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Am. H. B. No. 351

Representatives Perales, DeVitis

Cosponsors: Representatives Henne, Hackett, Butler, Ramos, Cera, Becker, Brenner, Dever, Stinziano, Ruhl, Blessing, Young, Smith, K., Brown, Buchy, McColley, Anielski, Antonio, Arndt, Baker, Boggs, Burkley, Celebrezze, Clyde, Driehaus, Duffey, Grossman, Huffman, Koehler, Kunze, Lepore-Hagan, Maag, Manning, O'Brien, M., Patterson, Retherford, Rogers, Scherer, Schuring, Sheehy, Sweeney, Thompson

A BILL

To amend sections 4303.021 and 4303.041 of the Revised Code to increase the amount of spirituous liquor that an A-3a liquor permit holder may annually manufacture and to allow an A-3a permit holder to obtain an A-1-A liquor permit.

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

Section 1. That sections 4303.021 and 4303.041 of the Revised Code be amended to read as follows:

Sec. 4303.021. (A) Permit A-1-A may be issued to the holder of an A-1, A-1c, ~~or A-2,~~ or A-3a permit to sell beer and any intoxicating liquor at retail, only by the individual drink in glass or from a container, provided that one of the following applies to the A-1-A permit premises:

(1) It is situated on the same parcel or tract of land as

the related A-1, A-1c, ~~or A-2,~~ or A-3a manufacturing permit premises. 15
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(2) It is separated from the parcel or tract of land on 17
which is located the A-1, A-1c, ~~or A-2,~~ or A-3a manufacturing 18
permit premises only by public streets or highways or by other 19
lands owned by the holder of the A-1, A-1c, ~~or A-2,~~ or A-3a 20
permit and used by the holder in connection with or in promotion 21
of the holder's A-1, A-1c, ~~or A-2,~~ or A-3a permit business. 22

(3) ~~It~~ In the case of an A-1, A-1c, or A-2 permit holder, 23
it is situated on a parcel or tract of land that is not more 24
than one-half mile from the A-1, A-1c, or A-2 manufacturing 25
permit premises. 26

(B) The fee for this permit is three thousand nine hundred 27
six dollars. 28

(C) (1) The holder of an A-1-A permit may sell beer and any 29
intoxicating liquor during the same hours as the holders of D-5 30
permits under this chapter or Chapter 4301. of the Revised Code 31
or the rules of the liquor control commission and shall obtain a 32
license as a retail food establishment or a food service 33
operation pursuant to Chapter 3717. of the Revised Code and 34
operate as a restaurant for purposes of this chapter. 35

(2) If a permit A-1-A is issued to the holder of an A-1 or 36
A-1c permit, the A-1-A permit holder may sell beer at the A-1-A 37
permit premises dispensed in glass containers with a capacity 38
that does not exceed one gallon and not for consumption on the 39
premises where sold if all of the following apply: 40

(a) The A-1-A permit premises is situated in the same 41
municipal corporation or township as the related A-1 or A-1c 42
manufacturing permit premises. 43

(b) The containers are sealed, marked, and transported in accordance with division (E) of section 4301.62 of the Revised Code.

(c) The containers have been cleaned immediately before being filled in accordance with rule 4301:1-1-28 of the Administrative Code.

(D) Except as otherwise provided in this section, the division of liquor control shall not issue a new A-1-A permit to the holder of an A-1, A-1c, ~~or A-2,~~ or A-3a permit unless the sale of beer and intoxicating liquor under class D permits is permitted in the precinct in which the A-1, A-1c, ~~or A-2,~~ or A-3a permit is located and, in the case of an A-2 permit, unless the holder of the A-2 permit manufactures or has a storage capacity of at least twenty-five thousand gallons of wine per year. The immediately preceding sentence does not prohibit the issuance of an A-1-A permit to an applicant for such a permit who is the holder of an A-1 permit and whose application was filed with the division of liquor control before June 1, 1994. The liquor control commission shall not restrict the number of A-1-A permits which may be located within a precinct.

Sec. 4303.041. (A) An A-3a permit may be issued to a distiller that manufactures less than ~~ten~~ one hundred thousand gallons of spirituous liquor per year. An A-3a permit holder may sell to a personal consumer, in sealed containers for consumption off the premises where manufactured, spirituous liquor that the permit holder manufactures, but sales to the personal consumer may occur only by an in-person transaction at the permit premises. The A-3a permit holder shall not ship, send, or use an H permit holder to deliver spirituous liquor to the personal consumer.

"Distiller" means a person in this state who mashes, 74
ferments, distills, and ages spirituous liquor. 75

(B) (1) Except as otherwise provided in this section, no A- 76
3a permit shall be issued unless the sale of spirituous liquor 77
by the glass for consumption on the premises or by the package 78
for consumption off the premises is authorized in the election 79
precinct in which the A-3a permit is proposed to be located. 80

(2) Division (B) (1) of this section does not prohibit the 81
issuance of an A-3a permit to an applicant for such a permit who 82
has filed an application with the division of liquor control 83
~~before the effective date of this amendment~~ March 22, 2012. 84

(C) (1) An A-3a permit holder may offer for sale tasting 85
samples of spirituous liquor. The A-3a permit holder shall not 86
serve more than four tasting samples of spirituous liquor per 87
person per day. A tasting sample shall not exceed a quarter 88
ounce. Tasting samples shall be only for the purpose of allowing 89
a purchaser to determine, by tasting only, the quality and 90
character of the spirituous liquor. The tasting samples shall be 91
offered for sale in accordance with rules adopted by the 92
division of liquor control. 93

(2) An A-3a permit holder shall sell not more than one and 94
one-half liters of spirituous liquor per day from the permit 95
premises to the same personal consumer. 96

An A-3a permit holder may sell spirituous liquor in sealed 97
containers for consumption off the premises where manufactured 98
as an independent contractor under agreement, by virtue of the 99
permit, with the division of liquor control. The price at which 100
the A-3a permit holder shall sell each spirituous liquor product 101
to a personal consumer is to be determined by the division of 102

liquor control. For an A-3a permit holder to purchase and then 103
offer spirituous liquor for retail sale, the spirituous liquor 104
need not first leave the physical possession of the A-3a permit 105
holder to be so registered. The spirituous liquor that the A-3a 106
permit holder buys from the division of liquor control shall be 107
maintained in a separate area of the permit premises for sale to 108
personal consumers. The A-3a permit holder shall sell such 109
spirituous liquor in sealed containers for consumption off the 110
premises where manufactured as an independent contractor by 111
virtue of the permit issued by the division of liquor control, 112
but the permit holder shall not be compensated as provided in 113
division (A) (1) of section 4301.17 of the Revised Code. Each A- 114
3a permit holder shall be subject to audit by the division of 115
liquor control. 116

(D) The fee for the A-3a permit is two dollars per fifty- 117
gallon barrel. 118

(E) The holder of an A-3a permit may also exercise the 119
same privileges as the holder of an A-3 permit. 120

Section 2. That existing sections 4303.021 and 4303.041 of 121
the Revised Code are hereby repealed. 122