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Representatives Swearingen, LaRe

Cosponsors: Representatives Romanchuk, Jordan, Reineke, Seitz, Becker, Abrams, Jones, Carfagna, Cross, Hambley, Lang, Weinstein, Sheehy, Carruthers, Clites, Crossman, Galonski, Greenspan, Hillyer, Holmes, A., Ingram, Miller, J., Miranda, Patton, Perales, Rogers, Strahorn, West

A BILL

To amend sections 4301.10, 4301.62, and 4303.041 1
and to enact sections 4303.185 and 4303.186 of 2
the Revised Code to enact provisions of law 3
relative to the sale and delivery of alcoholic 4
beverages by liquor permit holders and to 5
declare an emergency. 6

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

Section 1. That sections 4301.10, 4301.62, and 4303.041 be 7
amended and sections 4303.185 and 4303.186 of the Revised Code 8
be enacted to read as follows: 9

Sec. 4301.10. (A) The division of liquor control shall do 10
all of the following: 11

(1) Control the traffic in beer and intoxicating liquor in 12
this state, including the manufacture, importation, and sale of 13
beer and intoxicating liquor; 14

(2) Grant or refuse permits for the manufacture, 15

distribution, transportation, and sale of beer and intoxicating 16
liquor and the sale of alcohol, as authorized or required by 17
this chapter and Chapter 4303. of the Revised Code. A 18
certificate, signed by the superintendent of liquor control and 19
to which is affixed the official seal of the division, stating 20
that it appears from the records of the division that no permit 21
has been issued to the person specified in the certificate, or 22
that a permit, if issued, has been revoked, canceled, or 23
suspended, shall be received as prima-facie evidence of the 24
facts recited in the certificate in any court or before any 25
officer of this state. 26

(3) Put into operation, manage, and control a system of 27
state liquor stores for the sale of spirituous liquor at retail 28
and to holders of permits authorizing the sale of spirituous 29
liquor; however, the division shall not establish any drive-in 30
state liquor stores; and by means of those types of stores, and 31
any manufacturing plants, distributing and bottling plants, 32
warehouses, and other facilities that it considers expedient, 33
establish and maintain a state monopoly of the distribution of 34
spirituous liquor and its sale in packages or containers; and 35
for that purpose, manufacture, buy, import, possess, and sell 36
spirituous liquors as provided in this chapter and Chapter 4303. 37
of the Revised Code, and in the rules promulgated by the 38
superintendent of liquor control pursuant to those chapters; 39
lease or in any manner acquire the use of any land or building 40
required for any of those purposes; purchase any equipment that 41
is required; and borrow money to carry on its business, and 42
issue, sign, endorse, and accept notes, checks, and bills of 43
exchange; but all obligations of the division created under 44
authority of this division shall be a charge only upon the 45
moneys received by the division from the sale of spirituous 46

liquor and its other business transactions in connection with 47
the sale of spirituous liquor, and shall not be general 48
obligations of the state; 49

(4) Enforce the administrative provisions of this chapter 50
and Chapter 4303. of the Revised Code, and the rules and orders 51
of the liquor control commission and the superintendent relating 52
to the manufacture, importation, transportation, distribution, 53
and sale of beer or intoxicating liquor. The attorney general, 54
any prosecuting attorney, and any prosecuting officer of a 55
municipal corporation or a municipal court shall, at the request 56
of the division of liquor control or the department of public 57
safety, prosecute any person charged with the violation of any 58
provision in those chapters or of any section of the Revised 59
Code relating to the manufacture, importation, transportation, 60
distribution, and sale of beer or intoxicating liquor. 61

(5) Determine the locations of all state liquor stores and 62
manufacturing, distributing, and bottling plants required in 63
connection with those stores, subject to this chapter and 64
Chapter 4303. of the Revised Code; 65

(6) Conduct inspections of liquor permit premises to 66
determine compliance with the administrative provisions of this 67
chapter and Chapter 4303. of the Revised Code and the rules 68
adopted under those provisions by the liquor control commission. 69

Except as otherwise provided in division (A) (6) of this 70
section, those inspections may be conducted only during those 71
hours in which the permit holder is open for business and only 72
by authorized agents or employees of the division or by any 73
peace officer, as defined in section 2935.01 of the Revised 74
Code. Inspections may be conducted at other hours only to 75
determine compliance with laws or commission rules that regulate 76

the hours of sale of beer or intoxicating liquor and only if the 77
investigator has reasonable cause to believe that those laws or 78
rules are being violated. Any inspection conducted pursuant to 79
division (A) (6) of this section is subject to all of the 80
following requirements: 81

(a) The only property that may be confiscated is 82
contraband, as defined in section 2901.01 of the Revised Code, 83
or property that is otherwise necessary for evidentiary 84
purposes. 85

(b) A complete inventory of all property confiscated from 86
the premises shall be given to the permit holder or the permit 87
holder's agent or employee by the confiscating agent or officer 88
at the conclusion of the inspection. At that time, the inventory 89
shall be signed by the confiscating agent or officer, and the 90
agent or officer shall give the permit holder or the permit 91
holder's agent or employee the opportunity to sign the 92
inventory. 93

(c) Inspections conducted pursuant to division (A) (6) of 94
this section shall be conducted in a reasonable manner. A 95
finding by any court of competent jurisdiction that an 96
inspection was not conducted in a reasonable manner in 97
accordance with this section or any rules adopted by the 98
commission may be considered grounds for suppression of 99
evidence. A finding by the commission that an inspection was not 100
conducted in a reasonable manner in accordance with this section 101
or any rules adopted by it may be considered grounds for 102
dismissal of the commission case. 103

If any court of competent jurisdiction finds that property 104
confiscated as the result of an administrative inspection is not 105
necessary for evidentiary purposes and is not contraband, as 106

defined in section 2901.01 of the Revised Code, the court shall 107
order the immediate return of the confiscated property, provided 108
that property is not otherwise subject to forfeiture, to the 109
permit holder. However, the return of this property is not 110
grounds for dismissal of the case. The commission likewise may 111
order the return of confiscated property if no criminal 112
prosecution is pending or anticipated. 113

(7) Delegate to any of its agents or employees any power 114
of investigation that the division possesses with respect to the 115
enforcement of any of the administrative laws relating to beer 116
or intoxicating liquor, provided that this division does not 117
authorize the division to designate any agent or employee to 118
serve as an enforcement agent. The employment and designation of 119
enforcement agents shall be within the exclusive authority of 120
the director of public safety pursuant to sections 5502.13 to 121
5502.19 of the Revised Code. 122

(8) Collect the following fees: 123

(a) A biennial fifty-dollar registration fee for each 124
agent, solicitor, trade marketing professional, or salesperson, 125
registered pursuant to section 4303.25 of the Revised Code, of a 126
beer or intoxicating liquor manufacturer, supplier, broker, 127
trade marketing company, or wholesale distributor doing business 128
in this state; 129

(b) A fifty-dollar product registration fee for each new 130
beer or intoxicating liquor product sold in this state. The 131
product registration fee also applies to products sold in this 132
state by B-2a and S permit holders. The product registration fee 133
shall be accompanied by a copy of the federal label and product 134
approval for the new product. 135

(c) An annual three-hundred-dollar supplier registration 136
fee from each manufacturer or supplier that produces and ships 137
into this state, or ships into this state, intoxicating liquor 138
or beer, in addition to an initial application fee of one 139
hundred dollars. A manufacturer that produces and ships beer or 140
wine into this state and that holds only an S permit is exempt 141
from the supplier registration fee. A manufacturer that produces 142
and ships wine into this state and that holds a B-2a permit 143
shall pay an annual seventy-six-dollar supplier registration 144
fee. A manufacturer that produces and ships wine into this state 145
and that does not hold either an S or a B-2a permit, but that 146
produces less than two hundred fifty thousand gallons of wine 147
per year and that is entitled to a tax credit under 27 C.F.R. 148
24.278 shall pay an annual seventy-six-dollar supplier 149
registration fee. A B-2a or S permit holder that does not sell 150
its wine to wholesale distributors of wine in this state and an 151
S permit holder that does not sell its beer to wholesale 152
distributors of beer in this state shall not be required to 153
submit to the division territory designation forms. 154

Each supplier, agent, solicitor, trade marketing 155
professional, or salesperson registration issued under this 156
division shall authorize the person named to carry on the 157
activity specified in the registration. Each agent, solicitor, 158
trade marketing professional, or salesperson registration is 159
valid for two years or for the unexpired portion of a two-year 160
registration period. Each supplier registration is valid for one 161
year or for the unexpired portion of a one-year registration 162
period. Registrations shall end on their respective uniform 163
expiration date, which shall be designated by the division, and 164
are subject to suspension, revocation, cancellation, or fine as 165
authorized by this chapter and Chapter 4303. of the Revised 166

Code.	167
As used in this division, "trade marketing company" and	168
"trade marketing professional" have the same meanings as in	169
section 4301.171 of the Revised Code.	170
(9) Establish a system of electronic data interchange	171
within the division and regulate the electronic transfer of	172
information and funds among persons and governmental entities	173
engaged in the manufacture, distribution, and retail sale of	174
alcoholic beverages;	175
(10) Notify all holders of retail permits of the forms of	176
permissible identification for purposes of division (A) of	177
section 4301.639 of the Revised Code;	178
(11) <u>Deliver spirituous liquor in original containers to</u>	179
<u>permit holders authorized to sell spirituous liquor and to</u>	180
<u>personal consumers;</u>	181
(12) <u>Exercise all other powers expressly or by necessary</u>	182
<u>implication conferred upon the division by this chapter and</u>	183
<u>Chapter 4303. of the Revised Code, and all powers necessary for</u>	184
<u>the exercise or discharge of any power, duty, or function</u>	185
<u>expressly conferred or imposed upon the division by those</u>	186
<u>chapters.</u>	187
(B) The division may do all of the following:	188
(1) Sue, but may be sued only in connection with the	189
execution of leases of real estate and the purchases and	190
contracts necessary for the operation of the state liquor stores	191
that are made under this chapter and Chapter 4303. of the	192
Revised Code;	193
(2) Enter into leases and contracts of all descriptions	194

and acquire and transfer title to personal property with regard 195
to the sale, distribution, and storage of spirituous liquor 196
within the state; 197

(3) Terminate at will any lease entered into pursuant to 198
division (B) (2) of this section upon first giving ninety days' 199
notice in writing to the lessor of its intention to do so; 200

(4) Fix the wholesale and retail prices at which the 201
various classes, varieties, and brands of spirituous liquor 202
shall be sold by the division. Those retail prices shall be the 203
same at all state liquor stores, except to the extent that a 204
price differential is required to collect a county sales tax 205
levied pursuant to section 5739.021 of the Revised Code and for 206
which tax the tax commissioner has authorized prepayment 207
pursuant to section 5739.05 of the Revised Code. In fixing 208
selling prices, the division shall compute an anticipated gross 209
profit at least sufficient to provide in each calendar year all 210
costs and expenses of the division and also an adequate working 211
capital reserve for the division. The gross profit shall not 212
exceed forty per cent of the retail selling price based on costs 213
of the division, and in addition the sum required by section 214
4301.12 of the Revised Code to be paid into the state treasury. 215
An amount equal to one and one-half per cent of that gross 216
profit shall be paid into the statewide treatment and prevention 217
fund created by section 4301.30 of the Revised Code and be 218
appropriated by the general assembly from the fund to the 219
department of mental health and addiction services as provided 220
in section 4301.30 of the Revised Code. 221

On spirituous liquor manufactured in this state from the 222
juice of grapes or fruits grown in this state, the division 223
shall compute an anticipated gross profit of not to exceed ten 224

per cent.	225
The wholesale prices fixed under this division shall be at	226
a discount of not less than six per cent of the retail selling	227
prices as determined by the division in accordance with this	228
section.	229
(C) The <u>Except for an expansion governed by section</u>	230
<u>4303.185 of the Revised Code, the</u> division may approve the	231
expansion or diminution of a premises to which a liquor permit	232
has been issued and may adopt standards governing such an	233
expansion or diminution.	234
Sec. 4301.62. (A) As used in this section:	235
(1) "Chauffeured limousine" means a vehicle registered	236
under section 4503.24 of the Revised Code.	237
(2) "Street," "highway," and "motor vehicle" have the same	238
meanings as in section 4511.01 of the Revised Code.	239
(B) No person shall have in the person's possession an	240
opened container of beer or intoxicating liquor in any of the	241
following circumstances:	242
(1) Except as provided in division (C) (1) (e) of this	243
section, in an agency store;	244
(2) Except as provided in division (C) of this section, on	245
the premises of the holder of any permit issued by the division	246
of liquor control;	247
(3) In any other public place;	248
(4) Except as provided in division (D) or (E) of this	249
section, while operating or being a passenger in or on a motor	250
vehicle on any street, highway, or other public or private	251

property open to the public for purposes of vehicular travel or	252
parking;	253
(5) Except as provided in division (D) or (E) of this	254
section, while being in or on a stationary motor vehicle on any	255
street, highway, or other public or private property open to the	256
public for purposes of vehicular travel or parking.	257
(C) (1) A person may have in the person's possession an	258
opened container of any of the following:	259
(a) Beer or intoxicating liquor that has been lawfully	260
purchased for consumption on the premises where bought from the	261
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4,	262
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i,	263
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-	264
7, or F-8 permit;	265
(b) Beer, wine, or mixed beverages served for consumption	266
on the premises by the holder of an F-3 permit, wine served as a	267
tasting sample by an A-2 permit holder or S permit holder for	268
consumption on the premises of a farmers market for which an F-	269
10 permit has been issued, or wine served for consumption on the	270
premises by the holder of an F-4 or F-6 permit;	271
(c) Beer or intoxicating liquor consumed on the premises	272
of a convention facility as provided in section 4303.201 of the	273
Revised Code;	274
(d) Beer or intoxicating liquor to be consumed during	275
tastings and samplings approved by rule of the liquor control	276
commission;	277
(e) Spirituous liquor to be consumed for purposes of a	278
tasting sample, as defined in section 4301.171 of the Revised	279
Code;	280

(f) Beer or intoxicating liquor to be consumed in an area 281
established in accordance with section 4303.186 of the Revised 282
Code. 283

(2) A person may have in the person's possession on an F 284
liquor permit premises an opened container of beer or 285
intoxicating liquor that was not purchased from the holder of 286
the F permit if the premises for which the F permit is issued is 287
a music festival and the holder of the F permit grants 288
permission for that possession on the premises during the period 289
for which the F permit is issued. As used in this division, 290
"music festival" means a series of outdoor live musical 291
performances, extending for a period of at least three 292
consecutive days and located on an area of land of at least 293
forty acres. 294

(3) (a) A person may have in the person's possession on a 295
D-2 liquor permit premises an opened or unopened container of 296
wine that was not purchased from the holder of the D-2 permit if 297
the premises for which the D-2 permit is issued is an outdoor 298
performing arts center, the person is attending an orchestral 299
performance, and the holder of the D-2 permit grants permission 300
for the possession and consumption of wine in certain 301
predesignated areas of the premises during the period for which 302
the D-2 permit is issued. 303

(b) As used in division (C) (3) (a) of this section: 304

(i) "Orchestral performance" means a concert comprised of 305
a group of not fewer than forty musicians playing various 306
musical instruments. 307

(ii) "Outdoor performing arts center" means an outdoor 308
performing arts center that is located on not less than one 309

hundred fifty acres of land and that is open for performances 310
from the first day of April to the last day of October of each 311
year. 312

(4) A person may have in the person's possession an opened 313
or unopened container of beer or intoxicating liquor at an 314
outdoor location at which the person is attending an orchestral 315
performance as defined in division (C) (3) (b) (i) of this section 316
if the person with supervision and control over the performance 317
grants permission for the possession and consumption of beer or 318
intoxicating liquor in certain predesignated areas of that 319
outdoor location. 320

(5) A person may have in the person's possession on an F-9 321
liquor permit premises an opened or unopened container of beer 322
or intoxicating liquor that was not purchased from the holder of 323
the F-9 permit if the person is attending either of the 324
following: 325

(a) An orchestral performance and the F-9 permit holder 326
grants permission for the possession and consumption of beer or 327
intoxicating liquor in certain predesignated areas of the 328
premises during the period for which the F-9 permit is issued; 329

(b) An outdoor performing arts event or orchestral 330
performance that is free of charge and the F-9 permit holder 331
annually hosts not less than twenty-five other events or 332
performances that are free of charge on the permit premises. 333

As used in division (C) (5) of this section, "orchestral 334
performance" has the same meaning as in division (C) (3) (b) of 335
this section. 336

(6) (a) A person may have in the person's possession on the 337
property of an outdoor motorsports facility an opened or 338

unopened container of beer or intoxicating liquor that was not 339
purchased from the owner of the facility if both of the 340
following apply: 341

(i) The person is attending a racing event at the 342
facility; and 343

(ii) The owner of the facility grants permission for the 344
possession and consumption of beer or intoxicating liquor on the 345
property of the facility. 346

(b) As used in division (C) (6) (a) of this section: 347

(i) "Racing event" means a motor vehicle racing event 348
sanctioned by one or more motor racing sanctioning 349
organizations. 350

(ii) "Outdoor motorsports facility" means an outdoor 351
racetrack to which all of the following apply: 352

(I) It is two and four-tenths miles or more in length. 353

(II) It is located on two hundred acres or more of land. 354

(III) The primary business of the owner of the facility is 355
the hosting and promoting of racing events. 356

(IV) The holder of a D-1, D-2, or D-3 permit is located on 357
the property of the facility. 358

(7) (a) A person may have in the person's possession an 359
opened container of beer or intoxicating liquor at an outdoor 360
location within an outdoor refreshment area created under 361
section 4301.82 of the Revised Code if the opened container of 362
beer or intoxicating liquor was purchased from an A-1, A-1-A, A- 363
1c, A-2, A-2f, D class, or F class permit holder to which both 364
of the following apply: 365

(i) The permit holder's premises is located within the outdoor refreshment area.	366 367
(ii) The permit held by the permit holder has an outdoor refreshment area designation.	368 369
(b) Division (C) (7) of this section does not authorize a person to do either of the following:	370 371
(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;	372 373 374
(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 possession is otherwise authorized under division (D) or (E) of this section.	375 376 377 378
(c) As used in division (C) (7) of this section, "D class permit holder" does not include a D-6 or D-8 permit holder.	379 380
(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:	381 382 383 384 385
(i) The market grants permission for the possession and consumption of beer and intoxicating liquor within the defined F-8 permit premises;	386 387 388
(ii) The market is hosting an event pursuant to an F-8 permit and the market has notified the division of liquor control about the event in accordance with division (A) (3) of section 4303.208 of the Revised Code.	389 390 391 392
(b) As used in division (C) (8) of this section, "market"	393

means a market, for which an F-8 permit is held, that has been 394
in operation since 1860. 395

(D) This section does not apply to a person who pays all 396
or a portion of the fee imposed for the use of a chauffeured 397
limousine pursuant to a prearranged contract, or the guest of 398
the person, when all of the following apply: 399

(1) The person or guest is a passenger in the limousine. 400

(2) The person or guest is located in the limousine, but 401
is not occupying a seat in the front compartment of the 402
limousine where the operator of the limousine is located. 403

(3) The limousine is located on any street, highway, or 404
other public or private property open to the public for purposes 405
of vehicular travel or parking. 406

(E) An opened bottle of wine that was purchased from the 407
holder of a permit that authorizes the sale of wine for 408
consumption on the premises where sold is not an opened 409
container for the purposes of this section if both of the 410
following apply: 411

(1) The opened bottle of wine is securely resealed by the 412
permit holder or an employee of the permit holder before the 413
bottle is removed from the premises. The bottle shall be secured 414
in such a manner that it is visibly apparent if the bottle has 415
been subsequently opened or tampered with. 416

(2) The opened bottle of wine that is resealed in 417
accordance with division (E) (1) of this section is stored in the 418
trunk of a motor vehicle or, if the motor vehicle does not have 419
a trunk, behind the last upright seat or in an area not normally 420
occupied by the driver or passengers and not easily accessible 421
by the driver. 422

(F) (1) Except if an ordinance or resolution is enacted or 423
adopted under division (F) (2) of this section, this section does 424
not apply to a person who, pursuant to a prearranged contract, 425
is a passenger riding on a commercial quadricycle when all of 426
the following apply: 427

(a) The person is not occupying a seat in the front of the 428
commercial quadricycle where the operator is steering or 429
braking. 430

(b) The commercial quadricycle is being operated on a 431
street, highway, or other public or private property open to the 432
public for purposes of vehicular travel or parking. 433

(c) The person has in their possession on the commercial 434
quadricycle an opened container of beer or wine. 435

(d) The person has in their possession on the commercial 436
quadricycle not more than either thirty-six ounces of beer or 437
eighteen ounces of wine. 438

(2) The legislative authority of a municipal corporation 439
or township may enact an ordinance or adopt a resolution, as 440
applicable, that prohibits a passenger riding on a commercial 441
quadricycle from possessing an opened container of beer or wine. 442

(3) As used in this section, "commercial quadricycle" 443
means a vehicle that has fully-operative pedals for propulsion 444
entirely by human power and that meets all of the following 445
requirements: 446

(a) It has four wheels and is operated in a manner similar 447
to a bicycle. 448

(b) It has at least five seats for passengers. 449

(c) It is designed to be powered by the pedaling of the 450

operator and the passengers. 451

(d) It is used for commercial purposes. 452

(e) It is operated by the vehicle owner or an employee of 453
the owner. 454

(G) This section does not apply to a person that has in 455
the person's possession an opened container of beer or 456
intoxicating liquor on the premises of a market if the beer or 457
intoxicating liquor has been purchased from a D liquor permit 458
holder that is located in the market. 459

As used in division (G) of this section, "market" means an 460
establishment that: 461

(1) Leases space in the market to individual vendors, not 462
less than fifty per cent of which are retail food establishments 463
or food service operations licensed under Chapter 3717. of the 464
Revised Code; 465

(2) Has an indoor sales floor area of not less than 466
twenty-two thousand square feet; 467

(3) Hosts a farmer's market on each Saturday from April 468
through December. 469

(H) (1) As used in this section, "alcoholic beverage" has 470
the same meaning as in section 4303.185 of the Revised Code. 471

(2) An alcoholic beverage in a closed container being 472
transported under section 4303.185 of the Revised Code to its 473
final destination is not an opened container for the purposes of 474
this section if the closed container is securely sealed in such 475
a manner that it is visibly apparent if the closed container has 476
been subsequently opened or tampered with after sealing. 477

Sec. 4303.041. (A) As used in this section, "distiller" 478
means a person in this state who mashes, ferments, distills, and 479
ages spirituous liquor. 480

(B) An A-3a permit may be issued to a distiller that 481
manufactures less than one hundred thousand gallons of 482
spirituous liquor per year. An A-3a permit holder may sell 483
spirituous liquor to a personal consumer, only as follows: 484

(1) By offering tasting samples in accordance with 485
division (D) of this section; 486

(2) By an in-person transaction at the permit premises in 487
sealed containers for consumption off the premises where 488
manufactured, ~~spirituous liquor that the permit holder~~ 489
~~manufactures, but sales to the personal consumer may occur only~~ 490
~~by an in-person transaction at the permit premises;~~ 491

(3) In sealed containers via delivery off the premises 492
where manufactured pursuant to an agency contract. Such a 493
contract shall be limited in scope to the sale of spirituous 494
liquor manufactured by the A-3a permit holder. The agency 495
contract is not subject to the limitations specified in division 496
(A) (1) of section 4301.17 of the Revised Code. The A-3a permit 497
~~holder shall not ship, send, or use an H permit holder to~~ 498
~~deliver spirituous liquor to the personal consumer.~~ 499

~~"Distiller" means a person in this state who mashes,~~ 500
~~ferments, distills, and ages spirituous liquor.~~ 501

~~(B) (1)~~ (C) (1) Except as otherwise provided in this 502
section, no A-3a permit shall be issued unless the sale of 503
spirituous liquor by the glass for consumption on the premises 504
or by the package for consumption off the premises is authorized 505
in the election precinct in which the A-3a permit is proposed to 506

be located. 507

(2) Division ~~(B)(1)~~ (C)(1) of this section does not 508
prohibit the issuance of an A-3a permit to an applicant for such 509
a permit who has filed an application with the division of 510
liquor control before March 22, 2012. 511

~~(C)(1)~~ (D) An A-3a permit holder may offer for sale 512
tasting samples of spirituous liquor. The A-3a permit holder 513
shall not serve more than four tasting samples of spirituous 514
liquor per person per day. A tasting sample shall not exceed a 515
quarter ounce. Tasting samples shall be only for the purpose of 516
allowing a purchaser to determine, by tasting only, the quality 517
and character of the spirituous liquor. The tasting samples 518
shall be offered for sale in accordance with rules adopted by 519
the division of liquor control. 520

~~(2)~~ (E) An A-3a permit holder shall sell not more than one 521
and one-half liters of spirituous liquor per day from the permit 522
premises to the same personal consumer. 523

An A-3a permit holder may sell spirituous liquor in sealed 524
containers for consumption off the premises where manufactured 525
as an independent contractor under agreement, by virtue of the 526
permit, with the division of liquor control. The price at which 527
the A-3a permit holder shall sell each spirituous liquor product 528
to a personal consumer is to be determined by the division of 529
liquor control. For an A-3a permit holder to purchase and then 530
offer spirituous liquor for retail sale, the spirituous liquor 531
need not first leave the physical possession of the A-3a permit 532
holder to be so registered. The spirituous liquor that the A-3a 533
permit holder buys from the division of liquor control shall be 534
maintained in a separate area of the permit premises for sale to 535
personal consumers. The A-3a permit holder shall sell such 536

spirituous liquor in sealed containers for consumption off the 537
premises where manufactured as an independent contractor by 538
virtue of the permit issued by the division of liquor control, 539
but the permit holder shall not be compensated as provided in 540
division (A) (1) of section 4301.17 of the Revised Code. Each A- 541
3a permit holder shall be subject to audit by the division of 542
liquor control. 543

~~(D)~~ (F) The fee for the A-3a permit is two dollars per 544
fifty-gallon barrel. 545

~~(E)~~ (G) The holder of an A-3a permit may also exercise the 546
same privileges as the holder of an A-3 permit. 547

Sec. 4303.185. (A) As used in this section: 548

(1) "Alcoholic beverage" means beer, wine, mixed 549
beverages, or spirituous liquor. 550

(2) "Personal consumer" means an individual who is at 551
least twenty-one years of age and intends to use a purchased 552
alcoholic beverage for personal consumption only and not for 553
resale or other commercial purposes. 554

(3) "Qualified permit holder" has the same meaning as in 555
section 4301.82 of the Revised Code and also includes an A-3a 556
permit holder. 557

(B) In addition to any other sales authorized by a 558
qualified permit holder's permit, a qualified permit holder may 559
sell alcoholic beverages by the individual drink in sealed, 560
closed containers to a personal consumer for off-premises 561
consumption, including via delivery to the location of the 562
personal consumer. 563

(C) (1) A qualified permit holder may only sell types of 564

alcoholic beverages under division (B) of this section that the 565
qualified permit holder is otherwise authorized to sell under 566
the qualified permit holder's permit. 567

(2) Prior to delivering an alcoholic beverage to a 568
personal consumer under this section, a qualified permit holder, 569
or an employee of the qualified permit holder, shall make a bona 570
fide effort to ensure that the personal consumer is at least 571
twenty-one years of age. 572

(3) A qualified permit holder may use an H permit holder 573
to make deliveries authorized under this section. 574

Sec. 4303.186. (A) As used in this section: 575

(1) "Alcoholic beverage" means beer, wine, mixed 576
beverages, or spirituous liquor. 577

(2) "Personal consumer" means an individual who is at 578
least twenty-one years of age and intends to use a purchased 579
alcoholic beverage for personal consumption only and not for 580
resale or other commercial purposes. 581

(3) "Qualified permit holder" has the same meaning as in 582
section 4301.82 of the Revised Code and also includes an A-3a 583
permit holder. 584

(B)(1) In addition to areas in which a qualified permit 585
holder is authorized to sell alcoholic beverages under the 586
qualified permit holder's permit, a qualified permit holder may 587
sell alcoholic beverages by the individual drink for consumption 588
as follows: 589

(a) In any area of the qualified permit holder's property 590
in which sales are not currently authorized and that is 591
outdoors, including the qualified permit holder's parking area; 592

(b) In any outdoor area of public property that is 593
immediately adjacent to the qualified permit holder's premises, 594
provided that the permit holder obtains written consent in 595
accordance with division (C) of this section; 596

(c) In any outdoor area of private property that is 597
immediately adjacent to the qualified permit holder's premises, 598
provided that the permit holder obtains the written consent of 599
the owner of the private property. 600

(2) If a qualified permit holder sells alcoholic beverages 601
in an outdoor area, the qualified permit holder shall clearly 602
delineate the area where personal consumers may consume 603
alcoholic beverages. 604

(C) For purposes of division (B) (1) (b) of this section, a 605
qualified permit holder shall obtain the written consent of 606
either of the following: 607

(1) If the public property is located in a municipal 608
corporation, the executive officer of the municipal corporation 609
or the executive officer's designee. If the executive officer or 610
the executive officer's designee denies consent, the qualified 611
permit holder may appeal the denial to the legislative authority 612
of the municipal corporation. The legislative authority may 613
adopt a resolution requesting the executive officer to 614
reconsider the executive officer's denial. 615

(2) If the public property is located in the 616
unincorporated area of a township, the legislative authority of 617
the township by the adoption of a resolution consenting to the 618
sale of alcoholic beverages. 619

(D) Not later than one business day prior to selling 620
alcoholic beverages by the individual drink in an outdoor area 621

under division (B) (1) of this section, a qualified permit holder 622
shall notify the division of liquor control and the 623
investigative unit of the department of public safety of the 624
areas that the qualified permit holder intends to sell the 625
alcoholic beverages. 626

Section 2. That existing sections 4301.10, 4301.62, and 627
4303.041 of the Revised Code are hereby repealed. 628

Section 3. Section 4301.62 of the Revised Code is 629
presented in this act as a composite of the section as amended 630
by both H.B. 522 of the 132nd General Assembly and H.B. 62 of 631
the 133rd General Assembly. The General Assembly, applying the 632
principle stated in division (B) of section 1.52 of the Revised 633
Code that amendments are to be harmonized if reasonably capable 634
of simultaneous operation, finds that the composite is the 635
resulting version of the section in effect prior to the 636
effective date of the section as presented in this act. 637

Section 4. This act is hereby declared to be an emergency 638
measure necessary for the immediate preservation of the public 639
peace, health, and safety. The reason for such necessity is to 640
provide economic relief to liquor permit holders as a result of 641
the COVID-19 outbreak. Therefore, this act shall go into 642
immediate effect. 643