

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 418

Representatives Bird, Stewart

**Cosponsors: Representatives Leland, Click, Ray, Merrin, Fowler Arthur, Plummer,
Stoltzfus, Hall, Ginter**

A BILL

To amend section 4301.69 of the Revised Code to 1
reduce the mental state, from knowingly to 2
recklessly, that applies to the prohibition 3
against allowing an underage person to possess 4
or consume alcohol in a private or public place. 5

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

Section 1. That section 4301.69 of the Revised Code be 6
amended to read as follows: 7

Sec. 4301.69. (A) Except as otherwise provided in this 8
chapter, no person shall sell beer or intoxicating liquor to an 9
underage person, shall buy beer or intoxicating liquor for an 10
underage person, or shall furnish it to an underage person, 11
unless given by a physician in the regular line of the 12
physician's practice or given for established religious purposes 13
or unless the underage person is supervised by a parent, spouse 14
who is not an underage person, or legal guardian. 15

In proceedings before the liquor control commission, no 16
permit holder, or no employee or agent of a permit holder, 17

charged with a violation of this division shall be charged, for 18
the same offense, with a violation of division (A) (1) of section 19
4301.22 of the Revised Code. 20

(B) No person who is the owner or occupant of any public 21
or private place shall ~~knowingly~~recklessly allow any underage 22
person to remain in or on the place while possessing or 23
consuming beer or intoxicating liquor, unless the intoxicating 24
liquor or beer is given to the person possessing or consuming it 25
by that person's parent, spouse who is not an underage person, 26
or legal guardian and the parent, spouse who is not an underage 27
person, or legal guardian is present at the time of the person's 28
possession or consumption of the beer or intoxicating liquor. 29

An owner of a public or private place is not liable for 30
acts or omissions in violation of this division that are 31
committed by a lessee of that place, unless the owner authorizes 32
or acquiesces in the lessee's acts or omissions. 33

(C) No person shall engage or use accommodations at a 34
hotel, inn, cabin, campground, or restaurant when the person 35
knows or has reason to know either of the following: 36

(1) That beer or intoxicating liquor will be consumed by 37
an underage person on the premises of the accommodations that 38
the person engages or uses, unless the person engaging or using 39
the accommodations is the spouse of the underage person and is 40
not an underage person, or is the parent or legal guardian of 41
all of the underage persons, who consume beer or intoxicating 42
liquor on the premises and that person is on the premises at all 43
times when beer or intoxicating liquor is being consumed by an 44
underage person; 45

(2) That a drug of abuse will be consumed on the premises 46

of the accommodations by any person, except a person who 47
obtained the drug of abuse pursuant to a prescription issued by 48
a licensed health professional authorized to prescribe drugs and 49
has the drug of abuse in the original container in which it was 50
dispensed to the person. 51

(D) (1) No person is required to permit the engagement of 52
accommodations at any hotel, inn, cabin, or campground by an 53
underage person or for an underage person, if the person 54
engaging the accommodations knows or has reason to know that the 55
underage person is intoxicated, or that the underage person 56
possesses any beer or intoxicating liquor and is not supervised 57
by a parent, spouse who is not an underage person, or legal 58
guardian who is or will be present at all times when the beer or 59
intoxicating liquor is being consumed by the underage person. 60

(2) No underage person shall knowingly engage or attempt 61
to engage accommodations at any hotel, inn, cabin, or campground 62
by presenting identification that falsely indicates that the 63
underage person is twenty-one years of age or older for the 64
purpose of violating this section. 65

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

the regular line of the physician's practice or given for 77
established religious purposes. 78

(2) (a) If a person is charged with violating division (E) 79
(1) of this section in a complaint filed under section 2151.27 80
of the Revised Code, the court may order the child into a 81
diversion program specified by the court and hold the complaint 82
in abeyance pending successful completion of the diversion 83
program. A child is ineligible to enter into a diversion program 84
under division (E) (2) (a) of this section if the child previously 85
has been diverted pursuant to division (E) (2) (a) of this 86
section. If the child completes the diversion program to the 87
satisfaction of the court, the court shall dismiss the complaint 88
and order the child's record in the case sealed under sections 89
2151.356 to 2151.358 of the Revised Code. If the child fails to 90
satisfactorily complete the diversion program, the court shall 91
proceed with the complaint. 92

(b) If a person is charged in a criminal complaint with 93
violating division (E) (1) of this section, section 2935.36 of 94
the Revised Code shall apply to the offense, except that a 95
person is ineligible for diversion under that section if the 96
person previously has been diverted pursuant to division (E) (2) 97
(a) or (b) of this section. If the person completes the 98
diversion program to the satisfaction of the court, the court 99
shall dismiss the complaint and order the record in the case 100
sealed under section 2953.52 of the Revised Code. If the person 101
fails to satisfactorily complete the diversion program, the 102
court shall proceed with the complaint. 103

(F) No parent, spouse who is not an underage person, or 104
legal guardian of a minor shall knowingly permit the minor to 105
violate this section or section 4301.63, 4301.633, or 4301.634 106

of the Revised Code.	107
(G) The operator of any hotel, inn, cabin, or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn, cabin, or campground.	108 109 110 111
(H) As used in this section:	112
(1) "Drug of abuse" has the same meaning as in section 3719.011 of the Revised Code.	113 114
(2) "Hotel" has the same meaning as in section 3731.01 of the Revised Code.	115 116
(3) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	117 118 119
(4) "Minor" means a person under the age of eighteen years.	120 121
(5) "Underage person" means a person under the age of twenty-one years.	122 123
Section 2. That existing section 4301.69 of the Revised Code is hereby repealed.	124 125
Section 3. Section 4301.69 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 137 and S.B. 131 of the 126th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.	126 127 128 129 130 131 132 133 134