

As Introduced

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H. B. No. 666

Representatives Swearingen, LaRe

**Cosponsors: Representatives Romanchuk, Jordan, Reineke, Seitz, Becker,
Abrams, Jones, Carfagna, Cross, Hambley, Lang, Antani, Weinstein**

A BILL

To amend section 4303.041 and to enact sections 1
4303.185 and 4303.252 of the Revised Code to 2
enact provisions of law relative to the sale and 3
delivery of alcoholic beverages by liquor permit 4
holders and to declare an emergency. 5

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

Section 1. That section 4303.041 be amended and sections 6
4303.185 and 4303.252 of the Revised Code be enacted to read as 7
follows: 8

Sec. 4303.041. (A) An A-3a permit may be issued to a 9
distiller that manufactures less than one hundred thousand 10
gallons of spirituous liquor per year. An A-3a permit holder may 11
sell to a personal consumer, in sealed containers for 12
consumption off the premises where manufactured, spirituous 13
liquor that the permit holder manufactures, ~~but~~. However, an A- 14
3a permit holder may make sales to the personal consumer may 15
~~occur~~ only by an in-person transaction at the permit premises or 16
via delivery made pursuant to section 4303.185 or 4303.252 of 17
the Revised Code. The A-3a permit holder shall not ship, send, 18

~~or use an H permit holder to deliver spirituous liquor to the
personal consumer.~~ 19
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"Distiller" means a person in this state who mashes,
ferments, distills, and ages spirituous liquor. 21
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(B) (1) Except as otherwise provided in this section, no A-
3a permit shall be issued unless the sale of spirituous liquor 23
by the glass for consumption on the premises or by the package 24
for consumption off the premises is authorized in the election 25
precinct in which the A-3a permit is proposed to be located. 26
27

(2) Division (B) (1) of this section does not prohibit the 28
issuance of an A-3a permit to an applicant for such a permit who 29
has filed an application with the division of liquor control 30
before March 22, 2012. 31

(C) (1) An A-3a permit holder may offer for sale tasting 32
samples of spirituous liquor. The A-3a permit holder shall not 33
serve more than four tasting samples of spirituous liquor per 34
person per day. A tasting sample shall not exceed a quarter 35
ounce. Tasting samples shall be only for the purpose of allowing 36
a purchaser to determine, by tasting only, the quality and 37
character of the spirituous liquor. The tasting samples shall be 38
offered for sale in accordance with rules adopted by the 39
division of liquor control. 40

(2) An A-3a permit holder shall sell not more than one and 41
one-half liters of spirituous liquor per day from the permit 42
premises to the same personal consumer. 43

An A-3a permit holder may sell spirituous liquor in sealed 44
containers for consumption off the premises where manufactured 45
as an independent contractor under agreement, by virtue of the 46
permit, with the division of liquor control. The price at which 47

the A-3a permit holder shall sell each spirituous liquor product 48
to a personal consumer is to be determined by the division of 49
liquor control. For an A-3a permit holder to purchase and then 50
offer spirituous liquor for retail sale, the spirituous liquor 51
need not first leave the physical possession of the A-3a permit 52
holder to be so registered. The spirituous liquor that the A-3a 53
permit holder buys from the division of liquor control shall be 54
maintained in a separate area of the permit premises for sale to 55
personal consumers. The A-3a permit holder shall sell such 56
spirituous liquor in sealed containers for consumption off the 57
premises where manufactured as an independent contractor by 58
virtue of the permit issued by the division of liquor control, 59
but the permit holder shall not be compensated as provided in 60
division (A) (1) of section 4301.17 of the Revised Code. Each A- 61
3a permit holder shall be subject to audit by the division of 62
liquor control. 63

(D) The fee for the A-3a permit is two dollars per fifty- 64
gallon barrel. 65

(E) The holder of an A-3a permit may also exercise the 66
same privileges as the holder of an A-3 permit. 67

Sec. 4303.185. (A) As used in this section: 68

(1) "Alcoholic beverage" means beer, wine, mixed 69
beverages, or spirituous liquor. 70

(2) "Personal consumer" means an individual who is at 71
least twenty-one years of age and intends to use a purchased 72
alcoholic beverage for personal consumption only and not for 73
resale or other commercial purposes. 74

(3) "Retail permit holder" means an A-1-A, A-1c, A-2, A- 75
2f, A-3a, or D class permit holder. 76

(B) Notwithstanding any other provision of law to the 77
contrary and in addition to any other sales authorized by a 78
retail permit holder's permit, a retail permit holder may do 79
both of the following: 80

(1) Sell alcoholic beverages by the individual drink in 81
closed containers to a personal consumer for off-premises 82
consumption, including via delivery to the location of the 83
personal consumer; 84

(2) Sell, via delivery, alcoholic beverages in sealed 85
original containers to a personal consumer. 86

(C) (1) A retail permit holder may only sell types of 87
alcoholic beverages under division (B) of this section that the 88
retail permit holder is otherwise authorized to sell under the 89
retail permit holder's permit. 90

(2) Prior to delivering an alcoholic beverage to a 91
personal consumer under this section, a retail permit holder, or 92
an employee of the retail permit holder, shall make a bona fide 93
effort to ensure that the personal consumer is at least twenty- 94
one years of age. 95

(3) A retail permit holder need not use a person issued an 96
H permit under Chapter 4303. of the Revised Code to make 97
deliveries authorized under this section. 98

(4) An A-3a permit holder that sells spirituous liquor in 99
its original sealed container under division (B) of this section 100
shall otherwise comply with section 4303.041 of the Revised Code 101
regarding sales of spirituous liquor. 102

(D) (1) In addition to areas in which a retail permit 103
holder is authorized to sell alcoholic beverages under the 104
retail permit holder's permit, a retail permit holder may sell 105

alcoholic beverages by the individual drink for consumption as 106
follows: 107

(a) In any area of the retail permit holder's property in 108
which sales are not currently authorized and that is outdoors, 109
including the retail permit holder's parking area; 110

(b) In any outdoor area of public property that is 111
immediately adjacent to the retail permit holder's premises, 112
provided that the permit holder obtains written consent in 113
accordance with division (E) of this section; 114

(c) In any outdoor area of private property that is 115
immediately adjacent to the retail permit holder's premises, 116
provided that the permit holder obtains the written consent of 117
the owner of the private property. 118

(2) If a retail permit holder sells alcoholic beverages in 119
an outdoor area, the retail permit holder shall clearly 120
delineate the area where personal consumers may consume 121
alcoholic beverages. 122

(E) For purposes of division (D) (1) (b) of this section, a 123
retail permit holder shall obtain the written consent of either 124
of the following: 125

(1) If the public property is located in a municipal 126
corporation, the executive officer of the municipal corporation 127
or the executive officer's designee. If the executive officer or 128
the executive officer's designee denies consent, the retail 129
permit holder may appeal the denial to the legislative authority 130
of the municipal corporation. The legislative authority may 131
adopt a resolution requesting the executive officer to 132
reconsider the executive officer's denial. 133

(2) If the public property is located in the 134

unincorporated area of a township, the fiscal officer of the 135
township or the fiscal officer's designee. If the fiscal officer 136
or the fiscal officer's designee denies consent, the retail 137
permit holder may appeal the denial to the legislative authority 138
of the township. The legislative authority may adopt a 139
resolution consenting to the sale of alcoholic beverages. 140

(F) Section 4301.62 of the Revised Code does not apply to 141
either of the following: 142

(1) An alcoholic beverage in a closed container being 143
transported under this section to its final destination, 144
provided that, during such transport, no person consumes the 145
alcoholic beverage; 146

(2) The consumption of an alcoholic beverage in an outdoor 147
area described in division (D)(1) of this section. 148

Sec. 4303.252. (A) As used in this section: 149

(1) "Food delivery service" means an online business that 150
acts as an intermediary between multiple retail food 151
establishments or food service operations licensed under Chapter 152
3717. of the Revised Code and purchasers of food from those 153
establishments or operations by doing both of the following: 154

(a) Submitting food orders to participating retail food 155
establishments or food service operations on behalf of those 156
purchasers; 157

(b) Delivering food orders from retail food establishments 158
or food service operations to those purchasers. 159

(2) "Alcoholic beverage" and "personal consumer" have the 160
same meanings as in section 4303.185 of the Revised Code. 161

(B) A food delivery service may deliver alcoholic 162

beverages in sealed original containers or by the individual 163
drink in closed containers from an A-1-A, A-1c, A-2, A-2f, A-3a, 164
C class, or D class permit holder to a personal consumer, 165
provided the food delivery service registers with the division 166
of liquor control. The food delivery service shall register in a 167
manner that the superintendent of liquor control shall 168
prescribe. 169

(C) A permit holder shall provide alcoholic beverages for 170
delivery under this section to a food delivery service only of 171
the type that the permit holder is otherwise authorized to sell 172
under the permit holder's permit. 173

(D) Prior to delivering an alcoholic beverage to a 174
personal consumer under this section, a representative of a food 175
delivery service shall make a bona fide effort to ensure that 176
the personal consumer is at least twenty-one years of age. 177

(E) Section 4301.62 of the Revised Code does not apply to 178
an alcoholic beverage in a closed container being transported 179
under this section to its final destination, provided that, 180
during such transport, no person consumes the alcoholic 181
beverage. 182

Section 2. That existing section 4303.041 of the Revised 183
Code is hereby repealed. 184

Section 3. This act is hereby declared to be an emergency 185
measure necessary for the immediate preservation of the public 186
peace, health, and safety. The reason for such necessity is to 187
provide economic relief to liquor permit holders as a result of 188
the COVID-19 outbreak. Therefore, this act shall go into 189
immediate effect. 190