

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 255

Senator Burke

A BILL

To amend section 4301.242 of the Revised Code to 1
allow any manufacturer of beer to provide not 2
more than two branded refrigerated coolers to a 3
liquor permit holder that sells beer for off- 4
premises consumption if certain criteria apply. 5

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

Section 1. That section 4301.242 of the Revised Code be 6
amended to read as follows: 7

Sec. 4301.242. (A) Notwithstanding the restrictions placed 8
on manufacturers, wholesale distributors, and holders of permits 9
for sale at retail or wholesale in section 4301.24 of the 10
Revised Code, a manufacturer or wholesale distributor may engage 11
in the following conduct, provided that the conduct does not 12
lead to control of a permit holder by another person: 13

(1) A manufacturer or wholesale distributor may accept 14
from or provide to a manufacturer or wholesale distributor 15
travel, lodging, food, and beverages. 16

(2) A manufacturer or wholesale distributor may provide to 17
a retail permit holder or the permit holder's employees or 18
agents food, beverages, and recreational activities under either 19

of the following circumstances: 20

(a) Food and beverages are provided by the manufacturer or 21
wholesale distributor or the manufacturer's or wholesale 22
distributor's employees or agents during a business meeting with 23
a retail permit holder or the permit holder's employees or 24
agents. 25

(b) Recreational activities are enjoyed in the presence of 26
the retail permit holder or the permit holder's employees or 27
agents and the manufacturer or wholesale distributor or the 28
manufacturer's or wholesale distributor's employees or agents 29
who are paying for the recreational activities. 30

(3) A manufacturer of beer may provide not more than two 31
branded refrigerated coolers to a retail permit holder that 32
sells beer for off-premises consumption if all of the following 33
apply: 34

(a) The manufacturer retains ownership of the coolers and 35
enters into a written agreement with the permit holder to 36
provide the coolers. 37

(b) The written agreement does not require the coolers to 38
be used exclusively for any manufacturer or for a particular 39
brand of beer. 40

(c) The manufacturer, in entering into a written 41
agreement, does not restrict or limit participation to one or 42
more specific retail permit holders or discriminate between 43
retail permit holders within the same permit class based solely 44
on the size or purchases of a particular brand. 45

(d) The coolers do not exceed ninety-five inches in 46
height, fifty inches in width, and forty inches in depth. 47

For purposes of division (A) (3) of this section, a 48
manufacturer or wholesale distributor of beer is not required to 49
deliver a branded refrigerated cooler to a retail permit holder. 50
A manufacturer and a wholesale distributor may enter into an 51
agreement in which the manufacturer may use the wholesale 52
distributor's facility for the temporary storage of branded 53
refrigerated coolers, provided that the wholesale distributor is 54
not responsible for delivery of the branded refrigerated coolers 55
to or from the wholesale distributor's facility or the costs of 56
such delivery. 57

(B) ~~As used in this section, "recreational~~ For purposes of 58
this section: 59

(1) "Recreational activities" includes sporting events, 60
concerts, theatrical performances, and other forms of 61
entertainment. 62

(2) "Branded refrigerated coolers" does not include kegs 63
and associated equipment or the coolers for those kegs. 64

Section 2. That existing section 4301.242 of the Revised 65
Code is hereby repealed. 66