

As Passed by the Senate

133rd General Assembly

Regular Session

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Am. Sub. H. B. No. 674

Representatives Hillyer, Becker

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

**Senators Hoagland, Antonio, Blessing, Brenner, Burke, Coley, Eklund, Hackett,
Huffman, M., Kunze, Manning, McColley, Roegner, Schaffer**

A BILL

To amend sections 3717.22, 3717.42, 4301.01, 1
4301.101, 4301.24, 4301.62, 4303.021, and 2
4303.181 and to enact sections 4301.011, 3
4301.246, 4303.2011, and 4303.2012 of the 4
Revised Code to revise specified provisions of 5
the liquor control laws. 6

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

Section 1. That sections 3717.22, 3717.42, 4301.01, 7
4301.101, 4301.24, 4301.62, 4303.021, and 4303.181 be amended 8
and sections 4301.011, 4301.246, 4303.2011, and 4303.2012 of the 9
Revised Code be enacted to read as follows: 10

Sec. 3717.22. (A) The following are not retail food 11
establishments: 12

(1) A food service operation licensed under this chapter, 13
including a food service operation that provides the services of 14
a retail food establishment pursuant to an endorsement issued 15

under section 3717.44 of the Revised Code; 16

(2) An entity exempt under divisions (B) (1) to (9) ~~or~~, (11) to (13), or (15) of section 3717.42 of the Revised Code 17
from the requirement to be licensed as a food service operation 18
and an entity exempt under division (B) (10) of that section if 19
the entity is regulated by the department of agriculture as a 20
food processing establishment under section 3715.021 of the 21
Revised Code; 22
23

(3) A business or that portion of a business that is 24
regulated by the federal government or the department of 25
agriculture as a food manufacturing or food processing business, 26
including a business or that portion of a business regulated by 27
the department of agriculture under Chapter 911., 913., 915., 28
917., 918., or 925. of the Revised Code. 29

(B) All of the following are exempt from the requirement 30
to be licensed as a retail food establishment: 31

(1) An establishment with commercially prepackaged foods 32
that are not potentially hazardous and contained in displays, 33
the total space of which equals less than two hundred cubic 34
feet; 35

(2) A person at a farmers market that is registered with 36
the director of agriculture pursuant to section 3717.221 of the 37
Revised Code that offers for sale only one or more of the 38
following: 39

(a) Fresh unprocessed fruits or vegetables; 40

(b) Products of a cottage food production operation; 41

(c) Tree syrup, sorghum, honey, apple syrup, or apple 42
butter that is produced by a tree syrup or sorghum producer, 43

beekeeper, or apple syrup or apple butter processor described in 44
division (A) of section 3715.021 of the Revised Code; 45

(d) Wine as authorized under section 4303.2010 of the 46
Revised Code; 47

(e) Commercially prepackaged food that is not potentially 48
hazardous, on the condition that the food is contained in 49
displays, the total space of which equals less than one hundred 50
cubic feet on the premises where the person conducts business at 51
the farmers market. 52

(3) A person who offers for sale at a roadside stand only 53
fresh fruits and fresh vegetables that are unprocessed; 54

(4) A nonprofit organization exempt from federal income 55
taxation under section 501(c)(3) of the "Internal Revenue Code 56
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises 57
funds by selling foods and that, if required to be licensed, 58
would be classified as risk level one in accordance with rules 59
establishing licensing categories for retail food establishments 60
adopted under section 3717.33 of the Revised Code, if the sales 61
occur inside a building and are for not more than seven 62
consecutive days or more than fifty-two separate days during a 63
licensing period. This exemption extends to any individual or 64
group raising all of its funds during the time periods specified 65
in division (B)(4) of this section for the benefit of the 66
nonprofit organization by selling foods under the same 67
conditions. 68

(5) An establishment that offers food contained in 69
displays of less than five hundred square feet, and if required 70
to be licensed would be classified as risk level one pursuant to 71
rules establishing licensing categories for retail food 72

establishments adopted under section 3717.33 of the Revised Code, on the condition that the establishment offers the food for sale at retail not more than six months in each calendar year;

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

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

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

(9) A person who annually raises and slaughters one thousand or fewer chickens, on the condition that the person offers dressed chickens directly to the consumer from the location where the chickens are raised and slaughtered or at a farm product auction to which division (B) (11) of this section applies;

(10) A person who raises, slaughters, and processes the meat of nonamenable species described in divisions (A) and (B) of section 918.12 of the Revised Code, on the condition that the person offers the meat directly to the consumer from the location where the meat is processed or at a farm product

auction to which division (B) (11) of this section applies;	102
(11) A farm product auction, on the condition that it is	103
registered with the director pursuant to section 3717.221 of the	104
Revised Code that offers for sale at the farm product auction	105
only one or more of the following:	106
(a) The products described in divisions (B) (8) to (10) of	107
this section that are produced, raised, slaughtered, or	108
processed, as appropriate, by persons described in divisions (B)	109
(8) to (10) of this section;	110
(b) Fresh unprocessed fruits or vegetables;	111
(c) Products of a cottage food production operation;	112
(d) Tree syrup, sorghum, honey, apple syrup, or apple	113
butter that is produced by a tree syrup or sorghum producer,	114
beekeeper, or apple syrup or apple butter processor described in	115
division (A) of section 3715.021 of the Revised Code.	116
(12) An establishment that, with respect to offering food	117
for sale, offers only alcoholic beverages or prepackaged	118
beverages that are not potentially hazardous;	119
(13) An establishment that, with respect to offering food	120
for sale, offers only alcoholic beverages, prepackaged beverages	121
that are not potentially hazardous, or commercially prepackaged	122
food that is not potentially hazardous, on the condition that	123
the commercially prepackaged food is contained in displays, the	124
total space of which equals less than two hundred cubic feet on	125
the premises of the establishment;	126
(14) An establishment that, with respect to offering food	127
for sale, offers only fountain beverages that are not	128
potentially hazardous;	129

(15) A person who offers for sale only one or more of the following foods at a festival or celebration, on the condition that the festival or celebration is organized by a political subdivision of the state and lasts for a period not longer than seven consecutive days:

(a) Fresh unprocessed fruits or vegetables;

(b) Products of a cottage food production operation;

(c) Tree syrup, sorghum, honey, apple syrup, or apple butter if produced by a tree syrup or sorghum processor, beekeeper, or apple syrup or apple butter processor as described in division (A) of section 3715.021 of the Revised Code;

(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet;

(e) Fruit butter produced at the festival or celebration and sold from the production site.

(16) A farm market on the condition that it is registered with the director pursuant to section 3717.221 of the Revised Code that offers for sale at the farm market only one or more of the following:

(a) Fresh unprocessed fruits or vegetables;

(b) Products of a cottage food production operation;

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

(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;	157 158 159 160 161
(e) Cider and other juices manufactured on site at the farm market;	162 163
(f) The products or items described in divisions (B) (8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the person offering to sell them annually maintains five hundred or fewer birds, and with respect to dressed chickens offered, the person annually raises and slaughters one thousand or fewer chickens.	164 165 166 167 168 169 170 171
(17) (a) An establishment to which all of the following apply:	172 173
(i) The establishment has been issued an A-2 permit under section 4303.03 of the Revised Code or an A-2f permit under section 4303.031 of the Revised Code, annually produces ten thousand gallons or less of wine, and sells that wine in accordance with Chapter 4303. of the Revised Code on the premises of the establishment.	174 175 176 177 178 179
(ii) The establishment serves unopened commercially prepackaged food, other than wine.	180 181
(iii) The amount of the establishment's commercially prepackaged food sales, other than wine sales, for the previous calendar year did not exceed five per cent of the establishment's total gross receipts.	182 183 184 185

(b) The owner or operator of the establishment shall 186
notify the director that it is exempt from licensure because it 187
qualifies under division (B) (17) (a) of this section. The owner 188
or operator also shall display a notice in a place conspicuous 189
to all of its guests informing them that the establishment is 190
not required to be licensed as a retail food establishment. 191

Sec. 3717.42. (A) The following are not food service 192
operations: 193

(1) A retail food establishment licensed under this 194
chapter, including a retail food establishment that provides the 195
services of a food service operation pursuant to an endorsement 196
issued under section 3717.24 of the Revised Code; 197

(2) An entity exempt from the requirement to be licensed 198
as a retail food establishment under division (B) of section 199
3717.22 of the Revised Code; 200

(3) A business or that portion of a business that is 201
regulated by the federal government or the department of 202
agriculture as a food manufacturing or food processing business, 203
including a business or that portion of a business regulated by 204
the department of agriculture under Chapter 911., 913., 915., 205
917., 918., or 925. of the Revised Code. 206

(B) All of the following are exempt from the requirement 207
to be licensed as a food service operation: 208

(1) A private home in which individuals related by blood, 209
marriage, or law reside and in which the food that is prepared 210
or served is intended only for those individuals and their 211
nonpaying guests; 212

(2) A private home operated as a bed-and-breakfast that 213
prepares and offers food to guests, if the home is owner- 214

occupied, the number of available guest bedrooms does not exceed 215
six, breakfast is the only meal offered, and the number of 216
guests served does not exceed sixteen; 217

(3) A stand operated on the premises of a private home by 218
one or more children under the age of twelve, if the food served 219
is not potentially hazardous; 220

(4) A residential facility that accommodates not more than 221
sixteen residents; is licensed, certified, registered, or 222
otherwise regulated by the federal government or by the state or 223
a political subdivision of the state; and prepares food for or 224
serves food to only the residents of the facility, the staff of 225
the facility, and any nonpaying guests of residents or staff; 226

(5) A church, school, fraternal or veterans' organization, 227
volunteer fire organization, or volunteer emergency medical 228
service organization preparing or serving food intended for 229
individual portion service on its premises for not more than 230
seven consecutive days or not more than fifty-two separate days 231
during a licensing period. This exemption extends to any 232
individual or group raising all of its funds during the time 233
periods specified in division (B) (5) of this section for the 234
benefit of the church, school, or organization by preparing or 235
serving food intended for individual portion service under the 236
same conditions. 237

(6) A common carrier that prepares or serves food, if the 238
carrier is regulated by the federal government; 239

(7) A food service operation serving thirteen or fewer 240
individuals daily; 241

(8) A type A or type B family day-care home, as defined in 242
section 5104.01 of the Revised Code, that prepares or serves 243

food for the children receiving day-care;	244
(9) A vending machine location where the only foods	245
dispensed are foods from one or both of the following	246
categories:	247
(a) Prepackaged foods that are not potentially hazardous;	248
(b) Nuts, panned or wrapped bulk chewing gum, or panned or	249
wrapped bulk candies.	250
(10) A place servicing the vending machines at a vending	251
machine location described in division (B)(9) of this section;	252
(11) A commissary servicing vending machines that dispense	253
only milk, milk products, or frozen desserts that are under a	254
state or federal inspection and analysis program;	255
(12) A "controlled location vending machine location,"	256
which means a vending machine location at which all of the	257
following apply:	258
(a) The vending machines dispense only foods that are not	259
potentially hazardous;	260
(b) The machines are designed to be filled and maintained	261
in a sanitary manner by untrained persons;	262
(c) Minimal protection is necessary to ensure against	263
contamination of food and equipment.	264
(13) A private home that prepares and offers food to	265
guests, if the home is owner-occupied, meals are served on the	266
premises of that home, the number of meals served does not	267
exceed one hundred fifteen per week, and the home displays a	268
notice in a place conspicuous to all of its guests informing	269
them that the home is not required to be licensed as a food	270

service operation;	271
(14) An individual who prepares full meals or meal components, such as pies or baked goods, in the individual's home to be served off the premises of that home, if the number of meals or meal components prepared for that purpose does not exceed twenty in a seven-day period.	272 273 274 275 276
<u>(15) The holder of an A-1-A permit issued under section 4303.021 of the Revised Code to which both of the following apply:</u>	277 278 279
<u>(a) The A-1-A permit holder has also been issued an A-1c permit under section 4303.022 of the Revised Code;</u>	280 281
<u>(b) The A-1-A permit holder serves only unopened commercially prepackaged meals and nonalcoholic beverages, as well as beer and intoxicating liquor.</u>	282 283 284
Sec. 4301.01. (A) As used in the Revised Code:	285
(1) "Intoxicating liquor" and "liquor" include all liquids and compounds, other than beer, containing one-half of one per cent or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called, and whether they are medicated, proprietary, or patented. "Intoxicating liquor" and "liquor" include cider and alcohol, and all solids and confections which contain one-half of one per cent or more of alcohol by volume.	286 287 288 289 290 291 292 293 294
(2) Except as used in sections 4301.01 to 4301.20, 4301.22 to 4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of the Revised Code, "sale" and "sell" include exchange, barter, gift, offer for sale, sale, distribution and delivery of any kind, and the transfer of title or possession of beer and	295 296 297 298 299

intoxicating liquor either by constructive or actual delivery by 300
any means or devices whatever, including the sale of beer or 301
intoxicating liquor by means of a controlled access alcohol and 302
beverage cabinet pursuant to section 4301.21 of the Revised 303
Code. "Sale" and "sell" do not include the mere solicitation of 304
orders for beer or intoxicating liquor from the holders of 305
permits issued by the division of liquor control authorizing the 306
sale of the beer or intoxicating liquor, but no solicitor shall 307
solicit any such orders until the solicitor has been registered 308
with the division pursuant to section 4303.25 of the Revised 309
Code. 310

(3) "Vehicle" includes all means of transportation by 311
land, by water, or by air, and everything made use of in any way 312
for such transportation. 313

(B) As used in this chapter: 314

(1) "Alcohol" means ethyl alcohol, whether rectified or 315
diluted with water or not, whatever its origin may be, and 316
includes synthetic ethyl alcohol. "Alcohol" does not include 317
denatured alcohol and wood alcohol. 318

(2) "Beer" includes all beverages brewed or fermented 319
wholly or in part from malt products and containing one-half of 320
one per cent or more of alcohol by volume. 321

(3) "Wine" includes all liquids fit to use for beverage 322
purposes containing not less than one-half of one per cent of 323
alcohol by volume and not more than twenty-one per cent of 324
alcohol by volume, which is made from the fermented juices of 325
grapes, fruits, or other agricultural products, except that as 326
used in sections 4301.13, 4301.421, 4301.422, 4301.432, and 327
4301.44 of the Revised Code, and, for purposes of determining 328

the rate of the tax that applies, division (B) of section	329
4301.43 of the Revised Code, "wine" does not include cider.	330
(4) "Mixed beverages" include bottled and prepared	331
cordials, cocktails, highballs, and solids and confections that	332
are obtained by mixing any type of whiskey, neutral spirits,	333
brandy, gin, or other distilled spirits with, or over,	334
carbonated or plain water, pure juices from flowers and plants,	335
and other flavoring materials. The completed product shall	336
contain not less than one-half of one per cent of alcohol by	337
volume and not more than twenty-one per cent of alcohol by	338
volume. <u>"Mixed beverages" includes the contents of a pod.</u>	339
(5) "Spirituous liquor" includes all intoxicating liquors	340
containing more than twenty-one per cent of alcohol by volume.	341
<u>"Spirituous liquor" does not include the contents of a pod.</u>	342
(6) "Sealed container" means any container having a	343
capacity of not more than one hundred twenty-eight fluid ounces,	344
the opening of which is closed to prevent the entrance of air.	345
(7) "Person" includes firms and corporations.	346
(8) "Manufacture" includes all processes by which beer or	347
intoxicating liquor is produced, whether by distillation,	348
rectifying, fortifying, blending, fermentation, or brewing, or	349
in any other manner.	350
(9) "Manufacturer" means any person engaged in the	351
business of manufacturing beer or intoxicating liquor.	352
(10) "Wholesale distributor" and "distributor" means a	353
person engaged in the business of selling to retail dealers for	354
purposes of resale.	355
(11) "Hotel" has the same meaning as in section 3731.01 of	356

the Revised Code, subject to the exceptions mentioned in section 357
3731.03 of the Revised Code. 358

(12) "Restaurant" means a place located in a permanent 359
building provided with space and accommodations wherein, in 360
consideration of the payment of money, hot meals are habitually 361
prepared, sold, and served at noon and evening, as the principal 362
business of the place. "Restaurant" does not include pharmacies, 363
confectionery stores, lunch stands, night clubs, and filling 364
stations. 365

(13) "Club" means a corporation or association of 366
individuals organized in good faith for social, recreational, 367
benevolent, charitable, fraternal, political, patriotic, or 368
athletic purposes, which is the owner, lessor, or occupant of a 369
permanent building or part of a permanent building operated 370
solely for those purposes, membership in which entails the 371
prepayment of regular dues, and includes the place so operated. 372

(14) "Night club" means a place operated for profit, where 373
food is served for consumption on the premises and one or more 374
forms of amusement are provided or permitted for a consideration 375
that may be in the form of a cover charge or may be included in 376
the price of the food and beverages, or both, purchased by 377
patrons. 378

(15) "At retail" means for use or consumption by the 379
purchaser and not for resale. 380

(16) "Pharmacy" means an establishment, as defined in 381
section 4729.01 of the Revised Code, that is under the 382
management or control of a licensed pharmacist in accordance 383
with section 4729.27 of the Revised Code. 384

(17) "Enclosed shopping center" means a group of retail 385

sales and service business establishments that face into an 386
enclosed mall, share common ingress, egress, and parking 387
facilities, and are situated on a tract of land that contains an 388
area of not less than five hundred thousand square feet. 389
"Enclosed shopping center" also includes not more than one 390
business establishment that is located within a free-standing 391
building on such a tract of land, so long as the sale of beer 392
and intoxicating liquor on the tract of land was approved in an 393
election held under former section 4301.353 of the Revised Code. 394

(18) "Controlled access alcohol and beverage cabinet" 395
means a closed container, either refrigerated, in whole or in 396
part, or nonrefrigerated, access to the interior of which is 397
restricted by means of a device that requires the use of a key, 398
magnetic card, or similar device and from which beer, 399
intoxicating liquor, other beverages, or food may be sold. 400

(19) "Community facility" means either of the following: 401

(a) Any convention, sports, or entertainment facility or 402
complex, or any combination of these, that is used by or 403
accessible to the general public and that is owned or operated 404
in whole or in part by the state, a state agency, or a political 405
subdivision of the state or that is leased from, or located on 406
property owned by or leased from, the state, a state agency, a 407
political subdivision of the state, or a convention facilities 408
authority created pursuant to section 351.02 of the Revised 409
Code; 410

(b) An area designated as a community entertainment 411
district pursuant to section 4301.80 of the Revised Code. 412

(20) "Low-alcohol beverage" means any brewed or fermented 413
malt product, or any product made from the fermented juices of 414

grapes, fruits, or other agricultural products, that contains 415
either no alcohol or less than one-half of one per cent of 416
alcohol by volume. The beverages described in division (B) (20) 417
of this section do not include a soft drink such as root beer, 418
birch beer, or ginger beer. 419

(21) "Cider" means all liquids fit to use for beverage 420
purposes that contain one-half of one per cent of alcohol by 421
volume, but not more than six per cent of alcohol by weight, and 422
that are made through the normal alcoholic fermentation of the 423
juice of sound, ripe apples, including, without limitation, 424
flavored, sparkling, or carbonated cider and cider made from 425
pure condensed apple must. 426

(22) "Sales area or territory" means an exclusive 427
geographic area or territory that is assigned to a particular A 428
or B permit holder and that either has one or more political 429
subdivisions as its boundaries or consists of an area of land 430
with readily identifiable geographic boundaries. "Sales area or 431
territory" does not include, however, any particular retail 432
location in an exclusive geographic area or territory that had 433
been assigned to another A or B permit holder before April 9, 434
2001. 435

(23) "Pod" means a sealed capsule made from plastic, 436
glass, aluminum, or a combination thereof to which all of the 437
following apply: 438

(a) The capsule contains intoxicating liquor of more than 439
twenty-one per cent of alcohol by volume. 440

(b) The capsule also contains a concentrated flavoring 441
mixture. 442

(c) The contents of the capsule are not readily accessible 443

or intended for consumption unless certain manufacturer's 444
processing instructions are followed. 445

(d) The instructions include releasing the contents of the 446
capsule through a machine specifically designed to process the 447
contents. 448

(e) After being properly processed according to the 449
manufacturer's instructions, the final product produced from the 450
capsule contains not less than one-half of one per cent of 451
alcohol by volume and not more than twenty-one per cent of 452
alcohol by volume. 453

Sec. 4301.011. The general assembly hereby finds that the 454
Twenty-first Amendment to the United States Constitution confers 455
upon the state of Ohio sole and exclusive authority to regulate 456
the sale and distribution of beer and intoxicating liquor in 457
this state. That authority, so conferred, has rested with the 458
state of Ohio since the ratification of the Twenty-first 459
Amendment to the United States Constitution. 460

The general assembly also finds that its authority to so 461
regulate is exercised through Title XLIII of the Revised Code 462
and other relevant provisions of the Revised Code. Title XLIII 463
of the Revised Code and the other relevant provisions of the 464
Revised Code reflect the intent of the general assembly to do 465
all of the following: 466

(A) Promote temperance by preventing consumption by 467
underage persons and by discouraging abusive consumption; 468

(B) Promote orderly markets by requiring transparent, 469
accountable, and stable distribution of beer and intoxicating 470
liquor and preventing unfair competition; 471

(C) Facilitate the collection of taxes related to the sale 472

and consumption of beer and intoxicating liquor. 473

Sec. 4301.101. The superintendent of liquor control may 474
adopt and promulgate, repeal, rescind, and amend, in the manner 475
required by this section, rules, standards, requirements, and 476
orders necessary to carry out the following: 477

(A) Rules and regulations governing the management of the 478
state liquor stores and the manner of conducting them; 479

(B) Standards, not in conflict with those prescribed by 480
any law of this state or the United States, to secure the use of 481
proper ingredients and methods in the manufacture of alcohol and 482
spirituous liquor to be sold within this state; 483

(C) Rules and regulations determining the nature, form, 484
and capacity of all packages and bottles to be used for 485
containing spirituous liquor to be kept or sold, subject to the 486
provisions of section 4301.19 of the Revised Code, governing the 487
form of all seals and labels to be used thereon, prescribing 488
that the stamps required by Chapters 4301. and 4303. of the 489
Revised Code to be affixed to containers of such spirituous 490
liquor shall bear the official seal of the division of liquor 491
control, in addition to the official identification seal 492
prescribed by the superintendent by rule to be affixed to all 493
bottles of spirituous liquor, and requiring the label on every 494
package, bottle, and container to state the ingredients in the 495
contents and the terms of weight, volume, or proof spirits of 496
the spirituous liquor; 497

(D) Rules in accordance with Chapter 119. of the Revised 498
Code governing the delivery of spirituous liquor in original 499
containers to personal consumers by the division of liquor 500
control. 501

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

(B) No manufacturer shall have any financial interest, directly or indirectly, by stock ownership, or through interlocking directors in a corporation, or otherwise, in the establishment, maintenance, or promotion in the business of any wholesale distributor. No retail permit holder shall have any interest, directly or indirectly, in the operation of, or any ownership in, the business of any wholesale distributor or manufacturer.

(C) (1) No manufacturer shall, except as authorized by section 4303.021 of the Revised Code, have any financial interest, directly or indirectly, by stock ownership, or through interlocking directors in a corporation, or otherwise, in the establishment, maintenance, or promotion of the business of any retail dealer. No wholesale distributor or employee of a wholesale distributor shall have any financial interest, directly or indirectly, by stock ownership, interlocking directors in a corporation, or otherwise, in the establishment, maintenance, or promotion of the business of any retail dealer.

No manufacturer or wholesale distributor or any stockholder of a 533
manufacturer or wholesale distributor shall acquire, by 534
ownership in fee, leasehold, mortgage, or otherwise, directly or 535
indirectly, any interest in the premises on which the business 536
of any other person engaged in the business of trafficking in 537
beer or intoxicating liquor is conducted. 538

(2) All contracts, covenants, conditions, and limitations 539
whereby any person engaged or proposing to engage in the sale of 540
beer or intoxicating liquors promises to confine the person's 541
sales of a particular kind or quality of beer or intoxicating 542
liquor to one or more products, or the products of a specified 543
manufacturer or wholesale distributor, or to give preference to 544
those products, shall to the extent of that promise be void. The 545
making of a promise in any such form shall be cause for the 546
revocation or suspension of any permit issued to any party. 547

(D) No manufacturer shall sell or offer to sell to any 548
wholesale distributor or retail permit holder, no wholesale 549
distributor shall sell or offer to sell to any retail permit 550
holder, and no wholesale distributor or retail permit holder 551
shall purchase or receive from any manufacturer or wholesale 552
distributor, any beer, brewed beverages, or wine manufactured in 553
the United States except for cash. No right of action shall 554
exist to collect any claims for credit extended contrary to this 555
section. 556

This section does not prohibit a licensee from crediting 557
to a purchaser the actual prices charged for packages or 558
containers returned by the original purchaser as a credit on any 559
sale or from refunding to any purchaser the amount paid by that 560
purchaser for containers or as a deposit on containers when 561
title is retained by the vendor, if those containers or packages 562

have been returned to the manufacturer or distributor. This 563
section does not prohibit a manufacturer from extending usual 564
and customary credit for beer, brewed beverages, or wine 565
manufactured in the United States and sold to customers who live 566
or maintain places of business outside this state when the 567
beverages so sold are actually transported and delivered to 568
points outside this state. 569

No wholesale or retail permit shall be issued to an 570
applicant unless the applicant has paid in full all accounts for 571
beer or wine, manufactured in the United States, outstanding as 572
of September 6, 1939. No beer or wine manufactured in the United 573
States shall be imported into the state unless the beer or wine 574
has been paid for in cash, and no supplier registration for any 575
such beer or wine manufactured in the United States shall be 576
issued by the division of liquor control until the A-2, A-2f, B- 577
1, or B-5 permit holder establishes to the satisfaction of the 578
division that the beer or wine has been paid for in cash. 579

(E) This section does not ~~prevent a~~ prohibit any of the 580
following: 581

(1) A manufacturer from securing and holding any financial 582
interest, directly or indirectly, by stock ownership or through 583
interlocking directors in a corporation, or otherwise, in the 584
establishment, maintenance, or promotion of the business or 585
premises of any C or D permit holder, provided that the 586
following conditions are met: 587

~~(1)~~ (a) Either the manufacturer or one of its parent 588
companies is listed on a national securities exchange. 589

~~(2)~~ (b) All purchases of alcoholic beverages by the C or D 590
permit holder are made from wholesale distributors in this state 591

or agency stores licensed by the division of liquor control. 592

~~(3)~~ (c) If the C or D permit holder sells brands of 593
alcoholic beverages that are produced or distributed by the 594
manufacturer that holds the financial interest, the C or D 595
permit holder also sells other competing brands of alcoholic 596
beverages produced by other manufacturers, no preference is 597
given to the products of the manufacturer, and there is no 598
exclusion, in whole or in part, of products sold or offered for 599
sale by other manufacturers, suppliers, or importers of 600
alcoholic beverages that constitutes a substantial impairment of 601
commerce. 602

~~(4)~~ (d) The primary purpose of the C or D permit premises 603
is a purpose other than to sell alcoholic beverages, and the 604
sale of other goods and services exceeds fifty per cent of the 605
total gross receipts of the C or D permit holder at its 606
premises. 607

~~(F)~~ ~~(1)~~ ~~This section does not prevent a~~ (2) A manufacturer 608
from giving financial assistance to the holder of a B permit for 609
the purpose of the holder purchasing an ownership interest in 610
the business, existing inventory and equipment, or property of 611
another B permit holder, including, but not limited to, 612
participation in a limited liability partnership, limited 613
liability company, or any other legal entity authorized to do 614
business in this state. However, this 615

~~(2)~~ ~~This section does not permit a manufacturer to give 616
financial assistance to the holder of a B permit to purchase 617
inventory or equipment used in the daily operation of a B permit 618
holder. 619~~

~~(G)~~ ~~This section does not prohibit a~~ (3) A manufacturer or 620

subsidiary of a manufacturer from continuing to operate a 621
wholesale distribution franchise or distribute beer or wine 622
within a designated territory if prior to ~~the effective date of~~ 623
~~this amendment~~ July 30, 2013, the manufacturer either acquired 624
the distribution franchise or territory, or awarded the 625
franchise or territory to itself or a subsidiary. 626

~~(H) This section shall not prevent a~~ (4) A manufacturer 627
from securing and holding an A-1c or B-2a permit or permits and 628
operating as a wholesale distributor pursuant to such permits. 629

(5) A manufacturer from renting or leasing property to the 630
holder of an F class permit for purposes of an event for which 631
the F class permit has been issued. 632

Sec. 4301.246. (A) As used in this section: 633

(1) "Case" means twenty-four individual pieces of 634
glassware. 635

(2) "Glassware" means a glass container to which all of 636
the following apply: 637

(a) It has the brand name of a beer or the name of the 638
manufacturer or supplier of the beer permanently affixed, 639
embossed, or engraved on the container; 640

(b) It has the brand name of the beer or the name of the 641
manufacturer or supplier of the beer prominently displayed on 642
the container; 643

(c) It holds not more than twenty-four ounces of liquid. 644

(3) "Receipt" means a record, either in paper or digital 645
format, that contains all of the following information: 646

(a) The name and address of the permit holder authorized 647

to sell beer for on-premises consumption that receives glassware 648
from a manufacturer or supplier; 649

(b) The name and address of the manufacturer or supplier 650
that provides glassware to the permit holder; 651

(c) The name of the employee or agent of the permit holder 652
that receives the glassware; 653

(d) The date that the glassware is provided to the permit 654
holder; 655

(e) The amount, if any, that the manufacturer or supplier 656
charged the permit holder for the glassware; 657

(f) The permit holder's permit number; 658

(g) A description and the amount of glassware provided to 659
the permit holder; 660

(h) The amount that the manufacturer or supplier paid to 661
have the glassware manufactured. 662

(B) Notwithstanding section 4301.24 of the Revised Code, a 663
manufacturer or supplier may provide glassware intended for the 664
serving of beer to a permit holder authorized to sell beer for 665
on-premises consumption if the manufacturer or supplier provides 666
a receipt to the permit holder. However, the manufacturer or 667
supplier shall not annually provide more than four cases of such 668
glassware to the permit holder. 669

(C) A permit holder authorized to sell for on-premises 670
consumption may receive glassware intended for the serving of 671
beer from a manufacturer or supplier. 672

Sec. 4301.62. (A) As used in this section: 673

(1) "Chauffeured limousine" means a vehicle registered 674

under section 4503.24 of the Revised Code. 675

(2) "Street," "highway," and "motor vehicle" have the same 676
meanings as in section 4511.01 of the Revised Code. 677

(B) No person shall have in the person's possession an 678
opened container of beer or intoxicating liquor in any of the 679
following circumstances: 680

(1) Except as provided in division (C) (1) (e) of this 681
section, in an agency store; 682

(2) Except as provided in division (C) of this section, on 683
the premises of the holder of any permit issued by the division 684
of liquor control; 685

(3) In any other public place; 686

(4) Except as provided in division (D) or (E) of this 687
section, while operating or being a passenger in or on a motor 688
vehicle on any street, highway, or other public or private 689
property open to the public for purposes of vehicular travel or 690
parking; 691

(5) Except as provided in division (D) or (E) of this 692
section, while being in or on a stationary motor vehicle on any 693
street, highway, or other public or private property open to the 694
public for purposes of vehicular travel or parking. 695

(C) (1) A person may have in the person's possession an 696
opened container of any of the following: 697

(a) Beer or intoxicating liquor that has been lawfully 698
purchased for consumption on the premises where bought from the 699
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 700
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 701
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F- 702

7, or F-8 permit;	703
(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2 permit holder or S permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;	704 705 706 707 708 709
(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code;	710 711 712
(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission;	713 714 715
(e) Spirituous liquor to be consumed for purposes of a tasting sample, as defined in section 4301.171 of the Revised Code.	716 717 718
(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.	719 720 721 722 723 724 725 726 727 728 729
(3) (a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of	730 731

wine that was not purchased from the holder of the D-2 permit if 732
the premises for which the D-2 permit is issued is an outdoor 733
performing arts center, the person is attending an orchestral 734
performance, and the holder of the D-2 permit grants permission 735
for the possession and consumption of wine in certain 736
predesignated areas of the premises during the period for which 737
the D-2 permit is issued. 738

(b) As used in division (C) (3) (a) of this section: 739

(i) "Orchestral performance" means a concert comprised of 740
a group of not fewer than forty musicians playing various 741
musical instruments. 742

(ii) "Outdoor performing arts center" means an outdoor 743
performing arts center that is located on not less than one 744
hundred fifty acres of land and that is open for performances 745
from the first day of April to the last day of October of each 746
year. 747

(4) A person may have in the person's possession an opened 748
or unopened container of beer or intoxicating liquor at an 749
outdoor location at which the person is attending an orchestral 750
performance as defined in division (C) (3) (b) (i) of this section 751
if the person with supervision and control over the performance 752
grants permission for the possession and consumption of beer or 753
intoxicating liquor in certain predesignated areas of that 754
outdoor location. 755

(5) A person may have in the person's possession on an F-9 756
liquor permit premises an opened or unopened container of beer 757
or intoxicating liquor that was not purchased from the holder of 758
the F-9 permit if the person is attending either of the 759
following: 760

(a) An orchestral performance and the F-9 permit holder 761
grants permission for the possession and consumption of beer or 762
intoxicating liquor in certain predesignated areas of the 763
premises during the period for which the F-9 permit is issued; 764

(b) An outdoor performing arts event or orchestral 765
performance that is free of charge and the F-9 permit holder 766
annually hosts not less than twenty-five other events or 767
performances that are free of charge on the permit premises. 768

As used in division (C) (5) of this section, "orchestral 769
performance" has the same meaning as in division (C) (3) (b) of 770
this section. 771

(6) (a) A person may have in the person's possession on the 772
property of an outdoor motorsports facility an opened or 773
unopened container of beer or intoxicating liquor that was not 774
purchased from the owner of the facility if both of the 775
following apply: 776

(i) The person is attending a racing event at the 777
facility; and 778

(ii) The owner of the facility grants permission for the 779
possession and consumption of beer or intoxicating liquor on the 780
property of the facility. 781

(b) As used in division (C) (6) (a) of this section: 782

(i) "Racing event" means a motor vehicle racing event 783
sanctioned by one or more motor racing sanctioning 784
organizations. 785

(ii) "Outdoor motorsports facility" means an outdoor 786
racetrack to which all of the following apply: 787

(I) It is two and four-tenths miles or more in length. 788

(II) It is located on two hundred acres or more of land.	789
(III) The primary business of the owner of the facility is the hosting and promoting of racing events.	790 791
(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.	792 793
(7) (a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under section 4301.82 of the Revised Code if the opened container of beer or intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, A-2f, D class, or F class permit holder to which both of the following apply:	794 795 796 797 798 799 800
(i) The permit holder's premises is located within the outdoor refreshment area.	801 802
(ii) The permit held by the permit holder has an outdoor refreshment area designation.	803 804
(b) Division (C) (7) of this section does not authorize a person to do either of the following:	805 806
(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;	807 808 809
(ii) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area, unless the possession is otherwise authorized under division (D) or (E) of this section.	810 811 812 813
(c) As used in division (C) (7) of this section, "D class permit holder" does not include a D-6 or D-8 permit holder.	814 815

(8) (a) A person may have in the person's possession on the property of a market, within a defined F-8 permit premises, an opened container of beer or intoxicating liquor that was purchased from a D permit premises that is located immediately adjacent to the market if both of the following apply:

(i) The market grants permission for the possession and consumption of beer and intoxicating liquor within the defined F-8 permit premises;

(ii) The market is hosting an event pursuant to an F-8 permit and the market has notified the division of liquor control about the event in accordance with division (A) (3) of section 4303.208 of the Revised Code.

(b) As used in division (C) (8) of this section, "market" means a market, for which an F-8 permit is held, that has been in operation since 1860.

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

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

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

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

(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for

consumption on the premises where sold is not an opened 844
container for the purposes of this section if both of the 845
following apply: 846

(1) The opened bottle of wine is securely resealed by the 847
permit holder or an employee of the permit holder before the 848
bottle is removed from the premises. The bottle shall be secured 849
in such a manner that it is visibly apparent if the bottle has 850
been subsequently opened or tampered with. 851

(2) The opened bottle of wine that is resealed in 852
accordance with division (E) (1) of this section is stored in the 853
trunk of a motor vehicle or, if the motor vehicle does not have 854
a trunk, behind the last upright seat or in an area not normally 855
occupied by the driver or passengers and not easily accessible 856
by the driver. 857

(F) (1) Except if an ordinance or resolution is enacted or 858
adopted under division (F) (2) of this section, this section does 859
not apply to a person who, pursuant to a prearranged contract, 860
is a passenger riding on a commercial quadricycle when all of 861
the following apply: 862

(a) The person is not occupying a seat in the front of the 863
commercial quadricycle where the operator is steering or 864
braking. 865

(b) The commercial quadricycle is being operated on a 866
street, highway, or other public or private property open to the 867
public for purposes of vehicular travel or parking. 868

(c) The person has in their possession on the commercial 869
quadricycle an opened container of beer or wine. 870

(d) The person has in their possession on the commercial 871
quadricycle not more than either thirty-six ounces of beer or 872

eighteen ounces of wine. 873

(2) The legislative authority of a municipal corporation 874
or township may enact an ordinance or adopt a resolution, as 875
applicable, that prohibits a passenger riding on a commercial 876
quadricycle from possessing an opened container of beer or wine. 877

(3) As used in this section, "commercial quadricycle" 878
means a vehicle that has fully-operative pedals for propulsion 879
entirely by human power and that meets all of the following 880
requirements: 881

(a) It has four wheels and is operated in a manner similar 882
to a bicycle. 883

(b) It has at least five seats for passengers. 884

(c) It is designed to be powered by the pedaling of the 885
operator and the passengers. 886

(d) It is used for commercial purposes. 887

(e) It is operated by the vehicle owner or an employee of 888
the owner. 889

(G) This section does not apply to a person that has in 890
the person's possession an opened container of beer or 891
intoxicating liquor on the premises of a market if the beer or 892
intoxicating liquor has been purchased from a D liquor permit 893
holder that is located in the market. 894

As used in division (G) of this section, "market" means an 895
establishment that: 896

(1) Leases space in the market to individual vendors, not 897
less than fifty per cent of which are retail food establishments 898
or food service operations licensed under Chapter 3717. of the 899

Revised Code;	900
(2) Has an indoor sales floor area of not less than twenty-two thousand square feet;	901 902
(3) Hosts a farmer's market on each Saturday from April through December.	903 904
(H) (1) As used in this section, "alcoholic beverage" has the same meaning as in section 4303.185 of the Revised Code.	905 906
(2) An alcoholic beverage in a closed container being transported under section 4303.185 of the Revised Code to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing.	907 908 909 910 911 912
<u>(I) This section does not apply to a person who has in the person's possession an opened container of beer or intoxicating liquor in a public-use airport, as described in division (D) (2) (a) (iii) of section 4303.181 of the Revised Code, when both of the following apply:</u>	913 914 915 916 917
<u>(1) Consumption of the opened container of beer or intoxicating liquor occurs in the area of the airport terminal that is restricted to persons taking flights to and from the airport; and</u>	918 919 920 921
<u>(2) The consumption is authorized under division (D) (2) (a) of section 4303.181 of the Revised Code.</u>	922 923
Sec. 4303.021. (A) Permit A-1-A may be issued to the holder of an A-1, A-1c, A-2, A-2f, or A-3a permit to sell beer and any intoxicating liquor at retail, only by the individual drink in glass or from a container, provided that one of the	924 925 926 927

following applies to the A-1-A permit premises: 928

(1) It is situated on the same parcel or tract of land as 929
the related A-1, A-1c, A-2, A-2f, or A-3a manufacturing permit 930
premises. 931

(2) It is separated from the parcel or tract of land on 932
which is located the A-1, A-1c, A-2, A-2f, or A-3a manufacturing 933
permit premises only by public streets or highways or by other 934
lands owned by the holder of the A-1, A-1c, A-2, A-2f, or A-3a 935
permit and used by the holder in connection with or in promotion 936
of the holder's A-1, A-1c, A-2, A-2f, or A-3a permit business. 937

(3) In the case of an A-1, A-1c, A-2, or A-2f permit 938
holder, it is situated on a parcel or tract of land that is not 939
more than one-half mile from the A-1, A-1c, A-2, or A-2f 940
manufacturing permit premises. 941

(4) In the case of an A-3a permit holder, it is situated 942
on a parcel or tract of land that is not more than two hundred 943
feet from the A-3a manufacturing permit premises. 944

(B) The fee for this permit is three thousand nine hundred 945
six dollars. 946

(C) (1) The holder of an A-1-A permit may sell beer and any 947
intoxicating liquor during the same hours as the holders of D-5 948
permits under this chapter or Chapter 4301. of the Revised Code 949
or the rules of the liquor control commission~~and~~. Except as 950
provided in division (C) (2) of this section, the permit holder 951
shall obtain a license as a retail food establishment or a food 952
service operation pursuant to Chapter 3717. of the Revised Code 953
and operate as a restaurant for purposes of this chapter. 954

(2) In lieu of obtaining a license as a retail food 955
establishment or food service operation, an A-1c permit holder 956

may do either of the following: 957

(a) Serve unopened commercially prepackaged meals and 958
nonalcoholic beverages, as well as beer and intoxicating liquor, 959
under the exemption provided for under sections 3717.22 and 960
3717.42 of the Revised Code; 961

(b) Maintain a schedule with the owner or operator of a 962
mobile retail food establishment or a mobile food service 963
operation licensed under Chapter 3717. of the Revised Code to 964
serve food to the A-1-A permit holder's customers. The schedule 965
shall be in writing and agreed upon a week in advance. In 966
addition, the A-1-A permit holder shall maintain the schedule 967
for a minimum of one month. 968

(3) If a permit A-1-A is issued to the holder of an A-1 or 969
A-1c permit, the A-1-A permit holder may sell beer at the A-1-A 970
permit premises dispensed in ~~glass~~ containers with a capacity 971
that does not exceed one gallon and not for consumption on the 972
premises where sold if all of the following apply: 973

(a) The A-1-A permit premises is situated in the same 974
municipal corporation or township as the related A-1 or A-1c 975
manufacturing permit premises. 976

(b) The containers are sealed, marked, and transported in 977
accordance with division (E) of section 4301.62 of the Revised 978
Code. 979

(c) The containers have been cleaned immediately before 980
being filled in accordance with rule 4301:1-1-28 of the 981
Administrative Code. 982

(D) Except as otherwise provided in this section, the 983
division of liquor control shall not issue a new A-1-A permit to 984
the holder of an A-1, A-1c, A-2, A-2f, or A-3a permit unless the 985

sale of beer and intoxicating liquor under class D permits is 986
permitted in the precinct in which the A-1, A-1c, A-2, A-2f, or 987
A-3a permit is located and, in the case of an A-2 or A-2f 988
permit, unless the holder of the A-2 or A-2f permit manufactures 989
or has a storage capacity of at least twenty-five thousand 990
gallons of wine per year. The immediately preceding sentence 991
does not prohibit the issuance of an A-1-A permit to an 992
applicant for such a permit who is the holder of an A-1 permit 993
and whose application was filed with the division of liquor 994
control before June 1, 1994. The liquor control commission shall 995
not restrict the number of A-1-A permits which may be located 996
within a precinct. 997

Sec. 4303.181. (A) Permit D-5a may be issued either to the 998
owner or operator of a hotel or motel that is required to be 999
licensed under section 3731.03 of the Revised Code, that 1000
contains at least fifty rooms for registered transient guests or 1001
is owned by a state institution of higher education as defined 1002
in section 3345.011 of the Revised Code or a private college or 1003
university, and that qualifies under the other requirements of 1004
this section, or to the owner or operator of a restaurant 1005
specified under this section, to sell beer and any intoxicating 1006
liquor at retail, only by the individual drink in glass and from 1007
the container, for consumption on the premises where sold, and 1008
to registered guests in their rooms, which may be sold by means 1009
of a controlled access alcohol and beverage cabinet in 1010
accordance with division (B) of section 4301.21 of the Revised 1011
Code; and to sell the same products in the same manner and 1012
amounts not for consumption on the premises as may be sold by 1013
holders of D-1 and D-2 permits. The premises of the hotel or 1014
motel shall include a retail food establishment or a food 1015
service operation licensed pursuant to Chapter 3717. of the 1016

Revised Code that operates as a restaurant for purposes of this 1017
chapter and that is affiliated with the hotel or motel and 1018
within or contiguous to the hotel or motel, and that serves food 1019
within the hotel or motel, but the principal business of the 1020
owner or operator of the hotel or motel shall be the 1021
accommodation of transient guests. In addition to the privileges 1022
authorized in this division, the holder of a D-5a permit may 1023
exercise the same privileges as the holder of a D-5 permit. 1024

The owner or operator of a hotel, motel, or restaurant who 1025
qualified for and held a D-5a permit on August 4, 1976, may, if 1026
the owner or operator held another permit before holding a D-5a 1027
permit, either retain a D-5a permit or apply for the permit 1028
formerly held, and the division of liquor control shall issue 1029
the permit for which the owner or operator applies and formerly 1030
held, notwithstanding any quota. 1031

A D-5a permit shall not be transferred to another 1032
location. No quota restriction shall be placed on the number of 1033
D-5a permits that may be issued. 1034

The fee for this permit is two thousand three hundred 1035
forty-four dollars. 1036

(B) Permit D-5b may be issued to the owner, operator, 1037
tenant, lessee, or occupant of an enclosed shopping center to 1038
sell beer and intoxicating liquor at retail, only by the 1039
individual drink in glass and from the container, for 1040
consumption on the premises where sold; and to sell the same 1041
products in the same manner and amount not for consumption on 1042
the premises as may be sold by holders of D-1 and D-2 permits. 1043
In addition to the privileges authorized in this division, the 1044
holder of a D-5b permit may exercise the same privileges as a 1045
holder of a D-5 permit. 1046

A D-5b permit shall not be transferred to another 1047
location. 1048

One D-5b permit may be issued at an enclosed shopping 1049
center containing at least two hundred twenty-five thousand, but 1050
less than four hundred thousand, square feet of floor area. 1051

Two D-5b permits may be issued at an enclosed shopping 1052
center containing at least four hundred thousand square feet of 1053
floor area. No more than one D-5b permit may be issued at an 1054
enclosed shopping center for each additional two hundred 1055
thousand square feet of floor area or fraction of that floor 1056
area, up to a maximum of five D-5b permits for each enclosed 1057
shopping center. The number of D-5b permits that may be issued 1058
at an enclosed shopping center shall be determined by 1059
subtracting the number of D-3 and D-5 permits issued in the 1060
enclosed shopping center from the number of D-5b permits that 1061
otherwise may be issued at the enclosed shopping center under 1062
the formulas provided in this division. Except as provided in 1063
this section, no quota shall be placed on the number of D-5b 1064
permits that may be issued. Notwithstanding any quota provided 1065
in this section, the holder of any D-5b permit first issued in 1066
accordance with this section is entitled to its renewal in 1067
accordance with section 4303.271 of the Revised Code. 1068

The holder of a D-5b permit issued before April 4, 1984, 1069
whose tenancy is terminated for a cause other than nonpayment of 1070
rent, may return the D-5b permit to the division of liquor 1071
control, and the division shall cancel that permit. Upon 1072
cancellation of that permit and upon the permit holder's payment 1073
of taxes, contributions, premiums, assessments, and other debts 1074
owing or accrued upon the date of cancellation to this state and 1075
its political subdivisions and a filing with the division of a 1076

certification of that payment, the division shall issue to that 1077
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, 1078
as that person requests. The division shall issue the D-5 1079
permit, or the D-1, D-2, and D-3 permits, even if the number of 1080
D-1, D-2, D-3, or D-5 permits currently issued in the municipal 1081
corporation or in the unincorporated area of the township where 1082
that person's proposed premises is located equals or exceeds the 1083
maximum number of such permits that can be issued in that 1084
municipal corporation or in the unincorporated area of that 1085
township under the population quota restrictions contained in 1086
section 4303.29 of the Revised Code. Any D-1, D-2, D-3, or D-5 1087
permit so issued shall not be transferred to another location. 1088
If a D-5b permit is canceled under the provisions of this 1089
paragraph, the number of D-5b permits that may be issued at the 1090
enclosed shopping center for which the D-5b permit was issued, 1091
under the formula provided in this division, shall be reduced by 1092
one if the enclosed shopping center was entitled to more than 1093
one D-5b permit under the formula. 1094

The fee for this permit is two thousand three hundred 1095
forty-four dollars. 1096

(C) Permit D-5c may be issued to the owner or operator of 1097
a retail food establishment or a food service operation licensed 1098
pursuant to Chapter 3717. of the Revised Code that operates as a 1099
restaurant for purposes of this chapter and that qualifies under 1100
the other requirements of this section to sell beer and any 1101
intoxicating liquor at retail, only by the individual drink in 1102
glass and from the container, for consumption on the premises 1103
where sold, and to sell the same products in the same manner and 1104
amounts not for consumption on the premises as may be sold by 1105
holders of D-1 and D-2 permits. In addition to the privileges 1106
authorized in this division, the holder of a D-5c permit may 1107

exercise the same privileges as the holder of a D-5 permit. 1108

To qualify for a D-5c permit, the owner or operator of a 1109
retail food establishment or a food service operation licensed 1110
pursuant to Chapter 3717. of the Revised Code that operates as a 1111
restaurant for purposes of this chapter, shall have operated the 1112
restaurant at the proposed premises for not less than twenty- 1113
four consecutive months immediately preceding the filing of the 1114
application for the permit, have applied for a D-5 permit no 1115
later than December 31, 1988, and appear on the division's quota 1116
waiting list for not less than six months immediately preceding 1117
the filing of the application for the permit. In addition to 1118
these requirements, the proposed D-5c permit premises shall be 1119
located within a municipal corporation and further within an 1120
election precinct that, at the time of the application, has no 1121
more than twenty-five per cent of its total land area zoned for 1122
residential use. 1123

A D-5c permit shall not be transferred to another 1124
location. No quota restriction shall be placed on the number of 1125
such permits that may be issued. 1126

Any person who has held a D-5c permit for at least two 1127
years may apply for a D-5 permit, and the division of liquor 1128
control shall issue the D-5 permit notwithstanding the quota 1129
restrictions contained in section 4303.29 of the Revised Code or 1130
in any rule of the liquor control commission. 1131

The fee for this permit is one thousand five hundred 1132
sixty-three dollars. 1133

(D) (1) Permit D-5d may be issued to the owner or operator 1134
of a retail food establishment or a food service operation 1135
licensed pursuant to Chapter 3717. of the Revised Code that 1136

operates as a restaurant for purposes of this chapter and that 1137
is located at an airport operated by a municipal corporation, at 1138
an airport operated by a board of county commissioners pursuant 1139
to section 307.20 of the Revised Code, at an airport operated by 1140
a port authority pursuant to Chapter 4582. of the Revised Code, 1141
or at an airport operated by a regional airport authority 1142
pursuant to Chapter 308. of the Revised Code. ~~The~~ 1143

(2) The holder of a D-5d permit may sell beer either of 1144
the following: 1145

(a) Beer and any intoxicating liquor at retail, only by 1146
the individual drink in glass and from the container, for 1147
consumption on the premises where sold, ~~and may sell.~~ In 1148
addition, such consumption may occur in the area of the airport 1149
terminal that is restricted to persons taking flights to and 1150
from the airport, provided all of the following apply: 1151

(i) The airport's governing body authorizes the 1152
consumption of beer and intoxicating liquor in that area. 1153

(ii) The D-5d permit holder is located in that area. 1154

(iii) The airport is a public-use airport, as defined in 1155
section 4563.30 of the Revised Code, that has commercial flight 1156
activity and has one or more passenger or property screening 1157
checkpoints or restricted areas used as security measures. 1158

(iv) The beer or intoxicating liquor is served solely in 1159
plastic bottles or other plastic containers that clearly 1160
identify the D-5d permit holder. 1161

(b) The the same products in the same manner and amounts 1162
not for consumption on the premises where sold as may be sold by 1163
the holders of D-1 and D-2 permits. ~~In~~ 1164

In addition to the privileges authorized in ~~this~~ division 1165
(D) of this section, the holder of a D-5d permit may exercise 1166
the same privileges as the holder of a D-5 permit. 1167

(3) A D-5d permit shall not be transferred to another 1168
location. No quota restrictions shall be placed on the number of 1169
such permits that may be issued. 1170

(4) The fee for ~~this~~ the D-5d permit is two thousand three 1171
hundred forty-four dollars. 1172

(E) Permit D-5e may be issued to any nonprofit 1173
organization that is exempt from federal income taxation under 1174
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1175
501(c)(3), as amended, or that is a charitable organization 1176
under any chapter of the Revised Code, and that owns or operates 1177
a riverboat that meets all of the following: 1178

(1) Is permanently docked at one location; 1179

(2) Is designated as an historical riverboat by the Ohio 1180
history connection; 1181

(3) Contains not less than fifteen hundred square feet of 1182
floor area; 1183

(4) Has a seating capacity of fifty or more persons. 1184

The holder of a D-5e permit may sell beer and intoxicating 1185
liquor at retail, only by the individual drink in glass and from 1186
the container, for consumption on the premises where sold. 1187

A D-5e permit shall not be transferred to another 1188
location. No quota restriction shall be placed on the number of 1189
such permits that may be issued. The population quota 1190
restrictions contained in section 4303.29 of the Revised Code or 1191
in any rule of the liquor control commission shall not apply to 1192

this division, and the division shall issue a D-5e permit to any 1193
applicant who meets the requirements of this division. However, 1194
the division shall not issue a D-5e permit if the permit 1195
premises or proposed permit premises are located within an area 1196
in which the sale of spirituous liquor by the glass is 1197
prohibited. 1198

The fee for this permit is one thousand two hundred 1199
nineteen dollars. 1200

(F) Permit D-5f may be issued to the owner or operator of 1201
a retail food establishment or a food service operation licensed 1202
under Chapter 3717. of the Revised Code that operates as a 1203
restaurant for purposes of this chapter and that meets all of 1204
the following: 1205

(1) It contains not less than twenty-five hundred square 1206
feet of floor area. 1207

(2) It is located on or in, or immediately adjacent to, 1208
the shoreline of, a navigable river. 1209

(3) It provides docking space for twenty-five boats. 1210

(4) It provides entertainment and recreation, provided 1211
that not less than fifty per cent of the business on the permit 1212
premises shall be preparing and serving meals for a 1213
consideration. 1214

In addition, each application for a D-5f permit shall be 1215
accompanied by a certification from the local legislative 1216
authority that the issuance of the D-5f permit is not 1217
inconsistent with that political subdivision's comprehensive 1218
development plan or other economic development goal as 1219
officially established by the local legislative authority. 1220

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.

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

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

(G) Permit D-5g may be issued to a nonprofit corporation that is either the owner or the operator of a national professional sports museum. The holder of a D-5g permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. The holder of a D-5g permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. A D-5g permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5g permits that may be issued. The fee for this permit is one thousand eight hundred seventy-five dollars.

(H) (1) Permit D-5h 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, that owns or operates any of the 1250
following: 1251

(a) A fine arts museum, provided that the nonprofit 1252
organization has no less than one thousand five hundred bona 1253
fide members possessing full membership privileges; 1254

(b) A community arts center. As used in division (H) (1) (b) 1255
of this section, "community arts center" means a facility that 1256
provides arts programming to the community in more than one arts 1257
discipline, including, but not limited to, exhibits of works of 1258
art and performances by both professional and amateur artists. 1259

(c) A community theater, provided that the nonprofit 1260
organization is a member of the Ohio arts council and the 1261
American community theatre association and has been in existence 1262
for not less than ten years. As used in division (H) (1) (c) of 1263
this section, "community theater" means a facility that contains 1264
at least one hundred fifty seats and has a primary function of 1265
presenting live theatrical performances and providing 1266
recreational opportunities to the community. 1267

(2) The holder of a D-5h permit may sell beer and any 1268
intoxicating liquor at retail, only by the individual drink in 1269
glass and from the container, for consumption on the premises 1270
where sold. The holder of a D-5h permit shall sell no beer or 1271
intoxicating liquor for consumption on the premises where sold 1272
after one a.m. A D-5h permit shall not be transferred to another 1273
location. No quota restrictions shall be placed on the number of 1274
D-5h permits that may be issued. 1275

(3) The fee for a D-5h permit is one thousand eight 1276
hundred seventy-five dollars. 1277

(I) Permit D-5i may be issued to the owner or operator of 1278

a retail food establishment or a food service operation licensed 1279
under Chapter 3717. of the Revised Code that operates as a 1280
restaurant for purposes of this chapter and that meets all of 1281
the following requirements: 1282

(1) It is located in a municipal corporation or a township 1283
with a population of one hundred thousand or less. 1284

(2) It has inside seating capacity for at least one 1285
hundred forty persons. 1286

(3) It has at least four thousand square feet of floor 1287
area. 1288

(4) It offers full-course meals, appetizers, and 1289
sandwiches. 1290

(5) Its receipts from beer and liquor sales, excluding 1291
wine sales, do not exceed twenty-five per cent of its total 1292
gross receipts. 1293

(6) It has at least one of the following characteristics: 1294

(a) The value of its real and personal property exceeds 1295
seven hundred twenty-five thousand dollars. 1296

(b) It is located on property that is owned or leased by 1297
the state or a state agency, and its owner or operator has 1298
authorization from the state or the state agency that owns or 1299
leases the property to obtain a D-5i permit. 1300

The holder of a D-5i permit may sell beer and any 1301
intoxicating liquor at retail, only by the individual drink in 1302
glass and from the container, for consumption on the premises 1303
where sold, and may sell the same products in the same manner 1304
and amounts not for consumption on the premises where sold as 1305
may be sold by the holders of D-1 and D-2 permits. The holder of 1306

a D-5i permit shall sell no beer or intoxicating liquor for 1307
consumption on the premises where sold after two-thirty a.m. In 1308
addition to the privileges authorized in this division, the 1309
holder of a D-5i permit may exercise the same privileges as the 1310
holder of a D-5 permit. 1311

A D-5i permit shall not be transferred to another 1312
location. The division of liquor control shall not renew a D-5i 1313
permit unless the retail food establishment or food service 1314
operation for which it is issued continues to meet the 1315
requirements described in divisions (I) (1) to (6) of this 1316
section. No quota restrictions shall be placed on the number of 1317
D-5i permits that may be issued. The fee for the D-5i permit is 1318
two thousand three hundred forty-four dollars. 1319

(J) Permit D-5j may be issued to the owner or the operator 1320
of a retail food establishment or a food service operation 1321
licensed under Chapter 3717. of the Revised Code to sell beer 1322
and intoxicating liquor at retail, only by the individual drink 1323
in glass and from the container, for consumption on the premises 1324
where sold and to sell beer and intoxicating liquor in the same 1325
manner and amounts not for consumption on the premises where 1326
sold as may be sold by the holders of D-1 and D-2 permits. The 1327
holder of a D-5j permit may exercise the same privileges, and 1328
shall observe the same hours of operation, as the holder of a D- 1329
5 permit. 1330

The D-5j permit shall be issued only within a community 1331
entertainment district that is designated under section 4301.80 1332
of the Revised Code. The permit shall not be issued to a 1333
community entertainment district that is designated under 1334
divisions (B) and (C) of section 4301.80 of the Revised Code if 1335
the district does not meet one of the following qualifications: 1336

- (1) It is located in a municipal corporation with a population of at least one hundred thousand. 1337
1338
- (2) It is located in a municipal corporation with a population of at least twenty thousand, and either of the following applies: 1339
1340
1341
- (a) It contains an amusement park the rides of which have been issued a permit by the department of agriculture under Chapter 1711. of the Revised Code. 1342
1343
1344
- (b) Not less than fifty million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation. 1345
1346
1347
- (3) It is located in a township with a population of at least forty thousand. 1348
1349
- (4) It is located in a township with a population of at least twenty thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the township. 1350
1351
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1353
- (5) It is located in a municipal corporation with a population between seven thousand and twenty thousand, and both of the following apply: 1354
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1356
- (a) The municipal corporation was incorporated as a village prior to calendar year 1880 and currently has a historic downtown business district. 1357
1358
1359
- (b) The municipal corporation is located in the same county as another municipal corporation with at least one community entertainment district. 1360
1361
1362
- (6) It is located in a municipal corporation with a population of at least ten thousand, and not less than seventy 1363
1364

million dollars will be invested in development and construction 1365
in the community entertainment district's area located in the 1366
municipal corporation. 1367

(7) It is located in a municipal corporation with a 1368
population of at least three thousand, and not less than one 1369
hundred fifty million dollars will be invested in development 1370
and construction in the community entertainment district's area 1371
located in the municipal corporation. 1372

The location of a D-5j permit may be transferred only 1373
within the geographic boundaries of the community entertainment 1374
district in which it was issued and shall not be transferred 1375
outside the geographic boundaries of that district. 1376

Not more than one D-5j permit shall be issued within each 1377
community entertainment district for each five acres of land 1378
located within the district. Not more than fifteen D-5j permits 1379
may be issued within a single community entertainment district. 1380
Except as otherwise provided in division (J) (4) of this section, 1381
no quota restrictions shall be placed upon the number of D-5j 1382
permits that may be issued. 1383

The fee for a D-5j permit is two thousand three hundred 1384
forty-four dollars. 1385

(K) (1) Permit D-5k may be issued to any nonprofit 1386
organization that is exempt from federal income taxation under 1387
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1388
501(c) (3), as amended, that is the owner or operator of a 1389
botanical garden recognized by the American association of 1390
botanical gardens and arboreta, and that has not less than 1391
twenty-five hundred bona fide members. 1392

(2) The holder of a D-5k permit may sell beer and any 1393

intoxicating liquor at retail, only by the individual drink in 1394
glass and from the container, on the premises where sold. 1395

(3) The holder of a D-5k permit shall sell no beer or 1396
intoxicating liquor for consumption on the premises where sold 1397
after one a.m. 1398

(4) A D-5k permit shall not be transferred to another 1399
location. 1400

(5) No quota restrictions shall be placed on the number of 1401
D-5k permits that may be issued. 1402

(6) The fee for the D-5k permit is one thousand eight 1403
hundred seventy-five dollars. 1404

(L) (1) Permit D-5l may be issued to the owner or the 1405
operator of a retail food establishment or a food service 1406
operation licensed under Chapter 3717. of the Revised Code to 1407
sell beer and intoxicating liquor at retail, only by the 1408
individual drink in glass and from the container, for 1409
consumption on the premises where sold and to sell beer and 1410
intoxicating liquor in the same manner and amounts not for 1411
consumption on the premises where sold as may be sold by the 1412
holders of D-1 and D-2 permits. The holder of a D-5l permit may 1413
exercise the same privileges, and shall observe the same hours 1414
of operation, as the holder of a D-5 permit. 1415

(2) The D-5l permit shall be issued only to a premises to 1416
which all of the following apply: 1417

(a) The premises has gross annual receipts from the sale 1418
of food and meals that constitute not less than seventy-five per 1419
cent of its total gross annual receipts. 1420

(b) The premises is located within a revitalization 1421

district that is designated under section 4301.81 of the Revised Code. 1422
1423

(c) The premises is located in a municipal corporation or township in which the number of D-5 permits issued equals or exceeds the number of those permits that may be issued in that municipal corporation or township under section 4303.29 of the Revised Code. 1424
1425
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(d) The premises meets any of the following qualifications: 1429
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(i) It is located in a county with a population of one hundred twenty-five thousand or less according to the population estimates certified by the development services agency for calendar year 2006. 1431
1432
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(ii) It is located in the municipal corporation that has the largest population in a county when the county has a population between two hundred fifteen thousand and two hundred twenty-five thousand according to the population estimates certified by the development services agency for calendar year 2006. Division (L) (2) (d) (ii) of this section applies only to a municipal corporation that is wholly located in a county. 1435
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(iii) It is located in the municipal corporation that has the largest population in a county when the county has a population between one hundred forty thousand and one hundred forty-one thousand according to the population estimates certified by the development services agency for calendar year 2006. Division (L) (2) (d) (iii) of this section applies only to a municipal corporation that is wholly located in a county. 1442
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(iv) It is located in a township with a population density of less than four hundred fifty people per square mile. For 1449
1450

purposes of division (L) (2) (d) (iv) of this section, the 1451
population of a township is considered to be the population 1452
shown by the most recent regular federal decennial census. 1453

(v) It is located in a municipal corporation that is 1454
wholly located within the geographic boundaries of a township, 1455
provided that the municipal corporation and the unincorporated 1456
portion of the township have a combined population density of 1457
less than four hundred fifty people per square mile. For 1458
purposes of division (L) (2) (d) (v) of this section, the 1459
population of a municipal corporation and unincorporated portion 1460
of a township is the population shown by the most recent federal 1461
decennial census. 1462

(vi) It is located in a county with a population of not 1463
less than one hundred seventy-two thousand and not more than one 1464
hundred ninety-five thousand. For purposes of division (L) (2) (d) 1465
(vi) of this section, the population of a county is the 1466
population shown by the most recent decennial census. 1467

(vii) It is located in a municipal corporation with a 1468
population of less than ten thousand and the municipal 1469
corporation is located in a county with a population of more 1470
than one million. For purposes of division (L) (2) (d) (vii) of 1471
this section, the population of a municipal corporation and a 1472
county is the population shown by the most recent decennial 1473
census. 1474

(3) The location of a D-51 permit may be transferred only 1475
within the geographic boundaries of the revitalization district 1476
in which it was issued and shall not be transferred outside the 1477
geographic boundaries of that district. 1478

(4) Not more than one D-51 permit shall be issued within 1479

each revitalization district for each five acres of land located 1480
within the district. Not more than fifteen D-5l permits may be 1481
issued within a single revitalization district. Except as 1482
otherwise provided in division (L) (4) of this section, no quota 1483
restrictions shall be placed upon the number of D-5l permits 1484
that may be issued. 1485

(5) No D-5l permit shall be issued to an adult 1486
entertainment establishment as defined in section 2907.39 of the 1487
Revised Code. 1488

(6) The fee for a D-5l permit is two thousand three 1489
hundred forty-four dollars. 1490

(M) Permit D-5m may be issued to either the owner or the 1491
operator of a retail food establishment or food service 1492
operation licensed under Chapter 3717. of the Revised Code that 1493
operates as a restaurant for purposes of this chapter and that 1494
is located in, or affiliated with, a center for the preservation 1495
of wild animals as defined in section 4301.404 of the Revised 1496
Code, to sell beer and any intoxicating liquor at retail, only 1497
by the glass and from the container, for consumption on the 1498
premises where sold, and to sell the same products in the same 1499
manner and amounts not for consumption on the premises as may be 1500
sold by the holders of D-1 and D-2 permits. In addition to the 1501
privileges authorized by this division, the holder of a D-5m 1502
permit may exercise the same privileges as the holder of a D-5 1503
permit. 1504

A D-5m permit shall not be transferred to another 1505
location. No quota restrictions shall be placed on the number of 1506
D-5m permits that may be issued. The fee for a permit D-5m is 1507
two thousand three hundred forty-four dollars. 1508

(N) Permit D-5n shall be issued to either a casino operator or a casino management company licensed under Chapter 3772. of the Revised Code that operates a casino facility under that chapter, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5n permit may exercise the same privileges as the holder of a D-5 permit. A D-5n permit shall not be transferred to another location. Only one D-5n permit may be issued per casino facility and not more than four D-5n permits shall be issued in this state. The fee for a permit D-5n shall be twenty thousand dollars. The holder of a D-5n permit may conduct casino gaming on the permit premises notwithstanding any provision of the Revised Code or Administrative Code.

(O) Permit D-5o 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 is located within a casino facility for which a D-5n permit has been issued. The holder of a D-5o permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5o permit may exercise the same privileges as the holder of a D-5 permit. A D-5o permit shall not be transferred to another

location. No quota restrictions shall be placed on the number of 1540
such permits that may be issued. The fee for this permit is two 1541
thousand three hundred forty-four dollars. 1542

Sec. 4303.2011. (A) As used in this section, "nonprofit 1543
organization" means a corporation, association, group, 1544
institution, society, or other organization that: 1545

(1) Is exempt from federal income taxation; 1546

(2) Has a membership of two hundred fifty or more persons. 1547

(B) The division of liquor control may issue an F-11 1548
permit to a nonprofit organization to conduct an event if the 1549
event has all of the following characteristics: 1550

(1) The event is coordinated by the nonprofit organization 1551
and the nonprofit organization is responsible for the activities 1552
at the event. 1553

(2) One of the event's purposes is the introduction, 1554
showcasing, or promotion of craft beers manufactured in this 1555
state. 1556

(3) The event includes the sale of food for consumption on 1557
the premises where sold. 1558

(4) The event features at least twenty A-1c permit 1559
holders, who are members of the nonprofit organization that has 1560
organized the event, as participants. The nonprofit organization 1561
may allow any number of A-1 permit holders to participate in the 1562
event. 1563

(C) An F-11 permit holder may sell, at the event, beer 1564
that it has purchased from the A-1 or A-1c permit holders that 1565
are participating in the event. The F-11 permit holder may sell 1566
the beer in four-ounce samples or in containers not exceeding 1567

sixteen ounces for consumption on the premises where sold. 1568

The F-11 permit holder may sell beer on the F-11 permit 1569
premises only where and when the sale of beer is otherwise 1570
permitted by law. 1571

(D) The F-11 permit holder shall clearly define and 1572
sufficiently restrict the premises of the event to allow proper 1573
enforcement of the permit by state and local law enforcement 1574
officers. If an F-11 permit is issued for all or a portion of 1575
the same premises for which another class of permit is issued, 1576
that permit holder's privileges are suspended in that portion of 1577
the premises in which the F-11 permit is in effect. 1578

(E) (1) No F-11 permit is effective for more than seventy- 1579
two consecutive hours. However, for purposes of an exposition at 1580
the state fairgrounds, an F-11 permit is effective for the 1581
duration of the exposition. 1582

(2) No sales of beer shall take place under an F-11 permit 1583
after one a.m. 1584

(F) The division shall not issue more than six F-11 1585
permits to the same nonprofit organization in any one calendar 1586
year. 1587

(G) An applicant for an F-11 permit shall apply for the 1588
permit not later than thirty days prior to the first day of the 1589
event for which the permit is sought. In the application, the 1590
applicant shall list all of the A-1 and A-1c permit holders that 1591
will participate in the event. The fee for the F-11 permit is 1592
sixty dollars for each day of the event. 1593

The division shall prepare and make available an F-11 1594
permit application form and may require applicants for and 1595
holders of the F-11 permit to provide information that is in 1596

addition to that required by this section and that is necessary 1597
for the administration of this section. 1598

(H) (1) An F-11 permit holder is responsible, and is 1599
subject to penalties, for any violations of this chapter or 1600
Chapter 4301. of the Revised Code that occur during the event. 1601

(2) An F-11 permit holder shall not allow an A-1 or A-1c 1602
permit holder to participate in the event if the A-1 or A-1c 1603
permit or, if applicable, the A-1-A permit of that A-1 or A-1c 1604
permit holder is under suspension. 1605

(3) The division may refuse to issue an F-11 permit to an 1606
applicant if both of the following apply: 1607

(a) The applicant has pleaded guilty to or has been 1608
convicted of violating this chapter or Chapter 4301. of the 1609
Revised Code while operating under a previously issued F-11 1610
permit. 1611

(b) The violation occurred within the two years preceding 1612
the filing of the new F-11 permit application. 1613

(I) Notwithstanding any provision of section 4301.24 of 1614
the Revised Code or any rule adopted by the liquor control 1615
commission to the contrary, employees of an A-1 or A-1c permit 1616
holder or B-1 permit holder, or employees or agents of a B-1 1617
permit holder may assist an F-11 permit holder in serving beer 1618
at an event for which an F-11 permit is issued. 1619

Sec. 4303.2012. (A) As used in this section: 1620

(1) "Organization" means an association or employer of ten 1621
or more persons, a labor union, or a charitable organization. 1622

(2) "Special function" means a function that has a social, 1623
recreational, benevolent, charitable, fraternal, political, 1624

patriotic, or athletic purpose. "Special function" does not 1625
include any function the proceeds of which are for the profit or 1626
gain of any individual. 1627

(B) Subject to division (C) of this section, the division 1628
of liquor control may issue an F-12 permit to an organization to 1629
do both of the following: 1630

(1) Purchase beer from holders of A-1, A-1c, and B-1 1631
permits and to sell the beer at special functions held during 1632
the validity period of the F-12 permit; 1633

(2) Purchase wine from holders of A-2, A-2f, B-2, and B-5 1634
permits and to sell the wine at special functions held during 1635
the validity period of the F-12 permit. 1636

An F-12 permit is valid for ninety days. Not more than one 1637
F-12 permit may be issued to the same applicant in any one-year 1638
period. 1639

(C) An F-12 permit may be issued to an organization if the 1640
premises of the event for which the F-12 permit is sought is 1641
located in a precinct, or at a particular location in a 1642
precinct, in which the sale of beer and wine is otherwise 1643
permitted by law. However, sales under an F-12 permit on Sundays 1644
are not affected by whether Sunday sales of beer and wine for 1645
consumption on the premises where sold are allowed to be made by 1646
persons holding another type of permit in the precinct or at the 1647
particular location where the event is to be held. 1648

(D) The fee for the F-12 permit is five hundred dollars. 1649

Section 2. That existing sections 3717.22, 3717.42, 1650
4301.01, 4301.101, 4301.24, 4301.62, 4303.021, and 4303.181 of 1651
the Revised Code are hereby repealed. 1652

Section 3. The provisions of this act are severable as 1653
provided in section 1.50 of the Revised Code. 1654

Section 4. Section 4303.021 of the Revised Code is 1655
presented in this act as a composite of the section as amended 1656
by both H.B. 342 and H.B. 351 of the 131st General Assembly. The 1657
General Assembly, applying the principle stated in division (B) 1658
of section 1.52 of the Revised Code that amendments are to be 1659
harmonized if reasonably capable of simultaneous operation, 1660
finds that the composite is the resulting version of the section 1661
in effect prior to the effective date of the section as 1662
presented in this act. 1663