

As Introduced

**131st General Assembly
Regular Session
2015-2016**

H. B. No. 37

Representatives Stinziano, Duffey

A BILL

To amend section 4301.62 of the Revised Code to
allow a person to possess 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.

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

Section 1. That section 4301.62 of the Revised Code be
amended to read as follows:

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

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

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

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

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

(2) Except as provided in division (C) 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-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, 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 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;

(d) Beer or intoxicating liquor to be consumed during 47
tastings and samplings approved by rule of the liquor control 48
commission; 49

(e) Spirituous liquor to be consumed for purposes of a 50
tasting sample, as defined in section 4301.171 of the Revised 51
Code. 52

(2) A person may have in the person's possession on an F 53
liquor permit premises an opened container of beer or 54
intoxicating liquor that was not purchased from the holder of 55
the F permit if the premises for which the F permit is issued is 56
a music festival and the holder of the F permit grants 57
permission for that possession on the premises during the period 58
for which the F permit is issued. As used in this division, 59
"music festival" means a series of outdoor live musical 60
performances, extending for a period of at least three 61
consecutive days and located on an area of land of at least 62
forty acres. 63

(3) (a) A person may have in the person's possession on a 64
D-2 liquor permit premises an opened or unopened container of 65
wine that was not purchased from the holder of the D-2 permit if 66
the premises for which the D-2 permit is issued is an outdoor 67
performing arts center, the person is attending an orchestral 68
performance, and the holder of the D-2 permit grants permission 69
for the possession and consumption of wine in certain 70
predesignated areas of the premises during the period for which 71
the D-2 permit is issued. 72

(b) As used in division (C) (3) (a) of this section: 73

(i) "Orchestral performance" means a concert comprised of 74
a group of not fewer than forty musicians playing various 75

musical instruments.	76
(ii) "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than one hundred fifty acres of land and that is open for performances from the first day of April to the last day of October of each year.	77 78 79 80 81
(4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in division (C) (3) (b) (i) of this section if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location.	82 83 84 85 86 87 88 89
(5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending an orchestral performance and the holder of the F-9 permit grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued.	90 91 92 93 94 95 96 97
As used in division (C) (5) of this section, "orchestral performance" has the same meaning as in division (C) (3) (b) of this section.	98 99 100
(6) (a) A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the	101 102 103 104

following apply:	105
(i) The person is attending a racing event at the facility; and	106 107
(ii) The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility.	108 109 110
(b) As used in division (C) (6) (a) of this section:	111
(i) "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.	112 113 114
(ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:	115 116
(I) It is two and four-tenths miles or more in length.	117
(II) It is located on two hundred acres or more of land.	118
(III) The primary business of the owner of the facility is the hosting and promoting of racing events.	119 120
(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.	121 122
(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:	123 124 125 126
(1) The person or guest is a passenger in the limousine.	127
(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.	128 129 130

(3) The limousine is located on any street, highway, or 131
other public or private property open to the public for purposes 132
of vehicular travel or parking. 133

(E) An opened bottle of wine that was purchased from the 134
holder of a permit that authorizes the sale of wine for 135
consumption on the premises where sold is not an opened 136
container for the purposes of this section if both of the 137
following apply: 138

(1) The opened bottle of wine is securely resealed by the 139
permit holder or an employee of the permit holder before the 140
bottle is removed from the premises. The bottle shall be secured 141
in such a manner that it is visibly apparent if the bottle has 142
been subsequently opened or tampered with. 143

(2) The opened bottle of wine that is resealed in 144
accordance with division (E) (1) of this section is stored in the 145
trunk of a motor vehicle or, if the motor vehicle does not have 146
a trunk, behind the last upright seat or in an area not normally 147
occupied by the driver or passengers and not easily accessible 148
by the driver. 149

(F) This section does not apply to a person that has in 150
the person's possession an opened container of beer or 151
intoxicating liquor on the premises of a market if the beer or 152
intoxicating liquor has been purchased from a D liquor permit 153
holder that is located in the market. 154

As used in division (F) of this section, "market" means an 155
establishment that: 156

(1) Leases space in the market to individual vendors, not 157
less than fifty per cent of which are retail food establishments 158
or food service operations licensed under Chapter 3717. of the 159

<u>Revised Code;</u>	160
<u>(2) Has an indoor sales floor area of not less than</u>	161
<u>twenty-two thousand square feet;</u>	162
<u>(3) Hosts a farmer's market on each Saturday from April</u>	163
<u>through December;</u>	164
<u>(4) Is owned by a political subdivision.</u>	165
Section 2. That existing section 4301.62 of the Revised	166
Code is hereby repealed.	167