

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 444

Representative Blessing

**Cosponsors: Representatives Henne, Grossman, Hambley, Brenner, Conditt,
Becker, Ramos, Thompson, Perales, Manning, Buchy, Boose, Dever, Rezabek,
Sheehy**

A BILL

To amend section 4301.20 of the Revised Code to 1
allow certain D liquor permit holders to provide 2
free tasting samples of beer, wine, and 3
spirituous liquor to a person who is 21 years 4
old or older and a paying customer of the permit 5
holder. 6

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

Section 1. That section 4301.20 of the Revised Code be 7
amended to read as follows: 8

Sec. 4301.20. This chapter and Chapter 4303. of the 9
Revised Code do not prevent the following: 10

(A) The storage of intoxicating liquor in bonded 11
warehouses, established in accordance with the acts of congress 12
and under the regulation of the United States, located in this 13
state, or the transportation of intoxicating liquor to or from 14
bonded warehouses of the United States wherever located; 15

(B) A bona fide resident of this state who is the owner of 16

a warehouse receipt from obtaining or transporting to the 17
resident's residence for the resident's own consumption and not 18
for resale spirituous liquor stored in a government bonded 19
warehouse in this state or in another state prior to December 20
1933, subject to such terms as are prescribed by the division of 21
liquor control; 22

(C) The manufacture of cider from fruit for the purpose of 23
making vinegar, and nonintoxicating cider and fruit juices for 24
use and sale; 25

(D) A licensed physician or dentist from administering or 26
dispensing intoxicating liquor or alcohol to a patient in good 27
faith in the actual course of the practice of the physician's or 28
dentist's profession; 29

(E) The sale of alcohol to physicians, dentists, 30
druggists, veterinary surgeons, manufacturers, hospitals, 31
infirmaries, or medical or educational institutions using the 32
alcohol for medicinal, mechanical, chemical, or scientific 33
purposes; 34

(F) The sale, gift, or keeping for sale by druggists and 35
others of any of the medicinal preparations manufactured in 36
accordance with the formulas prescribed by the United States 37
Pharmacopoeia and National Formulary, patent or proprietary 38
preparations, and other bona fide medicinal and technical 39
preparations, which contain no more alcohol than is necessary to 40
hold the medicinal agents in solution and to preserve the same, 41
which are manufactured and sold as medicine and not as 42
beverages, are unfit for use for beverage purposes, and the sale 43
of which does not require the payment of a United States liquor 44
dealer's tax; 45

(G) The manufacture and sale of tinctures or of toilet, 46
medicinal, and antiseptic preparations and solutions not 47
intended for internal human use nor to be sold as beverages, and 48
which are unfit for beverage purposes, if upon the outside of 49
each bottle, box, or package of which there is printed in the 50
English language, conspicuously and legibly, the quantity by 51
volume of alcohol in the preparation or solution; 52

(H) The manufacture and keeping for sale of the food 53
products known as flavoring extracts when manufactured and sold 54
for cooking, culinary, or flavoring purposes, and which are 55
unfit for use for beverage purposes; 56

(I) The lawful sale of wood alcohol or of ethyl alcohol 57
for external use when combined with other substances as to make 58
it unfit for internal use; 59

(J) The manufacture, sale, and transport of ethanol or 60
ethyl alcohol for use as fuel. As used in this division, 61
"ethanol" has the same meaning as in section 5733.46 of the 62
Revised Code. 63

(K) The purchase and importation into this state or the 64
purchase at wholesale from A or B permit holders in this state 65
of beer and intoxicating liquor for use in manufacturing 66
processes of nonbeverage food products under terms prescribed by 67
the division, provided that the terms prescribed by the division 68
shall not increase the cost of the beer or intoxicating liquor 69
to any person, firm, or corporation purchasing and importing it 70
into this state or purchasing it from an A or B permit holder 71
for that use; 72

(L) Any resident of this state or any member of the armed 73
forces of the United States, who has attained the age of twenty- 74

one years, from bringing into this state, for personal use and 75
not for resale, not more than one liter of spirituous liquor, 76
four and one-half liters of wine, or two hundred eighty-eight 77
ounces of beer in any thirty-day period, and the same is free of 78
any tax consent fee when the resident or member of the armed 79
forces physically possesses and accompanies the spirituous 80
liquor, wine, or beer on returning from a foreign country, 81
another state, or an insular possession of the United States; 82

(M) Persons, at least twenty-one years of age, who collect 83
ceramic commemorative bottles containing spirituous liquor that 84
have unbroken federal tax stamps on them from selling or trading 85
the bottles to other collectors. The bottles shall originally 86
have been purchased at retail from the division, legally 87
imported under division (L) of this section, or legally imported 88
pursuant to a supplier registration issued by the division. The 89
sales shall be for the purpose of exchanging a ceramic 90
commemorative bottle between private collectors and shall not be 91
for the purpose of selling the spirituous liquor for personal 92
consumption. The sale or exchange authorized by this division 93
shall not occur on the premises of any permit holder, shall not 94
be made in connection with the business of any permit holder, 95
and shall not be made in connection with any mercantile 96
business. 97

(N) The sale of beer or intoxicating liquor without a 98
liquor permit at a private residence, not more than five times 99
per calendar year at a residence address, at an event that has 100
the following characteristics: 101

(1) The event is for a charitable, benevolent, or 102
political purpose, but shall not include any event the proceeds 103
of which are for the profit or gain of any individual; 104

- (2) The event has in attendance not more than fifty people; 105
106
- (3) The event shall be for a period not to exceed twelve hours; 107
108
- (4) The sale of beer and intoxicating liquor at the event shall not take place between two-thirty a.m. and five-thirty a.m.; 109
110
111
- (5) No person under twenty-one years of age shall purchase or consume beer or intoxicating liquor at the event and no beer or intoxicating liquor shall be sold to any person under twenty-one years of age at the event; and 112
113
114
115
- (6) No person at the event shall sell or furnish beer or intoxicating liquor to an intoxicated person. 116
117
- (0) The possession or consumption of beer or intoxicating liquor by a person who is under twenty-one years of age and who is a student at an accredited college or university, provided that both of the following apply: 118
119
120
121
- (1) The person is required to taste and expectorate the beer or intoxicating liquor for a culinary, food service, or hospitality course. 122
123
124
- (2) The person is under the direct supervision of the instructor of the culinary, food service, or hospitality course. 125
126
- (P) (1) A D permit holder from providing, in any twenty-four-hour period of time, not more than a total of four tasting samples of beer, wine, or spirituous liquor free of charge to a person who is twenty-one years of age or older and a paying customer of the permit holder. The person shall consume the tasting samples on the premises of the D permit holder. 127
128
129
130
131
132

<u>(2) As used in division (P) (1) of this section:</u>	133
<u>(a) "Tasting sample" means one of the following, as applicable:</u>	134
<u>(i) An amount not to exceed two ounces of beer;</u>	135
<u>(ii) An amount not to exceed two ounces of wine;</u>	136
<u>(iii) An amount not to exceed a quarter ounce of spirituous liquor.</u>	137
<u>(b) "D permit holder" means a person that has been issued a D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-6, or D-7 permit.</u>	138
Section 2. That existing section 4301.20 of the Revised Code is hereby repealed.	139
	140
	141
	142
	143
	144
	145