by (insert name of applicant, liquor permit holder, 299
or liquor agency store, including trade or fictitious name under 300
which applicant for, or holder of, liquor permit or liquor 301
agency store either intends to do, or does, business at the 302
particular location), an (insert "applicant for" or 303
"holder of" or "operator of") a (insert class name of 304
liquor permit or permits followed by the words "liquor 305
permit(s)" or, if appropriate, the words "liquor agency store 306
for the State of Ohio"), who is engaged in the business 307
of (insert general nature of the business in which 308
applicant or liquor permit holder is engaged or will be engaged 309
in at the particular location, as described in the petition) 310
at (insert address of the particular location within 311
the precinct as set forth in the petition) in this precinct?" 312

(2) "Shall the sale of (insert beer, wine and 313
mixed beverages, or spirituous liquor) be permitted for sale on 314

Sunday between the hours of (insert "ten a.m. and 315
midnight" or "eleven a.m. and midnight") by (insert 316
name of applicant, liquor permit holder, or liquor agency store, 317
including trade or fictitious name under which applicant for, or 318
holder of, liquor permit or liquor agency store either intends 319
to do, or does, business at the particular location), an 320
(insert "applicant for a D-6 liquor permit," "holder of a D-6 321
liquor permit," "applicant for or holder of an A-1-A, A-2, A-2f, 322
A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D- 323
5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, 324
or D-7 liquor permit," if only the approval of beer sales is 325
sought, or "liquor agency store") who is engaged in the business 326
of (insert general nature of the business in which 327
applicant or liquor permit holder is engaged or will be engaged 328
in at the particular location, as described in the petition) 329
at (insert address of the particular location within 330
the precinct) in this precinct?" 331

(C) The board of elections shall furnish printed ballots 332
at the election as provided under section 3505.06 of the Revised 333
Code, except that a separate ballot shall be used for the 334
election under this section. The question set forth in this 335
section shall be printed on each ballot, and the board shall 336
insert in the question appropriate words to complete it. Votes 337
shall be cast as provided under section 3505.06 of the Revised 338
Code. 339

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 340
of the Revised Code: 341

(1) "Gallon" or "wine gallon" means one hundred twenty- 342
eight fluid ounces. 343

(2) "Sale" or "sell" includes exchange, barter, gift, 344

distribution, and, except with respect to A-4 permit holders, 345
offer for sale. 346

(B) For the purposes of providing revenues for the support 347
of the state and encouraging the grape industries in the state, 348
a tax is hereby levied on the sale or distribution of wine in 349
Ohio, except for known sacramental purposes, at the rate of 350
thirty cents per wine gallon for wine containing not less than 351
four per cent of alcohol by volume and not more than fourteen 352
per cent of alcohol by volume, ninety-eight cents per wine 353
gallon for wine containing more than fourteen per cent but not 354
more than twenty-one per cent of alcohol by volume, one dollar 355
and eight cents per wine gallon for vermouth, and one dollar and 356
forty-eight cents per wine gallon for sparkling and carbonated 357
wine and champagne, the tax to be paid by the holders of A-2, A- 358
2f, and B-5 permits or by any other person selling or 359
distributing wine upon which no tax has been paid. From the tax 360
paid under this section on wine, vermouth, and sparkling and 361
carbonated wine and champagne, the treasurer of state shall 362
credit to the Ohio grape industries fund created under section 363
924.54 of the Revised Code a sum equal to one cent per gallon 364
for each gallon upon which the tax is paid. 365

(C) For the purpose of providing revenues for the support 366
of the state, there is hereby levied a tax on prepared and 367
bottled highballs, cocktails, cordials, and other mixed 368
beverages at the rate of one dollar and twenty cents per wine 369
gallon to be paid by holders of A-4 permits or by any other 370
person selling or distributing those products upon which no tax 371
has been paid. Only one sale of the same article shall be used 372
in computing the amount of tax due. The tax on mixed beverages 373
to be paid by holders of A-4 permits under this section shall 374
not attach until the ownership of the mixed beverage is 375

transferred for valuable consideration to a wholesaler or 376
retailer, and no payment of the tax shall be required prior to 377
that time. 378

(D) During the period of July 1, 2015, through June 30, 379
2017, from the tax paid under this section on wine, vermouth, 380
and sparkling and carbonated wine and champagne, the treasurer 381
of state shall credit to the Ohio grape industries fund created 382
under section 924.54 of the Revised Code a sum equal to two 383
cents per gallon upon which the tax is paid. The amount credited 384
under this division is in addition to the amount credited to the 385
Ohio grape industries fund under division (B) of this section. 386

(E) For the purpose of providing revenues for the support 387
of the state, there is hereby levied a tax on cider at the rate 388
of twenty-four cents per wine gallon to be paid by the holders 389
of A-2, A-2f, and B-5 permits or by any other person selling or 390
distributing cider upon which no tax has been paid. Only one 391
sale of the same article shall be used in computing the amount 392
of the tax due. 393

Sec. 4301.432. For the purpose of encouraging the grape 394
industries of the state, a tax is hereby levied on the sale or 395
distribution of vermouth, sparkling and carbonated wine and 396
champagne, and other wine, except for known sacramental 397
purposes, at the rate of two cents per wine gallon, the tax to 398
be paid by the holders of A-2, A-2f, B-2a, B-5, and S permits or 399
by any other person selling or distributing wine upon which no 400
such tax has been paid. The treasurer of state shall credit to 401
the Ohio grape industries fund created under section 924.54 of 402
the Revised Code the moneys the treasurer of state receives from 403
this tax. 404

Sec. 4301.47. Every class A-1, A-1c, A-2, A-2f, and A-4 405

permit holder and each class B or S permit holder shall maintain 406
and keep for a period of three years a record of the beer, wine, 407
and mixed beverages purchased, distributed, or sold within this 408
state by the permit holder, together with invoices, records, 409
receipts, bills of lading, and other pertinent papers required 410
by the tax commissioner and, upon demand by the tax 411
commissioner, shall produce these records for a three-year 412
period prior to the demand unless upon satisfactory proof it is 413
shown that the nonproduction is due to causes beyond the permit 414
holder's control. 415

Sec. 4301.62. (A) As used in this section: 416

(1) "Chauffeured limousine" means a vehicle registered 417
under section 4503.24 of the Revised Code. 418

(2) "Street," "highway," and "motor vehicle" have the same 419
meanings as in section 4511.01 of the Revised Code. 420

(B) No person shall have in the person's possession an 421
opened container of beer or intoxicating liquor in any of the 422
following circumstances: 423

(1) Except as provided in division (C) (1) (e) of this 424
section, in an agency store; 425

(2) Except as provided in division (C) of this section, on 426
the premises of the holder of any permit issued by the division 427
of liquor control; 428

(3) In any other public place; 429

(4) Except as provided in division (D) or (E) of this 430
section, while operating or being a passenger in or on a motor 431
vehicle on any street, highway, or other public or private 432
property open to the public for purposes of vehicular travel or 433

parking; 434

(5) Except as provided in division (D) or (E) of this 435
section, while being in or on a stationary motor vehicle on any 436
street, highway, or other public or private property open to the 437
public for purposes of vehicular travel or parking. 438

(C) (1) A person may have in the person's possession an 439
opened container of any of the following: 440

(a) Beer or intoxicating liquor that has been lawfully 441
purchased for consumption on the premises where bought from the 442
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 443
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 444
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F- 445
7, or F-8 permit; 446

(b) Beer, wine, or mixed beverages served for consumption 447
on the premises by the holder of an F-3 permit or wine served 448
for consumption on the premises by the holder of an F-4 or F-6 449
permit; 450

(c) Beer or intoxicating liquor consumed on the premises 451
of a convention facility as provided in section 4303.201 of the 452
Revised Code; 453

(d) Beer or intoxicating liquor to be consumed during 454
tastings and samplings approved by rule of the liquor control 455
commission; 456

(e) Spirituous liquor to be consumed for purposes of a 457
tasting sample, as defined in section 4301.171 of the Revised 458
Code. 459

(2) A person may have in the person's possession on an F 460
liquor permit premises an opened container of beer or 461

intoxicating liquor that was not purchased from the holder of 462
the F permit if the premises for which the F permit is issued is 463
a music festival and the holder of the F permit grants 464
permission for that possession on the premises during the period 465
for which the F permit is issued. As used in this division, 466
"music festival" means a series of outdoor live musical 467
performances, extending for a period of at least three 468
consecutive days and located on an area of land of at least 469
forty acres. 470

(3) (a) A person may have in the person's possession on a 471
D-2 liquor permit premises an opened or unopened container of 472
wine that was not purchased from the holder of the D-2 permit if 473
the premises for which the D-2 permit is issued is an outdoor 474
performing arts center, the person is attending an orchestral 475
performance, and the holder of the D-2 permit grants permission 476
for the possession and consumption of wine in certain 477
predesignated areas of the premises during the period for which 478
the D-2 permit is issued. 479

(b) As used in division (C) (3) (a) of this section: 480

(i) "Orchestral performance" means a concert comprised of 481
a group of not fewer than forty musicians playing various 482
musical instruments. 483

(ii) "Outdoor performing arts center" means an outdoor 484
performing arts center that is located on not less than one 485
hundred fifty acres of land and that is open for performances 486
from the first day of April to the last day of October of each 487
year. 488

(4) A person may have in the person's possession an opened 489
or unopened container of beer or intoxicating liquor at an 490

outdoor location at which the person is attending an orchestral 491
performance as defined in division (C) (3) (b) (i) of this section 492
if the person with supervision and control over the performance 493
grants permission for the possession and consumption of beer or 494
intoxicating liquor in certain predesignated areas of that 495
outdoor location. 496

(5) A person may have in the person's possession on an F-9 497
liquor permit premises an opened or unopened container of beer 498
or intoxicating liquor that was not purchased from the holder of 499
the F-9 permit if the person is attending an orchestral 500
performance and the holder of the F-9 permit grants permission 501
for the possession and consumption of beer or intoxicating 502
liquor in certain predesignated areas of the premises during the 503
period for which the F-9 permit is issued. 504

As used in division (C) (5) of this section, "orchestral 505
performance" has the same meaning as in division (C) (3) (b) of 506
this section. 507

(6) (a) A person may have in the person's possession on the 508
property of an outdoor motorsports facility an opened or 509
unopened container of beer or intoxicating liquor that was not 510
purchased from the owner of the facility if both of the 511
following apply: 512

(i) The person is attending a racing event at the 513
facility; and 514

(ii) The owner of the facility grants permission for the 515
possession and consumption of beer or intoxicating liquor on the 516
property of the facility. 517

(b) As used in division (C) (6) (a) of this section: 518

(i) "Racing event" means a motor vehicle racing event 519

sanctioned by one or more motor racing sanctioning organizations.	520 521
(ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:	522 523
(I) It is two and four-tenths miles or more in length.	524
(II) It is located on two hundred acres or more of land.	525
(III) The primary business of the owner of the facility is the hosting and promoting of racing events.	526 527
(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.	528 529
(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:	530 531 532 533 534 535
(i) The permit holder's premises is located within the outdoor refreshment area.	536 537
(ii) The permit held by the permit holder has an outdoor refreshment area designation.	538 539
(b) Division (C) (7) of this section does not authorize a person to do either of the following:	540 541
(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;	542 543 544
(ii) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor	545 546

refreshment area, unless the motor vehicle is stationary and is 547
not being operated in a lane of vehicular travel or unless the 548
possession is otherwise authorized under division (D) or (E) of 549
this section. 550

(D) This section does not apply to a person who pays all 551
or a portion of the fee imposed for the use of a chauffeured 552
limousine pursuant to a prearranged contract, or the guest of 553
the person, when all of the following apply: 554

(1) The person or guest is a passenger in the limousine. 555

(2) The person or guest is located in the limousine, but 556
is not occupying a seat in the front compartment of the 557
limousine where the operator of the limousine is located. 558

(3) The limousine is located on any street, highway, or 559
other public or private property open to the public for purposes 560
of vehicular travel or parking. 561

(E) An opened bottle of wine that was purchased from the 562
holder of a permit that authorizes the sale of wine for 563
consumption on the premises where sold is not an opened 564
container for the purposes of this section if both of the 565
following apply: 566

(1) The opened bottle of wine is securely resealed by the 567
permit holder or an employee of the permit holder before the 568
bottle is removed from the premises. The bottle shall be secured 569
in such a manner that it is visibly apparent if the bottle has 570
been subsequently opened or tampered with. 571

(2) The opened bottle of wine that is resealed in 572
accordance with division (E)(1) of this section is stored in the 573
trunk of a motor vehicle or, if the motor vehicle does not have 574
a trunk, behind the last upright seat or in an area not normally 575

occupied by the driver or passengers and not easily accessible	576
by the driver.	577
(F) (1) Except if an ordinance or resolution is enacted or	578
adopted under division (F) (2) of this section, this section does	579
not apply to a person who, pursuant to a prearranged contract,	580
is a passenger riding on a commercial quadricycle when all of	581
the following apply:	582
(a) The person is not occupying a seat in the front of the	583
commercial quadricycle where the operator is steering or	584
braking.	585
(b) The commercial quadricycle is being operated on a	586
street, highway, or other public or private property open to the	587
public for purposes of vehicular travel or parking.	588
(c) The person has in their possession on the commercial	589
quadricycle an opened container of beer or wine.	590
(d) The person has in their possession on the commercial	591
quadricycle not more than either thirty-six ounces of beer or	592
eighteen ounces of wine.	593
(2) The legislative authority of a municipal corporation	594
or township may enact an ordinance or adopt a resolution, as	595
applicable, that prohibits a passenger riding on a commercial	596
quadricycle from possessing an opened container of beer or wine.	597
(3) As used in this section, "commercial quadricycle"	598
means a vehicle that has fully-operative pedals for propulsion	599
entirely by human power and that meets all of the following	600
requirements:	601
(a) It has four wheels and is operated in a manner similar	602
to a bicycle.	603

(b) It has at least five seats for passengers.	604
(c) It is designed to be powered by the pedaling of the operator and the passengers.	605 606
(d) It is used for commercial purposes.	607
(e) It is operated by the vehicle owner or an employee of the owner.	608 609
Sec. 4301.82. (A) As used in this section, "qualified permit holder" means the holder of an A-1, A-1-A, A-1c, A-2, <u>A-2f</u> , or D permit issued under Chapter 4303. of the Revised Code.	610 611 612
(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 an outdoor refreshment area or to expand an existing outdoor refreshment area to include additional property within the municipal corporation or township. The executive officer or fiscal officer shall ensure that the application contains all of the following:	613 614 615 616 617 618 619 620 621
(1) A map or survey of the proposed outdoor refreshment area in sufficient detail to identify the boundaries of the area, which shall not exceed either of the following, as applicable:	622 623 624 625
(a) Three hundred twenty contiguous acres or one-half square mile if the municipal corporation or township has a population of more than thirty-five thousand as specified in division (D) of this section;	626 627 628 629
(b) One hundred fifty contiguous acres if the municipal corporation or township has a population of thirty-five thousand	630 631

or less as specified in division (D) of this section. 632

(2) A general statement of the nature and types of 633
establishments that will be located within the proposed outdoor 634
refreshment area; 635

(3) A statement that the proposed outdoor refreshment area 636
will encompass not fewer than four qualified permit holders; 637

(4) Evidence that the uses of land within the proposed 638
outdoor refreshment area are in accord with the master zoning 639
plan or map of the municipal corporation or township; 640

(5) Proposed requirements for the purpose of ensuring 641
public health and safety within the proposed outdoor refreshment 642
area. 643

(C) Within forty-five days after the date the application 644
is filed with the legislative authority of a municipal 645
corporation or township, the legislative authority shall publish 646
public notice of the application once a week for two consecutive 647
weeks in one newspaper of general circulation in the municipal 648
corporation or township or as provided in section 7.16 of the 649
Revised Code. The legislative authority shall ensure that the 650
notice states that the application is on file in the office of 651
the clerk of the municipal corporation or township and is 652
available for inspection by the public during regular business 653
hours. The legislative authority also shall indicate in the 654
notice the date and time of any public hearing to be held 655
regarding the application by the legislative authority. 656

Not earlier than thirty but not later than sixty days 657
after the initial publication of notice, the legislative 658
authority shall approve or disapprove the application by either 659
ordinance or resolution, as applicable. Approval of an 660

application requires an affirmative vote of a majority of the 661
legislative authority. Upon approval of the application by the 662
legislative authority, the territory described in the 663
application constitutes an outdoor refreshment area. The 664
legislative authority shall provide to the division of liquor 665
control and the investigative unit of the department of public 666
safety notice of the approval of the application and a 667
description of the area specified in the application. If the 668
legislative authority disapproves the application, the executive 669
officer of a municipal corporation or fiscal officer of a 670
township may make changes in the application to secure its 671
approval by the legislative authority. 672

(D) The creation of outdoor refreshment areas is limited 673
as follows: 674

(1) A municipal corporation or township with a population 675
of more than fifty thousand shall not create more than two 676
outdoor refreshment areas. 677

(2) A municipal corporation or township with a population 678
of more than thirty-five thousand but less than or equal to 679
fifty thousand shall not create more than one outdoor 680
refreshment area. 681

(3) (a) Except as provided in division (D) (3) (b) of this 682
section, a municipal corporation or township with a population 683
of thirty-five thousand or less shall not create an outdoor 684
refreshment area. 685

(b) A municipal corporation or township with a population 686
of thirty-five thousand or less may create one outdoor 687
refreshment area if the proposed area will include at least four 688
qualified permit holders and be composed of one hundred fifty or 689

fewer contiguous acres. 690

For purposes of this section, the population of a 691
municipal corporation or township is deemed to be the population 692
shown by the most recent regular federal decennial census. 693

(E) As soon as possible after receiving notice that an 694
outdoor refreshment area has been approved, the division of 695
liquor control, for purposes of section 4301.62 of the Revised 696
Code, shall issue an outdoor refreshment area designation to 697
each qualified permit holder located within the refreshment area 698
that is in compliance with all applicable requirements under 699
Chapters 4301. and 4303. of the Revised Code. The division shall 700
not charge any fee for the issuance of the designation. Any 701
permit holder that receives such a designation shall comply with 702
all laws, rules, and regulations that govern its license type, 703
and the applicable public health and safety requirements 704
established for the area under division (F) of this section. 705

(F) (1) At the time of the creation of an outdoor 706
refreshment area, the legislative authority of a municipal 707
corporation or township in which such an area is located shall 708
adopt an ordinance or resolution, as applicable, that 709
establishes requirements the legislative authority determines 710
necessary to ensure public health and safety within the area. 711
The legislative authority shall include in the ordinance or 712
resolution all of the following: 713

(a) The specific boundaries of the area, including street 714
addresses; 715

(b) The number, spacing, and type of signage designating 716
the area; 717

(c) The hours of operation for the area; 718

(d) The number of personnel needed to ensure public safety	719
in the area;	720
(e) A sanitation plan that will help maintain the	721
appearance and public health of the area;	722
(f) The number of personnel needed to execute the	723
sanitation plan;	724
(g) A requirement that beer and intoxicating liquor be	725
served solely in plastic bottles or other plastic containers in	726
the area.	727
The legislative authority may, but is not required to,	728
include in the ordinance or resolution any public health and	729
safety requirements proposed in an application under division	730
(B) of this section to designate or expand the outdoor	731
refreshment area. The legislative authority may subsequently	732
modify the public health and safety requirements as determined	733
necessary by the legislative authority.	734
(2) Prior to adopting an ordinance or resolution under	735
this division, the legislative authority shall give notice of	736
its proposed action by publication once a week for two	737
consecutive weeks in one newspaper of general circulation in the	738
municipal corporation or township or as provided in section 7.16	739
of the Revised Code.	740
(3) The legislative authority shall provide to the	741
division of liquor control and the investigative unit of the	742
department of public safety notice of the public health and	743
safety requirements established or modified under this division.	744
(G) Section 4399.18 of the Revised Code applies to a	745
liquor permit holder located within an outdoor refreshment area	746
in the same manner as if the liquor permit holder were not	747

located in an outdoor refreshment area. 748

(H) (1) Five years after the date of creation of an outdoor 749
refreshment area, the legislative authority of the municipal 750
corporation or township that created the area under this section 751
shall review the operation of the area and shall, by ordinance 752
or resolution, either approve the continued operation of the 753
area or dissolve the area. Prior to adopting the ordinance or 754
resolution, the legislative authority shall give notice of its 755
proposed action by publication once a week for two consecutive 756
weeks in one newspaper of general circulation in the municipal 757
corporation or township or as provided in section 7.16 of the 758
Revised Code. 759

If the legislative authority dissolves the outdoor 760
refreshment area, the outdoor refreshment area ceases to exist. 761
The legislative authority then shall provide notice of its 762
action to the division of liquor control and the investigative 763
unit of the department of public safety. Upon receipt of the 764
notice, the division shall revoke all outdoor refreshment area 765
designations issued to qualified permit holders within the 766
dissolved area. If the legislative authority approves the 767
continued operation of the outdoor refreshment area, the area 768
continues in operation. 769

(2) Five years after the approval of the continued 770
operation of an outdoor refreshment area under division (H) (1) 771
of this section, the legislative authority shall conduct a 772
review in the same manner as provided in division (H) (1) of this 773
section. The legislative authority also shall conduct such a 774
review five years after any subsequent approval of continued 775
operation under division (H) (2) of this section. 776

(I) At any time, the legislative authority of a municipal 777

corporation or township in which an outdoor refreshment area is 778
located may, by ordinance or resolution, dissolve all or a part 779
of the outdoor refreshment area. Prior to adopting the 780
resolution or ordinance, the legislative authority shall give 781
notice of its proposed action by publication once a week for two 782
consecutive weeks in one newspaper of general circulation in the 783
municipal corporation or township or as provided in section 7.16 784
of the Revised Code. If the legislative authority dissolves all 785
or part of an outdoor refreshment area, the area designated in 786
the ordinance or resolution no longer constitutes an outdoor 787
refreshment area. The legislative authority shall provide notice 788
of its actions to the division of liquor control and the 789
investigative unit of the department of public safety. Upon 790
receipt of the notice, the division shall revoke all outdoor 791
refreshment area designations issued to qualified permit holders 792
within the dissolved area or portion of the area. 793

Sec. 4301.83. (A) As used in this section: 794

(1) "Qualified permit holder" means a person to which both 795
of the following apply: 796

(a) The person is the holder of an A-1, A-1-A, A-1c, A-2, 797
A-2f, or D permit issued under Chapter 4303. of the Revised 798
Code. 799

(b) The location of the premises for which the person has 800
been issued a permit specified in division (A)(1)(a) of this 801
section is in a county in which a major event will occur or in a 802
county contiguous to the county in which a major event will 803
occur. 804

(2) "Major event" means an event that meets all of the 805
following conditions: 806

(a) It is scheduled to occur in a municipal corporation 807
with a population of three hundred fifty thousand or more on or 808
~~after the effective date of this section~~ September 29, 2015. 809

(b) It is expected to attract not less than three thousand 810
visitors. 811

(c) It is scheduled to have a duration of not less than 812
one day and not more than ten days. 813

(B) Notwithstanding any provision of law to the contrary 814
and upon issuance of a waiver by the division of liquor control 815
under this section, a qualified permit holder may serve beer, 816
intoxicating liquor, or both between five thirty a.m. and four 817
a.m. the following day during a major event. 818

(C) Not later than one hundred twenty days prior to the 819
commencement of a major event, a qualified permit holder may 820
file an application for a waiver with the chief executive 821
officer of the municipal corporation in which the permit 822
holder's premises is located or the fiscal officer of the 823
township in which the permit holder's premises is located. The 824
qualified permit holder shall include in the application both of 825
the following: 826

(1) The name and address of the qualified permit holder; 827

(2) The name and address of the premises that is the 828
subject of the application. 829

(D) (1) Not later than ninety days prior to the 830
commencement of the major event, the chief executive officer of 831
the municipal corporation or the fiscal officer of the township 832
that receives an application under division (C) of this section 833
shall review all applications received under division (C) of 834
this section and compile a list of the applicants. 835

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

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

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

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

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

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

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

Sec. 4303.021. (A) Permit A-1-A may be issued to the

holder of an A-1, A-1c, ~~or A-2,~~ or A-2f permit to sell beer and 865
any intoxicating liquor at retail, only by the individual drink 866
in glass or from a container, provided that one of the following 867
applies to the A-1-A permit premises: 868

(1) It is situated on the same parcel or tract of land as 869
the related A-1, A-1c, ~~or A-2,~~ or A-2f manufacturing permit 870
premises. 871

(2) It is separated from the parcel or tract of land on 872
which is located the A-1, A-1c, ~~or A-2,~~ or A-2f manufacturing 873
permit premises only by public streets or highways or by other 874
lands owned by the holder of the A-1, A-1c, ~~or A-2,~~ or A-2f 875
permit and used by the holder in connection with or in promotion 876
of the holder's A-1, A-1c, ~~or A-2,~~ or A-2f permit business. 877

(3) It is situated on a parcel or tract of land that is 878
not more than one-half mile from the A-1, A-1c, ~~or A-2,~~ or A-2f 879
manufacturing permit premises. 880

(B) The fee for this permit is three thousand nine hundred 881
six dollars. 882

(C) (1) The holder of an A-1-A permit may sell beer and any 883
intoxicating liquor during the same hours as the holders of D-5 884
permits under this chapter or Chapter 4301. of the Revised Code 885
or the rules of the liquor control commission and shall obtain a 886
license as a retail food establishment or a food service 887
operation pursuant to Chapter 3717. of the Revised Code and 888
operate as a restaurant for purposes of this chapter. 889

(2) If a permit A-1-A is issued to the holder of an A-1 or 890
A-1c permit, the A-1-A permit holder may sell beer at the A-1-A 891
permit premises dispensed in glass containers with a capacity 892
that does not exceed one gallon and not for consumption on the 893

premises where sold if all of the following apply: 894

(a) The A-1-A permit premises is situated in the same 895
municipal corporation or township as the related A-1 or A-1c 896
manufacturing permit premises. 897

(b) The containers are sealed, marked, and transported in 898
accordance with division (E) of section 4301.62 of the Revised 899
Code. 900

(c) The containers have been cleaned immediately before 901
being filled in accordance with rule 4301:1-1-28 of the 902
Administrative Code. 903

(D) Except as otherwise provided in this section, the 904
division of liquor control shall not issue a new A-1-A permit to 905
the holder of an A-1, A-1c, ~~or A-2,~~ or A-2f permit unless the 906
sale of beer and intoxicating liquor under class D permits is 907
permitted in the precinct in which the A-1, A-1c, ~~or A-2,~~ or A- 908
2f permit is located and, in the case of an A-2 or A-2f permit, 909
unless the holder of the A-2 or A-2f permit manufactures or has 910
a storage capacity of at least twenty-five thousand gallons of 911
wine per year. The immediately preceding sentence does not 912
prohibit the issuance of an A-1-A permit to an applicant for 913
such a permit who is the holder of an A-1 permit and whose 914
application was filed with the division of liquor control before 915
June 1, 1994. The liquor control commission shall not restrict 916
the number of A-1-A permits which may be located within a 917
precinct. 918

Sec. 4303.03. (A) Subject to division (B) of this section, 919
permit A-2 may be issued to a manufacturer to manufacture wine 920
from grapes ~~or other~~, fruits, or other agricultural products; 921
to import and purchase wine in bond for blending purposes, the 922

total amount of wine so imported during the year covered by the 923
permit not to exceed forty per cent of all the wine manufactured 924
and imported; to manufacture, purchase, and import brandy for 925
fortifying purposes; and to sell those products either in glass 926
or container for consumption on the premises where manufactured, 927
in sealed containers for consumption off the premises where 928
manufactured, and to wholesale permit holders under the rules 929
adopted by the division of liquor control. 930

(B) (1) The holder of an A-2 permit shall not sell directly 931
to a retailer. In order to make sales to a retailer, the 932
manufacturer shall obtain a B-2a permit or make the sale 933
directly to a B-2 or B-5 permit holder for subsequent resale to 934
a retailer. 935

(2) The holder of an A-2 permit shall not sell directly to 936
a consumer unless the product is sold on the premises in 937
accordance with division (A) of this section. In order to make 938
sales to a consumer off the premises where the wine is 939
manufactured, the manufacturer shall obtain an S permit. 940

(3) Nothing in this chapter prohibits an A-2 permit holder 941
also holding a B-2a or S permit. 942

(C) The fee for this permit is seventy-six dollars for 943
each plant to which this permit is issued. 944

Sec. 4303.031. (A) Subject to divisions (B) and (C) of 945
this section, permit A-2f may be issued to a manufacturer to do 946
all of the following: 947

(1) Manufacture wine from grapes, fruits, or other 948
agricultural products; 949

(2) Import and purchase wine in bond for blending 950
purposes. The total amount of wine imported for blending 951

purposes during any year covered by the permit shall not exceed 952
forty per cent of all the wine manufactured and imported. 953

(3) Manufacture, purchase, and import brandy for 954
fortifying purposes; 955

(4) Sell products produced under divisions (A) (1) to (3) 956
of this section either in glass or container for consumption on 957
the premises where manufactured, in sealed containers for 958
consumption off the premises where manufactured, and to 959
wholesale permit holders under the rules adopted by the division 960
of liquor control. 961

(B) The division may issue permit A-2f to a manufacturer 962
only if both of the following apply: 963

(1) The manufacturer grows grapes, fruits, or other 964
agricultural products on property owned by the manufacturer that 965
is classified as land devoted exclusively to agricultural use in 966
accordance with section 5713.31 of the Revised Code. 967

(2) The manufacturer processes the grapes, fruits, or 968
other agricultural products specified in division (B) (1) of this 969
section into wine and sells the wine as authorized in this 970
section. 971

(C) (1) The holder of an A-2f permit shall not sell 972
directly to a retailer. In order to make sales to a retailer, 973
the manufacturer shall obtain a B-2a permit or make the sale 974
directly to a B-2 or B-5 permit holder for subsequent resale to 975
a retailer. 976

(2) The holder of an A-2f permit shall not sell directly 977
to a consumer unless the product is sold on the premises in 978
accordance with division (A) of this section. In order to make 979
sales to a consumer off the premises where the wine is 980

<u>manufactured, the manufacturer shall obtain an S permit.</u>	981
<u>(3) Nothing in this chapter prohibits an A-2f permit holder from also holding a B-2a or S permit.</u>	982
<u>(D) The fee for this permit is seventy-six dollars for each plant to which this permit is issued.</u>	983
<u>(E) The A-2f permit shall be known as the "Ohio Farm Winery Permit."</u>	984
<u>Winery Permit."</u>	985
Sec. 4303.07. Permit B-2 may be issued to a wholesale distributor of wine to purchase from holders of A-2, <u>A-2f</u> , and B-5 permits and distribute or sell that product, in the original container in which it was placed by the B-5 permit holder or manufacturer at the place where manufactured, to retail permit holders and for home use. The fee for this permit is five hundred dollars for each distributing plant or warehouse.	986
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Sec. 4303.10. Permit B-5 may be issued to a wholesale distributor of wine to purchase wine from the holders of A-2 <u>and A-2f</u> permits, to purchase and import wine in bond or otherwise, in bulk or in containers of any size, and to bottle wine for distribution and sale to holders of wholesale or retail permits and for home use in sealed containers. No wine shall be bottled by a B-5 permit holder in containers supplied by any person who intends the wine for home use. The fee for this permit is one thousand five hundred sixty-three dollars.	995
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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	1004
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university, and that qualifies under the other requirements of 1010
this section, or to the owner or operator of a restaurant 1011
specified under this section, to sell beer and any intoxicating 1012
liquor at retail, only by the individual drink in glass and from 1013
the container, for consumption on the premises where sold, and 1014
to registered guests in their rooms, which may be sold by means 1015
of a controlled access alcohol and beverage cabinet in 1016
accordance with division (B) of section 4301.21 of the Revised 1017
Code; and to sell the same products in the same manner and 1018
amounts not for consumption on the premises as may be sold by 1019
holders of D-1 and D-2 permits. The premises of the hotel or 1020
motel shall include a retail food establishment or a food 1021
service operation licensed pursuant to Chapter 3717. of the 1022
Revised Code that operates as a restaurant for purposes of this 1023
chapter and that is affiliated with the hotel or motel and 1024
within or contiguous to the hotel or motel, and that serves food 1025
within the hotel or motel, but the principal business of the 1026
owner or operator of the hotel or motel shall be the 1027
accommodation of transient guests. In addition to the privileges 1028
authorized in this division, the holder of a D-5a permit may 1029
exercise the same privileges as the holder of a D-5 permit. 1030

The owner or operator of a hotel, motel, or restaurant who 1031
qualified for and held a D-5a permit on August 4, 1976, may, if 1032
the owner or operator held another permit before holding a D-5a 1033
permit, either retain a D-5a permit or apply for the permit 1034
formerly held, and the division of liquor control shall issue 1035
the permit for which the owner or operator applies and formerly 1036
held, notwithstanding any quota. 1037

A D-5a permit shall not be transferred to another 1038
location. No quota restriction shall be placed on the number of 1039
D-5a permits that may be issued. 1040

The fee for this permit is two thousand three hundred 1041
forty-four dollars. 1042

(B) Permit D-5b may be issued to the owner, operator, 1043
tenant, lessee, or occupant of an enclosed shopping center to 1044
sell beer and intoxicating liquor at retail, only by the 1045
individual drink in glass and from the container, for 1046
consumption on the premises where sold; and to sell the same 1047
products in the same manner and amount not for consumption on 1048
the premises as may be sold by holders of D-1 and D-2 permits. 1049
In addition to the privileges authorized in this division, the 1050
holder of a D-5b permit may exercise the same privileges as a 1051
holder of a D-5 permit. 1052

A D-5b permit shall not be transferred to another 1053
location. 1054

One D-5b permit may be issued at an enclosed shopping 1055
center containing at least two hundred twenty-five thousand, but 1056
less than four hundred thousand, square feet of floor area. 1057

Two D-5b permits may be issued at an enclosed shopping 1058
center containing at least four hundred thousand square feet of 1059
floor area. No more than one D-5b permit may be issued at an 1060
enclosed shopping center for each additional two hundred 1061
thousand square feet of floor area or fraction of that floor 1062
area, up to a maximum of five D-5b permits for each enclosed 1063
shopping center. The number of D-5b permits that may be issued 1064
at an enclosed shopping center shall be determined by 1065
subtracting the number of D-3 and D-5 permits issued in the 1066
enclosed shopping center from the number of D-5b permits that 1067
otherwise may be issued at the enclosed shopping center under 1068
the formulas provided in this division. Except as provided in 1069
this section, no quota shall be placed on the number of D-5b 1070

permits that may be issued. Notwithstanding any quota provided 1071
in this section, the holder of any D-5b permit first issued in 1072
accordance with this section is entitled to its renewal in 1073
accordance with section 4303.271 of the Revised Code. 1074

The holder of a D-5b permit issued before April 4, 1984, 1075
whose tenancy is terminated for a cause other than nonpayment of 1076
rent, may return the D-5b permit to the division of liquor 1077
control, and the division shall cancel that permit. Upon 1078
cancellation of that permit and upon the permit holder's payment 1079
of taxes, contributions, premiums, assessments, and other debts 1080
owing or accrued upon the date of cancellation to this state and 1081
its political subdivisions and a filing with the division of a 1082
certification of that payment, the division shall issue to that 1083
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, 1084
as that person requests. The division shall issue the D-5 1085
permit, or the D-1, D-2, and D-3 permits, even if the number of 1086
D-1, D-2, D-3, or D-5 permits currently issued in the municipal 1087
corporation or in the unincorporated area of the township where 1088
that person's proposed premises is located equals or exceeds the 1089
maximum number of such permits that can be issued in that 1090
municipal corporation or in the unincorporated area of that 1091
township under the population quota restrictions contained in 1092
section 4303.29 of the Revised Code. Any D-1, D-2, D-3, or D-5 1093
permit so issued shall not be transferred to another location. 1094
If a D-5b permit is canceled under the provisions of this 1095
paragraph, the number of D-5b permits that may be issued at the 1096
enclosed shopping center for which the D-5b permit was issued, 1097
under the formula provided in this division, shall be reduced by 1098
one if the enclosed shopping center was entitled to more than 1099
one D-5b permit under the formula. 1100

The fee for this permit is two thousand three hundred 1101

forty-four dollars. 1102

(C) Permit D-5c may be issued to the owner or operator of 1103
a retail food establishment or a food service operation licensed 1104
pursuant to Chapter 3717. of the Revised Code that operates as a 1105
restaurant for purposes of this chapter and that qualifies under 1106
the other requirements of this section to sell beer and any 1107
intoxicating liquor at retail, only by the individual drink in 1108
glass and from the container, for consumption on the premises 1109
where sold, and to sell the same products in the same manner and 1110
amounts not for consumption on the premises as may be sold by 1111
holders of D-1 and D-2 permits. In addition to the privileges 1112
authorized in this division, the holder of a D-5c permit may 1113
exercise the same privileges as the holder of a D-5 permit. 1114

To qualify for a D-5c permit, the owner or operator of a 1115
retail food establishment or a food service operation licensed 1116
pursuant to Chapter 3717. of the Revised Code that operates as a 1117
restaurant for purposes of this chapter, shall have operated the 1118
restaurant at the proposed premises for not less than twenty- 1119
four consecutive months immediately preceding the filing of the 1120
application for the permit, have applied for a D-5 permit no 1121
later than December 31, 1988, and appear on the division's quota 1122
waiting list for not less than six months immediately preceding 1123
the filing of the application for the permit. In addition to 1124
these requirements, the proposed D-5c permit premises shall be 1125
located within a municipal corporation and further within an 1126
election precinct that, at the time of the application, has no 1127
more than twenty-five per cent of its total land area zoned for 1128
residential use. 1129

A D-5c permit shall not be transferred to another 1130
location. No quota restriction shall be placed on the number of 1131

such permits that may be issued. 1132

Any person who has held a D-5c permit for at least two 1133
years may apply for a D-5 permit, and the division of liquor 1134
control shall issue the D-5 permit notwithstanding the quota 1135
restrictions contained in section 4303.29 of the Revised Code or 1136
in any rule of the liquor control commission. 1137

The fee for this permit is one thousand five hundred 1138
sixty-three dollars. 1139

(D) Permit D-5d may be issued to the owner or operator of 1140
a retail food establishment or a food service operation licensed 1141
pursuant to Chapter 3717. of the Revised Code that operates as a 1142
restaurant for purposes of this chapter and that is located at 1143
an airport operated by a board of county commissioners pursuant 1144
to section 307.20 of the Revised Code, at an airport operated by 1145
a port authority pursuant to Chapter 4582. of the Revised Code, 1146
or at an airport operated by a regional airport authority 1147
pursuant to Chapter 308. of the Revised Code. The holder of a D- 1148
5d permit may sell beer and any intoxicating liquor at retail, 1149
only by the individual drink in glass and from the container, 1150
for consumption on the premises where sold, and may sell the 1151
same products in the same manner and amounts not for consumption 1152
on the premises where sold as may be sold by the holders of D-1 1153
and D-2 permits. In addition to the privileges authorized in 1154
this division, the holder of a D-5d permit may exercise the same 1155
privileges as the holder of a D-5 permit. 1156

A D-5d permit shall not be transferred to another 1157
location. No quota restrictions shall be placed on the number of 1158
such permits that may be issued. 1159

The fee for this permit is two thousand three hundred 1160

forty-four dollars. 1161

(E) Permit D-5e may be issued to any nonprofit 1162
organization that is exempt from federal income taxation under 1163
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1164
501(c)(3), as amended, or that is a charitable organization 1165
under any chapter of the Revised Code, and that owns or operates 1166
a riverboat that meets all of the following: 1167

(1) Is permanently docked at one location; 1168

(2) Is designated as an historical riverboat by the Ohio 1169
history connection; 1170

(3) Contains not less than fifteen hundred square feet of 1171
floor area; 1172

(4) Has a seating capacity of fifty or more persons. 1173

The holder of a D-5e permit may sell beer and intoxicating 1174
liquor at retail, only by the individual drink in glass and from 1175
the container, for consumption on the premises where sold. 1176

A D-5e permit shall not be transferred to another 1177
location. No quota restriction shall be placed on the number of 1178
such permits that may be issued. The population quota 1179
restrictions contained in section 4303.29 of the Revised Code or 1180
in any rule of the liquor control commission shall not apply to 1181
this division, and the division shall issue a D-5e permit to any 1182
applicant who meets the requirements of this division. However, 1183
the division shall not issue a D-5e permit if the permit 1184
premises or proposed permit premises are located within an area 1185
in which the sale of spirituous liquor by the glass is 1186
prohibited. 1187

The fee for this permit is one thousand two hundred 1188

nineteen dollars. 1189

(F) Permit D-5f may be issued to the owner or operator of 1190
a retail food establishment or a food service operation licensed 1191
under Chapter 3717. of the Revised Code that operates as a 1192
restaurant for purposes of this chapter and that meets all of 1193
the following: 1194

(1) It contains not less than twenty-five hundred square 1195
feet of floor area. 1196

(2) It is located on or in, or immediately adjacent to, 1197
the shoreline of, a navigable river. 1198

(3) It provides docking space for twenty-five boats. 1199

(4) It provides entertainment and recreation, provided 1200
that not less than fifty per cent of the business on the permit 1201
premises shall be preparing and serving meals for a 1202
consideration. 1203

In addition, each application for a D-5f permit shall be 1204
accompanied by a certification from the local legislative 1205
authority that the issuance of the D-5f permit is not 1206
inconsistent with that political subdivision's comprehensive 1207
development plan or other economic development goal as 1208
officially established by the local legislative authority. 1209

The holder of a D-5f permit may sell beer and intoxicating 1210
liquor at retail, only by the individual drink in glass and from 1211
the container, for consumption on the premises where sold. 1212

A D-5f permit shall not be transferred to another 1213
location. 1214

The division of liquor control shall not issue a D-5f 1215
permit if the permit premises or proposed permit premises are 1216

located within an area in which the sale of spirituous liquor by 1217
the glass is prohibited. 1218

A fee for this permit is two thousand three hundred forty- 1219
four dollars. 1220

As used in this division, "navigable river" means a river 1221
that is also a "navigable water" as defined in the "Federal 1222
Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 1223

(G) Permit D-5g may be issued to a nonprofit corporation 1224
that is either the owner or the operator of a national 1225
professional sports museum. The holder of a D-5g permit may sell 1226
beer and any intoxicating liquor at retail, only by the 1227
individual drink in glass and from the container, for 1228
consumption on the premises where sold. The holder of a D-5g 1229
permit shall sell no beer or intoxicating liquor for consumption 1230
on the premises where sold after two-thirty a.m. A D-5g permit 1231
shall not be transferred to another location. No quota 1232
restrictions shall be placed on the number of D-5g permits that 1233
may be issued. The fee for this permit is one thousand eight 1234
hundred seventy-five dollars. 1235

(H) (1) Permit D-5h may be issued to any nonprofit 1236
organization that is exempt from federal income taxation under 1237
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1238
501(c) (3), as amended, that owns or operates any of the 1239
following: 1240

(a) A fine arts museum, provided that the nonprofit 1241
organization has no less than one thousand five hundred bona 1242
fide members possessing full membership privileges; 1243

(b) A community arts center. As used in division (H) (1) (b) 1244
of this section, "community arts center" means a facility that 1245

provides arts programming to the community in more than one arts 1246
discipline, including, but not limited to, exhibits of works of 1247
art and performances by both professional and amateur artists. 1248

(c) A community theater, provided that the nonprofit 1249
organization is a member of the Ohio arts council and the 1250
American community theatre association and has been in existence 1251
for not less than ten years. As used in division (H) (1) (c) of 1252
this section, "community theater" means a facility that contains 1253
at least one hundred fifty seats and has a primary function of 1254
presenting live theatrical performances and providing 1255
recreational opportunities to the community. 1256

(2) The holder of a D-5h permit may sell beer and any 1257
intoxicating liquor at retail, only by the individual drink in 1258
glass and from the container, for consumption on the premises 1259
where sold. The holder of a D-5h permit shall sell no beer or 1260
intoxicating liquor for consumption on the premises where sold 1261
after one a.m. A D-5h permit shall not be transferred to another 1262
location. No quota restrictions shall be placed on the number of 1263
D-5h permits that may be issued. 1264

(3) The fee for a D-5h permit is one thousand eight 1265
hundred seventy-five dollars. 1266

(I) Permit D-5i may be issued to the owner or operator of 1267
a retail food establishment or a food service operation licensed 1268
under Chapter 3717. of the Revised Code that operates as a 1269
restaurant for purposes of this chapter and that meets all of 1270
the following requirements: 1271

(1) It is located in a municipal corporation or a township 1272
with a population of one hundred thousand or less. 1273

(2) It has inside seating capacity for at least one 1274

hundred forty persons.	1275
(3) It has at least four thousand square feet of floor area.	1276 1277
(4) It offers full-course meals, appetizers, and sandwiches.	1278 1279
(5) Its receipts from beer and liquor sales, excluding wine sales, do not exceed twenty-five per cent of its total gross receipts.	1280 1281 1282
(6) It has at least one of the following characteristics:	1283
(a) The value of its real and personal property exceeds seven hundred twenty-five thousand dollars.	1284 1285
(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 the state agency that owns or leases the property to obtain a D-5i permit.	1286 1287 1288 1289
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.	1290 1291 1292 1293 1294 1295 1296 1297 1298 1299 1300
A D-5i permit shall not be transferred to another location. The division of liquor control shall not renew a D-5i	1301 1302

permit unless the retail food establishment or food service 1303
operation for which it is issued continues to meet the 1304
requirements described in divisions (I) (1) to (6) of this 1305
section. No quota restrictions shall be placed on the number of 1306
D-5i permits that may be issued. The fee for the D-5i permit is 1307
two thousand three hundred forty-four dollars. 1308

(J) Permit D-5j may be issued to the owner or the operator 1309
of a retail food establishment or a food service operation 1310
licensed under Chapter 3717. of the Revised Code to sell beer 1311
and intoxicating liquor at retail, only by the individual drink 1312
in glass and from the container, for consumption on the premises 1313
where sold and to sell beer and intoxicating liquor in the same 1314
manner and amounts not for consumption on the premises where 1315
sold as may be sold by the holders of D-1 and D-2 permits. The 1316
holder of a D-5j permit may exercise the same privileges, and 1317
shall observe the same hours of operation, as the holder of a D- 1318
5 permit. 1319

The D-5j permit shall be issued only within a community 1320
entertainment district that is designated under section 4301.80 1321
of the Revised Code. The permit shall not be issued to a 1322
community entertainment district that is designated under 1323
divisions (B) and (C) of section 4301.80 of the Revised Code if 1324
the district does not meet one of the following qualifications: 1325

(1) It is located in a municipal corporation with a 1326
population of at least one hundred thousand. 1327

(2) It is located in a municipal corporation with a 1328
population of at least twenty thousand, and either of the 1329
following applies: 1330

(a) It contains an amusement park the rides of which have 1331

been issued a permit by the department of agriculture under 1332
Chapter 1711. of the Revised Code. 1333

(b) Not less than fifty million dollars will be invested 1334
in development and construction in the community entertainment 1335
district's area located in the municipal corporation. 1336

(3) It is located in a township with a population of at 1337
least forty thousand. 1338

(4) It is located in a township with a population of at 1339
least twenty thousand, and not less than seventy million dollars 1340
will be invested in development and construction in the 1341
community entertainment district's area located in the township. 1342

(5) It is located in a municipal corporation with a 1343
population between seven thousand and twenty thousand, and both 1344
of the following apply: 1345

(a) The municipal corporation was incorporated as a 1346
village prior to calendar year 1860 and currently has a historic 1347
downtown business district. 1348

(b) The municipal corporation is located in the same 1349
county as another municipal corporation with at least one 1350
community entertainment district. 1351

(6) It is located in a municipal corporation with a 1352
population of at least ten thousand, and not less than seventy 1353
million dollars will be invested in development and construction 1354
in the community entertainment district's area located in the 1355
municipal corporation. 1356

(7) It is located in a municipal corporation with a 1357
population of at least five thousand, and not less than one 1358
hundred million dollars will be invested in development and 1359

construction in the community entertainment district's area 1360
located in the municipal corporation. 1361

The location of a D-5j permit may be transferred only 1362
within the geographic boundaries of the community entertainment 1363
district in which it was issued and shall not be transferred 1364
outside the geographic boundaries of that district. 1365

Not more than one D-5j permit shall be issued within each 1366
community entertainment district for each five acres of land 1367
located within the district. Not more than fifteen D-5j permits 1368
may be issued within a single community entertainment district. 1369
Except as otherwise provided in division (J) (4) of this section, 1370
no quota restrictions shall be placed upon the number of D-5j 1371
permits that may be issued. 1372

The fee for a D-5j permit is two thousand three hundred 1373
forty-four dollars. 1374

(K) (1) Permit D-5k may be issued to any nonprofit 1375
organization that is exempt from federal income taxation under 1376
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1377
501(c) (3), as amended, that is the owner or operator of a 1378
botanical garden recognized by the American association of 1379
botanical gardens and arboreta, and that has not less than 1380
twenty-five hundred bona fide members. 1381

(2) The holder of a D-5k permit may sell beer and any 1382
intoxicating liquor at retail, only by the individual drink in 1383
glass and from the container, on the premises where sold. 1384

(3) The holder of a D-5k permit shall sell no beer or 1385
intoxicating liquor for consumption on the premises where sold 1386
after one a.m. 1387

(4) A D-5k permit shall not be transferred to another 1388

location. 1389

(5) No quota restrictions shall be placed on the number of 1390
D-5k permits that may be issued. 1391

(6) The fee for the D-5k permit is one thousand eight 1392
hundred seventy-five dollars. 1393

(L) (1) Permit D-5l may be issued to the owner or the 1394
operator of a retail food establishment or a food service 1395
operation licensed under Chapter 3717. of the Revised Code to 1396
sell beer and intoxicating liquor at retail, only by the 1397
individual drink in glass and from the container, for 1398
consumption on the premises where sold and to sell beer and 1399
intoxicating liquor in the same manner and amounts not for 1400
consumption on the premises where sold as may be sold by the 1401
holders of D-1 and D-2 permits. The holder of a D-5l permit may 1402
exercise the same privileges, and shall observe the same hours 1403
of operation, as the holder of a D-5 permit. 1404

(2) The D-5l permit shall be issued only to a premises to 1405
which all of the following apply: 1406

(a) The premises has gross annual receipts from the sale 1407
of food and meals that constitute not less than seventy-five per 1408
cent of its total gross annual receipts. 1409

(b) The premises is located within a revitalization 1410
district that is designated under section 4301.81 of the Revised 1411
Code. 1412

(c) The premises is located in a municipal corporation or 1413
township in which the number of D-5 permits issued equals or 1414
exceeds the number of those permits that may be issued in that 1415
municipal corporation or township under section 4303.29 of the 1416
Revised Code. 1417

- (d) The premises meets any of the following 1418
qualifications: 1419
- (i) It is located in a county with a population of one 1420
hundred twenty-five thousand or less according to the population 1421
estimates certified by the development services agency for 1422
calendar year 2006. 1423
- (ii) It is located in the municipal corporation that has 1424
the largest population in a county when the county has a 1425
population between two hundred fifteen thousand and two hundred 1426
twenty-five thousand according to the population estimates 1427
certified by the development services agency for calendar year 1428
2006. Division (L) (2) (d) (ii) of this section applies only to a 1429
municipal corporation that is wholly located in a county. 1430
- (iii) It is located in the municipal corporation that has 1431
the largest population in a county when the county has a 1432
population between one hundred forty thousand and one hundred 1433
forty-one thousand according to the population estimates 1434
certified by the development services agency for calendar year 1435
2006. Division (L) (2) (d) (iii) of this section applies only to a 1436
municipal corporation that is wholly located in a county. 1437
- (iv) It is located in a township with a population density 1438
of less than four hundred fifty people per square mile. For 1439
purposes of division (L) (2) (d) (iv) of this section, the 1440
population of a township is considered to be the population 1441
shown by the most recent regular federal decennial census. 1442
- (v) It is located in a municipal corporation that is 1443
wholly located within the geographic boundaries of a township, 1444
provided that the municipal corporation and the unincorporated 1445
portion of the township have a combined population density of 1446

less than four hundred fifty people per square mile. For 1447
purposes of division (L) (2) (d) (v) of this section, the 1448
population of a municipal corporation and unincorporated portion 1449
of a township is the population shown by the most recent federal 1450
decennial census. 1451

(3) The location of a D-51 permit may be transferred only 1452
within the geographic boundaries of the revitalization district 1453
in which it was issued and shall not be transferred outside the 1454
geographic boundaries of that district. 1455

(4) Not more than one D-51 permit shall be issued within 1456
each revitalization district for each five acres of land located 1457
within the district. Not more than fifteen D-51 permits may be 1458
issued within a single revitalization district. Except as 1459
otherwise provided in division (L) (4) of this section, no quota 1460
restrictions shall be placed upon the number of D-51 permits 1461
that may be issued. 1462

(5) No D-51 permit shall be issued to an adult 1463
entertainment establishment as defined in section 2907.39 of the 1464
Revised Code. 1465

(6) The fee for a D-51 permit is two thousand three 1466
hundred forty-four dollars. 1467

(M) Permit D-5m may be issued to either the owner or the 1468
operator of a retail food establishment or food service 1469
operation licensed under Chapter 3717. of the Revised Code that 1470
operates as a restaurant for purposes of this chapter and that 1471
is located in, or affiliated with, a center for the preservation 1472
of wild animals as defined in section 4301.404 of the Revised 1473
Code, to sell beer and any intoxicating liquor at retail, only 1474
by the glass and from the container, for consumption on the 1475

premises where sold, and to sell the same products in the same 1476
manner and amounts not for consumption on the premises as may be 1477
sold by the holders of D-1 and D-2 permits. In addition to the 1478
privileges authorized by this division, the holder of a D-5m 1479
permit may exercise the same privileges as the holder of a D-5 1480
permit. 1481

A D-5m permit shall not be transferred to another 1482
location. No quota restrictions shall be placed on the number of 1483
D-5m permits that may be issued. The fee for a permit D-5m is 1484
two thousand three hundred forty-four dollars. 1485

(N) Permit D-5n shall be issued to either a casino 1486
operator or a casino management company licensed under Chapter 1487
3772. of the Revised Code that operates a casino facility under 1488
that chapter, to sell beer and any intoxicating liquor at 1489
retail, only by the individual drink in glass and from the 1490
container, for consumption on the premises where sold, and to 1491
sell the same products in the same manner and amounts not for 1492
consumption on the premises as may be sold by the holders of D-1 1493
and D-2 permits. In addition to the privileges authorized by 1494
this division, the holder of a D-5n permit may exercise the same 1495
privileges as the holder of a D-5 permit. A D-5n permit shall 1496
not be transferred to another location. Only one D-5n permit may 1497
be issued per casino facility and not more than four D-5n 1498
permits shall be issued in this state. The fee for a permit D-5n 1499
shall be twenty thousand dollars. The holder of a D-5n permit 1500
may conduct casino gaming on the permit premises notwithstanding 1501
any provision of the Revised Code or Administrative Code. 1502

(O) Permit D-5o may be issued to the owner or operator of 1503
a retail food establishment or a food service operation licensed 1504
under Chapter 3717. of the Revised Code that operates as a 1505

restaurant for purposes of this chapter and that is located 1506
within a casino facility for which a D-5n permit has been 1507
issued. The holder of a D-5o permit may sell beer and any 1508
intoxicating liquor at retail, only by the individual drink in 1509
glass and from the container, for consumption on the premises 1510
where sold, and may sell the same products in the same manner 1511
and amounts not for consumption on the premises where sold as 1512
may be sold by the holders of D-1 and D-2 permits. In addition 1513
to the privileges authorized by this division, the holder of a 1514
D-5o permit may exercise the same privileges as the holder of a 1515
D-5 permit. A D-5o permit shall not be transferred to another 1516
location. No quota restrictions shall be placed on the number of 1517
such permits that may be issued. The fee for this permit is two 1518
thousand three hundred forty-four dollars. 1519

Sec. 4303.182. (A) Except as otherwise provided in 1520
divisions (B) to (K) of this section, permit D`-6 shall be 1521
issued to the holder of an A-1-A, A-2, A-2f, A-3a, C-2, D-2, D- 1522
3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D- 1523
5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 1524
permit to allow sale under that permit as follows: 1525

(1) Between the hours of ten a.m. and midnight on Sunday 1526
if sale during those hours has been approved under question (C) 1527
(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised 1528
Code, under question (B) (2) of section 4301.355 of the Revised 1529
Code, or under section 4301.356 of the Revised Code and has been 1530
authorized under section 4301.361, 4301.364, 4301.365, or 1531
4301.366 of the Revised Code, under the restrictions of that 1532
authorization; 1533

(2) Between the hours of eleven a.m. and midnight on 1534
Sunday, if sale during those hours has been approved on or after 1535

October 16, 2009, under question (B) (1), (2), or (3) of section 1536
4301.351 or 4301.354 of the Revised Code, under question (B) (2) 1537
of section 4301.355 of the Revised Code, or under section 1538
4301.356 of the Revised Code and has been authorized under 1539
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 1540
Code, under the restrictions of that authorization; 1541

(3) Between the hours of eleven a.m. and midnight on 1542
Sunday if sale between the hours of one p.m. and midnight was 1543
approved before October 16, 2009, under question (B) (1), (2), or 1544
(3) of section 4301.351 or 4301.354 of the Revised Code, under 1545
question (B) (2) of section 4301.355 of the Revised Code, or 1546
under section 4301.356 of the Revised Code and has been 1547
authorized under section 4301.361, 4301.364, 4301.365, or 1548
4301.366 of the Revised Code, under the other restrictions of 1549
that authorization. 1550

(B) Permit D-6 shall be issued to the holder of any 1551
permit, including a D-4a and D-5d permit, authorizing the sale 1552
of intoxicating liquor issued for a premises located at any 1553
publicly owned airport, as defined in section 4563.01 of the 1554
Revised Code, at which commercial airline companies operate 1555
regularly scheduled flights on which space is available to the 1556
public, to allow sale under such permit between the hours of ten 1557
a.m. and midnight on Sunday, whether or not that sale has been 1558
authorized under section 4301.361, 4301.364, 4301.365, or 1559
4301.366 of the Revised Code. 1560

(C) Permit D-6 shall be issued to the holder of a D-5a 1561
permit, and to the holder of a D-3 or D-3a permit who is the 1562
owner or operator of a hotel or motel that is required to be 1563
licensed under section 3731.03 of the Revised Code, that 1564
contains at least fifty rooms for registered transient guests, 1565

and that has on its premises a retail food establishment or a 1566
food service operation licensed pursuant to Chapter 3717. of the 1567
Revised Code that operates as a restaurant for purposes of this 1568
chapter and is affiliated with the hotel or motel and within or 1569
contiguous to the hotel or motel and serving food within the 1570
hotel or motel, to allow sale under such permit between the 1571
hours of ten a.m. and midnight on Sunday, whether or not that 1572
sale has been authorized under section 4301.361, 4301.364, 1573
4301.365, or 4301.366 of the Revised Code. 1574

(D) The holder of a D-6 permit that is issued to a sports 1575
facility may make sales under the permit between the hours of 1576
eleven a.m. and midnight on any Sunday on which a professional 1577
baseball, basketball, football, hockey, or soccer game is being 1578
played at the sports facility. As used in this division, "sports 1579
facility" means a stadium or arena that has a seating capacity 1580
of at least four thousand and that is owned or leased by a 1581
professional baseball, basketball, football, hockey, or soccer 1582
franchise or any combination of those franchises. 1583

(E) Permit D-6 shall be issued to the holder of any permit 1584
that authorizes the sale of beer or intoxicating liquor and that 1585
is issued to a premises located in or at the Ohio history 1586
connection area or the state fairgrounds, as defined in division 1587
(B) of section 4301.40 of the Revised Code, to allow sale under 1588
that permit between the hours of ten a.m. and midnight on 1589
Sunday, whether or not that sale has been authorized under 1590
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 1591
Code. 1592

(F) Permit D-6 shall be issued to the holder of any permit 1593
that authorizes the sale of intoxicating liquor and that is 1594
issued to an outdoor performing arts center to allow sale under 1595

that permit between the hours of one p.m. and midnight on 1596
Sunday, whether or not that sale has been authorized under 1597
section 4301.361 of the Revised Code. A D-6 permit issued under 1598
this division is subject to the results of an election, held 1599
after the D-6 permit is issued, on question (B) (4) as set forth 1600
in section 4301.351 of the Revised Code. Following the end of 1601
the period during which an election may be held on question (B) 1602
(4) as set forth in that section, sales of intoxicating liquor 1603
may continue at an outdoor performing arts center under a D-6 1604
permit issued under this division, unless an election on that 1605
question is held during the permitted period and a majority of 1606
the voters voting in the precinct on that question vote "no." 1607

As used in this division, "outdoor performing arts center" 1608
means an outdoor performing arts center that is located on not 1609
less than eight hundred acres of land and that is open for 1610
performances from the first day of April to the last day of 1611
October of each year. 1612

(G) Permit D-6 shall be issued to the holder of any permit 1613
that authorizes the sale of beer or intoxicating liquor and that 1614
is issued to a golf course owned by the state, a conservancy 1615
district, a park district created under Chapter 1545. of the 1616
Revised Code, or another political subdivision to allow sale 1617
under that permit between the hours of ten a.m. and midnight on 1618
Sunday, whether or not that sale has been authorized under 1619
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 1620
Code. 1621

(H) Permit D-6 shall be issued to the holder of a D-5g 1622
permit to allow sale under that permit between the hours of ten 1623
a.m. and midnight on Sunday, whether or not that sale has been 1624
authorized under section 4301.361, 4301.364, 4301.365, or 1625

4301.366 of the Revised Code. 1626

(I) Permit D-6 shall be issued to the holder of any D 1627
permit for a premises that is licensed under Chapter 3717. of 1628
the Revised Code and that is located at a ski area to allow sale 1629
under the D-6 permit between the hours of ten a.m. and midnight 1630
on Sunday, whether or not that sale has been authorized under 1631
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 1632
Code. 1633

As used in this division, "ski area" means a ski area as 1634
defined in section 4169.01 of the Revised Code, provided that 1635
the passenger tramway operator at that area is registered under 1636
section 4169.03 of the Revised Code. 1637

(J) Permit D-6 shall be issued to the holder of any 1638
permit that is described in division (A) of this section for a 1639
permit premises that is located in a community entertainment 1640
district, as defined in section 4301.80 of the Revised Code, 1641
that was approved by the legislative authority of a municipal 1642
corporation under that section between October 1 and October 15, 1643
2005, to allow sale under the permit between the hours of ten 1644
a.m. and midnight on Sunday, whether or not that sale has been 1645
authorized under section 4301.361, 4301.364, 4301.365, or 1646
4301.366 of the Revised Code. 1647

(K) A D-6 permit shall be issued to the holder of any D 1648
permit for a premises that is licensed under Chapter 3717. of 1649
the Revised Code and that is located in a state park to allow 1650
sales under the D-6 permit between the hours of ten a.m. and 1651
midnight on Sunday, whether or not those sales have been 1652
authorized under section 4301.361, 4301.364, 4301.365, or 1653
4301.366 of the Revised Code. 1654

As used in this division, "state park" means a state park 1655
that is established or dedicated under Chapter 1541. of the 1656
Revised Code and that has a working farm on its property. 1657

(L) If the restriction to licensed premises where the sale 1658
of food and other goods and services exceeds fifty per cent of 1659
the total gross receipts of the permit holder at the premises is 1660
applicable, the division of liquor control may accept an 1661
affidavit from the permit holder to show the proportion of the 1662
permit holder's gross receipts derived from the sale of food and 1663
other goods and services. If the liquor control commission 1664
determines that affidavit to have been false, it shall revoke 1665
the permits of the permit holder at the premises concerned. 1666

(M) The fee for the D-6 permit is five hundred dollars 1667
when it is issued to the holder of an A-1-A, A-2, A-2f, A-3a, D- 1668
2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D- 1669
5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 1670
permit. The fee for the D-6 permit is four hundred dollars when 1671
it is issued to the holder of a C-2 permit. 1672

Sec. 4303.204. (A) The division of liquor control may 1673
issue an F-4 permit to an organization or corporation organized 1674
not-for-profit in this state to conduct an event that includes 1675
the introduction, showcasing, or promotion of Ohio wines, if the 1676
event has all of the following characteristics: 1677

(1) It is coordinated by that organization or corporation, 1678
and the organization or corporation is responsible for the 1679
activities at it. 1680

(2) It has as one of its purposes the intent to introduce, 1681
showcase, or promote Ohio wines to persons who attend it. 1682

(3) It includes the sale of food for consumption on the 1683

premises where sold. 1684

(4) It features any combination of at least three A-2 or 1685
A-2f permit holders who sell Ohio wine at it. 1686

(B) The holder of an F-4 permit may furnish, with or 1687
without charge, wine that it has obtained from the A-2 or A-2f 1688
permit holders that are participating in the event for which the 1689
F-4 permit is issued, in two-ounce samples for consumption on 1690
the premises where furnished and may sell such wine by the glass 1691
for consumption on the premises where sold. The holder of an A-2 1692
or A-2f permit that is participating in the event for which the 1693
F-4 permit is issued may sell wine that it has manufactured, in 1694
sealed containers for consumption off the premises where sold. 1695
Wine may be furnished or sold on the premises of the event for 1696
which the F-4 permit is issued only where and when the sale of 1697
wine is otherwise permitted by law. 1698

(C) The premises of the event for which the F-4 permit is 1699
issued shall be clearly defined and sufficiently restricted to 1700
allow proper enforcement of the permit by state and local law 1701
enforcement officers. If an F-4 permit is issued for all or a 1702
portion of the same premises for which another class of permit 1703
is issued, that permit holder's privileges will be suspended in 1704
that portion of the premises in which the F-4 permit is in 1705
effect. 1706

(D) No F-4 permit shall be effective for more than 1707
seventy-two consecutive hours. No sales or furnishing of wine 1708
shall take place under an F-4 permit after one a.m. 1709

(E) The division shall not issue more than six F-4 permits 1710
to the same not-for-profit organization or corporation in any 1711
one calendar year. 1712

(F) An applicant for an F-4 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. The application for the permit shall list all of the A-2 and A-2f permit holders that will participate in the event for which the F-4 permit is sought. The fee for the F-4 permit is sixty dollars per day.

The division shall prepare and make available an F-4 permit application form and may require applicants for and holders of the F-4 permit to provide information that is in addition to that required by this section and that is necessary for the administration of this section.

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

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

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

(H) (1) Notwithstanding division (D) of section 4301.22 of the Revised Code, an A-2 or A-2f permit holder that participates in an event for which an F-4 permit is issued may donate wine that it has manufactured to the holder of that F-4 permit. The holder of an F-4 permit may return unused and sealed containers

of wine to the A-2 or A-2f permit holder that donated the wine 1742
at the conclusion of the event for which the F-4 permit was 1743
issued. 1744

(2) The participation by an A-2 or A-2f permit holder or 1745
its employees in an event for which an F-4 permit is issued does 1746
not violate section 4301.24 of the Revised Code. 1747

Sec. 4303.33. (A) Every A-1 or A-1c permit holder in this 1748
state, every bottler, importer, wholesale dealer, broker, 1749
producer, or manufacturer of beer outside this state and within 1750
the United States, and every B-1 permit holder and importer 1751
importing beer from any manufacturer, bottler, person, or group 1752
of persons however organized outside the United States for sale 1753
or distribution for sale in this state, on or before the 1754
eighteenth day of each month, shall make and file with the tax 1755
commissioner upon a form prescribed by the tax commissioner an 1756
advance tax payment in an amount estimated to equal the 1757
taxpayer's tax liability for the month in which the advance tax 1758
payment is made. If the advance tax payment credits claimed on 1759
the report are for advance tax payments received by the tax 1760
commissioner on or before the eighteenth day of the month 1761
covered by the report, the taxpayer is entitled to an additional 1762
credit of three per cent of the advance tax payment and a 1763
discount of three per cent shall be allowed the taxpayer at the 1764
time of filing the report if filed as provided in division (B) 1765
of this section on any amount by which the tax liability 1766
reflected in the report exceeds the advance tax payment estimate 1767
by not more than ten per cent. The additional three per cent 1768
credit and three per cent discount shall be in consideration for 1769
advancing the payment of the tax and other services performed by 1770
the permit holder and other taxpayers in the collection of the 1771
tax. 1772

"Advance tax payment credit" means credit for payments 1773
made by an A-1, A-1c, or B-1 permit holder and any other persons 1774
during the period covered by a report which was made in 1775
anticipation of the tax liability required to be reported on 1776
that report. 1777

"Tax liability" as used in division (A) of this section 1778
means the total gross tax liability of an A-1, A-1c, or B-1 1779
permit holder and any other persons for the period covered by a 1780
report before any allowance for credits and discount. 1781

(B) Every A-1 or A-1c permit holder in this state, every 1782
bottler, importer, wholesale dealer, broker, producer, or 1783
manufacturer of beer outside this state and within the United 1784
States, every B-1 permit holder importing beer from any 1785
manufacturer, bottler, person, or group of persons however 1786
organized outside the United States, and every S permit holder, 1787
on or before the tenth day of each month, shall make and file a 1788
report for the preceding month upon a form prescribed by the tax 1789
commissioner which report shall show the amount of beer 1790
produced, sold, and distributed for sale in this state by the A- 1791
1 or A-1c permit holder, sold and distributed for sale in this 1792
state by each manufacturer, bottler, importer, wholesale dealer, 1793
or broker outside this state and within the United States, the 1794
amount of beer imported into this state from outside the United 1795
States and sold and distributed for sale in this state by the B- 1796
1 permit holder or importer, and the amount of beer sold in this 1797
state by the S permit holder. 1798

The report shall be filed by mailing it to the tax 1799
commissioner, together with payment of the tax levied by 1800
sections 4301.42 and 4305.01 of the Revised Code shown to be due 1801
on the report after deduction of advance payment credits and any 1802

additional credits or discounts provided for under this section. 1803

(C) (1) Every A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, and 1804
S permit holder in this state, on or before the eighteenth day 1805
of each month, shall make and file a report with the tax 1806
commissioner upon a form prescribed by the tax commissioner 1807
which report shall show, on the report of each A-2, A-2f, A-4, 1808
B-2a, and S permit holder the amount of wine, cider, and mixed 1809
beverages produced and sold, or sold in this state by each such 1810
A-2, A-2f, A-4, B-2a, and S permit holder for the next preceding 1811
calendar month and such other information as the tax 1812
commissioner requires, and on the report of each such B-2, B-3, 1813
B-4, and B-5 permit holder the amount of wine, cider, and mixed 1814
beverages purchased from an importer, broker, wholesale dealer, 1815
producer, or manufacturer located outside this state and sold 1816
and distributed in this state by such B-2, B-3, B-4, and B-5 1817
permit holder, for the next preceding calendar month and such 1818
other information as the tax commissioner requires. 1819

(2) Every such A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, 1820
and S permit holder in this state shall remit with the report 1821
the tax levied by sections 4301.43 and, if applicable, 4301.432 1822
of the Revised Code less a discount thereon of three per cent of 1823
the total tax so levied and paid, provided the return is filed 1824
together with remittance of the amount of tax shown to be due 1825
thereon, within the time prescribed. Any permit holder or other 1826
persons who fail to file a report under this section, for each 1827
day the person so fails, may be required to forfeit and pay into 1828
the state treasury the sum of one dollar as revenue arising from 1829
the tax imposed by sections 4301.42, 4301.43, 4301.432, and 1830
4305.01 of the Revised Code, and that sum may be collected by 1831
assessment in the manner provided in section 4305.13 of the 1832
Revised Code. 1833

(3) If the tax commissioner determines that the quantity 1834
reported by a person does not warrant monthly reporting, the 1835
commissioner may authorize the filing of returns and the payment 1836
of the tax required by this section for periods longer than one 1837
month. 1838

(D) Every B-1 permit holder and importer in this state 1839
importing beer from any manufacturer, bottler, person, or group 1840
of persons however organized, outside the United States, if 1841
required by the tax commissioner shall post a bond payable to 1842
the state in such form and amount as the commissioner prescribes 1843
with surety to the satisfaction of the tax commissioner, 1844
conditioned upon the payment to the tax commissioner of taxes 1845
levied by sections 4301.42 and 4305.01 of the Revised Code. 1846

(E) No such wine, beer, cider, or mixed beverages sold or 1847
distributed in this state shall be taxed more than once under 1848
sections 4301.42, 4301.43, and 4305.01 of the Revised Code. 1849

(F) As used in this section: 1850

(1) "Cider" has the same meaning as in section 4301.01 of 1851
the Revised Code. 1852

(2) "Wine" has the same meaning as in section 4301.01 of 1853
the Revised Code, except that "wine" does not include cider. 1854

(G) All money collected by the tax commissioner under this 1855
section shall be paid to the treasurer of state as revenue 1856
arising from the taxes levied by sections 4301.42, 4301.43, 1857
4301.432, and 4305.01 of the Revised Code. 1858

Sec. 4303.333. (A) An A-2 or A-2f permit holder in this 1859
state whose total production of wine, wherever produced, which 1860
but for this exemption is taxable under section 4301.43 of the 1861
Revised Code does not exceed five hundred thousand gallons in a 1862

calendar year, shall be allowed an exemption from the taxes 1863
levied under section 4301.43 of the Revised Code on wine 1864
produced and sold or distributed in this state. The exemption 1865
may be claimed monthly against current taxes levied under such 1866
section as the reports required by section 4303.33 of the 1867
Revised Code are due. At the time the report for December is due 1868
for a calendar year during which a permit holder claimed an 1869
exemption under this section, if the permit holder has paid the 1870
tax levied under section 4301.43 of the Revised Code, the permit 1871
holder may claim a refund of such tax paid during the calendar 1872
year or shall remit any additional tax due because it did not 1873
qualify for the exemption on the December report. For the 1874
purpose of providing this refund, taxes previously paid under 1875
section 4303.33 of the Revised Code during the calendar year 1876
shall not be considered final until the December report is 1877
filed. 1878

(B) The tax commissioner shall prescribe forms for and 1879
allow the exemptions and refunds authorized by this section. 1880

Sec. 5709.55. Personal property used exclusively to 1881
transport, store, crush, press, process, ferment, or age grape 1882
agricultural products in the production of grape juice or grape 1883
wine, and grape juice or grape wine held in the course of 1884
business, but not held in labeled containers in which it will be 1885
sold, are exempt from personal property taxation if either of 1886
the following apply: 1887

(A) The property is used or held by the holder of a liquor 1888
permit issued under section 4303.03 or 4303.031 of the Revised 1889
Code whose primary business is the production of wine~~+~~. 1890

(B) The production is used or held by a person or 1891
enterprise engaged in agriculture that sells the grape 1892

agricultural products or juice or wine to a holder of a liquor 1893
permit issued under section 4303.03 or 4303.031 of the Revised 1894
Code if the primary business of the permittee is the production 1895
of wine. 1896

Section 2. That existing sections 4301.12, 4301.13, 1897
4301.24, 4301.30, 4301.355, 4301.43, 4301.432, 4301.47, 4301.62, 1898
4301.82, 4301.83, 4303.021, 4303.03, 4303.07, 4303.10, 4303.181, 1899
4303.182, 4303.204, 4303.33, 4303.333, and 5709.55 of the 1900
Revised Code are hereby repealed. 1901

Section 3. Section 4303.07 of the Revised Code is 1902
presented in this act as a composite of the section as amended 1903
by both Am. Sub. H.B. 306 and Am. Sub. S.B. 164 of the 125th 1904
General Assembly. The General Assembly, applying the principle 1905
stated in division (B) of section 1.52 of the Revised Code that 1906
amendments are to be harmonized if reasonably capable of 1907
simultaneous operation, finds that the composite is the 1908
resulting version of the section in effect prior to the 1909
effective date of the section as presented in this act. 1910

Section 4303.182 of the Revised Code is presented in this 1911
act as a composite of the section as amended by both Am. Sub. 1912
H.B. 64 and Am. H.B. 141 of the 131st General Assembly. The 1913
General Assembly, applying the principle stated in division (B) 1914
of section 1.52 of the Revised Code that amendments are to be 1915
harmonized if reasonably capable of simultaneous operation, 1916
finds that the composite is the resulting version of the section 1917
in effect prior to the effective date of the section as 1918
presented in this act. 1919

Section 4303.181 of the Revised Code is presented in this 1920
act as a composite of the section as amended by Am. Sub. H.B. 64 1921
and Am. H.B. 141 of the 131st General Assembly and Am. Sub. H.B. 1922

494 of the 130th General Assembly. The General Assembly, 1923
applying the principle stated in division (B) of section 1.52 of 1924
the Revised Code that amendments are to be harmonized if 1925
reasonably capable of simultaneous operation, finds that the 1926
composite is the resulting version of the section in effect 1927
prior to the effective date of the section as presented in this 1928
act. 1929