

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 754

Representative Wiggam

A BILL

To amend section 4301.62 and to enact section 1
4303.186 of the Revised Code to create the D-9 2
liquor permit, which authorizes an establishment 3
to sell beer, wine, and mixed beverages for on- 4
premises consumption under specified 5
circumstances. 6

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

Section 1. That section 4301.62 be amended and section 7
4303.186 of the Revised Code be enacted to read as follows: 8

Sec. 4301.62. (A) As used in this section: 9

(1) "Chauffeured limousine" means a vehicle registered 10
under section 4503.24 of the Revised Code. 11

(2) "Street," "highway," and "motor vehicle" have the same 12
meanings as in section 4511.01 of the Revised Code. 13

(B) No person shall have in the person's possession an 14
opened container of beer or intoxicating liquor in any of the 15
following circumstances: 16

(1) Except as provided in division (C) (1) (e) of this 17
section, in an agency store; 18

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

(3) In any other public place;

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

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

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

(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, D-9, E, F, F-2, F-5, F-7, or F-8 permit;

(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, A-2f, S-1, or S-2 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;

(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the

Revised Code;	48
(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission;	49 50 51
(e) Spirituous liquor to be consumed for purposes of a tasting sample, as defined in section 4301.171 of the Revised Code.	52 53 54
(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.	55 56 57 58 59 60 61 62 63 64 65
(3) (a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.	66 67 68 69 70 71 72 73 74
(b) As used in division (C) (3) (a) of this section:	75
(i) "Orchestral performance" means a concert comprised of	76

a group of not fewer than forty musicians playing various 77
musical instruments. 78

(ii) "Outdoor performing arts center" means an outdoor 79
performing arts center that is located on not less than one 80
hundred fifty acres of land and that is open for performances 81
from the first day of April to the last day of October of each 82
year. 83

(4) A person may have in the person's possession an opened 84
or unopened container of beer or intoxicating liquor at an 85
outdoor location at which the person is attending an orchestral 86
performance as defined in division (C) (3) (b) (i) of this section 87
if the person with supervision and control over the performance 88
grants permission for the possession and consumption of beer or 89
intoxicating liquor in certain predesignated areas of that 90
outdoor location. 91

(5) A person may have in the person's possession on an F-9 92
liquor permit premises an opened or unopened container of beer 93
or intoxicating liquor that was not purchased from the holder of 94
the F-9 permit if the person is attending either of the 95
following: 96

(a) An orchestral performance and the F-9 permit holder 97
grants permission for the possession and consumption of beer or 98
intoxicating liquor in certain predesignated areas of the 99
premises during the period for which the F-9 permit is issued; 100

(b) An outdoor performing arts event or orchestral 101
performance that is free of charge and the F-9 permit holder 102
annually hosts not less than twenty-five other events or 103
performances that are free of charge on the permit premises. 104

As used in division (C) (5) of this section, "orchestral 105

performance" has the same meaning as in division (C) (3) (b) of	106
this section.	107
(6) (a) A person may have in the person's possession on the	108
property of an outdoor motorsports facility an opened or	109
unopened container of beer or intoxicating liquor that was not	110
purchased from the owner of the facility if both of the	111
following apply:	112
(i) The person is attending a racing event at the	113
facility; and	114
(ii) The owner of the facility grants permission for the	115
possession and consumption of beer or intoxicating liquor on the	116
property of the facility.	117
(b) As used in division (C) (6) (a) of this section:	118
(i) "Racing event" means a motor vehicle racing event	119
sanctioned by one or more motor racing sanctioning	120
organizations.	121
(ii) "Outdoor motorsports facility" means an outdoor	122
racetrack to which all of the following apply:	123
(I) It is two and four-tenths miles or more in length.	124
(II) It is located on two hundred acres or more of land.	125
(III) The primary business of the owner of the facility is	126
the hosting and promoting of racing events.	127
(IV) The holder of a D-1, D-2, or D-3 permit is located on	128
the property of the facility.	129
(7) (a) A person may have in the person's possession an	130
opened container of beer or intoxicating liquor at an outdoor	131
location within an outdoor refreshment area created under	132

section 4301.82 of the Revised Code if the opened container of 133
beer or intoxicating liquor was purchased from an A-1, A-1-A, A- 134
1c, A-2, A-2f, D class, or F class permit holder to which both 135
of the following apply: 136

(i) The permit holder's premises is located within the 137
outdoor refreshment area. 138

(ii) The permit held by the permit holder has an outdoor 139
refreshment area designation. 140

(b) Division (C) (7) of this section does not authorize a 141
person to do either of the following: 142

(i) Enter the premises of an establishment within an 143
outdoor refreshment area while possessing an opened container of 144
beer or intoxicating liquor acquired elsewhere; 145

(ii) Possess an opened container of beer or intoxicating 146
liquor while being in or on a motor vehicle within an outdoor 147
refreshment area, unless the possession is otherwise authorized 148
under division (D) or (E) of this section. 149

(c) As used in division (C) (7) of this section, "D class 150
permit holder" does not include a D-6 or D-8 permit holder. 151

(8) (a) A person may have in the person's possession on the 152
property of a market, within a defined F-8 permit premises, an 153
opened container of beer or intoxicating liquor that was 154
purchased from a D permit premises that is located immediately 155
adjacent to the market if both of the following apply: 156

(i) The market grants permission for the possession and 157
consumption of beer and intoxicating liquor within the defined 158
F-8 permit premises; 159

(ii) The market is hosting an event pursuant to an F-8 160

permit and the market has notified the division of liquor 161
control about the event in accordance with division (A) (3) of 162
section 4303.208 of the Revised Code. 163

(b) As used in division (C) (8) of this section, "market" 164
means a market, for which an F-8 permit is held, that has been 165
in operation since 1860. 166

(D) This section does not apply to a person who pays all 167
or a portion of the fee imposed for the use of a chauffeured 168
limousine pursuant to a prearranged contract, or the guest of 169
the person, when all of the following apply: 170

(1) The person or guest is a passenger in the limousine. 171

(2) The person or guest is located in the limousine, but 172
is not occupying a seat in the front compartment of the 173
limousine where the operator of the limousine is located. 174

(3) The limousine is located on any street, highway, or 175
other public or private property open to the public for purposes 176
of vehicular travel or parking. 177

(E) An opened bottle of wine that was purchased from the 178
holder of a permit that authorizes the sale of wine for 179
consumption on the premises where sold is not an opened 180
container for the purposes of this section if both of the 181
following apply: 182

(1) The opened bottle of wine is securely resealed by the 183
permit holder or an employee of the permit holder before the 184
bottle is removed from the premises. The bottle shall be secured 185
in such a manner that it is visibly apparent if the bottle has 186
been subsequently opened or tampered with. 187

(2) The opened bottle of wine that is resealed in 188

accordance with division (E) (1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.

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

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

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

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

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

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

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

(a) It has four wheels and is operated in a manner similar to a bicycle.	218 219
(b) It has at least five seats for passengers.	220
(c) It is designed to be powered by the pedaling of the operator and the passengers.	221 222
(d) It is used for commercial purposes.	223
(e) It is operated by the vehicle owner or an employee of the owner.	224 225
(G) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market.	226 227 228 229 230
As used in division (G) of this section, "market" means an establishment that:	231 232
(1) Leases space in the market to individual vendors, not less than fifty per cent of which are retail food establishments or food service operations licensed under Chapter 3717. of the Revised Code;	233 234 235 236
(2) Has an indoor sales floor area of not less than twenty-two thousand square feet;	237 238
(3) Hosts a farmer's market on each Saturday from April through December.	239 240
(H) (1) As used in this section, "alcoholic beverage" has the same meaning as in section 4303.185 of the Revised Code.	241 242
(2) An alcoholic beverage in a closed container being transported under section 4303.185 of the Revised Code to its	243 244

final destination is not an opened container for the purposes of 245
this section if the closed container is securely sealed in such 246
a manner that it is visibly apparent if the closed container has 247
been subsequently opened or tampered with after sealing. 248

(I) This section does not apply to a person who has in the 249
person's possession an opened container of beer or intoxicating 250
liquor in a public-use airport, as described in division (D) (2) 251
(a) (iii) of section 4303.181 of the Revised Code, when both of 252
the following apply: 253

(1) Consumption of the opened container of beer or 254
intoxicating liquor occurs in the area of the airport terminal 255
that is restricted to persons taking flights to and from the 256
airport; and 257

(2) The consumption is authorized under division (D) (2) (a) 258
of section 4303.181 of the Revised Code. 259

(J) This section does not apply to a person that has in 260
the person's possession an opened container of homemade beer or 261
wine that is served in accordance with division (E) of section 262
4301.201 of the Revised Code. 263

Sec. 4303.186. (A) As used in this section, "disposable 264
container" means a receptacle that is disposable and that has a 265
capacity to hold not more than either of the following: 266

(1) Sixteen ounces of beer; 267

(2) Twelve ounces of wine or mixed beverage. 268

"Disposable container" includes a bottle or can of beer, 269
wine, or mixed beverage produced by the original manufacturer. 270

(B) The division of liquor control may issue a D-9 permit 271
to an establishment to sell beer, wine, or mixed beverages in 272

disposable containers at retail for on-premises consumption. The 273
establishment shall make such sales for not more than one 274
hundred five calendar days per year. The days need not be 275
consecutive. The owner of the establishment shall do both of the 276
following: 277

(1) Ensure that a mobile retail food establishment or a 278
mobile food service operation licensed under Chapter 3717. of 279
the Revised Code serves food on the premises of the D-9 permit 280
holder during the same hours that beer, wine, or mixed beverages 281
are sold by the D-9 permit holder; 282

(2) Sell beer, wine, or mixed beverages during the same 283
hours as the holders of D-5 permits under this chapter or 284
Chapter 4301. of the Revised Code or the rules of the liquor 285
control commission. 286

(C) The division only may issue a D-9 permit if the 287
premises for which the D-9 permit is sought is in compliance 288
with all of the following: 289

(1) The premises is located on not less than ninety acres 290
of land. 291

(2) The premises has a total fixed seating capacity for 292
not less than two thousand people. 293

(3) The premises is located in a precinct, or at a 294
particular location in a precinct, in which the sale of beer, 295
wine, and mixed beverages is otherwise permitted by law. 296

(4) The premises primarily hosts automobile sports, 297
including drag racing. 298

(5) The premises is located in the unincorporated area of 299
a township with a population of less than fifteen thousand and 300

in a county with a population of less than one hundred thirty thousand. For purposes of division (C) (5) of this section, the population of a township and county is considered to be the population shown by the most recent regular federal decennial census. 301
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(D) In addition, the premises of a D-9 permit holder need not: 306
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(1) Have an adequate supply of hot and cold running water from a source satisfactory to the local board of health of the health district in which that premises is located; 308
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(2) Have separate toilet facilities for men and women; 311

(3) Have water-flushed toilets. In place of water-flushed toilets, the D-9 permit holder shall install portable toilets on the premises. The portable toilets shall be installed in accordance with the local board of health of the health district in which the premises is located. 312
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(4) Have a wash bowl with running water for each portable toilet. In place of a wash bowl with running water, the D-9 permit holder shall install hand sanitizer stations outside each portable toilet. 317
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(E) The fee for the D-9 permit is five hundred dollars. 321

Section 2. That existing section 4301.62 of the Revised Code is hereby repealed. 322
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