



Representatives Jamie Callender

Sponsor Testimony: House Bill 65, Viticulture Fire Code Clarifications
House Commerce and Labor Committee
March 28, 2023

Chairman Johnson, Vice-Chair Manchester, Ranking Member McNally, and members of the House Commerce and Labor Committee, thank you for the opportunity to testify on HB 65. Ohio has seen a winery boom since the signing of HB 302(113th GA) by Governor Rhodes creating the agriculture exemption for Ohio farm wineries, growing from 13 to over 400 and generating significant economic activity across the entire state . In 2002, Ohio Attorneys General issued an opinion extending this exemption for wineries who host weddings or other events on their properties so long as event revenues remained a small portion of their gross income. This exemption was challenged in court back in 2011 in Terry v Sperry resulting in the Ohio Supreme court siding with the winery.

This exemption is being used legally by hundreds of farm based wineries across Ohio to bring in events at either purpose build structures or repurposed barns. However, it is also been interpreted differently across political subdivisions as the state fire marshal has differed to local departments on the interpretation of this revised code section. This has meant that businesses separated by nothing but jurisdictions have seen the revised code interpreted differently. It has also created situations where venues have been operating for years under long standing industry regulations are being ordered to retrofit their buildings based on local decisions years after construction is permitted and complete. In some cases, becoming an impossible financial barrier to continue business operations.

This bill aims to rectify this situation by directing the Director of Commerce, in collaboration with the board of building standards, state fire marshal, and local building departments to clearly define the rules surrounding the Ohio Building Code and State Fire Code. This bill clarifies the maximum occupancy of a venue does not include outdoor areas. For example, a patio would have to have means of egress on at least three sides, and be compliant with the Americans with Disabilities Act. House Bill 65 ensures Ohio businesses can follow consistent and predictable standards statewide and will help attract new wineries to Ohio .

Thank you for the opportunity to testify. We welcome any questions you may have.