

As Introduced

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H. B. No. 389

Representatives Rogers, Becker

Cosponsors: Representatives Miller, J., Hambley, Crossman, Sobecki, West, Hoops, Lipps, Patterson, Seitz, Miranda, Riedel, Lepore-Hagan, Kelly, Lang, Brent, Galonski, Blair, Cera, Denson, O'Brien, Strahorn, Hicks-Hudson, Sweeney

A BILL

To amend section 4301.58 of the Revised Code to 1
allow a nonprofit organization to give away 2
alcohol for fundraising purposes under specified 3
circumstances and to declare an emergency. 4

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

Section 1. That section 4301.58 of the Revised Code be 5
amended to read as follows: 6

Sec. 4301.58. (A) No person, personally or by the person's 7
clerk, agent, or employee, who is not the holder of an A permit 8
issued by the division of liquor control, in force at the time, 9
and authorizing the manufacture of beer or intoxicating liquor, 10
or who is not an agent or employee of the division authorized to 11
manufacture such beer or intoxicating liquor, shall manufacture 12
any beer or intoxicating liquor for sale, or shall manufacture 13
spirituous liquor. 14

(B) No person, personally or by the person's clerk, agent, 15
or employee, who is not the holder of an A, B, C, D, E, F, G, I, 16

or S permit issued by the division, in force at the time, and
authorizing the sale of beer, intoxicating liquor, or alcohol,
or who is not an agent or employee of the division or the tax
commissioner authorized to sell such beer, intoxicating liquor,
or alcohol, shall sell, keep, or possess beer, intoxicating
liquor, or alcohol for sale to any persons other than those
authorized by Chapters 4301. and 4303. of the Revised Code to
purchase any beer or intoxicating liquor, or sell any alcohol at
retail. ~~This division does not apply to or affect the sale or
possession for sale of any low-alcohol beverage.~~

(C) No person, personally or by the person's clerk, agent,
or employee, who is the holder of a permit issued by the
division, shall sell, keep, or possess for sale any intoxicating
liquor not purchased from the division or from the holder of a
permit issued by the division authorizing the sale of such
intoxicating liquor unless the same has been purchased with the
special consent of the division. The division shall revoke the
permit of any person convicted of a violation of division (C) of
this section.

(D) (1) Division (B) of this section does not apply to or
affect either of the following:

(a) The sale or possession for sale of any low-alcohol
beverage;

(b) A nonprofit organization that gives beer or
intoxicating liquor as a prize to a participant of a fund-
raising event for the nonprofit organization, including a
raffle, provided that both of the following apply:

(i) At the time of the fund-raising event, the nonprofit
organization does not hold a valid permit under Chapter 4303. of

the Revised Code that authorizes the sale of beer or 46
intoxicating liquor for off-premises consumption. 47

(ii) The beer or intoxicating liquor is given away in 48
sealed containers for off-premises consumption. 49

(2) As used in division (D)(1) of this section, "nonprofit 50
organization" includes both of the following: 51

(a) A church; 52

(b) A charitable organization that has received from the 53
internal revenue service a determination letter that is 54
currently in effect stating that the organization is exempt from 55
federal income taxation under subsection 501(a) and described in 56
subsection 501(c)(3) of the Internal Revenue Code. 57

Section 2. That existing section 4301.58 of the Revised 58
Code is hereby repealed. 59

Section 3. This act is hereby declared to be an emergency 60
measure necessary for the immediate preservation of the public 61
peace, health, and safety. The reason for this necessity is that 62
its enactment into law at the earliest possible time will allow 63
nonprofit organizations to raise funds in a more timely manner, 64
thereby helping the communities in which the organizations are 65
located. Therefore, this act shall go into immediate effect. 66