

**As Reported by the Senate Agriculture Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 37**

**Representatives Stinziano, Duffey**

**Cosponsors: Representatives Blessing, Antani, Boyd, Buchy, Driehaus, Gerberry, Henne, Leland, Lepore-Hagan, Manning, O'Brien, M., Perales, Ramos, Retherford, Rogers, Sweeney, Young**

**Senator Uecker**

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**A BILL**

To amend sections 4301.01, 4301.03, 4301.21, and 1  
4301.62 and to enact section 4301.244 of the 2  
Revised Code to establish exemptions to the Open 3  
Container Law regarding beer or intoxicating 4  
liquor purchased from specified D liquor permit 5  
holders and consumed on the premises of a market 6  
that meets specified conditions, to eliminate 7  
the maximum permitted alcohol content of beer, 8  
and to establish labeling requirements for beer 9  
containing higher alcohol content. 10

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

**Section 1.** That sections 4301.01, 4301.03, 4301.21, and 11  
4301.62 be amended and section 4301.244 of the Revised Code be 12  
enacted to read as follows: 13

**Sec. 4301.01.** (A) As used in the Revised Code: 14

(1) "Intoxicating liquor" and "liquor" include all liquids 15

and compounds, other than beer, containing one-half of one per cent or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called, and whether they are medicated, proprietary, or patented. "Intoxicating liquor" and "liquor" include cider and alcohol, and all solids and confections which contain one-half of one per cent or more of alcohol by volume.

(2) Except as used in sections 4301.01 to 4301.20, 4301.22 to 4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of the Revised Code, "sale" and "sell" include exchange, barter, gift, offer for sale, sale, distribution and delivery of any kind, and the transfer of title or possession of beer and intoxicating liquor either by constructive or actual delivery by any means or devices whatever, including the sale of beer or intoxicating liquor by means of a controlled access alcohol and beverage cabinet pursuant to section 4301.21 of the Revised Code. "Sale" and "sell" do not include the mere solicitation of orders for beer or intoxicating liquor from the holders of permits issued by the division of liquor control authorizing the sale of the beer or intoxicating liquor, but no solicitor shall solicit any such orders until the solicitor has been registered with the division pursuant to section 4303.25 of the Revised Code.

(3) "Vehicle" includes all means of transportation by land, by water, or by air, and everything made use of in any way for such transportation.

(B) As used in this chapter:

(1) "Alcohol" means ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and

includes synthetic ethyl alcohol. "Alcohol" does not include 46  
denatured alcohol and wood alcohol. 47

(2) "Beer" includes all beverages brewed or fermented 48  
wholly or in part from malt products and containing one-half of 49  
one per cent or more, ~~but not more than twelve per cent,~~ of 50  
alcohol by volume. 51

(3) "Wine" includes all liquids fit to use for beverage 52  
purposes containing not less than one-half of one per cent of 53  
alcohol by volume and not more than twenty-one per cent of 54  
alcohol by volume, which is made from the fermented juices of 55  
grapes, fruits, or other agricultural products, except that as 56  
used in sections 4301.13, 4301.421, 4301.422, 4301.432, and 57  
4301.44 of the Revised Code, and, for purposes of determining 58  
the rate of the tax that applies, division (B) of section 59  
4301.43 of the Revised Code, "wine" does not include cider. 60

(4) "Mixed beverages" include bottled and prepared 61  
cordials, cocktails, highballs, and solids and confections that 62  
are obtained by mixing any type of whiskey, neutral spirits, 63  
brandy, gin, or other distilled spirits with, or over, 64  
carbonated or plain water, pure juices from flowers and plants, 65  
and other flavoring materials. The completed product shall 66  
contain not less than one-half of one per cent of alcohol by 67  
volume and not more than twenty-one per cent of alcohol by 68  
volume. 69

(5) "Spirituous liquor" includes all intoxicating liquors 70  
containing more than twenty-one per cent of alcohol by volume. 71

(6) "Sealed container" means any container having a 72  
capacity of not more than one hundred twenty-eight fluid ounces, 73  
the opening of which is closed to prevent the entrance of air. 74

(7) "Person" includes firms and corporations.	75
(8) "Manufacture" includes all processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, or brewing, or in any other manner.	76 77 78 79
(9) "Manufacturer" means any person engaged in the business of manufacturing beer or intoxicating liquor.	80 81
(10) "Wholesale distributor" and "distributor" means a person engaged in the business of selling to retail dealers for purposes of resale.	82 83 84
(11) "Hotel" has the same meaning as in section 3731.01 of the Revised Code, subject to the exceptions mentioned in section 3731.03 of the Revised Code.	85 86 87
(12) "Restaurant" means a place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. "Restaurant" does not include pharmacies, confectionery stores, lunch stands, night clubs, and filling stations.	88 89 90 91 92 93 94
(13) "Club" means a corporation or association of individuals organized in good faith for social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purposes, which is the owner, lessor, or occupant of a permanent building or part of a permanent building operated solely for those purposes, membership in which entails the prepayment of regular dues, and includes the place so operated.	95 96 97 98 99 100 101
(14) "Night club" means a place operated for profit, where food is served for consumption on the premises and one or more	102 103

forms of amusement are provided or permitted for a consideration 104  
that may be in the form of a cover charge or may be included in 105  
the price of the food and beverages, or both, purchased by 106  
patrons. 107

(15) "At retail" means for use or consumption by the 108  
purchaser and not for resale. 109

(16) "Pharmacy" means an establishment, as defined in 110  
section 4729.01 of the Revised Code, that is under the 111  
management or control of a licensed pharmacist in accordance 112  
with section 4729.27 of the Revised Code. 113

(17) "Enclosed shopping center" means a group of retail 114  
sales and service business establishments that face into an 115  
enclosed mall, share common ingress, egress, and parking 116  
facilities, and are situated on a tract of land that contains an 117  
area of not less than five hundred thousand square feet. 118  
"Enclosed shopping center" also includes not more than one 119  
business establishment that is located within a free-standing 120  
building on such a tract of land, so long as the sale of beer 121  
and intoxicating liquor on the tract of land was approved in an 122  
election held under former section 4301.353 of the Revised Code. 123

(18) "Controlled access alcohol and beverage cabinet" 124  
means a closed container, either refrigerated, in whole or in 125  
part, or nonrefrigerated, access to the interior of which is 126  
restricted by means of a device that requires the use of a key, 127  
magnetic card, or similar device and from which beer, 128  
intoxicating liquor, other beverages, or food may be sold. 129

(19) "Community facility" means either of the following: 130

(a) Any convention, sports, or entertainment facility or 131  
complex, or any combination of these, that is used by or 132

accessible to the general public and that is owned or operated 133  
in whole or in part by the state, a state agency, or a political 134  
subdivision of the state or that is leased from, or located on 135  
property owned by or leased from, the state, a state agency, a 136  
political subdivision of the state, or a convention facilities 137  
authority created pursuant to section 351.02 of the Revised 138  
Code; 139

(b) An area designated as a community entertainment 140  
district pursuant to section 4301.80 of the Revised Code. 141

(20) "Low-alcohol beverage" means any brewed or fermented 142  
malt product, or any product made from the fermented juices of 143  
grapes, fruits, or other agricultural products, that contains 144  
either no alcohol or less than one-half of one per cent of 145  
alcohol by volume. The beverages described in division (B) (20) 146  
of this section do not include a soft drink such as root beer, 147  
birch beer, or ginger beer. 148

(21) "Cider" means all liquids fit to use for beverage 149  
purposes that contain one-half of one per cent of alcohol by 150  
volume, but not more than six per cent of alcohol by weight, and 151  
that are made through the normal alcoholic fermentation of the 152  
juice of sound, ripe apples, including, without limitation, 153  
flavored, sparkling, or carbonated cider and cider made from 154  
pure condensed apple must. 155

(22) "Sales area or territory" means an exclusive 156  
geographic area or territory that is assigned to a particular A 157  
or B permit holder and that either has one or more political 158  
subdivisions as its boundaries or consists of an area of land 159  
with readily identifiable geographic boundaries. "Sales area or 160  
territory" does not include, however, any particular retail 161  
location in an exclusive geographic area or territory that had 162

been assigned to another A or B permit holder before April 9, 163  
2001. 164

**Sec. 4301.03.** The liquor control commission may adopt and 165  
promulgate, repeal, rescind, and amend, in the manner required 166  
by this section, rules, standards, requirements, and orders 167  
necessary to carry out this chapter and Chapter 4303. of the 168  
Revised Code, but all rules of the board of liquor control that 169  
were in effect immediately prior to April 17, 1963, shall remain 170  
in full force and effect as rules of the liquor control 171  
commission until and unless amended or repealed by the liquor 172  
control commission. The rules of the commission may include the 173  
following: 174

(A) Rules with reference to applications for and the 175  
issuance of permits for the manufacture, distribution, 176  
transportation, and sale of beer and intoxicating liquor, and 177  
the sale of alcohol; and rules governing the procedure of the 178  
division of liquor control in the suspension, revocation, and 179  
cancellation of those permits; 180

(B) Rules and orders providing in detail for the conduct 181  
of any retail business authorized under permits issued pursuant 182  
to this chapter and Chapter 4303. of the Revised Code, with a 183  
view to ensuring compliance with those chapters and laws 184  
relative to them, and the maintenance of public decency, 185  
sobriety, and good order in any place licensed under the 186  
permits. No rule or order shall prohibit the operation of video 187  
lottery terminal games at a commercial race track where live 188  
horse racing and simulcasting are conducted in accordance with 189  
Chapter 3769. of the Revised Code or the sale of lottery tickets 190  
issued pursuant to Chapter 3770. of the Revised Code by any 191  
retail business authorized under permits issued pursuant to that 192

chapter.	193
No rule or order shall prohibit pari-mutuel wagering on	194
simulcast horse races at a satellite facility that has been	195
issued a D liquor permit under Chapter 4303. of the Revised	196
Code. No rule or order shall prohibit a charitable organization	197
that holds a D-4 permit from selling or serving beer or	198
intoxicating liquor under its permit in a portion of its	199
premises merely because that portion of its premises is used at	200
other times for the conduct of a bingo game, as described in	201
division (O) of section 2915.01 of the Revised Code. However,	202
such an organization shall not sell or serve beer or	203
intoxicating liquor or permit beer or intoxicating liquor to be	204
consumed or seen in the same location in its premises where a	205
bingo game, as described in division (O) (1) of section 2915.01	206
of the Revised Code, is being conducted while the game is being	207
conducted. As used in this division, "charitable organization"	208
has the same meaning as in division (H) of section 2915.01 of	209
the Revised Code. No rule or order pertaining to visibility into	210
the premises of a permit holder after the legal hours of sale	211
shall be adopted or maintained by the commission.	212
(C) Standards, not in conflict with those prescribed by	213
any law of this state or the United States, to secure the use of	214
proper ingredients and methods in the manufacture of beer, mixed	215
beverages, and wine to be sold within this state;	216
(D) Rules determining the nature, form, and capacity of	217
all packages and bottles to be used for containing beer or	218
intoxicating liquor, except for spirituous liquor to be kept or	219
sold, <u>and</u> governing the form of all seals and labels to be used	220
on those packages and bottles, <del>and</del> ;	221
<u>(E) Rules</u> requiring the label on every package, bottle,	222



and container to state <del>the</del> <u>all of the following, as applicable:</u>	223
<del>(1) The</del> <u>ingredients in the contents</u> <del>and, except on;</del>	224
<del>(2) Except for beer,</del> the terms of weight, volume, or proof spirits, <del>and whether the same;</del>	225 226
<del>(3) Except for spirituous liquor,</del> <u>whether the product is</u> beer, wine, alcohol, or any intoxicating liquor <del>except for</del> <del>spirituous liquor;</del>	227 228 229
<del>(4) Regarding beer that contains more than twelve per cent</del> <u>of alcohol by volume, the percentage of alcohol by volume and</u> <u>that the beer is a "high alcohol beer."</u>	230 231 232
<del>(E)</del> <del>(F)</del> <u>Uniform rules governing all advertising with</u> reference to the sale of beer and intoxicating liquor throughout the state and advertising upon and in the premises licensed for the sale of beer or intoxicating liquor;	233 234 235 236
<del>(F)</del> <del>(G)</del> <u>Rules restricting and placing conditions upon the</u> transfer of permits;	237 238
<del>(G)</del> <del>(H)</del> <u>Rules and orders limiting the number of permits of</u> any class within the state or within any political subdivision of the state; and, for that purpose, adopting reasonable classifications of persons or establishments to which any authorized class of permits may be issued within any political subdivision;	239 240 241 242 243 244
<del>(H)</del> <del>(I)</del> <u>Rules and orders with reference to sales of beer</u> and intoxicating liquor on Sundays and holidays and with reference to the hours of the day during which and the persons to whom intoxicating liquor of any class may be sold, and rules with reference to the manner of sale;	245 246 247 248 249
<del>(I)</del> <del>(J)</del> <u>Rules requiring permit holders buying beer to pay</u>	250

and permit holders selling beer to collect minimum cash deposits 251  
for kegs, cases, bottles, or other returnable containers of the 252  
beer; requiring the repayment, or credit, of the minimum cash 253  
deposit charges upon the return of the empty containers; and 254  
requiring the posting of such form of indemnity or such other 255  
conditions with respect to the charging, collection, and 256  
repayment of minimum cash deposit charges for returnable 257  
containers of beer as are necessary to ensure the return of the 258  
empty containers or the repayment upon that return of the 259  
minimum cash deposits paid; 260

~~(J)~~ (K) Rules establishing the method by which alcohol 261  
products may be imported for sale by wholesale distributors and 262  
the method by which manufacturers and suppliers may sell alcohol 263  
products to wholesale distributors. 264

Every rule, standard, requirement, or order of the 265  
commission and every repeal, amendment, or rescission of them 266  
shall be posted for public inspection in the principal office of 267  
the commission and the principal office of the division of 268  
liquor control, and a certified copy of them shall be filed in 269  
the office of the secretary of state. An order applying only to 270  
persons named in it shall be served on the persons affected by 271  
personal delivery of a certified copy, or by mailing a certified 272  
copy to each person affected by it or, in the case of a 273  
corporation, to any officer or agent of the corporation upon 274  
whom a service of summons may be served in a civil action. The 275  
posting and filing required by this section constitutes 276  
sufficient notice to all persons affected by such rule or order 277  
which is not required to be served. General rules of the 278  
commission promulgated pursuant to this section shall be 279  
published in the manner the commission determines. 280

**Sec. 4301.21.** The sale of beer or intoxicating liquor for 281  
consumption on the premises is subject to the following 282  
restrictions, in addition to those imposed by the rules and 283  
orders of the division of liquor control: 284

(A) Except as otherwise provided in this chapter, beer or 285  
intoxicating liquor may be served to a person not seated at a 286  
table unless there is reason to believe that the beer or 287  
intoxicating liquor so served will be consumed by a person under 288  
twenty-one years of age. 289

(B) Beer or intoxicating liquor may be served by a hotel 290  
in the room of a bona fide guest, and may be sold by a hotel 291  
holding a D-5a permit, or a hotel holding a D-3 or D-5 permit 292  
that otherwise meets all of the requirements for holding a D-5a 293  
permit, by means of a controlled access alcohol and beverage 294  
cabinet that shall be located only in the hotel room of a 295  
registered guest. A hotel may sell beer or intoxicating liquor 296  
as authorized by its permit to a registered guest by means of a 297  
controlled access alcohol and beverage cabinet in accordance 298  
with the following requirements: 299

(1) Only a person twenty-one years of age or older who is 300  
a guest registered to stay in a guestroom shall be provided a 301  
key, magnetic card, or other similar device necessary to obtain 302  
access to the contents of a controlled access alcohol and 303  
beverage cabinet in that guestroom. 304

(2) The hotel shall comply with section 4301.22 of the 305  
Revised Code in connection with the handling, restocking, and 306  
replenishing of the beer and intoxicating liquor in the 307  
controlled access alcohol and beverage cabinet. 308

(3) The hotel shall replenish or restock beer and 309

intoxicating liquor in any controlled access alcohol and 310  
beverage cabinet only during the hours during which the hotel 311  
may serve or sell beer and intoxicating liquor. 312

(4) The registered guest shall verify in writing that the 313  
guest has read and understands the language that shall be posted 314  
on the controlled access alcohol and beverage cabinet as 315  
required by division (B) (5) of this section. 316

(5) A hotel authorized to sell beer and intoxicating 317  
liquor pursuant to division (B) of this section shall post on 318  
the controlled access alcohol and beverage cabinet, in 319  
conspicuous language, the following notice: 320

"The alcoholic beverages contained in this cabinet shall 321  
not be removed from the premises." 322

(6) The hotel shall maintain a record of each sale of beer 323  
or intoxicating liquor made by the hotel by means of a 324  
controlled access alcohol and beverage cabinet for any period in 325  
which the permit holder is authorized to hold the permit 326  
pursuant to sections 4303.26 and 4303.27 of the Revised Code and 327  
any additional period during which an applicant exercises its 328  
right to appeal a rejection by the department or division of 329  
liquor control to renew a permit pursuant to section 4303.271 of 330  
the Revised Code. The records maintained by the hotel shall 331  
comply with both of the following: 332

(a) Include the name, address, age, and signature of each 333  
hotel guest who is provided access by the hotel to a controlled 334  
access alcohol and beverage cabinet pursuant to division (B) (1) 335  
of this section; 336

(b) Be made available during business hours to authorized 337  
agents of the division of liquor control pursuant to division 338

(A) (6) of section 4301.10 of the Revised Code or to enforcement 339  
agents of the department of public safety pursuant to sections 340  
5502.13 to 5502.19 of the Revised Code. 341

(7) The hotel shall observe all other applicable rules 342  
adopted by the division of liquor control and the liquor control 343  
commission. 344

(C) Neither the seller nor the liquor control commission 345  
by its regulations shall require the purchase of food with the 346  
purchase of beer or intoxicating liquor; nor shall the seller of 347  
beer or intoxicating liquor give away food of any kind in 348  
connection with the sale of beer or intoxicating liquor, except 349  
as authorized by rule of the liquor control commission. 350

(D) ~~The~~ Except as provided in division (B) (8) of section 351  
4301.62 of the Revised Code, the seller shall not permit the 352  
purchaser to remove beer or intoxicating liquor so sold from the 353  
premises. 354

(E) A hotel authorized to sell beer and intoxicating 355  
liquor pursuant to division (B) of this section shall provide a 356  
registered guest with the opportunity to refuse to accept a key, 357  
magnetic card, or other similar device necessary to obtain 358  
access to the contents of a controlled access alcohol and 359  
beverage cabinet in that guest room. If a registered guest 360  
refuses to accept such key, magnetic card, or other similar 361  
device, the hotel shall not assess any charges on the registered 362  
guest for use of the controlled access alcohol and beverage 363  
cabinet in that guest room. 364

Sec. 4301.244. Beer, regardless of the per cent of alcohol 365  
by volume, is not intoxicating liquor for purposes of the 366  
Revised Code or any rules adopted under it. 367

<b>Sec. 4301.62.</b> (A) As used in this section:	368
(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code.	369 370
(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code.	371 372
(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:	373 374 375
(1) Except as provided in division (C) (1) (e) of this section, in an agency store;	376 377
(2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the division of liquor control;	378 379 380
(3) In any other public place;	381
(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;	382 383 384 385 386
(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.	387 388 389 390
(C) (1) A person may have in the person's possession an opened container of any of the following:	391 392
(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the	393 394

holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 395  
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 396  
D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or 397  
F-8 permit; 398

(b) Beer, wine, or mixed beverages served for consumption 399  
on the premises by the holder of an F-3 permit or wine served 400  
for consumption on the premises by the holder of an F-4 or F-6 401  
permit; 402

(c) Beer or intoxicating liquor consumed on the premises 403  
of a convention facility as provided in section 4303.201 of the 404  
Revised Code; 405

(d) Beer or intoxicating liquor to be consumed during 406  
tastings and samplings approved by rule of the liquor control 407  
commission; 408

(e) Spirituous liquor to be consumed for purposes of a 409  
tasting sample, as defined in section 4301.171 of the Revised 410  
Code. 411

(2) A person may have in the person's possession on an F 412  
liquor permit premises an opened container of beer or 413  
intoxicating liquor that was not purchased from the holder of 414  
the F permit if the premises for which the F permit is issued is 415  
a music festival and the holder of the F permit grants 416  
permission for that possession on the premises during the period 417  
for which the F permit is issued. As used in this division, 418  
"music festival" means a series of outdoor live musical 419  
performances, extending for a period of at least three 420  
consecutive days and located on an area of land of at least 421  
forty acres. 422

(3) (a) A person may have in the person's possession on a 423

D-2 liquor permit premises an opened or unopened container of 424  
wine that was not purchased from the holder of the D-2 permit if 425  
the premises for which the D-2 permit is issued is an outdoor 426  
performing arts center, the person is attending an orchestral 427  
performance, and the holder of the D-2 permit grants permission 428  
for the possession and consumption of wine in certain 429  
predesignated areas of the premises during the period for which 430  
the D-2 permit is issued. 431

(b) As used in division (C) (3) (a) of this section: 432

(i) "Orchestral performance" means a concert comprised of 433  
a group of not fewer than forty musicians playing various 434  
musical instruments. 435

(ii) "Outdoor performing arts center" means an outdoor 436  
performing arts center that is located on not less than one 437  
hundred fifty acres of land and that is open for performances 438  
from the first day of April to the last day of October of each 439  
year. 440

(4) A person may have in the person's possession an opened 441  
or unopened container of beer or intoxicating liquor at an 442  
outdoor location at which the person is attending an orchestral 443  
performance as defined in division (C) (3) (b) (i) of this section 444  
if the person with supervision and control over the performance 445  
grants permission for the possession and consumption of beer or 446  
intoxicating liquor in certain predesignated areas of that 447  
outdoor location. 448

(5) A person may have in the person's possession on an F-9 449  
liquor permit premises an opened or unopened container of beer 450  
or intoxicating liquor that was not purchased from the holder of 451  
the F-9 permit if the person is attending an orchestral 452



performance and the holder of the F-9 permit grants permission 453  
for the possession and consumption of beer or intoxicating 454  
liquor in certain predesignated areas of the premises during the 455  
period for which the F-9 permit is issued. 456

As used in division (C) (5) of this section, "orchestral 457  
performance" has the same meaning as in division (C) (3) (b) of 458  
this section. 459

(6) (a) A person may have in the person's possession on the 460  
property of an outdoor motorsports facility an opened or 461  
unopened container of beer or intoxicating liquor that was not 462  
purchased from the owner of the facility if both of the 463  
following apply: 464

(i) The person is attending a racing event at the 465  
facility; and 466

(ii) The owner of the facility grants permission for the 467  
possession and consumption of beer or intoxicating liquor on the 468  
property of the facility. 469

(b) As used in division (C) (6) (a) of this section: 470

(i) "Racing event" means a motor vehicle racing event 471  
sanctioned by one or more motor racing sanctioning 472  
organizations. 473

(ii) "Outdoor motorsports facility" means an outdoor 474  
racetrack to which all of the following apply: 475

(I) It is two and four-tenths miles or more in length. 476

(II) It is located on two hundred acres or more of land. 477

(III) The primary business of the owner of the facility is 478  
the hosting and promoting of racing events. 479

(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.	480 481
(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:	482 483 484 485 486 487
(i) The permit holder's premises is located within the outdoor refreshment area.	488 489
(ii) The permit held by the permit holder has an outdoor refreshment area designation.	490 491
(b) Division (C) (7) of this section does not authorize a person to do either of the following:	492 493
(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;	494 495 496
(ii) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area, unless the motor vehicle is stationary and is not being operated in a lane of vehicular travel or unless the possession is otherwise authorized under division (D) or (E) of this section.	497 498 499 500 501 502
<u>(8) (a) A person may have in the person's possession on the property of a market, within a defined F-8 permit premises, an opened container of beer or intoxicating liquor that was purchased from a D permit premises that is located immediately adjacent to the market if both of the following apply:</u>	503 504 505 506 507

(i) The market grants permission for the possession and 508  
consumption of beer and intoxicating liquor within the defined 509  
F-8 permit premises; 510

(ii) The market is hosting an event pursuant to an F-8 511  
permit and the market has notified the division of liquor 512  
control about the event in accordance with division (A) (3) of 513  
section 4303.208 of the Revised Code. 514

(b) As used in division (C) (8) of this section, market 515  
means a market, for which an F-8 permit is held, that has been 516  
in operation since 1860. 517

(D) This section does not apply to a person who pays all 518  
or a portion of the fee imposed for the use of a chauffeured 519  
limousine pursuant to a prearranged contract, or the guest of 520  
the person, when all of the following apply: 521

(1) The person or guest is a passenger in the limousine. 522

(2) The person or guest is located in the limousine, but 523  
is not occupying a seat in the front compartment of the 524  
limousine where the operator of the limousine is located. 525

(3) The limousine is located on any street, highway, or 526  
other public or private property open to the public for purposes 527  
of vehicular travel or parking. 528

(E) An opened bottle of wine that was purchased from the 529  
holder of a permit that authorizes the sale of wine for 530  
consumption on the premises where sold is not an opened 531  
container for the purposes of this section if both of the 532  
following apply: 533

(1) The opened bottle of wine is securely resealed by the 534  
permit holder or an employee of the permit holder before the 535

bottle is removed from the premises. The bottle shall be secured 536  
in such a manner that it is visibly apparent if the bottle has 537  
been subsequently opened or tampered with. 538

(2) The opened bottle of wine that is resealed in 539  
accordance with division (E) (1) of this section is stored in the 540  
trunk of a motor vehicle or, if the motor vehicle does not have 541  
a trunk, behind the last upright seat or in an area not normally 542  
occupied by the driver or passengers and not easily accessible 543  
by the driver. 544

(F) (1) Except if an ordinance or resolution is enacted or 545  
adopted under division (F) (2) of this section, this section does 546  
not apply to a person who, pursuant to a prearranged contract, 547  
is a passenger riding on a commercial quadricycle when all of 548  
the following apply: 549

(a) The person is not occupying a seat in the front of the 550  
commercial quadricycle where the operator is steering or 551  
braking. 552

(b) The commercial quadricycle is being operated on a 553  
street, highway, or other public or private property open to the 554  
public for purposes of vehicular travel or parking. 555

(c) The person has in their possession on the commercial 556  
quadricycle an opened container of beer or wine. 557

(d) The person has in their possession on the commercial 558  
quadricycle not more than either thirty-six ounces of beer or 559  
eighteen ounces of wine. 560

(2) The legislative authority of a municipal corporation 561  
or township may enact an ordinance or adopt a resolution, as 562  
applicable, that prohibits a passenger riding on a commercial 563  
quadricycle from possessing an opened container of beer or wine. 564

(3) As used in this section, "commercial quadricycle" 565  
means a vehicle that has fully-operative pedals for propulsion 566  
entirely by human power and that meets all of the following 567  
requirements: 568

(a) It has four wheels and is operated in a manner similar 569  
to a bicycle. 570

(b) It has at least five seats for passengers. 571

(c) It is designed to be powered by the pedaling of the 572  
operator and the passengers. 573

(d) It is used for commercial purposes. 574

(e) It is operated by the vehicle owner or an employee of 575  
the owner. 576

(G) This section does not apply to a person that has in 577  
the person's possession an opened container of beer or 578  
intoxicating liquor on the premises of a market if the beer or 579  
intoxicating liquor has been purchased from a D liquor permit 580  
holder that is located in the market. 581

As used in division (G) of this section, "market" means an 582  
establishment that: 583

(1) Leases space in the market to individual vendors, not 584  
less than fifty per cent of which are retail food establishments 585  
or food service operations licensed under Chapter 3717. of the 586  
Revised Code; 587

(2) Has an indoor sales floor area of not less than 588  
twenty-two thousand square feet; 589

(3) Hosts a farmer's market on each Saturday from April 590  
through December. 591

**Section 2.** That existing sections 4301.01, 4301.03, 592  
4301.21, and 4301.62 of the Revised Code are hereby repealed. 593