

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 115

Senator Maharath

A BILL

To amend section 4301.69 of the Revised Code to 1
prohibit a person under 21 years old from 2
entering or being allowed to enter a bar. 3

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

Section 1. That section 4301.69 of the Revised Code be 4
amended to read as follows: 5

Sec. 4301.69. (A) Except as otherwise provided in this 6
chapter, no person shall sell beer or intoxicating liquor to an 7
underage person, shall buy beer or intoxicating liquor for an 8
underage person, or shall furnish it to an underage person, 9
unless given by a physician in the regular line of the 10
physician's practice or given for established religious purposes 11
or unless the underage person is supervised by a parent, spouse 12
who is not an underage person, or legal guardian. 13

In proceedings before the liquor control commission, no 14
permit holder, or no employee or agent of a permit holder, 15
charged with a violation of this division shall be charged, for 16
the same offense, with a violation of division (A)(1) of section 17
4301.22 of the Revised Code. 18

(B) No person who is the owner or occupant of any public 19

or private place shall knowingly allow any underage person to 20
remain in or on the place while possessing or consuming beer or 21
intoxicating liquor, unless the intoxicating liquor or beer is 22
given to the person possessing or consuming it by that person's 23
parent, spouse who is not an underage person, or legal guardian 24
and the parent, spouse who is not an underage person, or legal 25
guardian is present at the time of the person's possession or 26
consumption of the beer or intoxicating liquor. 27

An owner of a public or private place is not liable for 28
acts or omissions in violation of this division that are 29
committed by a lessee of that place, unless the owner authorizes 30
or acquiesces in the lessee's acts or omissions. 31

(C) No person shall engage or use accommodations at a 32
hotel, inn, cabin, campground, or restaurant when the person 33
knows or has reason to know either of the following: 34

(1) That beer or intoxicating liquor will be consumed by 35
an underage person on the premises of the accommodations that 36
the person engages or uses, unless the person engaging or using 37
the accommodations is the spouse of the underage person and is 38
not an underage person, or is the parent or legal guardian of 39
all of the underage persons, who consume beer or intoxicating 40
liquor on the premises and that person is on the premises at all 41
times when beer or intoxicating liquor is being consumed by an 42
underage person; 43

(2) That a drug of abuse will be consumed on the premises 44
of the accommodations by any person, except a person who 45
obtained the drug of abuse pursuant to a prescription issued by 46
a licensed health professional authorized to prescribe drugs and 47
has the drug of abuse in the original container in which it was 48
dispensed to the person. 49

(D) (1) No person is required to permit the engagement of 50
accommodations at any hotel, inn, cabin, or campground by an 51
underage person or for an underage person, if the person 52
engaging the accommodations knows or has reason to know that the 53
underage person is intoxicated, or that the underage person 54
possesses any beer or intoxicating liquor and is not supervised 55
by a parent, spouse who is not an underage person, or legal 56
guardian who is or will be present at all times when the beer or 57
intoxicating liquor is being consumed by the underage person. 58

(2) No underage person shall knowingly engage or attempt 59
to engage accommodations at any hotel, inn, cabin, or campground 60
by presenting identification that falsely indicates that the 61
underage person is twenty-one years of age or older for the 62
purpose of violating this section. 63

(E) (1) No underage person shall knowingly order, pay for, 64
share the cost of, attempt to purchase, possess, or consume any 65
beer or intoxicating liquor in any public or private place. No 66
underage person shall knowingly be under the influence of any 67
beer or intoxicating liquor in any public place. The 68
prohibitions set forth in division (E) (1) of this section 69
against an underage person knowingly possessing, consuming, or 70
being under the influence of any beer or intoxicating liquor 71
shall not apply if the underage person is supervised by a 72
parent, spouse who is not an underage person, or legal guardian, 73
or the beer or intoxicating liquor is given by a physician in 74
the regular line of the physician's practice or given for 75
established religious purposes. 76

(2) (a) If a person is charged with violating division (E) 77
(1) of this section in a complaint filed under section 2151.27 78
of the Revised Code, the court may order the child into a 79

diversion program specified by the court and hold the complaint 80
in abeyance pending successful completion of the diversion 81
program. A child is ineligible to enter into a diversion program 82
under division (E) (2) (a) of this section if the child previously 83
has been diverted pursuant to division (E) (2) (a) of this 84
section. If the child completes the diversion program to the 85
satisfaction of the court, the court shall dismiss the complaint 86
and order the child's record in the case sealed under sections 87
2151.356 to 2151.358 of the Revised Code. If the child fails to 88
satisfactorily complete the diversion program, the court shall 89
proceed with the complaint. 90

(b) If a person is charged in a criminal complaint with 91
violating division (E) (1) of this section, section 2935.36 of 92
the Revised Code shall apply to the offense, except that a 93
person is ineligible for diversion under that section if the 94
person previously has been diverted pursuant to division (E) (2) 95
(a) or (b) of this section. If the person completes the 96
diversion program to the satisfaction of the court, the court 97
shall dismiss the complaint and order the record in the case 98
sealed under section 2953.52 of the Revised Code. If the person 99
fails to satisfactorily complete the diversion program, the 100
court shall proceed with the complaint. 101

(F) No parent, spouse who is not an underage person, or 102
legal guardian of a minor shall knowingly permit the minor to 103
violate this section or section 4301.63, 4301.633, or 4301.634 104
of the Revised Code. 105

(G) The operator of any hotel, inn, cabin, or campground 106
shall make the provisions of this section available in writing 107
to any person engaging or using accommodations at the hotel, 108
inn, cabin, or campground. 109

(H) No underage person shall enter an establishment to 110
which both of the following apply: 111

(1) An A-1-A, A-1c, A-2, A-2f, A-3a, or D-class permit has 112
been issued for the establishment; and 113

(2) The establishment has receipts from beer and 114
intoxicating liquor sales that exceed sixty per cent of total 115
gross receipts in any given year. 116

(I) No owner or operator of an establishment described in 117
division (H) of this section shall allow an underage person to 118
enter the establishment. 119

(J) As used in this section: 120

(1) "Drug of abuse" has the same meaning as in section 121
3719.011 of the Revised Code. 122

(2) "Hotel" has the same meaning as in section 3731.01 of 123
the Revised Code. 124

(3) "Licensed health professional authorized to prescribe 125
drugs" and "prescription" have the same meanings as in section 126
4729.01 of the Revised Code. 127

(4) "Minor" means a person under the age of eighteen 128
years. 129

(5) "Underage person" means a person under the age of 130
twenty-one years. 131

Section 2. That existing section 4301.69 of the Revised 132
Code is hereby repealed. 133

Section 3. Section 4301.69 of the Revised Code is 134
presented in this act as a composite of the section as amended 135
by both Am. Sub. H.B. 137 and Sub. S.B. 131 of the 126th General 136

Assembly. The General Assembly, applying the principle stated in 137
division (B) of section 1.52 of the Revised Code that amendments 138
are to be harmonized if reasonably capable of simultaneous 139
operation, finds that the composite is the resulting version of 140
the section in effect prior to the effective date of the section 141
as presented in this act. 142