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Am. Sub. H. B. No. 674

Representative Hillyer, Becker

**Cosponsors: Representatives Callender, Carruthers, Crossman, Galonski,
Holmes, A., Lang, Leland, Miller, J., Reineke, Robinson, Roemer, Rogers, Seitz,
Upchurch, West**

A BILL

To amend sections 3717.22, 3717.42, 4301.03, 1
4301.171, 4301.22, 4301.24, 4301.322, 4301.33, 2
4301.332, 4301.333, 4301.334, 4301.35, 4301.351, 3
4301.353, 4301.354, 4301.355, 4301.356, 4301.36, 4
4301.361, 4301.364, 4301.365, 4301.366, 4301.37, 5
4301.403, 4301.404, 4301.82, 4303.021, 4303.15, 6
4303.171, 4303.181, 4303.184, 4303.19, 4303.202, 7
4303.205, 4303.30, and 4303.99; to enact new 8
section 4303.182 and sections 4301.011, 9
4301.245, 4301.246, 4303.2011, 4303.221, and 10
4303.222; and to repeal section 4303.182 of the 11
Revised Code to revise specified provisions of 12
the liquor control law. 13

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

Section 1. That sections 3717.22, 3717.42, 4301.03, 14
4301.171, 4301.22, 4301.24, 4301.322, 4301.33, 4301.332, 15
4301.333, 4301.334, 4301.35, 4301.351, 4301.353, 4301.354, 16
4301.355, 4301.356, 4301.36, 4301.361, 4301.364, 4301.365, 17
4301.366, 4301.37, 4301.403, 4301.404, 4301.82, 4303.021, 18

4303.15, 4303.171, 4303.181, 4303.184, 4303.19, 4303.202, 19
4303.205, 4303.30, and 4303.99 be amended and new section 20
4303.182 and sections 4301.011, 4301.245, 4301.246, 4303.2011, 21
4303.221, and 4303.222 of the Revised Code be enacted to read as 22
follows: 23

Sec. 3717.22. (A) The following are not retail food 24
establishments: 25

(1) A food service operation licensed under this chapter, 26
including a food service operation that provides the services of 27
a retail food establishment pursuant to an endorsement issued 28
under section 3717.44 of the Revised Code; 29

(2) An entity exempt under divisions (B) (1) to (9) ~~or,~~ 30
(11) to (13), or (15) of section 3717.42 of the Revised Code 31
from the requirement to be licensed as a food service operation 32
and an entity exempt under division (B) (10) of that section if 33
the entity is regulated by the department of agriculture as a 34
food processing establishment under section 3715.021 of the 35
Revised Code; 36

(3) A business or that portion of a business that is 37
regulated by the federal government or the department of 38
agriculture as a food manufacturing or food processing business, 39
including a business or that portion of a business regulated by 40
the department of agriculture under Chapter 911., 913., 915., 41
917., 918., or 925. of the Revised Code. 42

(B) All of the following are exempt from the requirement 43
to be licensed as a retail food establishment: 44

(1) An establishment with commercially prepackaged foods 45
that are not potentially hazardous and contained in displays, 46
the total space of which equals less than two hundred cubic 47

feet; 48

(2) A person at a farmers market that is registered with 49
the director of agriculture pursuant to section 3717.221 of the 50
Revised Code that offers for sale only one or more of the 51
following: 52

(a) Fresh unprocessed fruits or vegetables; 53

(b) Products of a cottage food production operation; 54

(c) Tree syrup, sorghum, honey, apple syrup, or apple 55
butter that is produced by a tree syrup or sorghum producer, 56
beekeeper, or apple syrup or apple butter processor described in 57
division (A) of section 3715.021 of the Revised Code; 58

(d) Wine as authorized under section 4303.2010 of the 59
Revised Code; 60

(e) Commercially prepackaged food that is not potentially 61
hazardous, on the condition that the food is contained in 62
displays, the total space of which equals less than one hundred 63
cubic feet on the premises where the person conducts business at 64
the farmers market. 65

(3) A person who offers for sale at a roadside stand only 66
fresh fruits and fresh vegetables that are unprocessed; 67

(4) A nonprofit organization exempt from federal income 68
taxation under section 501(c)(3) of the "Internal Revenue Code 69
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises 70
funds by selling foods and that, if required to be licensed, 71
would be classified as risk level one in accordance with rules 72
establishing licensing categories for retail food establishments 73
adopted under section 3717.33 of the Revised Code, if the sales 74
occur inside a building and are for not more than seven 75

consecutive days or more than fifty-two separate days during a 76
licensing period. This exemption extends to any individual or 77
group raising all of its funds during the time periods specified 78
in division (B) (4) of this section for the benefit of the 79
nonprofit organization by selling foods under the same 80
conditions. 81

(5) An establishment that offers food contained in 82
displays of less than five hundred square feet, and if required 83
to be licensed would be classified as risk level one pursuant to 84
rules establishing licensing categories for retail food 85
establishments adopted under section 3717.33 of the Revised 86
Code, on the condition that the establishment offers the food 87
for sale at retail not more than six months in each calendar 88
year; 89

(6) A cottage food production operation, on the condition 90
that the operation offers its products directly to the consumer 91
from the site where the products are produced; 92

(7) A tree syrup and sorghum processor, beekeeper, or 93
apple syrup and apple butter processor described in division (A) 94
of section 3715.021 of the Revised Code, on the condition that 95
the processor or beekeeper offers only tree syrup, sorghum, 96
honey, apple syrup, or apple butter directly to the consumer 97
from the site where those products are processed; 98

(8) A person who annually maintains five hundred or fewer 99
birds, on the condition that the person offers the eggs from 100
those birds directly to the consumer from the location where the 101
eggs are produced or at a farm product auction to which division 102
(B) (11) of this section applies; 103

(9) A person who annually raises and slaughters one 104

thousand or fewer chickens, on the condition that the person 105
offers dressed chickens directly to the consumer from the 106
location where the chickens are raised and slaughtered or at a 107
farm product auction to which division (B) (11) of this section 108
applies; 109

(10) A person who raises, slaughters, and processes the 110
meat of nonamenable species described in divisions (A) and (B) 111
of section 918.12 of the Revised Code, on the condition that the 112
person offers the meat directly to the consumer from the 113
location where the meat is processed or at a farm product 114
auction to which division (B) (11) of this section applies; 115

(11) A farm product auction, on the condition that it is 116
registered with the director pursuant to section 3717.221 of the 117
Revised Code that offers for sale at the farm product auction 118
only one or more of the following: 119

(a) The products described in divisions (B) (8) to (10) of 120
this section that are produced, raised, slaughtered, or 121
processed, as appropriate, by persons described in divisions (B) 122
(8) to (10) of this section; 123

(b) Fresh unprocessed fruits or vegetables; 124

(c) Products of a cottage food production operation; 125

(d) Tree syrup, sorghum, honey, apple syrup, or apple 126
butter that is produced by a tree syrup or sorghum producer, 127
beekeeper, or apple syrup or apple butter processor described in 128
division (A) of section 3715.021 of the Revised Code. 129

(12) An establishment that, with respect to offering food 130
for sale, offers only alcoholic beverages or prepackaged 131
beverages that are not potentially hazardous; 132

(13) An establishment that, with respect to offering food	133
for sale, offers only alcoholic beverages, prepackaged beverages	134
that are not potentially hazardous, or commercially prepackaged	135
food that is not potentially hazardous, on the condition that	136
the commercially prepackaged food is contained in displays, the	137
total space of which equals less than two hundred cubic feet on	138
the premises of the establishment;	139
(14) An establishment that, with respect to offering food	140
for sale, offers only fountain beverages that are not	141
potentially hazardous;	142
(15) A person who offers for sale only one or more of the	143
following foods at a festival or celebration, on the condition	144
that the festival or celebration is organized by a political	145
subdivision of the state and lasts for a period not longer than	146
seven consecutive days:	147
(a) Fresh unprocessed fruits or vegetables;	148
(b) Products of a cottage food production operation;	149
(c) Tree syrup, sorghum, honey, apple syrup, or apple	150
butter if produced by a tree syrup or sorghum processor,	151
beekeeper, or apple syrup or apple butter processor as described	152
in division (A) of section 3715.021 of the Revised Code;	153
(d) Commercially prepackaged food that is not potentially	154
hazardous, on the condition that the food is contained in	155
displays, the total space of which equals less than one hundred	156
cubic feet;	157
(e) Fruit butter produced at the festival or celebration	158
and sold from the production site.	159
(16) A farm market on the condition that it is registered	160

with the director pursuant to section 3717.221 of the Revised	161
Code that offers for sale at the farm market only one or more of	162
the following:	163
(a) Fresh unprocessed fruits or vegetables;	164
(b) Products of a cottage food production operation;	165
(c) Tree syrup, sorghum, honey, apple syrup, or apple	166
butter that is produced by a tree syrup or sorghum producer,	167
beekeeper, or apple syrup or apple butter processor described in	168
division (A) of section 3715.021 of the Revised Code;	169
(d) Commercially prepackaged food that is not potentially	170
hazardous, on the condition that the food is contained in	171
displays, the total space of which equals less than one hundred	172
cubic feet on the premises where the person conducts business at	173
the farm market;	174
(e) Cider and other juices manufactured on site at the	175
farm market;	176
(f) The products or items described in divisions (B) (8) to	177
(10) of this section, on the condition that those products or	178
items were produced by the person offering to sell them, and	179
further conditioned that, with respect to eggs offered, the	180
person offering to sell them annually maintains five hundred or	181
fewer birds, and with respect to dressed chickens offered, the	182
person annually raises and slaughters one thousand or fewer	183
chickens.	184
(17) (a) An establishment to which all of the following	185
apply:	186
(i) The establishment serves commercially prepackaged food	187
in a form that prevents direct human contact prior to and during	188

service;	189
(ii) Sales of the prepackaged food do not exceed more than	190
five per cent of the total gross receipts of the establishment;	191
(iii) The establishment has been issued an A-2 permit	192
under section 4303.03 or an A-2f permit under section 4303.031	193
of the Revised Code and annually produces ten thousand gallons	194
or less of wine;	195
(b) The owner or operator of the establishment shall	196
notify the director that it is exempt from licensure because it	197
qualifies under division (B) (17) (a) of this section. The owner	198
or operator also shall disclose to customers that the	199
establishment is exempt from licensure.	200
Sec. 3717.42. (A) The following are not food service	201
operations:	202
(1) A retail food establishment licensed under this	203
chapter, including a retail food establishment that provides the	204
services of a food service operation pursuant to an endorsement	205
issued under section 3717.24 of the Revised Code;	206
(2) An entity exempt from the requirement to be licensed	207
as a retail food establishment under division (B) of section	208
3717.22 of the Revised Code;	209
(3) A business or that portion of a business that is	210
regulated by the federal government or the department of	211
agriculture as a food manufacturing or food processing business,	212
including a business or that portion of a business regulated by	213
the department of agriculture under Chapter 911., 913., 915.,	214
917., 918., or 925. of the Revised Code.	215
(B) All of the following are exempt from the requirement	216

to be licensed as a food service operation:	217
(1) A private home in which individuals related by blood,	218
marriage, or law reside and in which the food that is prepared	219
or served is intended only for those individuals and their	220
nonpaying guests;	221
(2) A private home operated as a bed-and-breakfast that	222
prepares and offers food to guests, if the home is owner-	223
occupied, the number of available guest bedrooms does not exceed	224
six, breakfast is the only meal offered, and the number of	225
guests served does not exceed sixteen;	226
(3) A stand operated on the premises of a private home by	227
one or more children under the age of twelve, if the food served	228
is not potentially hazardous;	229
(4) A residential facility that accommodates not more than	230
sixteen residents; is licensed, certified, registered, or	231
otherwise regulated by the federal government or by the state or	232
a political subdivision of the state; and prepares food for or	233
serves food to only the residents of the facility, the staff of	234
the facility, and any nonpaying guests of residents or staff;	235
(5) A church, school, fraternal or veterans' organization,	236
volunteer fire organization, or volunteer emergency medical	237
service organization preparing or serving food intended for	238
individual portion service on its premises for not more than	239
seven consecutive days or not more than fifty-two separate days	240
during a licensing period. This exemption extends to any	241
individual or group raising all of its funds during the time	242
periods specified in division (B) (5) of this section for the	243
benefit of the church, school, or organization by preparing or	244
serving food intended for individual portion service under the	245

same conditions.	246
(6) A common carrier that prepares or serves food, if the carrier is regulated by the federal government;	247 248
(7) A food service operation serving thirteen or fewer individuals daily;	249 250
(8) A type A or type B family day-care home, as defined in section 5104.01 of the Revised Code, that prepares or serves food for the children receiving day-care;	251 252 253
(9) A vending machine location where the only foods dispensed are foods from one or both of the following categories:	254 255 256
(a) Prepackaged foods that are not potentially hazardous;	257
(b) Nuts, panned or wrapped bulk chewing gum, or panned or wrapped bulk candies.	258 259
(10) A place servicing the vending machines at a vending machine location described in division (B)(9) of this section;	260 261
(11) A commissary servicing vending machines that dispense only milk, milk products, or frozen desserts that are under a state or federal inspection and analysis program;	262 263 264
(12) A "controlled location vending machine location," which means a vending machine location at which all of the following apply:	265 266 267
(a) The vending machines dispense only foods that are not potentially hazardous;	268 269
(b) The machines are designed to be filled and maintained in a sanitary manner by untrained persons;	270 271
(c) Minimal protection is necessary to ensure against	272

contamination of food and equipment. 273

(13) A private home that prepares and offers food to 274
guests, if the home is owner-occupied, meals are served on the 275
premises of that home, the number of meals served does not 276
exceed one hundred fifteen per week, and the home displays a 277
notice in a place conspicuous to all of its guests informing 278
them that the home is not required to be licensed as a food 279
service operation; 280

(14) An individual who prepares full meals or meal 281
components, such as pies or baked goods, in the individual's 282
home to be served off the premises of that home, if the number 283
of meals or meal components prepared for that purpose does not 284
exceed twenty in a seven-day period. 285

(15) The holder of an A-1-A permit issued under section 286
4303.021 of the Revised Code to which both of the following 287
apply: 288

(a) The A-1-A permit holder has also been issued an A-1c 289
permit under section 4303.022 of the Revised Code; 290

(b) The A-1-A permit holder serves only prepackaged meals 291
and nonalcoholic beverages, as well as beer and intoxicating 292
liquor. 293

Sec. 4301.011. The general assembly hereby finds that the 294
Twenty-first Amendment to the United States Constitution confers 295
upon the state of Ohio sole and exclusive authority to regulate 296
the sale and distribution of beer and intoxicating liquor in 297
this state. That authority, so conferred, has rested with the 298
state of Ohio since the ratification of the Twenty-first 299
Amendment to the United States Constitution. 300

The general assembly also finds that its authority to so 301

regulate is exercised through Title XLIII of the Revised Code 302
and other relevant provisions of the Revised Code. Title XLIII 303
of the Revised Code and the other relevant provisions of the 304
Revised Code reflect the intent of the general assembly to do 305
all of the following: 306

(A) Promote temperance by preventing consumption by 307
underage persons and by discouraging abusive consumption; 308

(B) Promote orderly markets by requiring transparent, 309
accountable, and stable distribution of beer and intoxicating 310
liquor and preventing unfair competition; 311

(C) Facilitate the collection of taxes related to the sale 312
and consumption of beer and intoxicating liquor. 313

Sec. 4301.03. The liquor control commission may adopt and 314
promulgate, repeal, rescind, and amend, in the manner required 315
by this section, rules, standards, requirements, and orders 316
necessary to carry out this chapter and Chapter 4303. of the 317
Revised Code, but all rules of the board of liquor control that 318
were in effect immediately prior to April 17, 1963, shall remain 319
in full force and effect as rules of the liquor control 320
commission until and unless amended or repealed by the liquor 321
control commission. The rules of the commission may include the 322
following: 323

(A) Rules with reference to applications for and the 324
issuance of permits for the manufacture, distribution, 325
transportation, and sale of beer and intoxicating liquor, and 326
the sale of alcohol; and rules governing the procedure of the 327
division of liquor control in the suspension, revocation, and 328
cancellation of those permits; 329

(B) Rules and orders providing in detail for the conduct 330

of any retail business authorized under permits issued pursuant 331
to this chapter and Chapter 4303. of the Revised Code, with a 332
view to ensuring compliance with those chapters and laws 333
relative to them, and the maintenance of public decency, 334
sobriety, and good order in any place licensed under the 335
permits. No rule or order shall prohibit the operation of video 336
lottery terminal games at a commercial race track where live 337
horse racing and simulcasting are conducted in accordance with 338
Chapter 3769. of the Revised Code or the sale of lottery tickets 339
issued pursuant to Chapter 3770. of the Revised Code by any 340
retail business authorized under permits issued pursuant to that 341
chapter. 342

No rule or order shall prohibit pari-mutuel wagering on 343
simulcast horse races at a satellite facility that has been 344
issued a D liquor permit under Chapter 4303. of the Revised 345
Code. No rule or order shall prohibit a charitable organization 346
that holds a D-4 permit from selling or serving beer or 347
intoxicating liquor under its permit in a portion of its 348
premises merely because that portion of its premises is used at 349
other times for the conduct of a bingo game, as described in 350
division (O) of section 2915.01 of the Revised Code. However, 351
such an organization shall not sell or serve beer or 352
intoxicating liquor or permit beer or intoxicating liquor to be 353
consumed or seen in the same location in its premises where a 354
bingo game, as described in division (O)(1) of section 2915.01 355
of the Revised Code, is being conducted while the game is being 356
conducted. As used in this division, "charitable organization" 357
has the same meaning as in division (H) of section 2915.01 of 358
the Revised Code. No rule or order pertaining to visibility into 359
the premises of a permit holder after the legal hours of sale 360
shall be adopted or maintained by the commission. 361

(C) Standards, not in conflict with those prescribed by 362
any law of this state or the United States, to secure the use of 363
proper ingredients and methods in the manufacture of beer, mixed 364
beverages, and wine to be sold within this state; 365

(D) Rules determining the nature, form, and capacity of 366
all packages and bottles to be used for containing beer or 367
intoxicating liquor, except for spirituous liquor to be kept or 368
sold, and governing the form of all seals and labels to be used 369
on those packages and bottles; 370

(E) Rules requiring the label on every package, bottle, 371
and container to state all of the following, as applicable: 372

(1) The ingredients in the contents; 373

(2) Except for beer, the terms of weight, volume, or proof 374
spirits; 375

(3) Except for spirituous liquor, whether the product is 376
beer, wine, alcohol, or any intoxicating liquor; 377

(4) Regarding beer that contains more than twelve per cent 378
of alcohol by volume, the percentage of alcohol by volume and 379
that the beer is a "high alcohol beer." 380

(F) Uniform rules governing all advertising with reference 381
to the sale of beer and intoxicating liquor throughout the state 382
and advertising upon and in the premises licensed for the sale 383
of beer or intoxicating liquor; 384

(G) Rules restricting and placing conditions upon the 385
transfer of permits; 386

(H) Rules and orders limiting the number of permits of any 387
class within the state or within any political subdivision of 388
the state; and, for that purpose, adopting reasonable 389

classifications of persons or establishments to which any 390
authorized class of permits may be issued within any political 391
subdivision; 392

(I) Rules and orders ~~with reference to sales of beer and~~ 393
~~intoxicating liquor on Sundays and holidays and with~~ 394
reference to the hours of the day during which and the persons to whom 395
intoxicating liquor of any class may be sold, and rules with 396
reference to the manner of sale; 397

(J) Rules requiring permit holders buying beer to pay and 398
permit holders selling beer to collect minimum cash deposits for 399
kegs, cases, bottles, or other returnable containers of the 400
beer; requiring the repayment, or credit, of the minimum cash 401
deposit charges upon the return of the empty containers; and 402
requiring the posting of such form of indemnity or such other 403
conditions with respect to the charging, collection, and 404
repayment of minimum cash deposit charges for returnable 405
containers of beer as are necessary to ensure the return of the 406
empty containers or the repayment upon that return of the 407
minimum cash deposits paid; 408

(K) Rules establishing the method by which alcohol 409
products may be imported for sale by wholesale distributors and 410
the method by which manufacturers and suppliers may sell alcohol 411
products to wholesale distributors. 412

Every rule, standard, requirement, or order of the 413
commission and every repeal, amendment, or rescission of them 414
shall be posted for public inspection in the principal office of 415
the commission and the principal office of the division of 416
liquor control, and a certified copy of them shall be filed in 417
the office of the secretary of state. An order applying only to 418
persons named in it shall be served on the persons affected by 419

personal delivery of a certified copy, or by mailing a certified 420
copy to each person affected by it or, in the case of a 421
corporation, to any officer or agent of the corporation upon 422
whom a service of summons may be served in a civil action. The 423
posting and filing required by this section constitutes 424
sufficient notice to all persons affected by such rule or order 425
which is not required to be served. General rules of the 426
commission promulgated pursuant to this section shall be 427
published in the manner the commission determines. 428

Sec. 4301.171. (A) As used in this section: 429

(1) "Broker" and "solicitor" have the same meanings as in 430
rules adopted by the superintendent of liquor control under 431
section 4303.25 of the Revised Code. 432

(2) "Tasting sample" means a small amount of spirituous 433
liquor that is provided in a serving of not more than a quarter 434
ounce of spirituous liquor and, if provided, not more than one 435
ounce of nonalcoholic mixer to an authorized purchaser and that 436
allows the purchaser to determine, by tasting only, the quality 437
and character of the beverage. 438

(3) "Trade marketing company" means a company that 439
solicits the purchase of beer and intoxicating liquor and 440
educates the public about beer and intoxicating liquor. 441

(4) "Trade marketing professional" means an individual who 442
is an employee of, or is under contract with, a trade marketing 443
company and who has successfully completed a training program 444
described in section 4301.253 of the Revised Code. 445

(B) Notwithstanding section 4301.24 of the Revised Code, 446
an agency store to which a D-8 permit has been issued may allow 447
a trade marketing professional, broker, or solicitor to offer 448

for sale tasting samples of spirituous liquor when conducted in 449
accordance with this section. A tasting sample shall not be sold 450
for the purpose of general consumption. 451

(C) Tasting samples of spirituous liquor may be offered 452
for sale at an agency store by a trade marketing professional, 453
broker, or solicitor if all of the following apply: 454

(1) The tasting samples are sold only in the area of the 455
agency store in which spirituous liquor is sold and that area is 456
open to the public. 457

(2) The tasting samples are sold only by the trade 458
marketing professional, broker, or solicitor. 459

(3) The spirituous liquor is registered under division (A) 460
(8) of section 4301.10 of the Revised Code. 461

(4) Not less than ten business days prior to the sale, the 462
trade marketing professional, broker, or solicitor has provided 463
written notice to the division of liquor control of the date and 464
time of the sampling, and of the type and brand of spirituous 465
liquor to be sampled at the agency store. 466

(D) A sale of tasting samples of spirituous liquor is 467
subject to rules adopted by the superintendent of liquor control 468
or the liquor control commission. 469

(E) An offering for sale of tasting samples of spirituous 470
liquor shall be limited to a period of not more than two hours. 471

(F) For purposes of offering for sale tasting samples of 472
spirituous liquor, a trade marketing professional, broker, or 473
solicitor shall purchase the spirituous liquor from the agency 474
store at the current retail price. An authorized purchaser shall 475
be charged not less than fifty cents for each tasting sample of 476

spirituous liquor. When the sale of tasting samples of 477
spirituous liquor at an agency store is completed, any bottles 478
of spirituous liquor used to provide tasting samples that are 479
not empty shall be marked as "sample" and removed from the 480
agency store by the trade marketing professional, broker, or 481
solicitor, as applicable. 482

(G) No trade marketing professional, broker, or solicitor 483
shall do any of the following: 484

(1) Advertise the offering for sale of tasting samples of 485
spirituous liquor other than at the agency store where the 486
tasting samples will be offered or as provided in section 487
4301.245 of the Revised Code; 488

(2) Solicit orders or make sales of tasting samples of 489
spirituous liquor for quantities greater than those specified in 490
division (G) (3) of this section; 491

(3) Allow any authorized purchaser to consume more than 492
four tasting samples of spirituous liquor per day. 493

(H) The purchase of a tasting sample of spirituous liquor 494
shall not be contingent upon the purchase of any other product 495
from an agency store. 496

(I) No employee of an agency store that allows the sale of 497
tasting samples of spirituous liquor shall purchase or consume a 498
tasting sample while on duty. 499

(J) If an employee of an agency store that allows the sale 500
of tasting samples of spirituous liquor consumes a tasting 501
sample of spirituous liquor, the employee shall not perform the 502
employee's duties and responsibilities at the agency store on 503
the day the tasting sample is consumed. 504

(K) No person under twenty-one years of age shall consume	505
a tasting sample of spirituous liquor.	506
(L) Not more than ten events at which the sale of tasting	507
samples of spirituous liquor are offered shall occur at an	508
agency store in a calendar month provided that:	509
(1) Not more than two events shall occur in the same day;	510
and	511
(2) There is not less than one hour between the end of one	512
event and the beginning of the next event.	513
(M) No trade marketing professional, trade marketing	514
company, broker, solicitor, owner or operator of an agency	515
store, or an agent or employee of the owner or operator shall	516
violate this section or any rules adopted by the superintendent	517
or the commission for the purposes of this section.	518
Sec. 4301.22. Sales of beer and intoxicating liquor under	519
all classes of permits and from state liquor stores are subject	520
to the following restrictions, in addition to those imposed by	521
the rules or orders of the division of liquor control:	522
(A) (1) Except as otherwise provided in this chapter, no	523
beer or intoxicating liquor shall be sold to any person under	524
twenty-one years of age.	525
(2) No low-alcohol beverage shall be sold to any person	526
under eighteen years of age. No permit issued by the division	527
shall be suspended, revoked, or canceled because of a violation	528
of division (A) (2) of this section.	529
(3) No intoxicating liquor shall be handled by any person	530
under twenty-one years of age, except that a person eighteen	531
years of age or older employed by a permit holder may handle or	532

sell beer or intoxicating liquor in sealed containers in 533
connection with wholesale or retail sales, and any person 534
nineteen years of age or older employed by a permit holder may 535
handle intoxicating liquor in open containers when acting in the 536
capacity of a server in a hotel, restaurant, club, or night 537
club, as defined in division (B) of section 4301.01 of the 538
Revised Code, or in the premises of a D-7 permit holder. This 539
section does not authorize persons under twenty-one years of age 540
to sell intoxicating liquor across a bar. Any person employed by 541
a permit holder may handle beer or intoxicating liquor in sealed 542
containers in connection with manufacturing, storage, 543
warehousing, placement, stocking, bagging, loading, or 544
unloading, and may handle beer or intoxicating liquor in open 545
containers in connection with cleaning tables or handling empty 546
bottles or glasses. 547

(B) No permit holder and no agent or employee of a permit 548
holder shall sell or furnish beer or intoxicating liquor to an 549
intoxicated person. 550

(C) No sales of intoxicating liquor shall be made after 551
two-thirty a.m. on Sunday ~~except under either of the following~~ 552
~~circumstances:~~ 553

~~(1) Intoxicating liquor may be sold on Sunday under~~ 554
~~authority of a permit that authorizes Sunday sale.~~ 555

~~(2) Spirituous liquor may be sold on Sunday by any person~~ 556
~~awarded an agency contract under section 4301.17 of the Revised~~ 557
~~Code if the sale of spirituous liquor is authorized in the~~ 558
~~applicable precinct as the result of an election on question (B)~~ 559
~~(1) or (2) of section 4301.351 of the Revised Code and if the~~ 560
~~agency contract authorizes the sale of spirituous liquor on~~ 561
~~Sunday.~~ 562

~~This section does not prevent a municipal corporation from~~ 563
~~adopting a closing hour for the sale of intoxicating liquor~~ 564
~~earlier than two thirty a.m. on Sunday or to provide that no~~ 565
~~intoxicating liquor may be sold prior to that hour on Sunday~~ 566
by a retail permit holder in a dry precinct or at a dry location, as 567
those terms are defined in section 4303.182 of the Revised Code. 568

(D) No holder of a permit shall give away any beer or 569
intoxicating liquor of any kind at any time in connection with 570
the permit holder's business. However, with the exception of an 571
A-1-A permit holder that also has been issued an A-2 or A-2f 572
permit, an A-1-A, A-1c, or D permit holder may provide to a 573
paying customer not more than a total of four tasting samples of 574
beer, wine, or spirituous liquor, as authorized by the 575
applicable permit, in any twenty-four-hour period. The permit 576
holder shall provide the tasting samples free of charge, at the 577
permit holder's expense, only to a person who is twenty-one 578
years of age or older. The person shall consume the tasting 579
samples on the premises of the permit holder. A distributor is 580
not responsible for the costs of providing tasting samples 581
authorized under division (D) of this section. 582

As used in division (D) of this section: 583

(1) "Tasting sample" means one of the following, as 584
applicable: 585

(a) An amount not to exceed two ounces of beer; 586

(b) An amount not to exceed two ounces of wine; 587

(c) An amount not to exceed a quarter ounce of spirituous 588
liquor. 589

(2) "D permit holder" means a person that has been issued 590
a D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, D-5c, D-5d, 591

D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, ~~D-6~~, or D-7 permit. 592
593

(E) Except as otherwise provided in this division, no 594
retail permit holder shall display or permit the display on the 595
outside of any licensed retail premises, or on any lot of ground 596
on which the licensed premises are situated, or on the exterior 597
of any building of which the licensed premises are a part, any 598
sign, illustration, or advertisement bearing the name, brand 599
name, trade name, trade-mark, designation, or other emblem of or 600
indicating the manufacturer, producer, distributor, place of 601
manufacture, production, or distribution of any beer or 602
intoxicating liquor. Signs, illustrations, or advertisements 603
bearing the name, brand name, trade name, trade-mark, 604
designation, or other emblem of or indicating the manufacturer, 605
producer, distributor, place of manufacture, production, or 606
distribution of beer or intoxicating liquor may be displayed and 607
permitted to be displayed on the interior or in the show windows 608
of any licensed premises, if the particular brand or type of 609
product so advertised is actually available for sale on the 610
premises at the time of that display. The liquor control 611
commission shall determine by rule the size and character of 612
those signs, illustrations, or advertisements. 613

(F) No retail permit holder shall possess on the licensed 614
premises any barrel or other container from which beer is drawn, 615
unless there is attached to the spigot or other dispensing 616
apparatus the name of the manufacturer of the product contained 617
in the barrel or other container, provided that, if the beer is 618
served at a bar, the manufacturer's name or brand shall appear 619
in full view of the purchaser. The commission shall regulate the 620
size and character of the devices provided for in this section. 621

(G) Except as otherwise provided in this division, no sale 622
of any gift certificate shall be permitted whereby beer or 623
intoxicating liquor of any kind is to be exchanged for the 624
certificate, unless the gift certificate can be exchanged only 625
for food, and beer or intoxicating liquor, for on-premises 626
consumption and the value of the beer or intoxicating liquor for 627
which the certificate can be exchanged does not exceed more than 628
thirty per cent of the total value of the gift certificate. The 629
sale of gift certificates for the purchase of beer, wine, or 630
mixed beverages shall be permitted for the purchase of beer, 631
wine, or mixed beverages for off-premises consumption. 632
Limitations on the use of a gift certificate for the purchase of 633
beer, wine, or mixed beverages for off-premises consumption may 634
be expressed by clearly stamping or typing on the face of the 635
certificate that the certificate may not be used for the 636
purchase of beer, wine, or mixed beverages. 637

Sec. 4301.24. (A) Except as provided in ~~section~~ sections 638
4301.242, 4301.245, and 4301.246 of the Revised Code, no 639
manufacturer shall aid or assist the holder of any permit for 640
sale at wholesale, and no manufacturer or wholesale distributor 641
shall aid or assist the holder of any permit for sale at retail, 642
by gift or loan of any money or property of any description or 643
other valuable thing, or by giving premiums or rebates. Except 644
as provided in ~~section~~ sections 4301.242, 4301.245, and 4301.246 645
of the Revised Code, no holder of any such permit shall accept 646
the same, provided that the manufacturer or wholesale 647
distributor may furnish to a retail permittee the inside signs 648
or advertising and the tap signs or devices authorized by 649
divisions (E) and (F) of section 4301.22 of the Revised Code. 650

(B) No manufacturer shall have any financial interest, 651
directly or indirectly, by stock ownership, or through 652

interlocking directors in a corporation, or otherwise, in the 653
establishment, maintenance, or promotion in the business of any 654
wholesale distributor. No retail permit holder shall have any 655
interest, directly or indirectly, in the operation of, or any 656
ownership in, the business of any wholesale distributor or 657
manufacturer. 658

(C) (1) No manufacturer shall, except as authorized by 659
section 4303.021 of the Revised Code, have any financial 660
interest, directly or indirectly, by stock ownership, or through 661
interlocking directors in a corporation, or otherwise, in the 662
establishment, maintenance, or promotion of the business of any 663
retail dealer. No wholesale distributor or employee of a 664
wholesale distributor shall have any financial interest, 665
directly or indirectly, by stock ownership, interlocking 666
directors in a corporation, or otherwise, in the establishment, 667
maintenance, or promotion of the business of any retail dealer. 668
No manufacturer or wholesale distributor or any stockholder of a 669
manufacturer or wholesale distributor shall acquire, by 670
ownership in fee, leasehold, mortgage, or otherwise, directly or 671
indirectly, any interest in the premises on which the business 672
of any other person engaged in the business of trafficking in 673
beer or intoxicating liquor is conducted. 674

(2) All contracts, covenants, conditions, and limitations 675
whereby any person engaged or proposing to engage in the sale of 676
beer or intoxicating liquors promises to confine the person's 677
sales of a particular kind or quality of beer or intoxicating 678
liquor to one or more products, or the products of a specified 679
manufacturer or wholesale distributor, or to give preference to 680
those products, shall to the extent of that promise be void. The 681
making of a promise in any such form shall be cause for the 682
revocation or suspension of any permit issued to any party. 683

(D) No manufacturer shall sell or offer to sell to any
wholesale distributor or retail permit holder, no wholesale
distributor shall sell or offer to sell to any retail permit
holder, and no wholesale distributor or retail permit holder
shall purchase or receive from any manufacturer or wholesale
distributor, any beer, brewed beverages, or wine manufactured in
the United States except for cash. No right of action shall
exist to collect any claims for credit extended contrary to this
section.

This section does not prohibit a licensee from crediting
to a purchaser the actual prices charged for packages or
containers returned by the original purchaser as a credit on any
sale or from refunding to any purchaser the amount paid by that
purchaser for containers or as a deposit on containers when
title is retained by the vendor, if those containers or packages
have been returned to the manufacturer or distributor. This
section does not prohibit a manufacturer from extending usual
and customary credit for beer, brewed beverages, or wine
manufactured in the United States and sold to customers who live
or maintain places of business outside this state when the
beverages so sold are actually transported and delivered to
points outside this state.

No wholesale or retail permit shall be issued to an
applicant unless the applicant has paid in full all accounts for
beer or wine, manufactured in the United States, outstanding as
of September 6, 1939. No beer or wine manufactured in the United
States shall be imported into the state unless the beer or wine
has been paid for in cash, and no supplier registration for any
such beer or wine manufactured in the United States shall be
issued by the division of liquor control until the A-2, A-2f, B-
1, or B-5 permit holder establishes to the satisfaction of the

division that the beer or wine has been paid for in cash. 715

(E) This section does not ~~prevent a~~ prohibit any of the 716
following: 717

(1) A manufacturer from securing and holding any financial 718
interest, directly or indirectly, by stock ownership or through 719
interlocking directors in a corporation, or otherwise, in the 720
establishment, maintenance, or promotion of the business or 721
premises of any C or D permit holder, provided that the 722
following conditions are met: 723

~~(1)~~ (a) Either the manufacturer or one of its parent 724
companies is listed on a national securities exchange. 725

~~(2)~~ (b) All purchases of alcoholic beverages by the C or D 726
permit holder are made from wholesale distributors in this state 727
or agency stores licensed by the division of liquor control. 728

~~(3)~~ (c) If the C or D permit holder sells brands of 729
alcoholic beverages that are produced or distributed by the 730
manufacturer that holds the financial interest, the C or D 731
permit holder also sells other competing brands of alcoholic 732
beverages produced by other manufacturers, no preference is 733
given to the products of the manufacturer, and there is no 734
exclusion, in whole or in part, of products sold or offered for 735
sale by other manufacturers, suppliers, or importers of 736
alcoholic beverages that constitutes a substantial impairment of 737
commerce. 738

~~(4)~~ (d) The primary purpose of the C or D permit premises 739
is a purpose other than to sell alcoholic beverages, and the 740
sale of other goods and services exceeds fifty per cent of the 741
total gross receipts of the C or D permit holder at its 742
premises. 743

~~(F) (1) This section does not prevent a~~ (2) A manufacturer 744
from giving financial assistance to the holder of a B permit for 745
the purpose of the holder purchasing an ownership interest in 746
the business, existing inventory and equipment, or property of 747
another B permit holder, including, but not limited to, 748
participation in a limited liability partnership, limited 749
liability company, or any other legal entity authorized to do 750
business in this state. However, this 751

~~(2) This section does not permit a manufacturer to give~~ 752
financial assistance to the holder of a B permit to purchase 753
inventory or equipment used in the daily operation of a B permit 754
holder. 755

~~(G) This section does not prohibit a~~ (3) A manufacturer or 756
subsidiary of a manufacturer from continuing to operate a 757
wholesale distribution franchise or distribute beer or wine 758
within a designated territory if prior to ~~the effective date of~~ 759
~~this amendment~~ July 30, 2013, the manufacturer either acquired 760
the distribution franchise or territory, or awarded the 761
franchise or territory to itself or a subsidiary. 762

~~(H) This section shall not prevent a~~ (4) A manufacturer 763
from securing and holding an A-1c or B-2a permit or permits and 764
operating as a wholesale distributor pursuant to such permits. 765

(5) A manufacturer from renting or leasing property to the 766
holder of an F class permit for purposes of an event for which 767
the F class permit has been issued. 768

Sec. 4301.245. (A) As used in this section: 769

(1) "Broker" and "solicitor" have the same meanings as in 770
rules adopted by the superintendent of liquor control under 771
section 4303.25 of the Revised Code. 772

(2) "On-premises brand promotion" means a promotion of a 773
brand of beer or intoxicating liquor by a distributor, 774
manufacturer, trade marketing professional, solicitor, or broker 775
of that brand at a retail permit premises. 776

(3) "Product location communication" means a listing or 777
program that allows an individual to determine the availability 778
of a specific brand of beer or intoxicating liquor at retail 779
permit holders or agency stores in a certain geographic area. 780

(4) "Social media" means a service, platform, or web site 781
where users communicate with one another free of charge and 782
share media such as pictures, videos, music, and blogs. "Social 783
media" includes the web site of a distributor, manufacturer, 784
trade marketing professional, solicitor, or broker. 785

(5) "Trade marketing professional" has the same meaning as 786
in section 4301.171 of the Revised Code. 787

(B) Notwithstanding section 4301.24 of the Revised Code, a 788
distributor, manufacturer, trade marketing professional, 789
solicitor, or broker may use free services provided by social 790
media to advertise any of the following: 791

(1) An on-premises brand promotion; 792

(2) Beer, wine, or spirituous liquor tastings sold in 793
accordance with this chapter or Chapter 4303. of the Revised 794
Code; 795

(3) A product location communication. 796

Sec. 4301.246. (A) As used in this section: 797

(1) "Case" means twenty-four individual pieces of 798
glassware. 799

- (2) "Glassware" means a glass container to which all of 800
the following apply: 801
- (a) It has the brand name of a beer or the name of the 802
manufacturer or supplier of the beer permanently affixed, 803
embossed, or engraved on the container; 804
- (b) It has the brand name of the beer or the name of the 805
manufacturer or supplier of the beer prominently displayed on 806
the container; 807
- (c) It holds not more than twenty-four ounces of liquid. 808
- (3) "Receipt" means a record, either in paper or digital 809
format, that contains all of the following information: 810
- (a) The name and address of the permit holder authorized 811
to sell beer for on-premises consumption that receives glassware 812
from a manufacturer or supplier; 813
- (b) The name and address of the manufacturer or supplier 814
that provides glassware to the permit holder; 815
- (c) The name of the employee or agent of the permit holder 816
that receives the glassware; 817
- (d) The date that the glassware is provided to the permit 818
holder; 819
- (e) The amount, if any, that the manufacturer or supplier 820
charged the permit holder for the glassware; 821
- (f) The permit holder's permit number; 822
- (g) A description and the amount of glassware provided to 823
the permit holder; 824
- (h) The amount that the manufacturer or supplier paid to 825
have the glassware manufactured. 826

(B) Notwithstanding section 4301.24 of the Revised Code, a 827
manufacturer or supplier may provide glassware intended for the 828
serving of beer to a permit holder authorized to sell beer for 829
on-premises consumption if the manufacturer or supplier provides 830
a receipt to the permit holder. However, the manufacturer or 831
supplier shall not annually provide more than four cases of such 832
glassware to the permit holder. 833

(C) A permit holder authorized to sell for on-premises 834
consumption may receive glassware intended for the serving of 835
beer from a manufacturer or supplier. 836

(D) A permit holder that receives glassware from a 837
manufacturer or supplier shall maintain a copy of the receipt 838
provided by the manufacturer or supplier under division (B) of 839
this section. The permit holder shall retain the receipt for a 840
period of three years and make the receipt available for 841
inspection during normal business hours. 842

Sec. 4301.322. The electors of an election precinct may 843
exercise the privilege of local option under sections 4301.353 844
and 4301.354 of the Revised Code on the sale of beer, the sale 845
of wine and mixed beverages, or the sale of spirituous liquor, ~~846~~
~~on Sunday or on other days of the week,~~ in a portion of the 847
precinct in which the status of such sales as allowed or 848
prohibited is inconsistent with the status of such sales in the 849
remainder of the precinct because of a change in precinct 850
boundaries by the board of elections or an annexation of 851
territory to a municipal corporation. The privilege conferred by 852
this section is in addition to the privilege conferred on the 853
electors of an election precinct as specified in section 854
4301.32, 4301.321, 4303.29, or 4305.14 of the Revised Code. 855

Sec. 4301.33. (A) The board of elections shall provide to 856

a petitioner circulating a petition for an election for the 857
submission of one or more of the questions specified in 858
~~divisions (A) to (D) of section 4301.35 or~~ the question 859
specified in section 4301.351 of the Revised Code, at the time 860
of taking out the petition, the names of the streets and, if 861
appropriate, the address numbers of residences and business 862
establishments within the precinct in which the election is 863
sought, and a form prescribed by the secretary of state for 864
notifying affected permit holders and liquor agency stores of 865
the circulation of a petition for an election for the submission 866
of one or more of the questions specified in ~~divisions (A) to~~ 867
~~(D) of section 4301.35 or~~ the question specified in section 868
4301.351 of the Revised Code. The petitioner shall, not less 869
than fifty-five days before the petition-filing deadline for the 870
election, as provided in this section, file with the division of 871
liquor control the information regarding names of streets and, 872
if appropriate, address numbers of residences and business 873
establishments provided by the board of elections, and specify 874
to the division the precinct that is concerned and that would be 875
affected by the results of the election and the filing deadline. 876
The division shall, within a reasonable period of time and not 877
later than twenty-five days before the filing deadline, supply 878
the petitioner with a list of the names and addresses of permit 879
holders and liquor agency stores, if any, that would be affected 880
by the election. The list shall contain a heading with the 881
following words: "Liquor permit holders and liquor agency stores 882
that would be affected by the question(s) set forth on petition 883
for a local option election." 884

Within five days after a petitioner has received from the 885
division the list of liquor permit holders and liquor agency 886
stores, if any, that would be affected by the question or 887

questions set forth on a petition for local option election, the 888
petitioner shall, using the form provided by the board of 889
elections, notify by certified mail each permit holder and 890
liquor agency store whose name appears on that list. The form 891
for notifying affected permit holders and liquor agency stores 892
shall require the petitioner to state the petitioner's name and 893
street address and shall contain a statement that a petition is 894
being circulated for an election for the submission of the 895
question or questions specified in ~~divisions (A) to (D) of~~ 896
section 4301.35 or the question specified in section 4301.351 of 897
the Revised Code. The form shall require the petitioner to state 898
the question or questions to be submitted as they appear on the 899
petition. 900

The petitioner shall attach a copy of the list provided by 901
the division to each petition paper. A part petition paper 902
circulated at any time without the list of affected permit 903
holders and liquor agency stores attached to it is invalid. 904

At the time the petitioner files the petition with the 905
board of elections, the petitioner shall provide to the board 906
the list supplied by the division and an affidavit certifying 907
that the petitioner notified all affected permit holders and 908
liquor agency stores, if any, on the list in the manner and 909
within the time required in this section and that, at the time 910
each signer of the petition affixed the signer's signature to 911
the petition, the petition paper contained a copy of the list of 912
affected permit holders and liquor agency stores. 913

Within five days after receiving a petition ~~calling for an~~ 914
~~election for the submission of one or more of the questions~~ 915
~~specified in divisions (A) to (D) of section 4301.35 or section~~ 916
~~4301.351 of the Revised Code,~~ the board shall give notice by 917

certified mail that it has received the petition to all liquor 918
permit holders and liquor agency stores, if any, whose names 919
appear on the list of affected permit holders and liquor agency 920
stores filed by the petitioner. Failure of the petitioner to 921
supply the affidavit required by this section and a complete and 922
accurate list of liquor permit holders and liquor agency stores, 923
if any, invalidates the entire petition. The board of elections 924
shall provide to a permit holder or liquor agency store that 925
would be affected by a proposed local option election, on the 926
permit holder's or liquor agency store's request, the names of 927
the streets, and, if appropriate, the address numbers of 928
residences and business establishments within the precinct in 929
which the election is sought that would be affected by the 930
results of the election. The board may charge a reasonable fee 931
for this information when provided to the petitioner and the 932
permit holder or liquor agency store. 933

(B) Upon the presentation of a petition, not later than 934
four p.m. of the ninetieth day before the day of a general 935
election or special election held on the day of a primary 936
election, to the board of elections of the county where the 937
precinct is located, designating whether it is a petition for an 938
election for the submission of one or more of the questions 939
specified in section 4301.35 of the Revised Code, or a petition 940
for the submission of ~~one or more of the questions~~ question 941
specified in section 4301.351 of the Revised Code, designating 942
the particular question or questions specified in section 943
4301.35 or the question specified in 4301.351 of the Revised 944
Code that are to be submitted, and signed by the qualified 945
electors of the precinct concerned, equal in number to fifty 946
people or thirty-five per cent of the total number of votes cast 947
in the precinct concerned for the office of governor at the 948

preceding general election for that office, whichever is less, 949
the board shall submit the question or questions specified in 950
the petition to the electors of the precinct concerned, on the 951
day of the next general election or special election held on the 952
day of a primary election, whichever occurs first and shall 953
proceed as follows: 954

(1) Such board shall, not later than the seventy-eighth 955
day before the day of the election for which the question or 956
questions on the petition would qualify for submission to the 957
electors of the precinct, examine and determine the sufficiency 958
of the signatures and review, examine, and determine the 959
validity of the petition and, in case of overlapping precinct 960
petitions presented within that period, determine which of the 961
petitions shall govern the further proceedings of the board. In 962
the case where the board determines that two or more overlapping 963
petitions are valid, the earlier filed petition shall govern. 964
The board shall certify the sufficiency and validity of any 965
petition determined to be valid. The board shall determine the 966
validity of the petition as of the time of certification as 967
described in this division. 968

(2) If a petition is sufficient, and, in case of 969
overlapping precinct petitions, after the board has determined 970
the governing petition, the board to which the petition has been 971
presented shall order the holding of a special election in the 972
precinct for the submission of whichever of the questions 973
specified in section 4301.35 or the question specified in 974
section 4301.351 of the Revised Code are designated in the 975
petition, on the day of the next general election or special 976
election held on the day of a primary election, whichever occurs 977
first. 978

(3) All petitions filed with a board of elections under 979
this section shall be open to public inspection under rules 980
adopted by the board. 981

(4) Protest against local option petitions may be filed by 982
any elector eligible to vote on the question or questions 983
described in the petitions or by a permit holder or liquor 984
agency store in the precinct as described in the petitions, not 985
later than four p.m. of the seventy-fourth day before the day of 986
the general election or special election held on the day of a 987
primary election for which the petition qualified. The protest 988
shall be in writing and shall be filed with the election 989
officials with whom the petition was filed. Upon filing of the 990
protest, the election officials with whom it is filed shall 991
promptly fix the time for hearing it, and shall mail notice of 992
the filing of the protest and the time and place for hearing it 993
to the person who filed the petition and to the person who filed 994
the protest. At the time and place fixed, the election officials 995
shall hear the protest and determine the validity of the 996
petition. 997

Sec. 4301.332. (A) The board of elections shall provide to 998
a petitioner circulating a petition for an election for the 999
submission of one or more of the questions specified in section 1000
4301.353 or the question specified in section 4301.354 of the 1001
Revised Code, at the time of taking out the petition, the names 1002
of the streets and, if appropriate, the address numbers of 1003
residences and business establishments within the precinct that 1004
would be affected by the results of the election, and a form 1005
prescribed by the secretary of state for notifying affected 1006
permit holders of the circulation of a petition for an election 1007
for the submission of one or more of the questions specified in 1008
section 4301.353 or the question specified in section 4301.354 1009

of the Revised Code. The petitioner shall, not less than fifty- 1010
five days before the petition-filing deadline for the election, 1011
as provided in this section, file with the division of liquor 1012
control the information regarding names of streets and, if 1013
appropriate, address numbers of residences and business 1014
establishments provided by the board of elections, and specify 1015
to the division the portion of the precinct that would be 1016
affected by the results of the election and the filing deadline. 1017
The division shall, within a reasonable period of time and not 1018
later than twenty-five days before the filing deadline, supply 1019
the petitioner with a list of the names and addresses of permit 1020
holders, if any, who would be affected by the election. The list 1021
shall contain a heading with the following words: "Liquor permit 1022
holders who would be affected by the question(s) set forth on 1023
petition for a local option election." 1024

Within five days after a petitioner has received from the 1025
division the list of liquor permit holders, if any, who would be 1026
affected by the question or questions set forth on a petition 1027
for local option election, the petitioner, using the form 1028
provided by the board of elections, shall notify by certified 1029
mail each permit holder whose name appears on that list. The 1030
form for notifying affected permit holders shall require the 1031
petitioner to state the petitioner's name and street address and 1032
shall contain a statement that a petition is being circulated 1033
for an election for the submission of the question or questions 1034
specified in section 4301.353 or the question specified in 1035
section 4301.354 of the Revised Code. The form shall require the 1036
petitioner to state the question or questions to be submitted as 1037
they appear on the petition. 1038

The petitioner shall attach a copy of the list provided by 1039
the division to each petition paper. A part petition paper 1040

circulated at any time without the list of affected permit holders attached to it is invalid.

At the time the petitioner files the petition with the board of elections, the petitioner shall provide to the board the list supplied by the division and an affidavit certifying that the petitioner notified all affected permit holders, if any, on the list in the manner and within the time required in this section and that, at the time each signer of the petition affixed the signer's signature to the petition, the petition paper contained a copy of the list of affected permit holders.

~~Within five days after receiving a petition calling for an election for the submission of one or more of the questions specified in section 4301.353 or 4301.354 of the Revised Code,~~ the board shall give notice by certified mail that it has received the petition to all liquor permit holders, if any, whose names appear on the list of affected permit holders filed by the petitioner as furnished by the division. Failure of the petitioner to supply the affidavit required by this section and a complete and accurate list of liquor permit holders as furnished by the division invalidates the entire petition. The board of elections shall provide to a permit holder who would be affected by a proposed local option election, on the permit holder's request, the names of the streets, and, if appropriate, the address numbers of residences and business establishments within the portion of the precinct that would be affected by the results of the election. The board may charge a reasonable fee for this information when provided to the petitioner and the permit holder.

This division does not apply to an election held under section 4301.353 or 4301.354 of the Revised Code if the results

of the election would not affect any permit holder. 1071

(B) Upon the presentation of a petition, not later than 1072
four p.m. of the ninetieth day before the day of a general 1073
election or special election held on the day of a primary 1074
election, to the board of elections of the county where the 1075
precinct is located, designating whether it is a petition for an 1076
election for the submission of one or both of the questions 1077
specified in section 4301.353 of the Revised Code, or a petition 1078
for the submission of ~~one or more of the questions~~ question 1079
specified in section 4301.354 of the Revised Code, designating 1080
the particular question or questions specified in section 1081
4301.353 or the question specified in section 4301.354 of the 1082
Revised Code that are to be submitted, and signed by the 1083
qualified electors of the precinct concerned, equal in number to 1084
fifty people or thirty-five per cent of the total number of 1085
votes cast in the precinct concerned for the office of governor 1086
at the preceding general election for that office, whichever is 1087
less, the board shall submit the question or questions specified 1088
in the petition to the electors of the precinct concerned, on 1089
the day of the next general election or special election held on 1090
the day of the next primary election, whichever occurs first and 1091
shall proceed as follows: 1092

(1) Such board shall, not later than the seventy-eighth 1093
day before the day of the election for which the question or 1094
questions on the petition would qualify for submission to the 1095
electors of the precinct, examine and determine the sufficiency 1096
of the signatures and review, examine, and determine the 1097
validity of the petition and, in case of overlapping precinct 1098
petitions presented within that period, determine which of the 1099
petitions shall govern the further proceedings of the board. In 1100
the case where the board determines that two or more overlapping 1101

petitions are valid, the earlier filed petition shall govern. 1102
The board shall certify the sufficiency and validity of any 1103
petition determined to be valid. The board shall determine the 1104
validity of the petition as of the time of certification as 1105
described in this division. 1106

(2) If a petition is sufficient, and, in case of 1107
overlapping precinct petitions, after the board has determined 1108
the governing petition, the board to which the petition has been 1109
presented shall order the holding of a special election in the 1110
precinct for the submission of whichever of the questions 1111
specified in section 4301.353 or the question specified in 1112
section 4301.354 of the Revised Code are designated in the 1113
petition, on the day of the next general election or special 1114
election held on the day of the next primary election, whichever 1115
occurs first. 1116

(C) All petitions filed with a board of elections under 1117
this section shall be open to public inspection under rules 1118
adopted by the board. 1119

(D) Protest against local option petitions may be filed by 1120
any elector eligible to vote on the question or questions 1121
described in the petitions or by a permit holder in the precinct 1122
as described in the petitions, not later than four p.m. of the 1123
seventy-fourth day before the day of the general election or 1124
special election held on the day of the primary election for 1125
which the petition qualified. The protest shall be in writing 1126
and shall be filed with the election officials with whom the 1127
petition was filed. Upon filing of the protest, the election 1128
officials with whom it is filed shall promptly fix the time for 1129
hearing it, and shall mail notice of the filing of the protest 1130
and the time and place for hearing it to the person who filed 1131

the petition and to the person who filed the protest. At the 1132
time and place fixed, the election officials shall hear the 1133
protest and determine the validity of the petition. 1134

Sec. 4301.333. (A) The privilege of local option conferred 1135
by section 4301.323 of the Revised Code may be exercised if, not 1136
later than four p.m. of the ninetieth day before the day of a 1137
general election or special election held on the day of a 1138
primary election, a petition is presented to the board of 1139
elections of the county in which the precinct is situated by a 1140
petitioner who is one of the following: 1141

(1) An applicant for the issuance or transfer of a liquor 1142
permit at, or to, a particular location within the precinct; 1143

(2) The holder of a liquor permit at a particular location 1144
within the precinct; 1145

(3) A person who operates or seeks to operate a liquor 1146
agency store at a particular location within the precinct; 1147

(4) The designated agent for an applicant, liquor permit 1148
holder, or liquor agency store described in division (A) (1), 1149
(2), or (3) of this section. 1150

(B) The petition shall be signed by the electors of the 1151
precinct equal in number to fifty people or at least thirty-five 1152
per cent of the total number of votes cast in the precinct for 1153
the office of governor at the preceding general election for 1154
that office, whichever is less, and shall contain all of the 1155
following: 1156

(1) A notice that the petition is for the submission of 1157
~~the a question or questions~~ set forth in section 4301.355 of the 1158
Revised Code; 1159

(2) The name of the applicant for the issuance or 1160
transfer, or the holder, of the liquor permit or, if applicable, 1161
the name of the liquor agency store, including any trade or 1162
fictitious names under which the applicant, holder, or liquor 1163
agency store either intends to do or does business at the 1164
particular location; 1165

(3) The address and proposed use of the particular 1166
location within the election precinct to which the results of 1167
the question ~~or questions~~ specified in section 4301.355 of the 1168
Revised Code shall apply. For purposes of this division, "use" 1169
means all of the following: 1170

(a) The type of each liquor permit applied for by the 1171
applicant or held by the liquor permit holder as described in 1172
sections 4303.11 to 4303.183 of the Revised Code, including a 1173
description of the type of beer or intoxicating liquor sales 1174
authorized by each permit as provided in those sections; 1175

(b) If a liquor agency store, the fact that the business 1176
operated as a liquor agency store authorized to operate by this 1177
state; 1178

(c) A description of the general nature of the business of 1179
the applicant, liquor permit holder, or liquor agency store. 1180

~~(4) If the petition seeks approval of Sunday sales under 1181
question (B) (2) as set forth in section 4301.355 of the Revised 1182
Code, a statement indicating whether the hours of sale sought 1183
are between ten a.m. and midnight or between eleven a.m. and 1184
midnight. 1185~~

(C) (1) At the time the petitioner files the petition with 1186
the board of elections, the petitioner shall provide to the 1187
board both of the following: 1188

(a) An affidavit that is signed by the petitioner and that 1189
states the proposed use of the location following the election 1190
held to authorize the sale of beer or intoxicating liquor 1191
authorized by each permit as provided in sections 4303.11 to 1192
4303.183 of the Revised Code; 1193

(b) Written evidence of the designation of an agent by the 1194
applicant, liquor permit holder, or liquor agency store 1195
described in division (A) (1), (2), or (3) of this section for 1196
the purpose of petitioning for the local option election, if the 1197
petitioner is the designated agent of the applicant, liquor 1198
permit holder, or liquor agency store. 1199

(2) Failure to supply the affidavit, or the written 1200
evidence of the designation of the agent if the petitioner for 1201
the local option election is the agent of the applicant, liquor 1202
permit holder, or liquor agency store described in division (A) 1203
(1), (2), or (3) of this section, at the time the petition is 1204
filed invalidates the entire petition. 1205

(D) Not later than the seventy-eighth day before the day 1206
of the next general election or special election held on the day 1207
of the next primary election, whichever occurs first, the board 1208
shall examine and determine the sufficiency of the signatures 1209
and the validity of the petition. If the board finds that the 1210
petition contains sufficient signatures and in other respects is 1211
valid, it shall order the holding of an election in the precinct 1212
on the day of the next general election or special election held 1213
on the day of the next primary election, whichever occurs first, 1214
for the submission of the question ~~or questions~~ set forth in 1215
section 4301.355 of the Revised Code. 1216

(E) A petition filed with the board of elections under 1217
this section shall be open to public inspection under rules 1218

adopted by the board. 1219

(F) An elector who is eligible to vote on the question ~~or~~ 1220
~~questions~~ set forth in section 4301.355 of the Revised Code may 1221
file, not later than four p.m. of the seventy-fourth day before 1222
the day of the election at which the question ~~or questions~~ will 1223
be submitted to the electors, a protest against a local option 1224
petition circulated and filed pursuant to this section. The 1225
protest shall be in writing and shall be filed with the election 1226
officials with whom the petition was filed. Upon the filing of 1227
the protest, the election officials with whom it is filed shall 1228
promptly establish a time and place for hearing the protest and 1229
shall mail notice of the time and place for the hearing to the 1230
applicant for, or the holder of, the liquor permit who is 1231
specified in the petition and to the elector who filed the 1232
protest. At the time and place established in the notice, the 1233
election officials shall hear the protest and determine the 1234
validity of the petition. 1235

Sec. 4301.334. (A) The privilege of local option conferred 1236
by section 4301.324 of the Revised Code may be exercised if, not 1237
later than four p.m. of the ninetieth day before the day of a 1238
general election or special election held on the day of a 1239
primary election, a petition and other information required by 1240
division (B) of this section are presented to the board of 1241
elections of the county in which the community facility named in 1242
the petition is located. The petition shall be signed by 1243
electors of the municipal corporation or unincorporated area of 1244
the township in which the community facility is located equal in 1245
number to at least ten per cent of the total number of votes 1246
cast in the municipal corporation or unincorporated area of the 1247
township in which the community facility is located for the 1248
office of governor at the most recent general election for that 1249

office and shall contain both of the following: 1250

(1) A notice that the petition is for the submission of 1251
the question set forth in section 4301.356 of the Revised Code 1252
~~and a statement indicating whether the hours of Sunday sales~~ 1253
~~sought in the local option election are between ten a.m. and~~ 1254
~~midnight or between eleven a.m. and midnight;~~ 1255

(2) The name and address of the community facility for 1256
which the local option election is sought and, if the community 1257
facility is a community entertainment district, the boundaries 1258
of the district. 1259

(B) Upon the request of a petitioner, a board of elections 1260
of a county shall furnish to the petitioner a copy of the 1261
instructions prepared by the secretary of state under division 1262
(P) of section 3501.05 of the Revised Code and, within fifteen 1263
days after the request, a certificate indicating the number of 1264
valid signatures that will be required on a petition to hold an 1265
election in the municipal corporation or unincorporated area of 1266
the township in which the community facility is located on the 1267
question specified in section 4301.356 of the Revised Code. 1268

The petitioner shall, not less than thirty days before the 1269
petition-filing deadline for an election on the question 1270
specified in section 4301.356 of the Revised Code, specify to 1271
the division of liquor control the name and address of the 1272
community facility for which the election is sought and, if the 1273
community facility is a community entertainment district, the 1274
boundaries of the district, the municipal corporation or 1275
unincorporated area of a township in which the election is 1276
sought, and the filing deadline. The division shall, within a 1277
reasonable period of time and not later than ten days before the 1278
filing deadline, supply the petitioner with the name and address 1279

of any permit holder for or within the community facility. 1280

The petitioner shall file the name and address of any 1281
permit holder who would be affected by the election at the time 1282
the petitioner files the petition with the board of elections. 1283
Within five days after receiving the petition, the board shall 1284
give notice by certified mail to any permit holder within the 1285
community facility that it has received the petition. Failure of 1286
the petitioner to supply the name and address of any permit 1287
holder for or within the community facility as furnished to the 1288
petitioner by the division invalidates the petition. 1289

(C) Not later than the seventy-eighth day before the day 1290
of the next general election or special election held on the day 1291
of the next primary election, whichever occurs first, the board 1292
shall examine and determine the sufficiency of the signatures on 1293
the petition. If the board finds that the petition is valid, it 1294
shall order the holding of an election in the municipal 1295
corporation or unincorporated area of a township on the day of 1296
the next general election or special election held on the day of 1297
the next primary election, whichever occurs first, for the 1298
submission of the question set forth in section 4301.356 of the 1299
Revised Code. 1300

(D) A petition filed with a board of elections under this 1301
section shall be open to public inspection under rules adopted 1302
by the board. 1303

(E) An elector who is eligible to vote on the question set 1304
forth in section 4301.356 of the Revised Code or any permit 1305
holder for or within the community facility may, not later than 1306
four p.m. of the seventy-fourth day before the day of the 1307
election at which the question will be submitted to the 1308
electors, file a written protest against the local option 1309

petition with the board of elections with which the petition was 1310
filed. Upon the filing of the protest, the board shall promptly 1311
fix a time and place for hearing the protest and shall mail 1312
notice of the time and place to the person who filed the 1313
petition and to the person who filed the protest. At the time 1314
and place fixed, the board shall hear the protest and determine 1315
the validity of the petition. 1316

Sec. 4301.35. If a petition is for submission of one or 1317
more of the questions specified under this section, a special 1318
election shall be held in the precinct at the time fixed as 1319
provided in section 4301.33 of the Revised Code. The expenses of 1320
holding the election shall be charged to the municipal 1321
corporation or township of which the precinct is a part. 1322

At the election any one or more of the following 1323
questions, as designated in a valid petition, shall be submitted 1324
to the electors of the precinct: 1325

(A) "Shall the sale of wine and mixed beverages by the 1326
package, under permits which authorize sale for off-premise 1327
consumption only, be permitted in _____?" 1328

(B) "Shall the sale of wine and mixed beverages, under 1329
permits which authorize sale for on-premise consumption only, 1330
and under permits which authorize sale for both on-premise and 1331
off-premise consumption, be permitted in _____?" 1332

(C) "Shall the sale of spirituous liquors by the glass be 1333
permitted in _____?" 1334

(D) "Shall state liquor stores or liquor agency stores for 1335
the sale of spirituous liquor by the package, for consumption 1336
off the premises where sold, be permitted in _____?" 1337

(E) "Shall the sale of beer, wine, mixed beverages, or 1338

spirituous liquor, as applicable, under permits that authorize 1339
sale for on-premise consumption only, and the sale of beer, 1340
wine, or mixed beverages, as applicable, under permits that 1341
authorize sale for both on-premise and off-premise consumption, 1342
be permitted twenty-four hours a day Monday through Sunday in 1343
_____?" 1344

(F) "Shall the sale of beer and intoxicating liquor, of 1345
the same types as may be legally sold under permits in this 1346
precinct, be allowed twenty-four hours a day Monday through 1347
Sunday in _____?" 1348

The board of elections to which a petition is presented 1349
shall furnish printed ballots at the election in accordance with 1350
section 3505.06 of the Revised Code, and separate ballots shall 1351
be used for the special election. All the questions designated 1352
in a valid petition or overlapping petitions containing one or 1353
more questions to be set forth on the ballot shall be set forth 1354
on each ballot and the board shall insert in each question the 1355
name or an accurate description of the precinct in which the 1356
election is to be held. Votes shall be cast as provided in 1357
section 3505.06 of the Revised Code. 1358

Sec. 4301.351. (A) ~~If~~As used in this division, "dry 1359
precinct" has the same meaning as in section 4303.182 of the 1360
Revised Code. 1361

If a petition is for submission of the question of whether 1362
the sale of intoxicating liquor shall be permitted on Sunday in 1363
a dry precinct, a special election shall be held in the precinct 1364
at the time fixed as provided in section 4301.33 of the Revised 1365
Code. The expenses of holding the election shall be charged to 1366
the municipal corporation or township of which the precinct is a 1367
part. 1368

(B) At the election, ~~one or more of the following~~ 1369
~~questions, question (B) (1), (B) (2), or (B) (3) as designated in a~~ 1370
~~valid petition or question (B) (4) as submitted by the~~ 1371
~~legislative authority of a municipal corporation or the board of~~ 1372
~~trustees of a township, question shall be submitted to the~~ 1373
electors of the precinct: 1374

~~(1) "Shall the sale of (insert intoxicating liquor for on- 1375
premises consumption or the sale of wine and mixed beverages for 1376
off-premises consumption or both), of the same types as may be 1377
legally sold in this precinct on other days of the week, be 1378
permitted in this _____ ~~for consumption on the premises where~~ 1379
~~sold, between the hours of eleven a.m. and midnight on Sunday?"~~ 1380~~

~~(2) "Shall the sale of intoxicating liquor, of the same 1381
types as may be legally sold in this precinct on other days of 1382
the week, be permitted in this _____ for consumption on the 1383
premises where sold, between the hours of eleven a.m. and 1384
midnight on Sunday, at licensed premises where the sale of food 1385
and other goods and services exceeds fifty per cent of the total 1386
gross receipts of the permit holder at the premises?"~~ 1387

~~(3) "Shall the sale of wine and mixed beverages, of the 1388
same types as may be legally sold in this precinct on other days 1389
of the week, be permitted in this _____ for consumption off 1390
the premises where sold, between the hours of eleven a.m. and 1391
midnight on Sunday?"~~ 1392

~~(4) "Shall the sale of intoxicating liquor, of the same 1393
types as may be legally sold in this precinct on other days of 1394
the week, be permitted in this _____ for consumption on the 1395
premises where sold, between the hours of one p.m. and midnight 1396
on Sunday, at outdoor performing arts centers, as defined in 1397
section 4303.182 of the Revised Code, that have been issued a D 1398~~

~~6 permit?"~~ 1399

~~Question (B) (4) shall be presented to the electors of a
precinct in which an outdoor performing arts center is located
only if the legislative authority of the municipal corporation
in which, or the board of trustees of the township in which, the
outdoor performing arts center is located submits, not later
than four p.m. of the seventy fifth day before the day of a
primary or general election that occurs within two years after
April 9, 2001, to the board of elections of the county in which
the precinct is located, a copy of an ordinance or resolution
requesting the submission of that question to the electors of
the precinct. An election on question (B) (4) may not be sought
by a petition under section 4301.33 of the Revised Code.~~ 1400
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~~(C) At the election, one or more of the following
questions, as designated in a valid petition, shall be submitted
to the electors of the precinct:~~ 1412
1413
1414

~~(1) "Shall the sale of intoxicating liquor, of the same
types as may be legally sold in this precinct on other days of
the week, be permitted in this _____ for consumption on the
premises where sold, between the hours of ten a.m. and midnight
on Sunday?"~~ 1415
1416
1417
1418
1419

~~(2) "Shall the sale of intoxicating liquor, of the same
types as may be legally sold in this precinct on other days of
the week, be permitted in this _____ for consumption on the
premises where sold, between the hours of ten a.m. and midnight
on Sunday, at licensed premises where the sale of food and other
goods and services exceeds fifty per cent of the total gross
receipts of the permit holder at the premises?"~~ 1420
1421
1422
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1426

~~(3) "Shall the sale of wine and mixed beverages, of the~~ 1427

~~same types as may be legally sold in this precinct on other days~~ 1428
~~of the week, be permitted in this _____ for consumption off-~~ 1429
~~the premises where sold, between the hours of ten a.m. and~~ 1430
~~midnight on Sunday?"~~ 1431

~~(D) No C or D permit holder who first applied for such a~~ 1432
~~permit after April 15, 1982, shall sell beer on Sunday unless~~ 1433
~~the sale of intoxicating liquor is authorized in the precinct or~~ 1434
~~portion of the precinct at an election on question (B) (1), (B)~~ 1435
~~(2), or (B) (3) of this section, on question (C) (1), (C) (2), or~~ 1436
~~(C) (3) of this section, on question (B) (1), (B) (2), or (B) (3) of~~ 1437
~~section 4301.354 of the Revised Code, on question (C) (1), (C)~~ 1438
~~(2), or (C) (3) of section 4301.354 of the Revised Code, or on~~ 1439
~~question (B) (2) of section 4301.355 of the Revised Code under~~ 1440
~~section 4303.182 of the Revised Code. No D-6 permit is required~~ 1441
~~for the sale of beer on Sunday.~~ 1442

The board of elections to which the petition is presented 1443
shall furnish printed ballots at the election in accordance with 1444
section 3505.06 of the Revised Code, and separate ballots shall 1445
be used for the special election under this section. ~~One or more~~ 1446
~~of the questions~~ The question prescribed by ~~divisions (B) and~~ 1447
~~(C) of this section~~, as designated in the petition, shall be set 1448
forth on each ballot, and the board shall insert in ~~each the~~ 1449
question the name or an accurate description of the precinct in 1450
which the election is to be held. Votes shall be cast as 1451
provided in section 3505.06 of the Revised Code. 1452

Sec. 4301.353. If a petition is filed under section 1453
4301.332 of the Revised Code for the submission of the one or 1454
more questions set forth in this section, a special election 1455
shall be held in the precinct as ordered by the board of 1456
elections under that section. The expense of holding the special 1457

election shall be charged to the municipal corporation or 1458
township of which the precinct is a part. 1459

At the election, one or both of the following questions as 1460
designated in a valid petition shall be submitted to the 1461
electors of the precinct ~~concerning sales on days of the week~~ 1462
~~other than Sunday:~~ 1463

(A) "Shall the sales of (insert one or both of the 1464
following: beer, or wine and mixed beverages) by the package, 1465
under permits that authorize sale for off-premises consumption 1466
only, be permitted in a portion of this precinct in which the 1467
status of the sale of (insert one or both of the following: 1468
beer, or wine and mixed beverages) as allowed or prohibited is 1469
inconsistent with the status of such sale in the remainder of 1470
the precinct?" 1471

(B) "Shall the sale of (insert one or more of the 1472
following: beer, wine and mixed beverages, or spirituous 1473
liquor), under permits that authorize sale for on-premises 1474
consumption only, and under permits that authorize sale for both 1475
on-premises and off-premises consumption, be permitted in a 1476
portion of this precinct in which the status of the sale of 1477
(insert one or more of the following: beer, wine and mixed 1478
beverages, or spirituous liquor) as allowed or prohibited is 1479
inconsistent with the status of such sale in the remainder of 1480
the precinct?" 1481

The board of elections shall furnish printed ballots at 1482
the special election as provided under section 3505.06 of the 1483
Revised Code, except that a separate ballot shall be used for 1484
the special election. One or both of the questions set forth in 1485
this section shall be printed on each ballot and the board shall 1486
insert in the question and statement appropriate words to 1487

complete each and a description of the portion of the precinct 1488
that would be affected by the results of the election. 1489

The description of the portion of the precinct shall 1490
include either the complete listing of street addresses in that 1491
portion or a condensed text that accurately describes the 1492
boundaries of the portion of the precinct by street name or by 1493
another name generally known by the residents of the portion of 1494
the precinct. If other than a full street listing is used, the 1495
full street listing also shall be posted in each polling place 1496
in a location that is easily accessible to all voters. Failure 1497
of the board of elections to completely and accurately list all 1498
street addresses in the affected area of the precinct does not 1499
affect the validity of the election at which the failure 1500
occurred and is not grounds for contesting an election under 1501
section 3515.08 of the Revised Code. Votes shall be cast as 1502
provided under section 3505.06 of the Revised Code. 1503

Sec. 4301.354. (A) ~~If~~ As used in this division, "dry 1504
precinct" has the same meaning as in section 4303.182 of the 1505
Revised Code. 1506

If a petition is filed under section 4301.332 of the 1507
Revised Code for the submission of ~~one or more questions set~~ 1508
~~forth in this section~~ the question of whether the sale of 1509
intoxicating liquor shall be permitted on Sunday in a dry 1510
precinct, a special election shall be held in the precinct as 1511
ordered by the board of elections under that section. The 1512
expense of holding the special election shall be charged to the 1513
municipal corporation or township of which the precinct is a 1514
part. 1515

(B) At the election, ~~one or more of the following~~ 1516
~~questions~~ question, as designated in a valid petition, shall be 1517

submitted to the electors of the precinct concerning Sunday 1518
sales: 1519

~~(1) "Shall the sale of insert intoxicating liquor be 1520
permitted in a portion of this precinct between the hours of 1521
eleven a.m. and midnight on Sunday for on-premises consumption 1522
on the premises where sold, the sale of wine and mixed beverages 1523
for off-premises consumption, or both) be permitted in a portion 1524
of this precinct on Sunday where the status of such Sunday sales 1525
as allowed or prohibited is inconsistent with the status of such 1526
Sunday sales in the remainder of the precinct?" 1527~~

~~(2) "Shall the sale of intoxicating liquor be permitted in- 1528
a portion of this precinct between the hours of eleven a.m. and 1529
midnight on Sunday for consumption on the premises where sold at 1530
licensed premises where the sale of food and other goods exceeds 1531
fifty per cent of the total gross receipts of the permit holder- 1532
at the premises, where the status of such Sunday sales as- 1533
allowed or prohibited is inconsistent with the status of such 1534
Sunday sales in the remainder of the precinct?" 1535~~

~~(3) "Shall the sale of wine and mixed beverages be- 1536
permitted in a portion of this precinct between the hours of- 1537
eleven a.m. and midnight on Sunday for consumption off the- 1538
premises where sold, where the status of such Sunday sales as- 1539
allowed or prohibited is inconsistent with the status of such 1540
Sunday sales in the remainder of the precinct?" 1541~~

~~(C) At the election, one or more of the following- 1542
questions, as designated in a valid petition, shall be submitted- 1543
to the electors of the precinct concerning Sunday sales: 1544~~

~~(1) "Shall the sale of intoxicating liquor be permitted in- 1545
a portion of this precinct between the hours of ten a.m. and- 1546~~

~~midnight on Sunday for consumption on the premises where sold,~~ 1547
~~where the status of such Sunday sales as allowed or prohibited~~ 1548
~~is inconsistent with the status of such Sunday sales in the~~ 1549
~~remainder of the precinct?"~~ 1550

~~(2) "Shall the sale of intoxicating liquor be permitted in~~ 1551
~~a portion of this precinct between the hours of ten a.m. and~~ 1552
~~midnight on Sunday for consumption on the premises where sold at~~ 1553
~~licensed premises where the sale of food and other goods exceeds~~ 1554
~~fifty per cent of the total gross receipts of the permit holder~~ 1555
~~at the premises, where the status of such Sunday sales as~~ 1556
~~allowed or prohibited is inconsistent with the status of such~~ 1557
~~Sunday sales in the remainder of the precinct?"~~ 1558

~~(3) "Shall the sale of wine and mixed beverages be~~ 1559
~~permitted in a portion of this precinct between the hours of ten~~ 1560
~~a.m. and midnight on Sunday for consumption off the premises~~ 1561
~~where sold, where the status of such Sunday sales as allowed or~~ 1562
~~prohibited is inconsistent with the status of such Sunday sales~~ 1563
~~in the remainder of the precinct?"~~ 1564

~~(D) The board of elections shall furnish printed ballots~~ 1565
~~at the special election as provided under section 3505.06 of the~~ 1566
~~Revised Code, except that a separate ballot shall be used for~~ 1567
~~the special election. The ~~one or more questions~~ question set~~ 1568
~~forth in divisions (B) and (C) of this section shall be printed~~ 1569
~~on each ballot, and the board shall insert in the ~~questions~~~~ 1570
~~question appropriate words to complete ~~each~~ it and a description~~ 1571
~~of the portion of the precinct that would be affected by the~~ 1572
~~results of the election.~~ 1573

The description of the portion of the precinct shall 1574
include either the complete listing of street addresses in that 1575
portion or a condensed text that accurately describes the 1576

boundaries of the portion of the precinct by street name or by 1577
another name generally known by the residents of the portion of 1578
the precinct. If other than a full street listing is used, the 1579
full street listing also shall be posted in each polling place 1580
in a location that is easily accessible to all voters. Failure 1581
of the board of elections to completely and accurately list all 1582
street addresses in the affected area of the precinct does not 1583
affect the validity of the election at which the failure 1584
occurred and is not grounds for contesting an election under 1585
section 3515.08 of the Revised Code. Votes shall be cast as 1586
provided under section 3505.06 of the Revised Code. 1587

Sec. 4301.355. (A) If a petition is filed under section 1588
4301.333 of the Revised Code for the submission of the question 1589
or questions set forth in this section, it shall be held in the 1590
precinct as ordered by the board of elections under that 1591
section. The expense of holding the election shall be charged to 1592
the municipal corporation or township of which the precinct is a 1593
part. 1594

(B) At the election, ~~one or more of the following~~ 1595
~~questions~~ question, as designated in a valid petition, shall be 1596
submitted to the electors of the precinct: 1597

~~(1)~~ "Shall the sale of _____ (insert beer, wine and 1598
mixed beverages, or spirituous liquor) be permitted by 1599
_____ (insert name of applicant, liquor permit holder, or 1600
liquor agency store, including trade or fictitious name under 1601
which applicant for, or holder of, liquor permit or liquor 1602
agency store either intends to do, or does, business at the 1603
particular location), an _____ (insert "applicant for" or 1604
"holder of" or "operator of") a _____ (insert class name of 1605
liquor permit or permits followed by the words "liquor 1606

permit(s)" or, if appropriate, the words "liquor agency store 1607
for the State of Ohio"), who is engaged in the business of 1608
_____ (insert general nature of the business in which 1609
applicant or liquor permit holder is engaged or will be engaged 1610
in at the particular location, as described in the petition) at 1611
_____ (insert address of the particular location within the 1612
precinct as set forth in the petition) in this precinct?" 1613

~~(2)-(C) At the election, if the location is a dry 1614
location, the following question, as designated in a valid 1615
petition, shall be submitted to the electors of the precinct: 1616~~

"Shall the sale of _____ (insert beer, wine and mixed 1617
beverages, or spirituous liquor) be permitted for sale on Sunday 1618
~~between the hours of _____ (insert "ten a.m. and midnight" 1619
or "eleven a.m. and midnight") by _____ (insert name of 1620
applicant, liquor permit holder, or liquor agency store, 1621
including trade or fictitious name under which applicant for, or 1622
holder of, liquor permit or liquor agency store either intends 1623
to do, or does, business at the particular location), an _____ 1624
(insert "applicant for a D-6 liquor permit," "holder of a D-6 1625
liquor permit," "applicant for or holder of an A-1-A, A-2, A-2f, 1626
A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D- 1627
5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, 1628
or D-7 liquor permit," if only the approval of beer sales is 1629
sought, or "liquor agency store") who is engaged in the business 1630
of _____ (insert general nature of the business in which 1631
applicant or liquor permit holder is engaged or will be engaged 1632
in at the particular location, as described in the petition) at 1633
_____ (insert address of the particular location within the 1634
precinct) in this precinct?" 1635~~

~~(C)-(D) The board of elections shall furnish printed 1636~~

ballots at the election as provided under section 3505.06 of the Revised Code, except that a separate ballot shall be used for the election under this section. The question set forth in this section shall be printed on each ballot, and the board shall insert in the question appropriate words to complete it. Votes shall be cast as provided under section 3505.06 of the Revised Code.

(E) As used in this section, "dry location" has the same meaning as in section 4303.182 of the Revised Code.

Sec. 4301.356. If a petition is filed under section 4301.334 of the Revised Code for the submission of the question set forth in this section, an election shall be held in the municipal corporation or unincorporated area of a township as ordered by the board of elections under that section.

Except as otherwise provided in this section, if the legislative authority of a municipal corporation in whose territory, or the board of township trustees of a township in whose unincorporated area, a community facility is located submits, not later than four p.m. of the ninetieth day before the day of a special election held on the day of a primary election or general election, to the board of elections of the county in which the community facility is located an ordinance or resolution requesting the submission of the question set forth in this section to the electors of the municipal corporation or unincorporated area of the township, the board of elections shall order that an election be held on that question in the municipal corporation or the unincorporated area of the township on the day of the next special election held on the day of a primary election or next general election, whichever occurs first. The legislative authority or board of township trustees

shall submit the name and address of any permit holder who would 1667
be affected by the results of the election to the board of 1668
elections at the same time it submits the ordinance or 1669
resolution. The board of elections, within five days after 1670
receiving the name and address, shall give notice by certified 1671
mail to each permit holder that it has received the ordinance or 1672
resolution. Failure of the legislative authority or board of 1673
township trustees to supply the name and address of each permit 1674
holder to the board of elections invalidates the effect of the 1675
ordinance or resolution. 1676

At the election, the following question shall be submitted 1677
to the electors of the municipal corporation or unincorporated 1678
area of a township: 1679

"Shall the sale of beer and intoxicating liquor be 1680
permitted on ~~days of the week other than Monday through Sunday~~ 1681
~~and between the hours of _____ (insert "ten a.m." or~~ 1682
~~"eleven a.m.") and midnight on Sunday, at _____ (insert~~ 1683
name of community facility), a community facility as defined by 1684
section 4301.01 of the Revised Code, and located at _____ 1685
(insert the address of the community facility and, if the 1686
community facility is a community entertainment district, the 1687
boundaries of the district, as set forth in the petition)?" 1688

The board of elections shall furnish printed ballots at 1689
the election as provided under section 3505.06 of the Revised 1690
Code, except that a separate ballot shall be used for the 1691
election under this section. The question set forth in this 1692
section shall be printed on each ballot, and the board shall 1693
insert in the question appropriate words to complete it, subject 1694
to the approval of the secretary of state. Votes shall be cast 1695
as provided under section 3505.06 of the Revised Code. 1696

Sec. 4301.36. (A)(1) If a majority of the electors voting 1697
in a precinct vote "yes" on question (A), (B), or (C) as set 1698
forth in section 4301.35 of the Revised Code, the sales 1699
specified in such one or more of the questions on which a 1700
majority of the electors voting in such precinct voted "yes" 1701
shall be subject in the precinct only to Chapters 4301. and 1702
4303. of the Revised Code. 1703

(2) If a majority of the electors voting in such precinct 1704
vote "no" on question (A), (B), or (C) set forth in section 1705
4301.35 of the Revised Code, no C or D permit holder shall sell 1706
intoxicating liquor of the kind or in the manner specified in 1707
such one or more of the questions on which a majority of the 1708
electors voting in the precinct voted "no," within the precinct 1709
concerned, during the period such election is in effect as 1710
defined in section 4301.37 of the Revised Code. 1711

(B) If a majority of the electors voting in such precinct 1712
vote "no" on question (D) as set forth in section 4301.35 of the 1713
Revised Code, all state liquor stores in the precinct shall be 1714
forthwith closed and, during the period the vote is in effect, 1715
as defined in section 4301.37 of the Revised Code, no state 1716
liquor store shall be opened in that precinct. 1717

(C)(1) If a majority of the electors voting in a precinct 1718
vote "yes" on question (E) as set forth in section 4301.35 of 1719
the Revised Code, the sales specified in that question shall be 1720
allowed in the precinct and subject only to this chapter and 1721
Chapter 4303. of the Revised Code. 1722

(2) If a majority of the electors voting in a precinct 1723
vote "no" on question (E) set forth in section 4301.35 of the 1724
Revised Code, no A-1-A, A-1c, A-2, A-2f, A-3a, class C, or class 1725
D permit holder shall sell beer or intoxicating liquor of the 1726

kind or in the manner specified in that question within the 1727
precinct concerned, during the period such election is in effect 1728
as defined in section 4301.37 of the Revised Code. 1729

(D)(1) If a majority of the electors voting in a precinct 1730
vote "yes" on question (F) as set forth in section 4301.35 of 1731
the Revised Code, the sales specified in that question shall be 1732
allowed in the precinct and subject only to this chapter and 1733
Chapter 4303. of the Revised Code. In addition, sales shall 1734
continue in the precinct under the authority of any previous 1735
election in effect in the precinct in which the electors 1736
approved a question or questions under this chapter or Chapter 1737
4305. of the Revised Code. 1738

(2) If a majority of the electors voting in a precinct 1739
vote "no" on question (F) set forth in section 4301.35 of the 1740
Revised Code, the sales specified in that question shall not be 1741
allowed in the precinct. However, sales shall continue in the 1742
precinct under the authority of any previous election in effect 1743
in the precinct in which the electors approved a question or 1744
questions under this chapter or Chapter 4305. of the Revised 1745
Code. 1746

Sec. 4301.361. (A) If a majority of the electors voting on 1747
~~questions~~ the question set forth in section 4301.351 of the 1748
Revised Code in a precinct vote "yes" on the question ~~(B)(1) or~~ 1749
~~(C)(1), or, if both questions (B)(1) and (B)(2), or questions~~ 1750
~~(C)(1) and (C)(2), are submitted, "yes" on both questions or~~ 1751
~~"yes" on question (B)(1) or (C)(1) but "no" on question (B)(2)~~ 1752
~~or (C)(2), sales of intoxicating liquor shall be allowed on~~ 1753
Sunday in the manner and under the conditions specified in the 1754
question (B)(1) or (C)(1), under a D-6 permit, within the 1755
precinct concerned, during the hours specified in division (A) 1756

~~of section 4303.182 of the Revised Code and during the period~~ 1757
~~the election is in effect as defined in section 4301.37 of the~~ 1758
~~Revised Code. In addition, the question shall not be~~ 1759
~~subsequently submitted to the electors of that precinct.~~ 1760

~~(B) If only question (B) (2) or (C) (2) is submitted to the~~ 1761
~~voters or if questions (B) (2) and (B) (3) or (C) (2) and (C) (3)~~ 1762
~~are submitted and a majority of the electors voting in a~~ 1763
~~precinct vote "yes" on question (B) (2) or (C) (2) as set forth in~~ 1764
~~section 4301.351 of the Revised Code, sales of intoxicating~~ 1765
~~liquor shall be allowed on Sunday in the manner and under the~~ 1766
~~conditions specified in question (B) (2) or (C) (2), under a D-6~~ 1767
~~permit, within the precinct concerned, during the hours~~ 1768
~~specified in division (A) of section 4303.182 of the Revised~~ 1769
~~Code and during the period the election is in effect as defined~~ 1770
~~in section 4301.37 of the Revised Code, even if question (B) (1)~~ 1771
~~or (C) (1) was also submitted and a majority of the electors~~ 1772
~~voting in the precinct voted "no."~~ 1773

~~(C) If question (B) (3) or (C) (3) is submitted and a~~ 1774
~~majority of electors voting on question (B) (3) or (C) (3) as set~~ 1775
~~forth in section 4301.351 of the Revised Code in a precinct vote~~ 1776
~~"yes," sales of wine and mixed beverages shall be allowed on~~ 1777
~~Sunday in the manner and under the conditions specified in~~ 1778
~~question (B) (3) or (C) (3), under a D-6 permit, within the~~ 1779
~~precinct concerned, during the hours specified in division (A)~~ 1780
~~of section 4303.182 of the Revised Code and during the period~~ 1781
~~the election is in effect as defined in section 4301.37 of the~~ 1782
~~Revised Code.~~ 1783

~~(D) If questions (B) (1), (B) (2), and (B) (3), or questions~~ 1784
~~(C) (1), (C) (2), and (C) (3), as set forth in section 4301.351 of~~ 1785
~~the Revised Code, are all submitted and As used in this~~ 1786

division, "dry precinct" has the same meaning as in section 1787
4303.182 of the Revised Code. 1788

If a majority of the electors voting in such precinct on 1789
the question set forth in section 4301.351 of the Revised Code 1790
in a dry precinct vote "no" on all three questions, no sales of 1791
intoxicating liquor shall be made within the dry precinct 1792
concerned after two-thirty a.m. on Sunday as specified in the 1793
questions question submitted, during the period the election is 1794
in effect as defined in section 4301.37 of the Revised Code. In 1795
addition, the question shall not be submitted to the electors of 1796
that precinct for four years after the date of the "no" vote. 1797

~~(E) If question (C) (1) as set forth in section 4301.351 of 1798~~
~~the Revised Code is submitted to the voters in a precinct in 1799~~
~~which question (B) (1) as set forth in that section previously 1800~~
~~was submitted and approved, and the results of the election on 1801~~
~~question (B) (1) are still in effect in the precinct; or if 1802~~
~~question (C) (2) as set forth in that section is submitted to the 1803~~
~~voters in a precinct in which question (B) (2) as set forth in 1804~~
~~that section previously was submitted and approved, and the 1805~~
~~results of the election on question (B) (2) are still in effect 1806~~
~~in the precinct; or if question (C) (3) as set forth in that 1807~~
~~section is submitted to the voters in a precinct in which 1808~~
~~question (B) (3) as set forth in that section previously was 1809~~
~~submitted and approved, and the results of the election on 1810~~
~~question (B) (3) are still in effect in the precinct; and if a 1811~~
~~majority of the electors voting on question (C) (1), (C) (2), or 1812~~
~~(C) (3) vote "no," then sales shall continue to be allowed in the 1813~~
~~precinct in the manner and under the conditions specified in the 1814~~
~~previously approved question (B) (1), (B) (2), or (B) (3), as 1815~~
~~applicable. 1816~~

~~(F) If question (B) (4) as set forth in section 4301.351 of the Revised Code is submitted and a majority of the electors voting in the precinct vote "yes," sales of intoxicating liquor shall be allowed on Sunday at outdoor performing arts centers in the manner and under the conditions specified in question (B) (4) under a D-6 permit, within the precinct concerned, during the hours specified in division (F) of section 4303.182 of the Revised Code and during the period the election is in effect as defined in section 4301.37 of the Revised Code. If question (B) (4) as set forth in section 4301.351 of the Revised Code is submitted and a majority of the electors voting in the precinct vote "no," no sales of intoxicating liquor shall be allowed at outdoor performing arts centers in the precinct concerned under a D-6 permit, after 2:30 a.m. on Sunday, during the period the election is in effect as defined in section 4301.37 of the Revised Code.~~

Sec. 4301.364. (A) If a majority of the electors in a precinct vote "yes" on the question (B) (1) or (C) (1) as set forth in section 4301.354 of the Revised Code, the sale of intoxicating liquor, of the same types as may be legally sold in the precinct on other days of the week, shall be permitted on Sunday in the portion of the precinct affected by the results of the election ~~during the hours specified in division (A) of section 4303.182 of the Revised Code~~ and in the manner and under the conditions specified in the question, subject only to this chapter and Chapter 4303. of the Revised Code. In addition, the question shall not be subsequently submitted to the electors of that precinct.

~~(B) If a majority of the electors in a precinct vote "yes" on question (B) (2) or (C) (2) as set forth in section 4301.354 of the Revised Code, the sale of intoxicating liquor, of the same~~

~~types as may be legally sold in the precinct on other days of
the week, shall be permitted on Sunday in the portion of the
precinct affected by the results of the election during the
hours specified in division (A) of section 4303.182 of the
Revised Code and in the manner and under the conditions
specified in the question, subject only to this chapter and
Chapter 4303. of the Revised Code.~~

~~(C) If a majority of the electors in a precinct vote "yes"
on question (B) (3) or (C) (3) as set forth in section 4301.354 of
the Revised Code, the sale of wine and mixed beverages shall be
permitted on Sunday in the portion of the precinct affected by
the results of the election during the hours specified in
division (A) of section 4303.182 of the Revised Code and in the
manner and under the conditions specified in the question,
subject only to this chapter and Chapter 4303. of the Revised
Code.~~

~~(D) If As used in this division, "dry precinct" has the
same meaning as in section 4303.182 of the Revised Code.~~

~~If a majority of the electors in a dry precinct vote "no"
on the question (B) (1) or (C) (1) as set forth in section
4301.354 of the Revised Code, no sale of intoxicating liquor
shall be permitted on Sunday in the manner and under the
conditions specified in the question in the portion of the
precinct affected by the results of the election. In addition,
the question shall not be submitted to the electors of that
portion of the precinct for four years after the date of the
"no" vote.~~

~~(E) If a majority of the electors in a precinct vote "no"
on question (B) (2) or (C) (2) as set forth in section 4301.354 of
the Revised Code, no sale of intoxicating liquor shall be~~

~~permitted on Sunday in the manner and under the conditions-~~ 1878
~~specified in the question in the portion of the precinct-~~ 1879
~~affected by the results of the election.~~ 1880

~~(F) If a majority of the electors in a precinct vote "no"-~~ 1881
~~on question (B) (3) or (C) (3) as set forth in section 4301.354 of-~~ 1882
~~the Revised Code, no sale of wine or mixed beverages shall be-~~ 1883
~~permitted on Sunday in the manner and under the conditions-~~ 1884
~~specified in the question in the portion of the precinct-~~ 1885
~~affected by the results of the election.~~ 1886

~~(G) If question (C) (1) as set forth in section 4301.354 of-~~ 1887
~~the Revised Code is submitted to the voters in a precinct in-~~ 1888
~~which question (B) (1) as set forth in that section previously-~~ 1889
~~was submitted and approved, and the results of the election on-~~ 1890
~~question (B) (1) are still in effect in the precinct; or if-~~ 1891
~~question (C) (2) as set forth in that section is submitted to the-~~ 1892
~~voters in a precinct in which question (B) (2) as set forth in-~~ 1893
~~that section previously was submitted and approved, and the-~~ 1894
~~results of the election on question (B) (2) are still in effect-~~ 1895
~~in the precinct; or if question (C) (3) as set forth in that-~~ 1896
~~section is submitted to the voters in a precinct in which-~~ 1897
~~question (B) (3) as set forth in that section previously was-~~ 1898
~~submitted and approved, and the results of the election on-~~ 1899
~~question (B) (3) are still in effect in the precinct; and if a-~~ 1900
~~majority of the electors voting on question (C) (1), (C) (2), or-~~ 1901
~~(C) (3) vote "no," then sales shall continue to be allowed in the-~~ 1902
~~precinct in the manner and under the conditions specified in the-~~ 1903
~~previously approved question (B) (1), (B) (2), or (B) (3), as-~~ 1904
~~applicable.~~ 1905

Sec. 4301.365. (A) If a majority of the electors in a 1906
precinct vote "yes" on questions (B) (1) and (2) as the question 1907

set forth in division (B) of section 4301.355 of the Revised 1908
Code, the sale of beer, wine and mixed beverages, or spirituous 1909
liquor, whichever was the subject of the election, shall be 1910
allowed at the particular location and for the use specified in 1911
the ~~questions~~ question under each permit applied for by the 1912
petitioner or at the address listed for the liquor agency store, 1913
and, ~~in relation to question (B) (2), during the hours on Sunday~~ 1914
~~specified in division (A) of section 4303.182 of the Revised~~ 1915
~~Code,~~ subject only to this chapter and Chapter 4303. of the 1916
Revised Code. Failure to continue to use the particular location 1917
for any proposed or stated use set forth in the petition is 1918
grounds for the denial of a renewal of the liquor permit under 1919
division (A) of section 4303.271 of the Revised Code or is 1920
grounds for the nonrenewal or cancellation of the liquor agency 1921
store contract by the division of liquor control, ~~except in the~~ 1922
~~case where the liquor permit holder or liquor agency store~~ 1923
~~decides to cease the sale of beer, wine and mixed beverages, or~~ 1924
~~spirituous liquor, whichever was the subject of the election, on~~ 1925
~~Sundays.~~ 1926

(B) ~~Except as otherwise provided in division (H) of this~~ 1927
~~section, if a majority of the electors in a precinct vote "yes"~~ 1928
~~on question (B) (1) and "no" on question (B) (2) as set forth in~~ 1929
~~section 4301.355 of the Revised Code, the sale of beer, wine and~~ 1930
~~mixed beverages, or spirituous liquor, whichever was the subject~~ 1931
~~of the election, shall be allowed at the particular location for~~ 1932
~~the use specified in question (B) (1) of section 4301.355 of the~~ 1933
~~Revised Code and under each permit applied for by the~~ 1934
~~petitioner, except for a D-6 permit, subject only to this~~ 1935
~~chapter and Chapter 4303. of the Revised Code.~~ 1936

~~(C)~~ If a majority of the electors in a precinct vote "no" 1937
on question ~~(B) (1)~~ (B) as set forth in section 4301.355 of the 1938

Revised Code, no sales of beer, wine and mixed beverages, or 1939
spirituous liquor, whichever was the subject of the election, 1940
shall be allowed at the particular location for the use 1941
specified in the petition during the period the election is in 1942
effect as defined in section 4301.37 of the Revised Code. 1943

~~(D)~~ (C) If a majority of the electors in a precinct vote 1944
only on question ~~(B) (2)~~ (C) as set forth in section 4301.355 of 1945
the Revised Code and that vote results in a majority "yes" vote, 1946
sales of beer, wine and mixed beverages, or spirituous liquor, 1947
whichever was the subject of the election, shall be allowed at 1948
the particular location for the use specified in the petition on 1949
Sunday ~~during the hours specified in division (A) of section~~ 1950
~~4303.182 of the Revised Code and during the period the election~~ 1951
~~is in effect as defined in section 4301.37 of the Revised Code.~~ 1952
In addition, the question shall not be subsequently submitted to 1953
the electors of that precinct. 1954

~~(E) Except as otherwise provided in division (H) of this~~ 1955
~~section, if (D) As used in this division, "dry location" has the~~ 1956
same meaning as in section 4303.182 of the Revised Code. 1957

If a majority of the electors in a precinct vote only on 1958
question ~~(B) (2)~~ (C) as set forth in section 4301.355 of the 1959
Revised Code and that vote results in a majority "no" vote, no 1960
sales of beer, wine and mixed beverages, or spirituous liquor, 1961
whichever was the subject of the election, shall be allowed at 1962
the ~~particular dry~~ location for the use ~~and during the hours~~ 1963
specified in the petition on Sunday ~~during the period the~~ 1964
~~election is in effect as defined in section 4301.37 of the~~ 1965
~~Revised Code.~~ In addition, the question shall not be submitted 1966
to the electors of that precinct regarding that location for 1967
four years after the date of the "no" vote. 1968

~~(F)~~ (E) In case of elections in the same precinct for the 1969
question or questions set forth in section 4301.355 of the 1970
Revised Code and for a question or questions set forth in 1971
section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 1972
4305.14 of the Revised Code, the results of the election held on 1973
the question or questions set forth in section 4301.355 of the 1974
Revised Code shall apply to the particular location 1975
notwithstanding the results of the election held on the question 1976
or questions set forth in section 4301.35, 4301.351, 4301.353, 1977
4301.354, 4303.29, or 4305.14 of the Revised Code. 1978

~~(G)~~ (F) Sections 4301.32 to 4301.41 of the Revised Code do 1979
not prohibit the transfer of ownership of a permit that was 1980
issued to a particular location as the result of an election 1981
held on sales of beer, wine and mixed beverages, spirituous 1982
liquor, or intoxicating liquor at that particular location as 1983
long as the general nature of the business at that particular 1984
location described in the petition for that election remains the 1985
same after the transfer. 1986

~~(H)~~ If question (B) (2) as set forth in section 4301.355 of 1987
the Revised Code is submitted to the electors of a precinct 1988
proposing to authorize the sale of beer, wine and mixed 1989
beverages, or spirituous liquor between the hours of ten a.m. 1990
and midnight at a particular location at which the sale of beer, 1991
wine and mixed beverages, spirituous liquor, or intoxicating 1992
liquor is already allowed between the hours of eleven a.m. and 1993
midnight or one p.m. and midnight and the question submitted is 1994
defeated, the sale of beer, wine and mixed beverages, spirituous 1995
liquor, or intoxicating liquor between the hours of eleven a.m. 1996
and midnight or one p.m. and midnight, as applicable, shall 1997
continue at that particular location. 1998

Sec. 4301.366. If a majority of the electors voting on the question specified in section 4301.356 of the Revised Code vote "yes," the sale of beer and intoxicating liquor shall be allowed at the community facility ~~on days of the week other than Sunday and during the hours on Sunday specified in division (A) of section 4303.182 of the Revised Code,~~ for the use specified in the question, subject only to this chapter and Chapter 4303. of the Revised Code. Failure to continue to use the location as a community facility constitutes good cause for rejection of the renewal of the liquor permit under division (A) of section 4303.271 of the Revised Code.

If a majority of the electors voting on the question specified in section 4301.356 of the Revised Code vote "no," no sales of beer or intoxicating liquor shall be made at or within the community facility during the period the election is in effect as defined in section 4301.37 of the Revised Code.

Sec. 4301.37. (A) When a local option election, other than an election under section 4301.351, 4301.352, 4301.353, 4301.354, 4301.355, or 4301.356 of the Revised Code, is held in any precinct, except as provided in divisions (G) and (H) of section 4301.39 of the Revised Code, the result of the election shall be effective in the precinct until another election is called and held pursuant to sections 4301.32 to 4301.36 of the Revised Code, but no such election shall be held in the precinct on the same question more than once in each four years.

~~(B) When a local option election under section 4301.351 of the Revised Code is held in any precinct, except as provided in divisions (G) and (H) of section 4301.39 of the Revised Code, the result of the election shall be effective in the precinct until another election is called and held pursuant to sections~~

~~4301.32 to 4301.361 of the Revised Code, but no such election shall be held under section 4301.351 of the Revised Code in the precinct on the same question more than once in each four years.~~ 2029
2030
2031

~~(C)~~ When a local option election is held in a precinct 2032
under section 4301.352 of the Revised Code and a majority of the 2033
electors voting on the question vote "yes," no subsequent local 2034
option election shall be held in the precinct upon the sale of 2035
beer or intoxicating liquor by the class C or D permit holder at 2036
the specified premises for a period of at least four years from 2037
the date of the most recent local option election, except that 2038
this division shall not be construed to prohibit the holding or 2039
affect the results of a local option election under section 2040
4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of 2041
the Revised Code. 2042

~~(D)~~ (C) When a local option election is held in a precinct 2043
under section 4301.353 ~~or 4301.354~~ of the Revised Code, except 2044
as provided in divisions (G) and (H) of section 4301.39 of the 2045
Revised Code, the results of the election shall be effective 2046
until another election is held under that section on the same 2047
question, but no such election shall be held in a precinct under 2048
that section on the same question for a period of at least four 2049
years from the date of the most recent election on that 2050
question. This division shall not be construed to prohibit the 2051
future holding of, or affect the future results of, a local 2052
option election held under section 4301.35, 4301.351, 4301.355, 2053
4303.29, or 4305.14 of the Revised Code. 2054

~~(E)~~ (D) When a local option election is held in a precinct 2055
under division (B) of section 4301.355 of the Revised Code, the 2056
results of that election shall be effective at the particular 2057
location designated in the petition until another election is 2058

held pursuant to ~~section 4301.355 of the Revised Code that~~ 2059
division or until such time as an election is held pursuant to 2060
section 4301.352 of the Revised Code, but no election shall be 2061
held under division (B) of section 4301.355 of the Revised Code 2062
regarding the same use at that particular location for a period 2063
of at least four years from the date of the most recent election 2064
on that question. The results of a local option election held in 2065
a precinct under division (B) of section 4301.355 of the Revised 2066
Code shall not prohibit the holding of, and shall be affected by 2067
the results of, a local option election held under section 2068
4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of 2069
the Revised Code. 2070

~~(F)~~ (E) When a local option election is held in a 2071
municipal corporation or unincorporated area of a township under 2072
section 4301.356 of the Revised Code, the results of the 2073
election shall be effective at the community facility that was 2074
the subject of the election until another such election is held 2075
regarding that community facility, but no such election shall be 2076
held for a period of at least four years from the date of the 2077
election. The results of a local option election held in a 2078
municipal corporation or unincorporated area of a township under 2079
section 4301.356 of the Revised Code shall not prohibit the 2080
holding of, or affect or be affected by the results of, a local 2081
option election held under section 4301.35, 4301.351, 4301.353, 2082
4301.354, 4303.29, or 4305.14 of the Revised Code. 2083

~~(G)~~ (F) If a community facility is located in an election 2084
precinct in which a previous local option election in the 2085
precinct resulted in approval of the sale of beer or 2086
intoxicating liquor in the precinct, the community facility 2087
shall sell beer or intoxicating liquor only to the extent 2088
permitted by the previous local option election until an 2089

election is held pursuant to section 4301.356 of the Revised Code. 2090
2091

~~(H)~~ (G) A community facility shall not be affected by a 2092
local option election held on or after March 30, 1999, unless 2093
the election is held under section 4301.356 of the Revised Code. 2094

Sec. 4301.403. (A) As used in this section, "exhibition 2095
premises" means a premises at the site where an exhibition 2096
sanctioned by the U.S. Christopher Columbus quincentenary 2097
jubilee commission is being or has been held, if the exhibition 2098
is or was sponsored by an organization that also is sponsoring 2099
or has sponsored an exhibition sanctioned by the international 2100
association of horticulture producers. 2101

(B) Sections 4301.32 to 4301.391 and 4305.14 of the 2102
Revised Code and the provisions for local option elections and 2103
the election on the question of the repeal of Section 9 of 2104
Article XV, Ohio Constitution, in section 4303.29 of the Revised 2105
Code do not affect or prohibit the sale of beer or intoxicating 2106
liquor at an exhibition premises if the permit holder for the 2107
premises operates pursuant to the authority of a D liquor permit 2108
issued pursuant to Chapter 4303. of the Revised Code. 2109

~~Permit D-6 shall be issued to the holder of any D permit 2110
that authorizes the sale of intoxicating liquor and that is 2111
issued for an exhibition premises to allow the sale of 2112
intoxicating liquor under the permit at the premises between the 2113
hours of one p.m. and midnight on Sunday, whether or not such 2114
sale has been authorized in an election held under section 2115
4301.351 of the Revised Code. Notwithstanding section 4301.351- 2116
of the revised code, the holder of a D permit issued for an 2117
exhibition premises may sell beer on Sunday whether or not the 2118
sale of intoxicating liquor has been authorized in an election 2119~~

~~held under that section.~~ 2120

(C) Nothing in section 4303.29 of the Revised Code shall 2121
be construed to restrict the issuance of a D permit for an 2122
exhibition premises. An application for a D permit for an 2123
exhibition premises is exempt from the population quota 2124
restrictions contained in section 4303.29 of the Revised Code 2125
and from the population quota restrictions contained in any rule 2126
of the liquor control commission. The location of a D permit 2127
issued for an exhibition premises shall not be transferred. An 2128
applicant applying for a D-1, D-2, D-3, D-4, or D-5 permit for 2129
an exhibition premises is not subject to section 4303.31 of the 2130
Revised Code. 2131

Sec. 4301.404. (A) As used in this section, "center for 2132
the preservation of wild animals" means a conservation center 2133
located on not less than five thousand acres of land that 2134
provides scientific, educational, and recreational resources to 2135
advance the conservation of animal populations and habitats. 2136

(B) Sections 4301.32 to 4301.391 and 4305.14 of the 2137
Revised Code and the provisions for local option elections and 2138
the election on the repeal of Ohio Constitution, Article XV, 2139
Section 9 in section 4303.29 of the Revised Code do not affect 2140
or prohibit the sale of beer or intoxicating liquor at a center 2141
for the preservation of wild animals if any permit holder for 2142
the premises operates pursuant to the authority of a D liquor 2143
permit issued pursuant to Chapter 4303. of the Revised Code. 2144

~~(C) Permit D-6 shall be issued to the holder of any D- 2145
permit that authorizes the sale of intoxicating liquor and that 2146
is issued for a center for the preservation of wild animals to 2147
allow the sale of intoxicating liquor under the permit at the 2148
premises between the hours of one p.m. and midnight on Sunday, 2149~~

~~whether or not such sale has been authorized in an election held- 2150~~
~~under section 4301.351 of the Revised Code. Notwithstanding- 2151~~
~~section 4301.351 of the Revised Code, the holder of a D permit- 2152~~
~~issued for a center for the preservation of wild animals may- 2153~~
~~sell beer on Sunday whether or not the sale of intoxicating- 2154~~
~~liquor has been authorized in an election held under that- 2155~~
~~section. 2156~~

Sec. 4301.82. (A) As used in this section: 2157

(1) "Qualified permit holder" means the holder of an A-1, 2158
A-1-A, A-1c, A-2, A-2f, or D class permit issued under Chapter 2159
4303. of the Revised Code. 2160

(2) "D class permit" does not include a D-6 or D-8 permit. 2161

(B) ~~The executive officer of a A~~ municipal corporation or 2162
~~the fiscal officer of a township may file an application with- 2163~~
~~the legislative authority of the municipal corporation or- 2164~~
~~township to have property within the municipal corporation or- 2165~~
~~township designated as create an outdoor refreshment area or ~~to-~~ 2166
expand an existing outdoor refreshment area to include 2167
additional property within the municipal corporation or 2168
township. ~~The~~ To create an outdoor refreshment area, the 2169
executive officer of the municipal corporation or the fiscal 2170
officer of the township shall ensure that the application- 2171
~~contains all of the following~~ do all of the following: 2172~~

(1) ~~A~~ Ensure that a map or survey of the proposed outdoor 2173
refreshment area is made in sufficient detail to identify the 2174
boundaries of the area, ~~which shall not exceed either of the~~ 2175
~~following, as applicable:~~ 2176

~~(a) Three hundred twenty contiguous acres or one-half-~~ 2177
~~square mile if the municipal corporation or township has a-~~ 2178

~~population of more than thirty five thousand as specified in~~ 2179
~~division (D) of this section;~~ 2180

~~(b) One hundred fifty contiguous acres if the municipal~~ 2181
~~corporation or township has a population of thirty five thousand~~ 2182
~~or less as specified in division (D) of this section.;~~ 2183

(2) ~~A~~ Create a general statement of the nature and types 2184
of establishments that will be located within the proposed 2185
outdoor refreshment area; 2186

(3) ~~A statement~~ Ensure that the proposed outdoor 2187
refreshment area will encompass not fewer than ~~four~~ two 2188
qualified permit holders; 2189

(4) ~~Evidence~~ Ensure that the uses of land within the 2190
proposed outdoor refreshment area are in accord with the master 2191
zoning plan or map of the municipal corporation or township; 2192

(5) ~~Proposed requirements for the purpose of ensuring~~ 2193
~~public health and safety within the proposed outdoor refreshment~~ 2194
~~area~~ Ensure that the ordinance or resolution required under 2195
division (E) of this section has been adopted. 2196

(C) ~~Within forty five days after the date the application~~ 2197
~~is filed with the legislative authority of a municipal~~ 2198
~~corporation or township, the legislative authority shall publish~~ 2199
~~public notice of the application once a week for two consecutive~~ 2200
~~weeks in one newspaper of general circulation in the municipal~~ 2201
~~corporation or township or as provided in section 7.16 of the~~ 2202
~~Revised Code. The legislative authority shall ensure that the~~ 2203
~~notice states that the application is on file in the office of~~ 2204
~~the clerk of the municipal corporation or township and is~~ 2205
~~available for inspection by the public during regular business~~ 2206
~~hours. The legislative authority also shall indicate in the~~ 2207

~~notice the date and time of any public hearing to be held~~ 2208
~~regarding the application by the legislative authority.~~ 2209

~~Not earlier than thirty but not later than sixty days~~ 2210
~~after the initial publication of notice, the legislative~~ 2211
~~authority shall approve or disapprove the application by either~~ 2212
~~ordinance or resolution, as applicable. Approval of an~~ 2213
~~application requires an affirmative vote of a majority of the~~ 2214
~~legislative authority. Upon approval of the application by the~~ 2215
~~legislative authority~~After the executive officer of a municipal 2216
corporation or the fiscal officer of a township completes the 2217
tasks in division (B) of this section, the territory described 2218
in ~~the application~~ that division constitutes an outdoor 2219
refreshment area. The ~~legislative authority~~ municipal 2220
corporation or township shall provide notice to the division of 2221
liquor control and the investigative unit of the department of 2222
public safety ~~notice of the approval of the application~~ creation 2223
of an outdoor refreshment area and a description of the area 2224
~~specified in the application. If the legislative authority~~ 2225
~~disapproves the application, the executive officer of a~~ 2226
~~municipal corporation or fiscal officer of a township may make~~ 2227
~~changes in the application to secure its approval by the~~ 2228
~~legislative authority.~~ 2229

~~(D) The creation of outdoor refreshment areas is limited~~ 2230
~~as follows:~~ 2231

~~(1) A municipal corporation or township with a population~~ 2232
~~of more than fifty thousand shall not create more than two~~ 2233
~~outdoor refreshment areas.~~ 2234

~~(2) A municipal corporation or township with a population~~ 2235
~~of more than thirty five thousand but less than or equal to~~ 2236
~~fifty thousand shall not create more than one outdoor~~ 2237

~~refreshment area.~~ 2238

~~(3) (a) Except as provided in division (D) (3) (b) of this section, a municipal corporation or township with a population of thirty five thousand or less shall not create an outdoor refreshment area.~~ 2239
2240
2241
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~~(b) A municipal corporation or township with a population of thirty five thousand or less may create one outdoor refreshment area if the proposed area will include at least four qualified permit holders and be composed of one hundred fifty or fewer contiguous acres.~~ 2243
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~~For purposes of this section, the population of a municipal corporation or township is deemed to be the population shown by the most recent regular federal decennial census.~~ 2248
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~~(E)~~ As soon as possible after receiving notice that an outdoor refreshment area has been ~~approved~~created, the division of liquor control, for purposes of section 4301.62 of the Revised Code, shall issue an outdoor refreshment area designation to each qualified permit holder located within the refreshment area that is in compliance with all applicable requirements under Chapters 4301. and 4303. of the Revised Code. The division shall not charge any fee for the issuance of the designation. Any permit holder that receives such a designation shall comply with all laws, rules, and regulations that govern its license type, and the applicable public health and safety requirements established for the area under ~~division (F)~~(E) of this section. 2251
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~~(F) (1) At the time of the creation of an outdoor refreshment area, the~~ (E) (1) The legislative authority of a municipal corporation or township in which such an area is to be 2264
2265
2266

located shall adopt an ordinance or resolution, as applicable, 2267
that establishes requirements the legislative authority 2268
determines necessary to ensure public health and safety within 2269
the area. The legislative authority shall include in the 2270
ordinance or resolution all of the following: 2271

(a) The specific boundaries of the area, including street 2272
addresses; 2273

(b) The number, spacing, and type of signage designating 2274
the area; 2275

(c) The hours of operation for the area; 2276

(d) The number of personnel needed to ensure public safety 2277
in the area; 2278

(e) A sanitation plan that will help maintain the 2279
appearance and public health of the area; 2280

(f) The number of personnel needed to execute the 2281
sanitation plan; 2282

(g) A requirement that beer and intoxicating liquor be 2283
served solely in plastic bottles or other plastic containers in 2284
the area. 2285

~~The legislative authority may, but is not required to,~~ 2286
~~include in the ordinance or resolution any public health and~~ 2287
~~safety requirements proposed in an application under division~~ 2288
~~(B) of this section to designate or expand the outdoor~~ 2289
~~refreshment area. The legislative authority may subsequently~~ 2290
~~modify the public health and safety requirements as determined~~ 2291
~~necessary by the legislative authority.~~ 2292

(2) Prior to adopting an ordinance or resolution under 2293
this division, the legislative authority shall give notice of 2294

its proposed action by publication ~~once a week for two~~ 2295
~~consecutive weeks~~ in one newspaper of general circulation in the 2296
municipal corporation or township or as provided in section 7.16 2297
of the Revised Code. 2298

(3) The legislative authority shall provide to the 2299
division of liquor control and the investigative unit of the 2300
department of public safety notice of the public health and 2301
safety requirements established or modified under this division. 2302

~~(G)~~ (F) If an outdoor refreshment area has been created in 2303
accordance with this section, the holder of an F class permit 2304
that sponsors an event located in the outdoor refreshment area 2305
may apply to the division for issuance of an outdoor refreshment 2306
area designation. The division shall issue such a designation if 2307
the division determines that the permit holder is in compliance 2308
with all applicable requirements established under this chapter 2309
and Chapter 4303. of the Revised Code. An F class permit holder 2310
that receives a designation under this division shall do both of 2311
the following: 2312

(1) Comply with all laws, rules, and regulations that 2313
govern its type of permit, and the applicable public health and 2314
safety requirements established for the outdoor refreshment area 2315
under division ~~(F)~~ (E) of this section; 2316

(2) Not block ingress or egress to the outdoor refreshment 2317
area or any other liquor permit premises located within the 2318
area. 2319

~~(H)~~ (G) Section 4399.18 of the Revised Code applies to a 2320
liquor permit holder located within an outdoor refreshment area 2321
in the same manner as if the liquor permit holder were not 2322
located in an outdoor refreshment area. 2323

~~(I) (1)~~ (H) (1) Five years after the date of creation of an 2324
outdoor refreshment area, the legislative authority of the 2325
municipal corporation or township ~~that~~ in which the area was 2326
~~created the area~~ under this section shall review the operation 2327
of the area and shall, by ordinance or resolution, either 2328
approve the continued operation of the area or dissolve the 2329
area. Prior to adopting the ordinance or resolution, the 2330
legislative authority shall give notice of its proposed action 2331
to the permit holders in the outdoor refreshment area and by 2332
publication once a week for two consecutive weeks in one 2333
newspaper of general circulation in the municipal corporation or 2334
township or as provided in section 7.16 of the Revised Code. 2335

If the legislative authority dissolves the outdoor 2336
refreshment area, the outdoor refreshment area ceases to exist. 2337
The legislative authority then shall provide notice of its 2338
action to the division ~~of liquor control~~ and the investigative 2339
unit of the department of public safety. Upon receipt of the 2340
notice, the division shall revoke all outdoor refreshment area 2341
designations issued to qualified permit holders within the 2342
dissolved area. If the legislative authority approves the 2343
continued operation of the outdoor refreshment area, the area 2344
continues in operation. 2345

(2) Five years after the approval of the continued 2346
operation of an outdoor refreshment area under division ~~(I) (1)~~ 2347
(H) (1) of this section, the legislative authority shall conduct 2348
a review in the same manner as provided in division ~~(I) (1)~~ (H) 2349
(1) of this section. The legislative authority also shall 2350
conduct such a review five years after any subsequent approval 2351
of continued operation under division ~~(I) (2)~~ (H) (2) of this 2352
section. 2353

~~(J)~~ (I) At any time, the legislative authority of a 2354
municipal corporation or township in which an outdoor 2355
refreshment area is located may, by ordinance or resolution, 2356
dissolve all or a part of the outdoor refreshment area. Prior to 2357
adopting the resolution or ordinance, the legislative authority 2358
shall give notice of its proposed action to the permit holders 2359
in the outdoor refreshment area and by publication once a week 2360
for two consecutive weeks in one newspaper of general 2361
circulation in the municipal corporation or township or as 2362
provided in section 7.16 of the Revised Code. If the legislative 2363
authority dissolves all or part of an outdoor refreshment area, 2364
~~the area designated in the ordinance or resolution that area no~~ 2365
longer constitutes an outdoor refreshment area. The legislative 2366
authority shall provide notice of its actions to the division ~~of~~ 2367
~~liquor control~~ and the investigative unit of the department of 2368
public safety. Upon receipt of the notice, the division shall 2369
revoke all outdoor refreshment area designations issued to 2370
qualified permit holders or the holder of an F class permit 2371
within the dissolved area or portion of the area. 2372

Sec. 4303.021. (A) Permit A-1-A may be issued to the 2373
holder of an A-1, A-1c, A-2, A-2f, or A-3a permit to sell beer 2374
and any intoxicating liquor at retail, only by the individual 2375
drink in glass or from a container, provided that one of the 2376
following applies to the A-1-A permit premises: 2377

(1) It is situated on the same parcel or tract of land as 2378
the related A-1, A-1c, A-2, A-2f, or A-3a manufacturing permit 2379
premises. 2380

(2) It is separated from the parcel or tract of land on 2381
which is located the A-1, A-1c, A-2, A-2f, or A-3a manufacturing 2382
permit premises only by public streets or highways or by other 2383

lands owned by the holder of the A-1, A-1c, A-2, A-2f, or A-3a 2384
permit and used by the holder in connection with or in promotion 2385
of the holder's A-1, A-1c, A-2, A-2f, or A-3a permit business. 2386

(3) In the case of an A-1, A-1c, A-2, or A-2f permit 2387
holder, it is situated on a parcel or tract of land that is not 2388
more than one-half mile from the A-1, A-1c, A-2, or A-2f 2389
manufacturing permit premises. 2390

(4) In the case of an A-3a permit holder, it is situated 2391
on a parcel or tract of land that is not more than two hundred 2392
feet from the A-3a manufacturing permit premises. 2393

(B) The fee for this permit is three thousand nine hundred 2394
six dollars. 2395

(C) (1) The holder of an A-1-A permit may sell beer and any 2396
intoxicating liquor during the same hours as the holders of D-5 2397
permits under this chapter or Chapter 4301. of the Revised Code 2398
or the rules of the liquor control commission~~and~~. Except as 2399
provided in division (C) (2) of this section, the permit holder 2400
shall obtain a license as a retail food establishment or a food 2401
service operation pursuant to Chapter 3717. of the Revised Code 2402
and operate as a restaurant for purposes of this chapter. 2403

(2) In lieu of obtaining a license as a retail food 2404
establishment or food service operation, an A-1c permit holder 2405
may do either of the following: 2406

(a) Serve prepackaged meals and nonalcoholic beverages, as 2407
well as beer and intoxicating liquor, under the exemption 2408
provided for under sections 3717.22 and 3717.42 of the Revised 2409
Code; 2410

(b) Maintain a schedule with the owner or operator of a 2411
mobile retail food establishment or a mobile food service 2412

operation licensed under Chapter 3717. of the Revised Code to 2413
serve food to the A-1-A permit holder's customers. The schedule 2414
shall be in writing and agreed upon a week in advance. In 2415
addition, the A-1-A permit holder shall maintain the schedule 2416
for a minimum of one month. 2417

~~(2)~~ 2418

(3) If a permit A-1-A is issued to the holder of an A-1 or 2419
A-1c permit, the A-1-A permit holder may sell beer at the A-1-A 2420
permit premises dispensed in ~~glass~~ containers with a capacity 2421
that does not exceed one gallon and not for consumption on the 2422
premises where sold if all of the following apply: 2423

(a) The A-1-A permit premises is situated in the same 2424
municipal corporation or township as the related A-1 or A-1c 2425
manufacturing permit premises. 2426

(b) The containers are sealed, marked, and transported in 2427
accordance with division (E) of section 4301.62 of the Revised 2428
Code. 2429

(c) The containers have been cleaned immediately before 2430
being filled in accordance with rule 4301:1-1-28 of the 2431
Administrative Code. 2432

(D) Except as otherwise provided in this section, the 2433
division of liquor control shall not issue a new A-1-A permit to 2434
the holder of an A-1, A-1c, A-2, A-2f, or A-3a permit unless the 2435
sale of beer and intoxicating liquor under class D permits is 2436
permitted in the precinct in which the A-1, A-1c, A-2, A-2f, or 2437
A-3a permit is located and, in the case of an A-2 or A-2f 2438
permit, unless the holder of the A-2 or A-2f permit manufactures 2439
or has a storage capacity of at least twenty-five thousand 2440
gallons of wine per year. The immediately preceding sentence 2441

does not prohibit the issuance of an A-1-A permit to an 2442
applicant for such a permit who is the holder of an A-1 permit 2443
and whose application was filed with the division of liquor 2444
control before June 1, 1994. The liquor control commission shall 2445
not restrict the number of A-1-A permits which may be located 2446
within a precinct. 2447

Sec. 4303.15. Permit D-3 may be issued to the owner or 2448
operator of a hotel, of a retail food establishment or a food 2449
service operation licensed pursuant to Chapter 3717. of the 2450
Revised Code that operates as a restaurant for purposes of this 2451
chapter, or of a club, boat, or vessel, to sell spirituous 2452
liquor at retail, only by the individual drink in glass or from 2453
the container, for consumption on the premises where sold. ~~No~~ 2454
Except as authorized under section 4303.221 or 4303.222 of the 2455
Revised Code, no sales of intoxicating liquor shall be made by a 2456
holder of a D-3 permit after one a.m. The fee for this permit is 2457
seven hundred fifty dollars for each location, boat, or vessel. 2458

Sec. 4303.171. Permit D-4a may be issued to an airline 2459
company that leases and operates a premises exclusively for the 2460
benefit of the members and their guests of a private club 2461
sponsored by the airline company, at a publicly owned airport, 2462
as defined in section 4563.01 of the Revised Code, at which 2463
commercial airline companies operate regularly scheduled flights 2464
on which space is available to the public, to sell beer and any 2465
intoxicating liquor to members of the private club and their 2466
guests, only by the individual drink in glass and from the 2467
container, for consumption on the premises where sold. In 2468
addition to the privileges authorized in this section, the 2469
holder of a D-4a permit may exercise the same privileges as a 2470
holder of a D-4 permit. ~~The~~ Except as authorized under section 2471
4303.221 or 4303.222 of the Revised Code, the holder of a D-4a 2472

permit shall make no sales of beer or intoxicating liquor after 2473
two-thirty a.m. 2474

A D-4a permit shall not be transferred to another 2475
location. No quota restriction shall be placed upon the number 2476
of such permits which may be issued. 2477

The fee for this permit is seven hundred fifty dollars. 2478

Sec. 4303.181. (A) Permit D-5a may be issued either to the 2479
owner or operator of a hotel or motel that is required to be 2480
licensed under section 3731.03 of the Revised Code, that 2481
contains at least fifty rooms for registered transient guests or 2482
is owned by a state institution of higher education as defined 2483
in section 3345.011 of the Revised Code or a private college or 2484
university, and that qualifies under the other requirements of 2485
this section, or to the owner or operator of a restaurant 2486
specified under this section, to sell beer and any intoxicating 2487
liquor at retail, only by the individual drink in glass and from 2488
the container, for consumption on the premises where sold, and 2489
to registered guests in their rooms, which may be sold by means 2490
of a controlled access alcohol and beverage cabinet in 2491
accordance with division (B) of section 4301.21 of the Revised 2492
Code; and to sell the same products in the same manner and 2493
amounts not for consumption on the premises as may be sold by 2494
holders of D-1 and D-2 permits. The premises of the hotel or 2495
motel shall include a retail food establishment or a food 2496
service operation licensed pursuant to Chapter 3717. of the 2497
Revised Code that operates as a restaurant for purposes of this 2498
chapter and that is affiliated with the hotel or motel and 2499
within or contiguous to the hotel or motel, and that serves food 2500
within the hotel or motel, but the principal business of the 2501
owner or operator of the hotel or motel shall be the 2502

accommodation of transient guests. In addition to the privileges 2503
authorized in this division, the holder of a D-5a permit may 2504
exercise the same privileges as the holder of a D-5 permit. 2505

The owner or operator of a hotel, motel, or restaurant who 2506
qualified for and held a D-5a permit on August 4, 1976, may, if 2507
the owner or operator held another permit before holding a D-5a 2508
permit, either retain a D-5a permit or apply for the permit 2509
formerly held, and the division of liquor control shall issue 2510
the permit for which the owner or operator applies and formerly 2511
held, notwithstanding any quota. 2512

A D-5a permit shall not be transferred to another 2513
location. No quota restriction shall be placed on the number of 2514
D-5a permits that may be issued. 2515

The fee for this permit is two thousand three hundred 2516
forty-four dollars. 2517

(B) Permit D-5b may be issued to the owner, operator, 2518
tenant, lessee, or occupant of an enclosed shopping center to 2519
sell beer and intoxicating liquor at retail, only by the 2520
individual drink in glass and from the container, for 2521
consumption on the premises where sold; and to sell the same 2522
products in the same manner and amount not for consumption on 2523
the premises as may be sold by holders of D-1 and D-2 permits. 2524
In addition to the privileges authorized in this division, the 2525
holder of a D-5b permit may exercise the same privileges as a 2526
holder of a D-5 permit. 2527

A D-5b permit shall not be transferred to another 2528
location. 2529

One D-5b permit may be issued at an enclosed shopping 2530
center containing at least two hundred twenty-five thousand, but 2531

less than four hundred thousand, square feet of floor area. 2532

Two D-5b permits may be issued at an enclosed shopping 2533
center containing at least four hundred thousand square feet of 2534
floor area. No more than one D-5b permit may be issued at an 2535
enclosed shopping center for each additional two hundred 2536
thousand square feet of floor area or fraction of that floor 2537
area, up to a maximum of five D-5b permits for each enclosed 2538
shopping center. The number of D-5b permits that may be issued 2539
at an enclosed shopping center shall be determined by 2540
subtracting the number of D-3 and D-5 permits issued in the 2541
enclosed shopping center from the number of D-5b permits that 2542
otherwise may be issued at the enclosed shopping center under 2543
the formulas provided in this division. Except as provided in 2544
this section, no quota shall be placed on the number of D-5b 2545
permits that may be issued. Notwithstanding any quota provided 2546
in this section, the holder of any D-5b permit first issued in 2547
accordance with this section is entitled to its renewal in 2548
accordance with section 4303.271 of the Revised Code. 2549

The holder of a D-5b permit issued before April 4, 1984, 2550
whose tenancy is terminated for a cause other than nonpayment of 2551
rent, may return the D-5b permit to the division of liquor 2552
control, and the division shall cancel that permit. Upon 2553
cancellation of that permit and upon the permit holder's payment 2554
of taxes, contributions, premiums, assessments, and other debts 2555
owing or accrued upon the date of cancellation to this state and 2556
its political subdivisions and a filing with the division of a 2557
certification of that payment, the division shall issue to that 2558
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, 2559
as that person requests. The division shall issue the D-5 2560
permit, or the D-1, D-2, and D-3 permits, even if the number of 2561
D-1, D-2, D-3, or D-5 permits currently issued in the municipal 2562

corporation or in the unincorporated area of the township where 2563
that person's proposed premises is located equals or exceeds the 2564
maximum number of such permits that can be issued in that 2565
municipal corporation or in the unincorporated area of that 2566
township under the population quota restrictions contained in 2567
section 4303.29 of the Revised Code. Any D-1, D-2, D-3, or D-5 2568
permit so issued shall not be transferred to another location. 2569
If a D-5b permit is canceled under the provisions of this 2570
paragraph, the number of D-5b permits that may be issued at the 2571
enclosed shopping center for which the D-5b permit was issued, 2572
under the formula provided in this division, shall be reduced by 2573
one if the enclosed shopping center was entitled to more than 2574
one D-5b permit under the formula. 2575

The fee for this permit is two thousand three hundred 2576
forty-four dollars. 2577

(C) Permit D-5c may be issued to the owner or operator of 2578
a retail food establishment or a food service operation licensed 2579
pursuant to Chapter 3717. of the Revised Code that operates as a 2580
restaurant for purposes of this chapter and that qualifies under 2581
the other requirements of this section to sell beer and any 2582
intoxicating liquor at retail, only by the individual drink in 2583
glass and from the container, for consumption on the premises 2584
where sold, and to sell the same products in the same manner and 2585
amounts not for consumption on the premises as may be sold by 2586
holders of D-1 and D-2 permits. In addition to the privileges 2587
authorized in this division, the holder of a D-5c permit may 2588
exercise the same privileges as the holder of a D-5 permit. 2589

To qualify for a D-5c permit, the owner or operator of a 2590
retail food establishment or a food service operation licensed 2591
pursuant to Chapter 3717. of the Revised Code that operates as a 2592

restaurant for purposes of this chapter, shall have operated the 2593
restaurant at the proposed premises for not less than twenty- 2594
four consecutive months immediately preceding the filing of the 2595
application for the permit, have applied for a D-5 permit no 2596
later than December 31, 1988, and appear on the division's quota 2597
waiting list for not less than six months immediately preceding 2598
the filing of the application for the permit. In addition to 2599
these requirements, the proposed D-5c permit premises shall be 2600
located within a municipal corporation and further within an 2601
election precinct that, at the time of the application, has no 2602
more than twenty-five per cent of its total land area zoned for 2603
residential use. 2604

A D-5c permit shall not be transferred to another 2605
location. No quota restriction shall be placed on the number of 2606
such permits that may be issued. 2607

Any person who has held a D-5c permit for at least two 2608
years may apply for a D-5 permit, and the division of liquor 2609
control shall issue the D-5 permit notwithstanding the quota 2610
restrictions contained in section 4303.29 of the Revised Code or 2611
in any rule of the liquor control commission. 2612

The fee for this permit is one thousand five hundred 2613
sixty-three dollars. 2614

(D) (1) Permit D-5d may be issued to the owner or operator 2615
of a retail food establishment or a food service operation 2616
licensed pursuant to Chapter 3717. of the Revised Code that 2617
operates as a restaurant for purposes of this chapter and that 2618
is located at an airport operated by a board of county 2619
commissioners pursuant to section 307.20 of the Revised Code, at 2620
an airport operated by a port authority pursuant to Chapter 2621
4582. of the Revised Code, or at an airport operated by a 2622

regional airport authority pursuant to Chapter 308. of the 2623
Revised Code. ~~The~~ 2624

(2) The holder of a D-5d permit may sell beer either of 2625
the following: 2626

(a) Beer and any intoxicating liquor at retail, only by 2627
the individual drink in glass and from the container, for 2628
consumption on the premises where sold, and may sell the. In 2629
addition, such consumption may occur in the area of the airport 2630
that is restricted to persons taking flights to and from the 2631
airport, provided both all of the following apply: 2632

(i) The airport is a public use airport, as defined in 2633
section 4563.30 of the Revised Code; 2634

(ii) The D-5d permit holder is located in the area of the 2635
airport that is restricted to persons taking flights to and from 2636
the airport; 2637

(iii) The airport's governing body authorizes the 2638
consumption of beer and intoxicating liquor in that area. 2639

(b) The same products in the same manner and amounts not 2640
for consumption on the premises where sold as may be sold by the 2641
holders of D-1 and D-2 permits. ~~In~~ 2642

In addition to the privileges authorized in ~~this~~ division 2643
(D) of this section, the holder of a D-5d permit may exercise 2644
the same privileges as the holder of a D-5 permit. 2645

(3) A D-5d permit shall not be transferred to another 2646
location. No quota restrictions shall be placed on the number of 2647
such permits that may be issued. 2648

(4) The fee for ~~this~~ the D-5d permit is two thousand three 2649
hundred forty-four dollars. 2650

(E) Permit D-5e may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, or that is a charitable organization under any chapter of the Revised Code, and that owns or operates a riverboat that meets all of the following:

(1) Is permanently docked at one location;

(2) Is designated as an historical riverboat by the Ohio history connection;

(3) Contains not less than fifteen hundred square feet of floor area;

(4) Has a seating capacity of fifty or more persons.

The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

The fee for this permit is one thousand two hundred nineteen dollars.

(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:

(1) It contains not less than twenty-five hundred square feet of floor area.

(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.

(3) It provides docking space for twenty-five boats.

(4) It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration.

In addition, each application for a D-5f permit shall be accompanied by a certification from the local legislative authority that the issuance of the D-5f permit is not inconsistent with that political subdivision's comprehensive development plan or other economic development goal as officially established by the local legislative authority.

The holder of a D-5f permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5f permit shall not be transferred to another location.

The division of liquor control shall not issue a D-5f permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by

the glass is prohibited. 2707

A fee for this permit is two thousand three hundred forty- 2708
four dollars. 2709

As used in this division, "navigable river" means a river 2710
that is also a "navigable water" as defined in the "Federal 2711
Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 2712

(G) Permit D-5g may be issued to a nonprofit corporation 2713
that is either the owner or the operator of a national 2714
professional sports museum. The holder of a D-5g permit may sell 2715
beer and any intoxicating liquor at retail, only by the 2716
individual drink in glass and from the container, for 2717
consumption on the premises where sold. ~~The~~ Except as authorized 2718
under section 4303.221 or 4303.222 of the Revised Code, the 2719
holder of a D-5g permit shall sell no beer or intoxicating 2720
liquor for consumption on the premises where sold after two- 2721
thirty a.m. A D-5g permit shall not be transferred to another 2722
location. No quota restrictions shall be placed on the number of 2723
D-5g permits that may be issued. The fee for this permit is one 2724
thousand eight hundred seventy-five dollars. 2725

(H) (1) Permit D-5h may be issued to any nonprofit 2726
organization that is exempt from federal income taxation under 2727
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 2728
501(c) (3), as amended, that owns or operates any of the 2729
following: 2730

(a) A fine arts museum, provided that the nonprofit 2731
organization has no less than one thousand five hundred bona 2732
fide members possessing full membership privileges; 2733

(b) A community arts center. As used in division (H) (1) (b) 2734
of this section, "community arts center" means a facility that 2735

provides arts programming to the community in more than one arts 2736
discipline, including, but not limited to, exhibits of works of 2737
art and performances by both professional and amateur artists. 2738

(c) A community theater, provided that the nonprofit 2739
organization is a member of the Ohio arts council and the 2740
American community theatre association and has been in existence 2741
for not less than ten years. As used in division (H) (1) (c) of 2742
this section, "community theater" means a facility that contains 2743
at least one hundred fifty seats and has a primary function of 2744
presenting live theatrical performances and providing 2745
recreational opportunities to the community. 2746

(2) The holder of a D-5h permit may sell beer and any 2747
intoxicating liquor at retail, only by the individual drink in 2748
glass and from the container, for consumption on the premises 2749
where sold. ~~The~~ Except as authorized under section 4303.221 or 2750
4303.222 of the Revised Code, the holder of a D-5h permit shall 2751
sell no beer or intoxicating liquor for consumption on the 2752
premises where sold after one a.m. A D-5h permit shall not be 2753
transferred to another location. No quota restrictions shall be 2754
placed on the number of D-5h permits that may be issued. 2755

(3) The fee for a D-5h permit is one thousand eight 2756
hundred seventy-five dollars. 2757

(I) Permit D-5i may be issued to the owner or operator of 2758
a retail food establishment or a food service operation licensed 2759
under Chapter 3717. of the Revised Code that operates as a 2760
restaurant for purposes of this chapter and that meets all of 2761
the following requirements: 2762

(1) It is located in a municipal corporation or a township 2763
with a population of one hundred thousand or less. 2764

(2) It has inside seating capacity for at least one 2765
hundred forty persons. 2766

(3) It has at least four thousand square feet of floor 2767
area. 2768

(4) It offers full-course meals, appetizers, and 2769
sandwiches. 2770

(5) Its receipts from beer and liquor sales, excluding 2771
wine sales, do not exceed twenty-five per cent of its total 2772
gross receipts. 2773

(6) It has at least one of the following characteristics: 2774

(a) The value of its real and personal property exceeds 2775
seven hundred twenty-five thousand dollars. 2776

(b) It is located on property that is owned or leased by 2777
the state or a state agency, and its owner or operator has 2778
authorization from the state or the state agency that owns or 2779
leases the property to obtain a D-5i permit. 2780

The holder of a D-5i permit may sell beer and any 2781
intoxicating liquor at retail, only by the individual drink in 2782
glass and from the container, for consumption on the premises 2783
where sold, and may sell the same products in the same manner 2784
and amounts not for consumption on the premises where sold as 2785
may be sold by the holders of D-1 and D-2 permits. ~~The Except as~~ 2786
authorized under section 4303.221 or 4303.222 of the Revised 2787
Code, the holder of a D-5i permit shall sell no beer or 2788
intoxicating liquor for consumption on the premises where sold 2789
after two-thirty a.m. In addition to the privileges authorized 2790
in this division, the holder of a D-5i permit may exercise the 2791
same privileges as the holder of a D-5 permit. 2792

A D-5i permit shall not be transferred to another 2793
location. The division of liquor control shall not renew a D-5i 2794
permit unless the retail food establishment or food service 2795
operation for which it is issued continues to meet the 2796
requirements described in divisions (I) (1) to (6) of this 2797
section. No quota restrictions shall be placed on the number of 2798
D-5i permits that may be issued. The fee for the D-5i permit is 2799
two thousand three hundred forty-four dollars. 2800

(J) Permit D-5j may be issued to the owner or the operator 2801
of a retail food establishment or a food service operation 2802
licensed under Chapter 3717. of the Revised Code to sell beer 2803
and intoxicating liquor at retail, only by the individual drink 2804
in glass and from the container, for consumption on the premises 2805
where sold and to sell beer and intoxicating liquor in the same 2806
manner and amounts not for consumption on the premises where 2807
sold as may be sold by the holders of D-1 and D-2 permits. The 2808
holder of a D-5j permit may exercise the same privileges, and 2809
shall observe the same hours of operation, as the holder of a D- 2810
5 permit. 2811

The D-5j permit shall be issued only within a community 2812
entertainment district that is designated under section 4301.80 2813
of the Revised Code. The permit shall not be issued to a 2814
community entertainment district that is designated under 2815
divisions (B) and (C) of section 4301.80 of the Revised Code if 2816
the district does not meet one of the following qualifications: 2817

(1) It is located in a municipal corporation with a 2818
population of at least one hundred thousand. 2819

(2) It is located in a municipal corporation with a 2820
population of at least twenty thousand, and either of the 2821
following applies: 2822

(a) It contains an amusement park the rides of which have 2823
been issued a permit by the department of agriculture under 2824
Chapter 1711. of the Revised Code. 2825

(b) Not less than fifty million dollars will be invested 2826
in development and construction in the community entertainment 2827
district's area located in the municipal corporation. 2828

(3) It is located in a township with a population of at 2829
least forty thousand. 2830

(4) It is located in a township with a population of at 2831
least twenty thousand, and not less than seventy million dollars 2832
will be invested in development and construction in the 2833
community entertainment district's area located in the township. 2834

(5) It is located in a municipal corporation with a 2835
population between seven thousand and twenty thousand, and both 2836
of the following apply: 2837

(a) The municipal corporation was incorporated as a 2838
village prior to calendar year 1880 and currently has a historic 2839
downtown business district. 2840

(b) The municipal corporation is located in the same 2841
county as another municipal corporation with at least one 2842
community entertainment district. 2843

(6) It is located in a municipal corporation with a 2844
population of at least ten thousand, and not less than seventy 2845
million dollars will be invested in development and construction 2846
in the community entertainment district's area located in the 2847
municipal corporation. 2848

(7) It is located in a municipal corporation with a 2849
population of at least three thousand, and not less than one 2850

hundred fifty million dollars will be invested in development 2851
and construction in the community entertainment district's area 2852
located in the municipal corporation. 2853

The location of a D-5j permit may be transferred only 2854
within the geographic boundaries of the community entertainment 2855
district in which it was issued and shall not be transferred 2856
outside the geographic boundaries of that district. 2857

Not more than one D-5j permit shall be issued within each 2858
community entertainment district for each five acres of land 2859
located within the district. Not more than fifteen D-5j permits 2860
may be issued within a single community entertainment district. 2861
Except as otherwise provided in division (J) (4) of this section, 2862
no quota restrictions shall be placed upon the number of D-5j 2863
permits that may be issued. 2864

The fee for a D-5j permit is two thousand three hundred 2865
forty-four dollars. 2866

(K) (1) Permit D-5k may be issued to any nonprofit 2867
organization that is exempt from federal income taxation under 2868
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 2869
501(c) (3), as amended, that is the owner or operator of a 2870
botanical garden recognized by the American association of 2871
botanical gardens and arboreta, and that has not less than 2872
twenty-five hundred bona fide members. 2873

(2) The holder of a D-5k permit may sell beer and any 2874
intoxicating liquor at retail, only by the individual drink in 2875
glass and from the container, on the premises where sold. 2876

(3) ~~The~~ Except as authorized under section 4303.221 or 2877
4303.222 of the Revised Code, the holder of a D-5k permit shall 2878
sell no beer or intoxicating liquor for consumption on the 2879

premises where sold after one a.m. 2880

(4) A D-5k permit shall not be transferred to another 2881
location. 2882

(5) No quota restrictions shall be placed on the number of 2883
D-5k permits that may be issued. 2884

(6) The fee for the D-5k permit is one thousand eight 2885
hundred seventy-five dollars. 2886

(L) (1) Permit D-5l may be issued to the owner or the 2887
operator of a retail food establishment or a food service 2888
operation licensed under Chapter 3717. of the Revised Code to 2889
sell beer and intoxicating liquor at retail, only by the 2890
individual drink in glass and from the container, for 2891
consumption on the premises where sold and to sell beer and 2892
intoxicating liquor in the same manner and amounts not for 2893
consumption on the premises where sold as may be sold by the 2894
holders of D-1 and D-2 permits. The holder of a D-5l permit may 2895
exercise the same privileges, and shall observe the same hours 2896
of operation, as the holder of a D-5 permit. 2897

(2) The D-5l permit shall be issued only to a premises to 2898
which all of the following apply: 2899

(a) The premises has gross annual receipts from the sale 2900
of food and meals that constitute not less than seventy-five per 2901
cent of its total gross annual receipts. 2902

(b) The premises is located within a revitalization 2903
district that is designated under section 4301.81 of the Revised 2904
Code. 2905

(c) The premises is located in a municipal corporation or 2906
township in which the number of D-5 permits issued equals or 2907

exceeds the number of those permits that may be issued in that 2908
municipal corporation or township under section 4303.29 of the 2909
Revised Code. 2910

(d) The premises meets any of the following 2911
qualifications: 2912

(i) It is located in a county with a population of one 2913
hundred twenty-five thousand or less according to the population 2914
estimates certified by the development services agency for 2915
calendar year 2006. 2916

(ii) It is located in the municipal corporation that has 2917
the largest population in a county when the county has a 2918
population between two hundred fifteen thousand and two hundred 2919
twenty-five thousand according to the population estimates 2920
certified by the development services agency for calendar year 2921
2006. Division (L) (2) (d) (ii) of this section applies only to a 2922
municipal corporation that is wholly located in a county. 2923

(iii) It is located in the municipal corporation that has 2924
the largest population in a county when the county has a 2925
population between one hundred forty thousand and one hundred 2926
forty-one thousand according to the population estimates 2927
certified by the development services agency for calendar year 2928
2006. Division (L) (2) (d) (iii) of this section applies only to a 2929
municipal corporation that is wholly located in a county. 2930

(iv) It is located in a township with a population density 2931
of less than four hundred fifty people per square mile. For 2932
purposes of division (L) (2) (d) (iv) of this section, the 2933
population of a township is considered to be the population 2934
shown by the most recent regular federal decennial census. 2935

(v) It is located in a municipal corporation that is 2936

wholly located within the geographic boundaries of a township, 2937
provided that the municipal corporation and the unincorporated 2938
portion of the township have a combined population density of 2939
less than four hundred fifty people per square mile. For 2940
purposes of division (L) (2) (d) (v) of this section, the 2941
population of a municipal corporation and unincorporated portion 2942
of a township is the population shown by the most recent federal 2943
decennial census. 2944

(vi) It is located in a county with a population of not 2945
less than one hundred seventy-two thousand and not more than one 2946
hundred ninety-five thousand. For purposes of division (L) (2) (d) 2947
(vi) of this section, the population of a county is the 2948
population shown by the most recent decennial census. 2949

(vii) It is located in a municipal corporation with a 2950
population of less than ten thousand and the municipal 2951
corporation is located in a county with a population of more 2952
than one million. For purposes of division (L) (2) (d) (vii) of 2953
this section, the population of a municipal corporation and a 2954
county is the population shown by the most recent decennial 2955
census. 2956

(3) The location of a D-51 permit may be transferred only 2957
within the geographic boundaries of the revitalization district 2958
in which it was issued and shall not be transferred outside the 2959
geographic boundaries of that district. 2960

(4) Not more than one D-51 permit shall be issued within 2961
each revitalization district for each five acres of land located 2962
within the district. Not more than fifteen D-51 permits may be 2963
issued within a single revitalization district. Except as 2964
otherwise provided in division (L) (4) of this section, no quota 2965
restrictions shall be placed upon the number of D-51 permits 2966

that may be issued. 2967

(5) No D-5l permit shall be issued to an adult 2968
entertainment establishment as defined in section 2907.39 of the 2969
Revised Code. 2970

(6) The fee for a D-5l permit is two thousand three 2971
hundred forty-four dollars. 2972

(M) Permit D-5m may be issued to either the owner or the 2973
operator of a retail food establishment or food service 2974
operation licensed under Chapter 3717. of the Revised Code that 2975
operates as a restaurant for purposes of this chapter and that 2976
is located in, or affiliated with, a center for the preservation 2977
of wild animals as defined in section 4301.404 of the Revised 2978
Code, to sell beer and any intoxicating liquor at retail, only 2979
by the glass and from the container, for consumption on the 2980
premises where sold, and to sell the same products in the same 2981
manner and amounts not for consumption on the premises as may be 2982
sold by the holders of D-1 and D-2 permits. In addition to the 2983
privileges authorized by this division, the holder of a D-5m 2984
permit may exercise the same privileges as the holder of a D-5 2985
permit. 2986

A D-5m permit shall not be transferred to another 2987
location. No quota restrictions shall be placed on the number of 2988
D-5m permits that may be issued. The fee for a permit D-5m is 2989
two thousand three hundred forty-four dollars. 2990

(N) Permit D-5n shall be issued to either a casino 2991
operator or a casino management company licensed under Chapter 2992
3772. of the Revised Code that operates a casino facility under 2993
that chapter, to sell beer and any intoxicating liquor at 2994
retail, only by the individual drink in glass and from the 2995

container, for consumption on the premises where sold, and to 2996
sell the same products in the same manner and amounts not for 2997
consumption on the premises as may be sold by the holders of D-1 2998
and D-2 permits. In addition to the privileges authorized by 2999
this division, the holder of a D-5n permit may exercise the same 3000
privileges as the holder of a D-5 permit. A D-5n permit shall 3001
not be transferred to another location. Only one D-5n permit may 3002
be issued per casino facility and not more than four D-5n 3003
permits shall be issued in this state. The fee for a permit D-5n 3004
shall be twenty thousand dollars. The holder of a D-5n permit 3005
may conduct casino gaming on the permit premises notwithstanding 3006
any provision of the Revised Code or Administrative Code. 3007

(O) Permit D-5o may be issued to the owner or operator of 3008
a retail food establishment or a food service operation licensed 3009
under Chapter 3717. of the Revised Code that operates as a 3010
restaurant for purposes of this chapter and that is located 3011
within a casino facility for which a D-5n permit has been 3012
issued. The holder of a D-5o permit may sell beer and any 3013
intoxicating liquor at retail, only by the individual drink in 3014
glass and from the container, for consumption on the premises 3015
where sold, and may sell the same products in the same manner 3016
and amounts not for consumption on the premises where sold as 3017
may be sold by the holders of D-1 and D-2 permits. In addition 3018
to the privileges authorized by this division, the holder of a 3019
D-5o permit may exercise the same privileges as the holder of a 3020
D-5 permit. A D-5o permit shall not be transferred to another 3021
location. No quota restrictions shall be placed on the number of 3022
such permits that may be issued. The fee for this permit is two 3023
thousand three hundred forty-four dollars. 3024

Sec. 4303.182. (A) As used in this section: 3025

(1) "Dry location" means a particular retail permit premises or agency store to which both of the following apply: 3026
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(a) Immediately prior to the effective date of this section, the sale of beer or intoxicating liquor was authorized on Monday through Saturday at the particular retail permit premises or agency store, but was prohibited on Sunday. 3028
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(b) The majority of the voters of the precinct in which the particular retail permit premises or agency store is located voted "no" on the sale of beer, wine, mixed beverages, or spirituous liquor on Sunday at that particular premises or agency store in the ten years immediately prior to the effective date of this section and have not subsequently voted "yes" for that particular premises. 3032
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(2) "Dry precinct" means a precinct or portion of a precinct to which both of the following apply: 3039
3040

(a) Immediately prior to the effective date of this section, the sale of beer or intoxicating liquor was authorized on Monday through Saturday, but was prohibited on Sunday. 3041
3042
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(b) The majority of the voters of the precinct or portion of the precinct voted "no" on the sale of beer, wine, mixed beverages, or spirituous liquor on Sunday for the precinct or portion of the precinct in the ten years immediately prior to the effective date of this section and have not subsequently voted "yes." 3044
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(3) "Retail permit " means an A-1-A, A-2, A-2f, A-3a, A-5, or class C or D permit. 3050
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(B) (1) Except for a retail permit holder or agency store that is a dry location or located in a dry precinct, a retail permit holder or an agency store may sell beer, wine, mixed 3052
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beverages, or spirituous liquor, as applicable, on Sunday during 3055
the same hours that the permit holder or contract holder may 3056
sell those products on Monday through Saturday. 3057

(2) An A-1 or A-1c permit holder may sell beer on Sunday 3058
during the same hours that the permit holder may sell beer on 3059
Monday through Saturday. 3060

(3) An F class permit holder may sell beer, wine, mixed 3061
beverages, or spirituous liquor, as applicable, on Sunday during 3062
the same hours that the permit holder may sell those products on 3063
Monday through Saturday. 3064

Sec. 4303.184. (A) Subject to division (B) of this 3065
section, a D-8 permit may be issued to any of the following: 3066

(1) An agency store; 3067

(2) The holder of a C-1, C-2, or C-2x permit issued to a 3068
retail store that has any of the following characteristics: 3069

(a) The store has at least five thousand five hundred 3070
square feet of floor area, and it generates more than sixty per 3071
cent of its sales in general merchandise items and food for 3072
consumption off the premises where sold. 3073

(b) The store is located in a municipal corporation or 3074
township with a population of five thousand or less, has at 3075
least four thousand five hundred square feet of floor area, and 3076
generates more than sixty per cent of its sales in general 3077
merchandise items and food for consumption off the premises 3078
where sold. 3079

(c) Wine constitutes at least sixty per cent of the value 3080
of the store's inventory. 3081

(3) The holder of both a C-1 and C-2 permit, or the holder 3082

of a C-2x permit, issued to a retail store that is located 3083
within a municipal corporation or township with a population of 3084
fifteen thousand or less. 3085

(B) A D-8 permit may be issued to the holder of a C-1, C- 3086
2, or C-2x permit only if the premises of the permit holder are 3087
located in a precinct, or at a particular location in a 3088
precinct, in which the sale of beer, wine, or mixed beverages is 3089
permitted for consumption off the premises where sold. Sales 3090
under a D-8 permit are not affected by whether sales for 3091
consumption on the premises where sold are permitted in the 3092
precinct or at the particular location where the D-8 premises 3093
are located. 3094

(C) (1) The holder of a D-8 permit described in division 3095
(A) (2) or (3) of this section may sell tasting samples of beer, 3096
wine, and mixed beverages, but not spirituous liquor, at retail, 3097
for consumption on the premises where sold in an amount not to 3098
exceed two ounces or another amount designated by rule of the 3099
liquor control commission. A tasting sample shall not be sold 3100
for general consumption. 3101

(2) The holder of a D-8 permit described in division (A) 3102
(1) of this section may allow the sale of tasting samples of 3103
spirituous liquor in accordance with section 4301.171 of the 3104
Revised Code. 3105

(3) No D-8 permit holder described in division (A) (2) or 3106
(3) of this section shall allow any authorized purchaser to 3107
consume more than four tasting samples of beer, wine, or mixed 3108
beverages, or any combination of beer, wine, or mixed beverages, 3109
per day. 3110

(D) (1) Notwithstanding sections 4303.11 and 4303.121 of 3111

the Revised Code, the holder of a D-8 permit described in 3112
division (A) (2) or (3) of this section may sell beer that is 3113
dispensed from containers that have a capacity equal to or 3114
greater than five and one-sixth gallons if all of the following 3115
conditions are met: 3116

(a) A product registration fee for the beer has been paid 3117
as required in division (A) (8) (b) of section 4301.10 of the 3118
Revised Code. 3119

(b) The beer is dispensed only in glass containers whose 3120
capacity does not exceed one gallon and not for consumption on 3121
the premises where sold. 3122

(c) The containers are sealed, marked, and transported in 3123
accordance with division (E) of section 4301.62 of the Revised 3124
Code. 3125

(d) The containers have been cleaned immediately before 3126
being filled in accordance with rule 4301:1-1-28 of the 3127
Administrative Code. 3128

(2) Beer that is sold and dispensed under division (D) (1) 3129
of this section is subject to both of the following: 3130

(a) All applicable rules adopted by the liquor control 3131
commission, including, but not limited to, rule 4301:1-1-27 and 3132
rule 4301:1-1-72 of the Administrative Code; 3133

(b) All applicable federal laws and regulations. 3134

(E) The privileges authorized for the holder of a D-8 3135
permit described in division (A) (2) or (3) of this section may 3136
only be exercised in conjunction with and during the hours of 3137
operation authorized by a C-1, C-2, or C-2x, ~~or D-6~~ permit. 3138

(F) A D-8 permit shall not be transferred to another 3139

location. 3140

(G) The fee for the D-8 permit is five hundred dollars. 3141

Sec. 4303.19. Permit E may be issued to the owner or 3142
operator of any railroad, a sleeping car company operating 3143
dining cars, buffet cars, club cars, lounge cars, or similar 3144
equipment, or an airline providing charter or regularly 3145
scheduled aircraft transportation service with dining, buffet, 3146
club, lounge, or similar facilities, to sell beer or any 3147
intoxicating liquor in any such car or aircraft to bona fide 3148
passengers at retail in glass and from the container for 3149
consumption in such car or aircraft, including sale on Sunday 3150
~~between the hours of one p.m. and midnight.~~ The fee for this 3151
permit is five hundred dollars. 3152

Sec. 4303.202. (A) The division of liquor control may 3153
issue an F-2 permit to an association or corporation, or to a 3154
recognized subordinate lodge, chapter, or other local unit of an 3155
association or corporation, to sell beer or intoxicating liquor 3156
by the individual drink at an event to be held on premises 3157
located in a political subdivision or part thereof where the 3158
sale of beer or intoxicating liquor, but not spirituous liquor, 3159
on that day is otherwise permitted by law. However, the division 3160
may issue the F-2 permit only if the association, corporation, 3161
or recognized subordinate lodge, chapter, or other local unit of 3162
an association or corporation meets all of the following: 3163

(1) It is organized not for profit; 3164

(2) It is operated for a charitable, cultural, 3165
educational, fraternal, or political purpose; 3166

(3) It is not affiliated with the holder of any class of 3167
liquor permit, other than a D-4 permit. 3168

~~(B) Sales under an F-2 permit on Sundays are not affected by whether Sunday sales of beer or intoxicating liquor for consumption on the premises where sold are allowed to be made by persons holding another type of permit in the precinct or at the particular location where the event is to be held, provided that the F-2 permit is issued for other days of the week in addition to Sunday.~~ 3169
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~~(C)~~ The premises on which the permit is to be used shall be clearly defined and sufficiently restricted to allow proper supervision of the permit use by state and local law enforcement personnel. An F-2 permit may be issued for the same premises for which another class of permit is issued. 3176
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~~(D)~~ (C) (1) No F-2 permit shall be effective for more than four consecutive days, and sales shall be confined to the same hours permitted to the holder of a D-3 permit. The division shall not issue more than one F-2 permit in a thirty-day period to the same association, corporation, or local unit of an association or corporation. The fee for an F-2 permit is one hundred fifty dollars. 3181
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(2) No association, corporation, local unit of an association or corporation, or D-permit holder who holds an F-2 permit shall sell beer or intoxicating liquor beyond the hours of sale allowed by the permit. Division ~~(D)~~ (2) ~~(C)~~ of this section imposes strict liability on the holder of such permit and on any officer, agent, or employee of such permit holder. 3188
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~~(E)~~ (D) If an applicant wishes the holder of a D permit issued under sections 4303.13 to 4303.181 of the Revised Code to conduct the sale of beer and intoxicating liquor at the event, the applicant may request that the F-2 permit be issued jointly to the association, corporation, or local unit and the D-permit 3194
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holder. If a permit is issued jointly, the association, 3199
corporation, or local unit and the D-permit holder shall both be 3200
held responsible for any conduct that violates laws pertaining 3201
to the sale of alcoholic beverages, including sales by the D- 3202
permit holder; otherwise, the association, corporation, or local 3203
unit shall be held responsible. In addition to the permit fee 3204
paid by the association, corporation, or local unit, the D- 3205
permit holder shall pay a fee of ten dollars. A D-permit holder 3206
may receive an unlimited number of joint F-2 permits. 3207

~~(F)~~(E) (1) Any association, corporation, or local unit 3208
applying for an F-2 permit shall file with the application a 3209
statement of the organizational purpose of the association, 3210
corporation, or local unit, the location and purpose of the 3211
event, and a list of its officers. The application form shall 3212
contain a notice that a person who knowingly makes a false 3213
statement on the application or statement is guilty of the crime 3214
of falsification, a misdemeanor of the first degree. In ruling 3215
on an application, the division shall consider, among other 3216
things, the past activities of the association, corporation, or 3217
local unit and any D-permit holder while operating under other 3218
F-2 permits, the location of the event for which the current 3219
application is made, and any objections of local residents or 3220
law enforcement authorities. If the division approves the 3221
application, it shall send copies of the approved application to 3222
the proper law enforcement authorities prior to the scheduled 3223
event. 3224

(2) Notwithstanding section 1711.09 of the Revised Code, 3225
this section applies to any association or corporation or a 3226
recognized subordinate lodge, chapter, or other local unit of an 3227
association or corporation. 3228

~~(G)~~ (F) Using the procedures of Chapter 119. of the 3229
Revised Code, the liquor control commission may adopt such rules 3230
as are necessary to administer this section. 3231

Sec. 4303.205. (A) As used in this section: 3232

(1) "Festival" means an event organized by a nonprofit 3233
organization that includes food, music, and entertainment and 3234
the participation of at least five riverboats. 3235

(2) "Nonprofit organization" has the same meaning as in 3236
section 4303.201 of the Revised Code. 3237

(B) The division of liquor control may issue an F-5 permit 3238
to the owner or operator of a riverboat that has a capacity in 3239
excess of fifty-five persons, that is not regularly docked in 3240
this state, and whose owner or operator has entered into a 3241
written contract with a nonprofit organization for the riverboat 3242
to participate in a festival. 3243

(C) The holder of an F-5 permit may sell beer and any 3244
intoxicating liquor, only by the individual drink in glass and 3245
from the container, for consumption on the premises where sold 3246
until one a.m., on any day of the week, ~~including Sunday.~~ 3247

(D) The division shall prepare and make available an F-5 3248
permit application form and may require applicants for the 3249
permit to provide information, in addition to that required by 3250
this section, that is necessary for the administration of this 3251
section. 3252

(E) Sales under an F-5 permit are not affected by whether 3253
sales of beer or intoxicating liquor for consumption on the 3254
premises where sold are permitted to be made by persons holding 3255
another type of permit in the precinct or at the particular 3256
location where the riverboat is located. 3257

(F) No F-5 permit shall be in effect for more than six 3258
consecutive days. 3259

(G) The division shall not issue more than one F-5 permit 3260
in any one calendar year for the same riverboat. 3261

(H) The fee for an F-5 permit is one hundred eighty 3262
dollars. 3263

Sec. 4303.2011. (A) As used in this section, "nonprofit 3264
organization" means a corporation, association, group, 3265
institution, society, or other organization that: 3266

(1) Is exempt from federal income taxation; 3267

(2) Has a membership of two hundred fifty or more persons. 3268

(B) The division of liquor control may issue an F-11 3269
permit to a nonprofit organization to conduct an event if the 3270
event has all of the following characteristics: 3271

(1) The event is coordinated by the nonprofit organization 3272
and the nonprofit organization is responsible for the activities 3273
at the event. 3274

(2) One of the event's purposes is the introduction, 3275
showcasing, or promotion of craft beers manufactured in this 3276
state. 3277

(3) The event includes the sale of food for consumption on 3278
the premises where sold. 3279

(4) The event features at least twenty A-1c permit 3280
holders, who are members of the nonprofit organization that has 3281
organized the event, as participants. The nonprofit organization 3282
may allow any number of A-1 permit holders to participate in the 3283
event. 3284

(C) An F-11 permit holder may sell, at the event, beer 3285
that it has purchased from the A-1 or A-1c permit holders that 3286
are participating in the event. The F-11 permit holder may sell 3287
the beer in four-ounce samples or in containers not exceeding 3288
sixteen ounces for consumption on the premises where sold. 3289

The F-11 permit holder may sell beer on the F-11 permit 3290
premises only where and when the sale of beer is otherwise 3291
permitted by law. 3292

(D) The F-11 permit holder shall clearly define and 3293
sufficiently restrict the premises of the event to allow proper 3294
enforcement of the permit by state and local law enforcement 3295
officers. If an F-11 permit is issued for all or a portion of 3296
the same premises for which another class of permit is issued, 3297
that permit holder's privileges are suspended in that portion of 3298
the premises in which the F-11 permit is in effect. 3299

(E) (1) No F-11 permit is effective for more than seventy- 3300
two consecutive hours. However, for purposes of an exposition at 3301
the state fairgrounds, an F-11 permit is effective for the 3302
duration of the exposition. 3303

(2) No sales of beer shall take place under an F-11 permit 3304
after one a.m. 3305

(F) The division shall not issue more than six F-11 3306
permits to the same nonprofit organization in any one calendar 3307
year. 3308

(G) An applicant for an F-11 permit shall apply for the 3309
permit not later than thirty days prior to the first day of the 3310
event for which the permit is sought. In the application, the 3311
applicant shall list all of the A-1 and A-1c permit holders that 3312
will participate in the event. The fee for the F-11 permit is 3313

sixty dollars for each day of the event. 3314

The division shall prepare and make available an F-11 3315
permit application form and may require applicants for and 3316
holders of the F-11 permit to provide information that is in 3317
addition to that required by this section and that is necessary 3318
for the administration of this section. 3319

(H) (1) An F-11 permit holder is responsible, and is 3320
subject to penalties, for any violations of this chapter or 3321
Chapter 4301. of the Revised Code that occur during the event. 3322

(2) An F-11 permit holder shall not allow an A-1 or A-1c 3323
permit holder to participate in the event if the A-1 or A-1c 3324
permit or, if applicable, the A-1-A permit of that A-1 or A-1c 3325
permit holder is under suspension. 3326

(3) The division may refuse to issue an F-11 permit to an 3327
applicant if both of the following apply: 3328

(a) The applicant has pleaded guilty to or has been 3329
convicted of violating this chapter or Chapter 4301. of the 3330
Revised Code while operating under a previously issued F-11 3331
permit. 3332

(b) The violation occurred within the two years preceding 3333
the filing of the new F-11 permit application. 3334

(I) Notwithstanding any provision of section 4301.24 of 3335
the Revised Code or any rule adopted by the liquor control 3336
commission to the contrary, employees of an A-1 or A-1c permit 3337
holder or B-1 permit holder, or employees or agents of a B-1 3338
permit holder may assist an F-11 permit holder in serving beer 3339
at an event for which an F-11 permit is issued. 3340

Sec. 4303.221. Notwithstanding any provision of the 3341

Revised Code that restricts the hours of sale of beer and 3342
intoxicating liquor, the division of liquor control may issue a 3343
J permit to the holder of an A-1-A, A-1c, A-2, A-2f, A-3a, C 3344
class, or D class permit to extend the hours of operation of the 3345
applicable permit. A J permit holder may sell beer, wine, mixed 3346
beverages, or spirituous liquor, as applicable, until four a.m. 3347
on Saturday and Sunday only. 3348

The fee for the J permit is one hundred dollars. 3349

Sec. 4303.222. (A) As used in this section, "permit" means 3350
an A-1-A, A-1c, A-2, A-2f, A-3a, C-1, C-2, D-1, D-2, D-3, D-3a, 3351
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 3352
D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. 3353

(B) The division of liquor control shall issue a K permit 3354
to the holder of a permit to sell beer, wine, mixed beverages, 3355
or spirituous liquor, as applicable, twenty-four hours a day 3356
Monday through Sunday if both of the following apply: 3357

(1) The sale of beer, wine, mixed beverages, or spirituous 3358
liquor, as applicable, during those hours has been approved 3359
under question (E) or (F) of section 4301.35 of the Revised 3360
Code; and 3361

(2) Such sales are authorized under section 4301.36 of the 3362
Revised Code. Any such sales shall take place under the 3363
restrictions of that authorization. 3364

(C) The fee for the K permit is one hundred dollars. 3365

Sec. 4303.30. The rights granted by any D-2, D-3, D-3a, D- 3366
4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D- 3367
5k, D-5l, D-5m, D-5n, ~~or D-5o, or D-6~~ permit shall be exercised 3368
at not more than two fixed counters, commonly known as bars, in 3369
rooms or places on the permit premises, where beer, mixed 3370

beverages, wine, or spirituous liquor is sold to the public for 3371
consumption on the premises. For each additional fixed counter 3372
on the permit premises where those beverages are sold for 3373
consumption on the premises, the permit holder shall obtain a 3374
duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D- 3375
5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, or D-5o, ~~or~~ 3376
~~D-6~~ permit. 3377

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D- 3378
5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, 3379
or D-5o, ~~or~~ D-6 permit shall be granted, upon application to the 3380
division of liquor control, a duplicate D-2, D-3, D-3a, D-4, D- 3381
4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 3382
D-5l, D-5m, D-5n, or D-5o, ~~or~~ D-6 permit for each additional 3383
fixed counter on the permit premises at which beer, mixed 3384
beverages, wine, or spirituous liquor is sold for consumption on 3385
the premises, provided the application is made in the same 3386
manner as an application for an original permit. The application 3387
shall be identified with DUPLICATE printed on the permit 3388
application form furnished by the department, in boldface type. 3389
The application shall identify by name, or otherwise amply 3390
describe, the room or place on the premises where the duplicate 3391
permit is to be operative. Each duplicate permit shall be issued 3392
only to the same individual, firm, or corporation as that of the 3393
original permit and shall be an exact duplicate in size and word 3394
content as the original permit, except that it shall show on it 3395
the name or other ample identification of the room, or place, 3396
for which it is issued and shall have DUPLICATE printed on it in 3397
boldface type. A duplicate permit shall bear the same number as 3398
the original permit. The fee for a duplicate permit is: D-1, one 3399
hundred dollars; D-2, one hundred dollars; D-3, four hundred 3400
dollars; D-3a, four hundred dollars; D-4, two hundred dollars; 3401

D-5, one thousand dollars; D-5a, one thousand dollars; D-5b, one thousand dollars; D-5c, four hundred dollars; D-5e, six hundred fifty dollars; D-5f, one thousand dollars; D-5o, one thousand dollars; ~~D-6, one hundred dollars when issued to the holder of a D-4a permit;~~ and in all other cases one hundred dollars or an amount which is twenty per cent of the fees payable for the A-1-A, D-2, D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, and D-5o, and ~~D-6~~ permits issued to the same premises, whichever is higher. Application for a duplicate permit may be filed any time during the life of an original permit. The fee for each duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, or D-5o, ~~or D-6~~ permit shall be paid in accordance with section 4303.24 of the Revised Code.

Sec. 4303.99. (A) Whoever violates section 4303.28 of the Revised Code shall be fined not less than one thousand nor more than twenty-five hundred dollars or imprisoned not less than six months nor more than one year.

(B) Whoever violates section 4303.36 of the Revised Code shall be fined not less than twenty-five nor more than one hundred dollars.

(C) Whoever violates section 4303.37 of the Revised Code shall be fined not less than twenty-five nor more than fifty dollars.

(D) Whoever violates division ~~(D)~~ (C) (2) of section 4303.202 or division (C) of section 4303.208 of the Revised Code is guilty of a misdemeanor of the fourth degree.

Section 2. That existing sections 3717.22, 3717.42, 4301.03, 4301.171, 4301.22, 4301.24, 4301.322, 4301.33,

4301.332, 4301.333, 4301.334, 4301.35, 4301.351, 4301.353, 3431
4301.354, 4301.355, 4301.356, 4301.36, 4301.361, 4301.364, 3432
4301.365, 4301.366, 4301.37, 4301.403, 4301.404, 4301.82, 3433
4303.021, 4303.15, 4303.171, 4303.181, 4303.184, 4303.19, 3434
4303.202, 4303.205, 4303.30, and 4303.99 of the Revised Code are 3435
hereby repealed. 3436

Section 3. That section 4303.182 of the Revised Code is 3437
hereby repealed. 3438

Section 4. (A) As used in this section: 3439

(1) "Order" means any executive order addressing COVID-19 3440
or any other order related to such an executive order. 3441

(2) "Permitting authority" means a board of health, the 3442
Department of Health, the Division of Liquor Control, or the 3443
Liquor Control Commission. 3444

(3) "Retail permit holder" means an A-1, A-1-A, A-1c, A-2, 3445
A-2f, A-3a, E, or class C or D permit issued under Chapter 4303. 3446
of the Revised Code. 3447

(B) Notwithstanding any provision of law to the contrary, 3448
a permitting authority shall not take any disciplinary action 3449
or, if disciplinary action has been initiated, shall cease 3450
taking such action, against a retail permit holder if both of 3451
the following apply: 3452

(1) The disciplinary action is based on a violation of an 3453
order and the violation occurred prior to June 1, 2020. 3454

(2) Other than violating the order, the retail permit 3455
holder operated in compliance with the retail permit holder's 3456
liquor permit. 3457

Section 5. On the effective date of this section, if a 3458

board of elections is in the process of reviewing a petition 3459
submitted under Chapter 4301. of the Revised Code, as that 3460
chapter existed prior to its amendment by this act, calling for 3461
the submission of a question or questions authorizing Sunday 3462
sales of beer, wine, mixed beverages, or spirituous liquor on 3463
the ballot of the next general election or a special election 3464
conducted on the day of the next primary election, the board 3465
shall do either of the following, as applicable: 3466

(A) If ballots have not been printed, remove the question 3467
or questions submitted to the board for placement on the ballot 3468
of the next general election or a special election conducted on 3469
the day of the next primary election; 3470

(B) If ballots have been printed with the question or 3471
questions on them, post a notice at each polling place on the 3472
day of the election, and enclose with each absent voter's ballot 3473
given or mailed after the question or questions are to be 3474
removed, a notice that votes for the removed question or 3475
questions will be void and will not be counted. If the question 3476
or questions are not removed from all ballots before the day of 3477
the election, the votes for the removed question or questions 3478
are void and shall not be counted. 3479

Section 6. The provisions of this act are severable as 3480
provided in section 1.50 of the Revised Code. 3481