

As Passed by the Senate

131st General Assembly

Regular Session

2015-2016

Sub. H. B. No. 37

Representatives Stinziano, Duffey

Cosponsors: Representatives Blessing, Antani, Boyd, Buchy, Driehaus, Gerberry, Henne, Leland, Lepore-Hagan, Manning, O'Brien, M., Perales, Ramos, Retherford, Rogers, Sweeney, Young

Senators Uecker, Bacon, Balderson, Beagle, Burke, Coley, Eklund, Faber, Hackett, Hite, Jones, Patton, Seitz, Tavares, Thomas, Yuko

A BILL

To amend sections 4301.01, 4301.03, 4301.21, and 1
4301.62 and to enact section 4301.244 of the 2
Revised Code to establish exemptions to the Open 3
Container Law regarding beer or intoxicating 4
liquor purchased from specified D liquor permit 5
holders and consumed on the premises of a market 6
that meets specified conditions, to eliminate 7
the maximum permitted alcohol content of beer, 8
and to establish labeling requirements for beer 9
containing higher alcohol content. 10

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

Section 1. That sections 4301.01, 4301.03, 4301.21, and 11
4301.62 be amended and section 4301.244 of the Revised Code be 12
enacted to read as follows: 13

Sec. 4301.01. (A) As used in the Revised Code: 14

(1) "Intoxicating liquor" and "liquor" include all liquids 15

and compounds, other than beer, containing one-half of one per cent or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called, and whether they are medicated, proprietary, or patented. "Intoxicating liquor" and "liquor" include cider and alcohol, and all solids and confections which contain one-half of one per cent or more of alcohol by volume.

(2) Except as used in sections 4301.01 to 4301.20, 4301.22 to 4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of the Revised Code, "sale" and "sell" include exchange, barter, gift, offer for sale, sale, distribution and delivery of any kind, and the transfer of title or possession of beer and intoxicating liquor either by constructive or actual delivery by any means or devices whatever, including the sale of beer or intoxicating liquor by means of a controlled access alcohol and beverage cabinet pursuant to section 4301.21 of the Revised Code. "Sale" and "sell" do not include the mere solicitation of orders for beer or intoxicating liquor from the holders of permits issued by the division of liquor control authorizing the sale of the beer or intoxicating liquor, but no solicitor shall solicit any such orders until the solicitor has been registered with the division pursuant to section 4303.25 of the Revised Code.

(3) "Vehicle" includes all means of transportation by land, by water, or by air, and everything made use of in any way for such transportation.

(B) As used in this chapter:

(1) "Alcohol" means ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and

includes synthetic ethyl alcohol. "Alcohol" does not include 46
denatured alcohol and wood alcohol. 47

(2) "Beer" includes all beverages brewed or fermented 48
wholly or in part from malt products and containing one-half of 49
one per cent or more, ~~but not more than twelve per cent,~~ of 50
alcohol by volume. 51

(3) "Wine" includes all liquids fit to use for beverage 52
purposes containing not less than one-half of one per cent of 53
alcohol by volume and not more than twenty-one per cent of 54
alcohol by volume, which is made from the fermented juices of 55
grapes, fruits, or other agricultural products, except that as 56
used in sections 4301.13, 4301.421, 4301.422, 4301.432, and 57
4301.44 of the Revised Code, and, for purposes of determining 58
the rate of the tax that applies, division (B) of section 59
4301.43 of the Revised Code, "wine" does not include cider. 60

(4) "Mixed beverages" include bottled and prepared 61
cordials, cocktails, highballs, and solids and confections that 62
are obtained by mixing any type of whiskey, neutral spirits, 63
brandy, gin, or other distilled spirits with, or over, 64
carbonated or plain water, pure juices from flowers and plants, 65
and other flavoring materials. The completed product shall 66
contain not less than one-half of one per cent of alcohol by 67
volume and not more than twenty-one per cent of alcohol by 68
volume. 69

(5) "Spirituous liquor" includes all intoxicating liquors 70
containing more than twenty-one per cent of alcohol by volume. 71

(6) "Sealed container" means any container having a 72
capacity of not more than one hundred twenty-eight fluid ounces, 73
the opening of which is closed to prevent the entrance of air. 74

(7) "Person" includes firms and corporations.	75
(8) "Manufacture" includes all processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, or brewing, or in any other manner.	76 77 78 79
(9) "Manufacturer" means any person engaged in the business of manufacturing beer or intoxicating liquor.	80 81
(10) "Wholesale distributor" and "distributor" means a person engaged in the business of selling to retail dealers for purposes of resale.	82 83 84
(11) "Hotel" has the same meaning as in section 3731.01 of the Revised Code, subject to the exceptions mentioned in section 3731.03 of the Revised Code.	85 86 87
(12) "Restaurant" means a place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. "Restaurant" does not include pharmacies, confectionery stores, lunch stands, night clubs, and filling stations.	88 89 90 91 92 93 94
(13) "Club" means a corporation or association of individuals organized in good faith for social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purposes, which is the owner, lessor, or occupant of a permanent building or part of a permanent building operated solely for those purposes, membership in which entails the prepayment of regular dues, and includes the place so operated.	95 96 97 98 99 100 101
(14) "Night club" means a place operated for profit, where food is served for consumption on the premises and one or more	102 103

forms of amusement are provided or permitted for a consideration 104
that may be in the form of a cover charge or may be included in 105
the price of the food and beverages, or both, purchased by 106
patrons. 107

(15) "At retail" means for use or consumption by the 108
purchaser and not for resale. 109

(16) "Pharmacy" means an establishment, as defined in 110
section 4729.01 of the Revised Code, that is under the 111
management or control of a licensed pharmacist in accordance 112
with section 4729.27 of the Revised Code. 113

(17) "Enclosed shopping center" means a group of retail 114
sales and service business establishments that face into an 115
enclosed mall, share common ingress, egress, and parking 116
facilities, and are situated on a tract of land that contains an 117
area of not less than five hundred thousand square feet. 118
"Enclosed shopping center" also includes not more than one 119
business establishment that is located within a free-standing 120
building on such a tract of land, so long as the sale of beer 121
and intoxicating liquor on the tract of land was approved in an 122
election held under former section 4301.353 of the Revised Code. 123

(18) "Controlled access alcohol and beverage cabinet" 124
means a closed container, either refrigerated, in whole or in 125
part, or nonrefrigerated, access to the interior of which is 126
restricted by means of a device that requires the use of a key, 127
magnetic card, or similar device and from which beer, 128
intoxicating liquor, other beverages, or food may be sold. 129

(19) "Community facility" means either of the following: 130

(a) Any convention, sports, or entertainment facility or 131
complex, or any combination of these, that is used by or 132

accessible to the general public and that is owned or operated 133
in whole or in part by the state, a state agency, or a political 134
subdivision of the state or that is leased from, or located on 135
property owned by or leased from, the state, a state agency, a 136
political subdivision of the state, or a convention facilities 137
authority created pursuant to section 351.02 of the Revised 138
Code; 139

(b) An area designated as a community entertainment 140
district pursuant to section 4301.80 of the Revised Code. 141

(20) "Low-alcohol beverage" means any brewed or fermented 142
malt product, or any product made from the fermented juices of 143
grapes, fruits, or other agricultural products, that contains 144
either no alcohol or less than one-half of one per cent of 145
alcohol by volume. The beverages described in division (B) (20) 146
of this section do not include a soft drink such as root beer, 147
birch beer, or ginger beer. 148

(21) "Cider" means all liquids fit to use for beverage 149
purposes that contain one-half of one per cent of alcohol by 150
volume, but not more than six per cent of alcohol by weight, and 151
that are made through the normal alcoholic fermentation of the 152
juice of sound, ripe apples, including, without limitation, 153
flavored, sparkling, or carbonated cider and cider made from 154
pure condensed apple must. 155

(22) "Sales area or territory" means an exclusive 156
geographic area or territory that is assigned to a particular A 157
or B permit holder and that either has one or more political 158
subdivisions as its boundaries or consists of an area of land 159
with readily identifiable geographic boundaries. "Sales area or 160
territory" does not include, however, any particular retail 161
location in an exclusive geographic area or territory that had 162

been assigned to another A or B permit holder before April 9, 163
2001. 164

Sec. 4301.03. The liquor control commission may adopt and 165
promulgate, repeal, rescind, and amend, in the manner required 166
by this section, rules, standards, requirements, and orders 167
necessary to carry out this chapter and Chapter 4303. of the 168
Revised Code, but all rules of the board of liquor control that 169
were in effect immediately prior to April 17, 1963, shall remain 170
in full force and effect as rules of the liquor control 171
commission until and unless amended or repealed by the liquor 172
control commission. The rules of the commission may include the 173
following: 174

(A) Rules with reference to applications for and the 175
issuance of permits for the manufacture, distribution, 176
transportation, and sale of beer and intoxicating liquor, and 177
the sale of alcohol; and rules governing the procedure of the 178
division of liquor control in the suspension, revocation, and 179
cancellation of those permits; 180

(B) Rules and orders providing in detail for the conduct 181
of any retail business authorized under permits issued pursuant 182
to this chapter and Chapter 4303. of the Revised Code, with a 183
view to ensuring compliance with those chapters and laws 184
relative to them, and the maintenance of public decency, 185
sobriety, and good order in any place licensed under the 186
permits. No rule or order shall prohibit the operation of video 187
lottery terminal games at a commercial race track where live 188
horse racing and simulcasting are conducted in accordance with 189
Chapter 3769. of the Revised Code or the sale of lottery tickets 190
issued pursuant to Chapter 3770. of the Revised Code by any 191
retail business authorized under permits issued pursuant to that 192

chapter.	193
No rule or order shall prohibit pari-mutuel wagering on simulcast horse races at a satellite facility that has been issued a D liquor permit under Chapter 4303. of the Revised Code. No rule or order shall prohibit a charitable organization that holds a D-4 permit from selling or serving beer or intoxicating liquor under its permit in a portion of its premises merely because that portion of its premises is used at other times for the conduct of a bingo game, as described in division (O) of section 2915.01 of the Revised Code. However, such an organization shall not sell or serve beer or intoxicating liquor or permit beer or intoxicating liquor to be consumed or seen in the same location in its premises where a bingo game, as described in division (O) (1) of section 2915.01 of the Revised Code, is being conducted while the game is being conducted. As used in this division, "charitable organization" has the same meaning as in division (H) of section 2915.01 of the Revised Code. No rule or order pertaining to visibility into the premises of a permit holder after the legal hours of sale shall be adopted or maintained by the commission.	194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212
(C) Standards, not in conflict with those prescribed by any law of this state or the United States, to secure the use of proper ingredients and methods in the manufacture of beer, mixed beverages, and wine to be sold within this state;	213 214 215 216
(D) Rules determining the nature, form, and capacity of all packages and bottles to be used for containing beer or intoxicating liquor, except for spirituous liquor to be kept or sold, <u>and</u> governing the form of all seals and labels to be used on those packages and bottles, and ;	217 218 219 220 221
<u>(E) Rules</u> requiring the label on every package, bottle,	222

and container to state the <u>all of the following, as applicable:</u>	223
(1) The <u>ingredients in the contents</u> and, except on;	224
(2) Except for beer, the terms of weight, volume, or proof spirits, and whether the same;	225 226
(3) Except for spirituous liquor, <u>whether the product is</u> beer, wine, alcohol, or any intoxicating liquor except for spirituous liquor;	227 228 229
(4) Regarding beer that contains more than twelve per cent <u>of alcohol by volume, the percentage of alcohol by volume and</u> <u>that the beer is a "high alcohol beer."</u>	230 231 232
(E) (F) <u>Uniform rules governing all advertising with</u> reference to the sale of beer and intoxicating liquor throughout the state and advertising upon and in the premises licensed for the sale of beer or intoxicating liquor;	233 234 235 236
(F) (G) <u>Rules restricting and placing conditions upon the</u> transfer of permits;	237 238
(G) (H) <u>Rules and orders limiting the number of permits of</u> any class within the state or within any political subdivision of the state; and, for that purpose, adopting reasonable classifications of persons or establishments to which any authorized class of permits may be issued within any political subdivision;	239 240 241 242 243 244
(H) (I) <u>Rules and orders with reference to sales of beer</u> and intoxicating liquor on Sundays and holidays and with reference to the hours of the day during which and the persons to whom intoxicating liquor of any class may be sold, and rules with reference to the manner of sale;	245 246 247 248 249
(I) (J) <u>Rules requiring permit holders buying beer to pay</u>	250

and permit holders selling beer to collect minimum cash deposits 251
for kegs, cases, bottles, or other returnable containers of the 252
beer; requiring the repayment, or credit, of the minimum cash 253
deposit charges upon the return of the empty containers; and 254
requiring the posting of such form of indemnity or such other 255
conditions with respect to the charging, collection, and 256
repayment of minimum cash deposit charges for returnable 257
containers of beer as are necessary to ensure the return of the 258
empty containers or the repayment upon that return of the 259
minimum cash deposits paid; 260

~~(J)~~ (K) Rules establishing the method by which alcohol 261
products may be imported for sale by wholesale distributors and 262
the method by which manufacturers and suppliers may sell alcohol 263
products to wholesale distributors. 264

Every rule, standard, requirement, or order of the 265
commission and every repeal, amendment, or rescission of them 266
shall be posted for public inspection in the principal office of 267
the commission and the principal office of the division of 268
liquor control, and a certified copy of them shall be filed in 269
the office of the secretary of state. An order applying only to 270
persons named in it shall be served on the persons affected by 271
personal delivery of a certified copy, or by mailing a certified 272
copy to each person affected by it or, in the case of a 273
corporation, to any officer or agent of the corporation upon 274
whom a service of summons may be served in a civil action. The 275
posting and filing required by this section constitutes 276
sufficient notice to all persons affected by such rule or order 277
which is not required to be served. General rules of the 278
commission promulgated pursuant to this section shall be 279
published in the manner the commission determines. 280

Sec. 4301.21. The sale of beer or intoxicating liquor for 281
consumption on the premises is subject to the following 282
restrictions, in addition to those imposed by the rules and 283
orders of the division of liquor control: 284

(A) Except as otherwise provided in this chapter, beer or 285
intoxicating liquor may be served to a person not seated at a 286
table unless there is reason to believe that the beer or 287
intoxicating liquor so served will be consumed by a person under 288
twenty-one years of age. 289

(B) Beer or intoxicating liquor may be served by a hotel 290
in the room of a bona fide guest, and may be sold by a hotel 291
holding a D-5a permit, or a hotel holding a D-3 or D-5 permit 292
that otherwise meets all of the requirements for holding a D-5a 293
permit, by means of a controlled access alcohol and beverage 294
cabinet that shall be located only in the hotel room of a 295
registered guest. A hotel may sell beer or intoxicating liquor 296
as authorized by its permit to a registered guest by means of a 297
controlled access alcohol and beverage cabinet in accordance 298
with the following requirements: 299

(1) Only a person twenty-one years of age or older who is 300
a guest registered to stay in a guestroom shall be provided a 301
key, magnetic card, or other similar device necessary to obtain 302
access to the contents of a controlled access alcohol and 303
beverage cabinet in that guestroom. 304

(2) The hotel shall comply with section 4301.22 of the 305
Revised Code in connection with the handling, restocking, and 306
replenishing of the beer and intoxicating liquor in the 307
controlled access alcohol and beverage cabinet. 308

(3) The hotel shall replenish or restock beer and 309

intoxicating liquor in any controlled access alcohol and 310
beverage cabinet only during the hours during which the hotel 311
may serve or sell beer and intoxicating liquor. 312

(4) The registered guest shall verify in writing that the 313
guest has read and understands the language that shall be posted 314
on the controlled access alcohol and beverage cabinet as 315
required by division (B) (5) of this section. 316

(5) A hotel authorized to sell beer and intoxicating 317
liquor pursuant to division (B) of this section shall post on 318
the controlled access alcohol and beverage cabinet, in 319
conspicuous language, the following notice: 320

"The alcoholic beverages contained in this cabinet shall 321
not be removed from the premises." 322

(6) The hotel shall maintain a record of each sale of beer 323
or intoxicating liquor made by the hotel by means of a 324
controlled access alcohol and beverage cabinet for any period in 325
which the permit holder is authorized to hold the permit 326
pursuant to sections 4303.26 and 4303.27 of the Revised Code and 327
any additional period during which an applicant exercises its 328
right to appeal a rejection by the department or division of 329
liquor control to renew a permit pursuant to section 4303.271 of 330
the Revised Code. The records maintained by the hotel shall 331
comply with both of the following: 332

(a) Include the name, address, age, and signature of each 333
hotel guest who is provided access by the hotel to a controlled 334
access alcohol and beverage cabinet pursuant to division (B) (1) 335
of this section; 336

(b) Be made available during business hours to authorized 337
agents of the division of liquor control pursuant to division 338

(A) (6) of section 4301.10 of the Revised Code or to enforcement 339
agents of the department of public safety pursuant to sections 340
5502.13 to 5502.19 of the Revised Code. 341

(7) The hotel shall observe all other applicable rules 342
adopted by the division of liquor control and the liquor control 343
commission. 344

(C) Neither the seller nor the liquor control commission 345
by its regulations shall require the purchase of food with the 346
purchase of beer or intoxicating liquor; nor shall the seller of 347
beer or intoxicating liquor give away food of any kind in 348
connection with the sale of beer or intoxicating liquor, except 349
as authorized by rule of the liquor control commission. 350

(D) ~~The~~ Except as provided in division (B) (8) of section 351
4301.62 of the Revised Code, the seller shall not permit the 352
purchaser to remove beer or intoxicating liquor so sold from the 353
premises. 354

(E) A hotel authorized to sell beer and intoxicating 355
liquor pursuant to division (B) of this section shall provide a 356
registered guest with the opportunity to refuse to accept a key, 357
magnetic card, or other similar device necessary to obtain 358
access to the contents of a controlled access alcohol and 359
beverage cabinet in that guest room. If a registered guest 360
refuses to accept such key, magnetic card, or other similar 361
device, the hotel shall not assess any charges on the registered 362
guest for use of the controlled access alcohol and beverage 363
cabinet in that guest room. 364

Sec. 4301.244. Beer, regardless of the per cent of alcohol 365
by volume, is not intoxicating liquor for purposes of the 366
Revised Code or any rules adopted under it. 367

Sec. 4301.62. (A) As used in this section:	368
(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code.	369 370
(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code.	371 372
(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:	373 374 375
(1) Except as provided in division (C) (1) (e) of this section, in an agency store;	376 377
(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;	378 379 380
(3) In any other public place;	381
(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;	382 383 384 385 386
(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.	387 388 389 390
(C) (1) A person may have in the person's possession an opened container of any of the following:	391 392
(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the	393 394

holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 395
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 396
D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or 397
F-8 permit; 398

(b) Beer, wine, or mixed beverages served for consumption 399
on the premises by the holder of an F-3 permit or wine served 400
for consumption on the premises by the holder of an F-4 or F-6 401
permit; 402

(c) Beer or intoxicating liquor consumed on the premises 403
of a convention facility as provided in section 4303.201 of the 404
Revised Code; 405

(d) Beer or intoxicating liquor to be consumed during 406
tastings and samplings approved by rule of the liquor control 407
commission; 408

(e) Spirituous liquor to be consumed for purposes of a 409
tasting sample, as defined in section 4301.171 of the Revised 410
Code. 411

(2) A person may have in the person's possession on an F 412
liquor permit premises an opened container of beer or 413
intoxicating liquor that was not purchased from the holder of 414
the F permit if the premises for which the F permit is issued is 415
a music festival and the holder of the F permit grants 416
permission for that possession on the premises during the period 417
for which the F permit is issued. As used in this division, 418
"music festival" means a series of outdoor live musical 419
performances, extending for a period of at least three 420
consecutive days and located on an area of land of at least 421
forty acres. 422

(3) (a) A person may have in the person's possession on a 423

D-2 liquor permit premises an opened or unopened container of 424
wine that was not purchased from the holder of the D-2 permit if 425
the premises for which the D-2 permit is issued is an outdoor 426
performing arts center, the person is attending an orchestral 427
performance, and the holder of the D-2 permit grants permission 428
for the possession and consumption of wine in certain 429
predesignated areas of the premises during the period for which 430
the D-2 permit is issued. 431

(b) As used in division (C) (3) (a) of this section: 432

(i) "Orchestral performance" means a concert comprised of 433
a group of not fewer than forty musicians playing various 434
musical instruments. 435

(ii) "Outdoor performing arts center" means an outdoor 436
performing arts center that is located on not less than one 437
hundred fifty acres of land and that is open for performances 438
from the first day of April to the last day of October of each 439
year. 440

(4) A person may have in the person's possession an opened 441
or unopened container of beer or intoxicating liquor at an 442
outdoor location at which the person is attending an orchestral 443
performance as defined in division (C) (3) (b) (i) of this section 444
if the person with supervision and control over the performance 445
grants permission for the possession and consumption of beer or 446
intoxicating liquor in certain predesignated areas of that 447
outdoor location. 448

(5) A person may have in the person's possession on an F-9 449
liquor permit premises an opened or unopened container of beer 450
or intoxicating liquor that was not purchased from the holder of 451
the F-9 permit if the person is attending an orchestral 452

performance and the holder of the F-9 permit grants permission 453
for the possession and consumption of beer or intoxicating 454
liquor in certain predesignated areas of the premises during the 455
period for which the F-9 permit is issued. 456

As used in division (C) (5) of this section, "orchestral 457
performance" has the same meaning as in division (C) (3) (b) of 458
this section. 459

(6) (a) A person may have in the person's possession on the 460
property of an outdoor motorsports facility an opened or 461
unopened container of beer or intoxicating liquor that was not 462
purchased from the owner of the facility if both of the 463
following apply: 464

(i) The person is attending a racing event at the 465
facility; and 466

(ii) The owner of the facility grants permission for the 467
possession and consumption of beer or intoxicating liquor on the 468
property of the facility. 469

(b) As used in division (C) (6) (a) of this section: 470

(i) "Racing event" means a motor vehicle racing event 471
sanctioned by one or more motor racing sanctioning 472
organizations. 473

(ii) "Outdoor motorsports facility" means an outdoor 474
racetrack to which all of the following apply: 475

(I) It is two and four-tenths miles or more in length. 476

(II) It is located on two hundred acres or more of land. 477

(III) The primary business of the owner of the facility is 478
the hosting and promoting of racing events. 479

(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.	480 481
(7) (a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under section 4301.82 of the Revised Code if the opened container of beer or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:	482 483 484 485 486 487
(i) The permit holder's premises is located within the outdoor refreshment area.	488 489
(ii) The permit held by the permit holder has an outdoor refreshment area designation.	490 491
(b) Division (C) (7) of this section does not authorize a person to do either of the following:	492 493
(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;	494 495 496
(ii) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area, unless the motor vehicle is stationary and is not being operated in a lane of vehicular travel or unless the possession is otherwise authorized under division (D) or (E) of this section.	497 498 499 500 501 502
<u>(8) (a) A person may have in the person's possession on the property of a market, within a defined F-8 permit premises, an opened container of beer or intoxicating liquor that was purchased from a D permit premises that is located immediately adjacent to the market if both of the following apply:</u>	503 504 505 506 507

(i) The market grants permission for the possession and 508
consumption of beer and intoxicating liquor within the defined 509
F-8 permit premises; 510

(ii) The market is hosting an event pursuant to an F-8 511
permit and the market has notified the division of liquor 512
control about the event in accordance with division (A) (3) of 513
section 4303.208 of the Revised Code. 514

(b) As used in division (C) (8) of this section, market 515
means a market, for which an F-8 permit is held, that has been 516
in operation since 1860. 517

(D) This section does not apply to a person who pays all 518
or a portion of the fee imposed for the use of a chauffeured 519
limousine pursuant to a prearranged contract, or the guest of 520
the person, when all of the following apply: 521

(1) The person or guest is a passenger in the limousine. 522

(2) The person or guest is located in the limousine, but 523
is not occupying a seat in the front compartment of the 524
limousine where the operator of the limousine is located. 525

(3) The limousine is located on any street, highway, or 526
other public or private property open to the public for purposes 527
of vehicular travel or parking. 528

(E) An opened bottle of wine that was purchased from the 529
holder of a permit that authorizes the sale of wine for 530
consumption on the premises where sold is not an opened 531
container for the purposes of this section if both of the 532
following apply: 533

(1) The opened bottle of wine is securely resealed by the 534
permit holder or an employee of the permit holder before the 535

bottle is removed from the premises. The bottle shall be secured 536
in such a manner that it is visibly apparent if the bottle has 537
been subsequently opened or tampered with. 538

(2) The opened bottle of wine that is resealed in 539
accordance with division (E) (1) of this section is stored in the 540
trunk of a motor vehicle or, if the motor vehicle does not have 541
a trunk, behind the last upright seat or in an area not normally 542
occupied by the driver or passengers and not easily accessible 543
by the driver. 544

(F) (1) Except if an ordinance or resolution is enacted or 545
adopted under division (F) (2) of this section, this section does 546
not apply to a person who, pursuant to a prearranged contract, 547
is a passenger riding on a commercial quadricycle when all of 548
the following apply: 549

(a) The person is not occupying a seat in the front of the 550
commercial quadricycle where the operator is steering or 551
braking. 552

(b) The commercial quadricycle is being operated on a 553
street, highway, or other public or private property open to the 554
public for purposes of vehicular travel or parking. 555

(c) The person has in their possession on the commercial 556
quadricycle an opened container of beer or wine. 557

(d) The person has in their possession on the commercial 558
quadricycle not more than either thirty-six ounces of beer or 559
eighteen ounces of wine. 560

(2) The legislative authority of a municipal corporation 561
or township may enact an ordinance or adopt a resolution, as 562
applicable, that prohibits a passenger riding on a commercial 563
quadricycle from possessing an opened container of beer or wine. 564

(3) As used in this section, "commercial quadricycle" 565
means a vehicle that has fully-operative pedals for propulsion 566
entirely by human power and that meets all of the following 567
requirements: 568

(a) It has four wheels and is operated in a manner similar 569
to a bicycle. 570

(b) It has at least five seats for passengers. 571

(c) It is designed to be powered by the pedaling of the 572
operator and the passengers. 573

(d) It is used for commercial purposes. 574

(e) It is operated by the vehicle owner or an employee of 575
the owner. 576

(G) This section does not apply to a person that has in 577
the person's possession an opened container of beer or 578
intoxicating liquor on the premises of a market if the beer or 579
intoxicating liquor has been purchased from a D liquor permit 580
holder that is located in the market. 581

As used in division (G) of this section, "market" means an 582
establishment that: 583

(1) Leases space in the market to individual vendors, not 584
less than fifty per cent of which are retail food establishments 585
or food service operations licensed under Chapter 3717. of the 586
Revised Code; 587

(2) Has an indoor sales floor area of not less than 588
twenty-two thousand square feet; 589

(3) Hosts a farmer's market on each Saturday from April 590
through December. 591

Section 2. That existing sections 4301.01, 4301.03, 592
4301.21, and 4301.62 of the Revised Code are hereby repealed. 593