

As Passed by the Senate

131st General Assembly

Regular Session

2015-2016

Am. H. B. No. 351

Representatives Perales, DeVitis

Cosponsors: Representatives Henne, Hackett, Butler, Ramos, Cera, Becker, Brenner, Dever, Stinziano, Ruhl, Blessing, Young, Smith, K., Brown, Buchy, McColley, Anielski, Antonio, Arndt, Baker, Boggs, Burkley, Celebrezze, Clyde, Driehaus, Duffey, Grossman, Huffman, Koehler, Kunze, Lepore-Hagan, Maag, Manning, O'Brien, M., Patterson, Retherford, Rogers, Scherer, Schuring, Sheehy, Sweeney, Thompson

Senators Uecker, Beagle, Coley, Eklund, Faber, Hite, Hughes, Jordan, Patton, Seitz, Tavares, Thomas, Williams, Yuko

A BILL

To amend sections 4303.021 and 4303.041 of the
Revised Code to increase the amount of
spirituous liquor that an A-3a liquor permit
holder may annually manufacture and to allow an
A-3a permit holder to obtain an A-1-A liquor
permit.

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

Section 1. That sections 4303.021 and 4303.041 of the
Revised Code be amended to read as follows:

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-3a permit to sell beer and
any intoxicating liquor at retail, only by the individual drink
in glass or from a container, provided that one of the following
applies to the A-1-A permit premises:

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

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

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

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

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

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

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

premises where sold if all of the following apply: 43

(a) The A-1-A permit premises is situated in the same 44
municipal corporation or township as the related A-1 or A-1c 45
manufacturing permit premises. 46

(b) The containers are sealed, marked, and transported in 47
accordance with division (E) of section 4301.62 of the Revised 48
Code. 49

(c) The containers have been cleaned immediately before 50
being filled in accordance with rule 4301:1-1-28 of the 51
Administrative Code. 52

(D) Except as otherwise provided in this section, the 53
division of liquor control shall not issue a new A-1-A permit to 54
the holder of an A-1, A-1c, ~~or A-2,~~ or A-3a permit unless the 55
sale of beer and intoxicating liquor under class D permits is 56
permitted in the precinct in which the A-1, A-1c, ~~or A-2,~~ or A- 57
3a permit is located and, in the case of an A-2 permit, unless 58
the holder of the A-2 permit manufactures or has a storage 59
capacity of at least twenty-five thousand gallons of wine per 60
year. The immediately preceding sentence does not prohibit the 61
issuance of an A-1-A permit to an applicant for such a permit 62
who is the holder of an A-1 permit and whose application was 63
filed with the division of liquor control before June 1, 1994. 64
The liquor control commission shall not restrict the number of 65
A-1-A permits which may be located within a precinct. 66

Sec. 4303.041. (A) An A-3a permit may be issued to a 67
distiller that manufactures less than ~~ten~~ one hundred thousand 68
gallons of spirituous liquor per year. An A-3a permit holder may 69
sell to a personal consumer, in sealed containers for 70
consumption off the premises where manufactured, spirituous 71

liquor that the permit holder manufactures, but sales to the personal consumer may occur only by an in-person transaction at the permit premises. The A-3a permit holder shall not ship, send, or use an H permit holder to deliver spirituous liquor to the personal consumer.

"Distiller" means a person in this state who mashes, ferments, distills, and ages spirituous liquor.

(B) (1) Except as otherwise provided in this section, no A-3a permit shall be issued unless the sale of spirituous liquor by the glass for consumption on the premises or by the package for consumption off the premises is authorized in the election precinct in which the A-3a permit is proposed to be located.

(2) Division (B) (1) of this section does not prohibit the issuance of an A-3a permit to an applicant for such a permit who has filed an application with the division of liquor control ~~before the effective date of this amendment~~ March 22, 2012.

(C) (1) An A-3a permit holder may offer for sale tasting samples of spirituous liquor. The A-3a permit holder shall not serve more than four tasting samples of spirituous liquor per person per day. A tasting sample shall not exceed a quarter ounce. Tasting samples shall be only for the purpose of allowing a purchaser to determine, by tasting only, the quality and character of the spirituous liquor. The tasting samples shall be offered for sale in accordance with rules adopted by the division of liquor control.

(2) An A-3a permit holder shall sell not more than one and one-half liters of spirituous liquor per day from the permit premises to the same personal consumer.

An A-3a permit holder may sell spirituous liquor in sealed

containers for consumption off the premises where manufactured 101
as an independent contractor under agreement, by virtue of the 102
permit, with the division of liquor control. The price at which 103
the A-3a permit holder shall sell each spirituous liquor product 104
to a personal consumer is to be determined by the division of 105
liquor control. For an A-3a permit holder to purchase and then 106
offer spirituous liquor for retail sale, the spirituous liquor 107
need not first leave the physical possession of the A-3a permit 108
holder to be so registered. The spirituous liquor that the A-3a 109
permit holder buys from the division of liquor control shall be 110
maintained in a separate area of the permit premises for sale to 111
personal consumers. The A-3a permit holder shall sell such 112
spirituous liquor in sealed containers for consumption off the 113
premises where manufactured as an independent contractor by 114
virtue of the permit issued by the division of liquor control, 115
but the permit holder shall not be compensated as provided in 116
division (A) (1) of section 4301.17 of the Revised Code. Each A- 117
3a permit holder shall be subject to audit by the division of 118
liquor control. 119

(D) The fee for the A-3a permit is two dollars per fifty- 120
gallon barrel. 121

(E) The holder of an A-3a permit may also exercise the 122
same privileges as the holder of an A-3 permit. 123

Section 2. That existing sections 4303.021 and 4303.041 of 124
the Revised Code are hereby repealed. 125