

As Passed by the House

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Sub. H. B. No. 444

Representative Blessing

Cosponsors: Representatives Henne, Grossman, Hambley, Brenner, Conditt, Becker, Ramos, Thompson, Perales, Manning, Buchy, Boose, Dever, Rezabek, Sheehy, Brown, Ashford, Boyd, Dovilla, Driehaus, Duffey, Lepore-Hagan, O'Brien, M., Patterson, Phillips, Rogers, Scherer, Schuring, Slesnick, Sweeney

A BILL

To amend section 4301.22 of the Revised Code to
allow A-1-A, A-1c, and certain D liquor permit
holders to provide free tasting samples of beer,
wine, and spirituous liquor, as applicable, to a
person who is 21 years old or older and a paying
customer of the permit holder.

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

Section 1. That section 4301.22 of the Revised Code be
amended to read as follows:

Sec. 4301.22. Sales of beer and intoxicating liquor under
all classes of permits and from state liquor stores are subject
to the following restrictions, in addition to those imposed by
the rules or orders of the division of liquor control:

(A) (1) Except as otherwise provided in this chapter, no
beer or intoxicating liquor shall be sold to any person under
twenty-one years of age.

(2) No low-alcohol beverage shall be sold to any person 16
under eighteen years of age. No permit issued by the division 17
shall be suspended, revoked, or canceled because of a violation 18
of division (A) (2) of this section. 19

(3) No intoxicating liquor shall be handled by any person 20
under twenty-one years of age, except that a person eighteen 21
years of age or older employed by a permit holder may handle or 22
sell beer or intoxicating liquor in sealed containers in 23
connection with wholesale or retail sales, and any person 24
nineteen years of age or older employed by a permit holder may 25
handle intoxicating liquor in open containers when acting in the 26
capacity of a server in a hotel, restaurant, club, or night 27
club, as defined in division (B) of section 4301.01 of the 28
Revised Code, or in the premises of a D-7 permit holder. This 29
section does not authorize persons under twenty-one years of age 30
to sell intoxicating liquor across a bar. Any person employed by 31
a permit holder may handle beer or intoxicating liquor in sealed 32
containers in connection with manufacturing, storage, 33
warehousing, placement, stocking, bagging, loading, or 34
unloading, and may handle beer or intoxicating liquor in open 35
containers in connection with cleaning tables or handling empty 36
bottles or glasses. 37

(B) No permit holder and no agent or employee of a permit 38
holder shall sell or furnish beer or intoxicating liquor to an 39
intoxicated person. 40

(C) No sales of intoxicating liquor shall be made after 41
two-thirty a.m. on Sunday except under either of the following 42
circumstances: 43

(1) Intoxicating liquor may be sold on Sunday under 44
authority of a permit that authorizes Sunday sale. 45

(2) Spirituous liquor may be sold on Sunday by any person 46
awarded an agency contract under section 4301.17 of the Revised 47
Code if the sale of spirituous liquor is authorized in the 48
applicable precinct as the result of an election on question (B) 49
(1) or (2) of section 4301.351 of the Revised Code and if the 50
agency contract authorizes the sale of spirituous liquor on 51
Sunday. 52

This section does not prevent a municipal corporation from 53
adopting a closing hour for the sale of intoxicating liquor 54
earlier than two-thirty a.m. on Sunday or to provide that no 55
intoxicating liquor may be sold prior to that hour on Sunday. 56

(D) No holder of a permit shall give away any beer or 57
intoxicating liquor of any kind at any time in connection with 58
the permit holder's business. However, an A-1-A, A-1c, or D 59
permit holder may provide to a paying customer not more than a 60
total of four tasting samples of beer, wine, or spirituous 61
liquor, as authorized by the applicable permit, in any twenty- 62
four-hour period. The permit holder shall provide the tasting 63
samples free of charge, at the permit holder's expense, only to 64
a person who is twenty-one years of age or older. The person 65
shall consume the tasting samples on the premises of the permit 66
holder. A distributor is not responsible for the costs of 67
providing tasting samples authorized under division (D) of this 68
section. 69

As used in division (D) of this section: 70

(1) "Tasting sample" means one of the following, as 71
applicable: 72

(a) An amount not to exceed two ounces of beer; 73

(b) An amount not to exceed two ounces of wine; 74

(c) An amount not to exceed a quarter ounce of spirituous 75
liquor. 76

(2) "D permit holder" means a person that has been issued 77
a D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, D-5c, D-5d, 78
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-6, or D- 79
7 permit. 80

(E) Except as otherwise provided in this division, no 81
retail permit holder shall display or permit the display on the 82
outside of any licensed retail premises, or on any lot of ground 83
on which the licensed premises are situated, or on the exterior 84
of any building of which the licensed premises are a part, any 85
sign, illustration, or advertisement bearing the name, brand 86
name, trade name, trade-mark, designation, or other emblem of or 87
indicating the manufacturer, producer, distributor, place of 88
manufacture, production, or distribution of any beer or 89
intoxicating liquor. Signs, illustrations, or advertisements 90
bearing the name, brand name, trade name, trade-mark, 91
designation, or other emblem of or indicating the manufacturer, 92
producer, distributor, place of manufacture, production, or 93
distribution of beer or intoxicating liquor may be displayed and 94
permitted to be displayed on the interior or in the show windows 95
of any licensed premises, if the particular brand or type of 96
product so advertised is actually available for sale on the 97
premises at the time of that display. The liquor control 98
commission shall determine by rule the size and character of 99
those signs, illustrations, or advertisements. 100

(F) No retail permit holder shall possess on the licensed 101
premises any barrel or other container from which beer is drawn, 102
unless there is attached to the spigot or other dispensing 103
apparatus the name of the manufacturer of the product contained 104

in the barrel or other container, provided that, if the beer is 105
served at a bar, the manufacturer's name or brand shall appear 106
in full view of the purchaser. The commission shall regulate the 107
size and character of the devices provided for in this section. 108

(G) Except as otherwise provided in this division, no sale 109
of any gift certificate shall be permitted whereby beer or 110
intoxicating liquor of any kind is to be exchanged for the 111
certificate, unless the gift certificate can be exchanged only 112
for food, and beer or intoxicating liquor, for on-premises 113
consumption and the value of the beer or intoxicating liquor for 114
which the certificate can be exchanged does not exceed more than 115
thirty per cent of the total value of the gift certificate. The 116
sale of gift certificates for the purchase of beer, wine, or 117
mixed beverages shall be permitted for the purchase of beer, 118
wine, or mixed beverages for off-premises consumption. 119
Limitations on the use of a gift certificate for the purchase of 120
beer, wine, or mixed beverages for off-premises consumption may 121
be expressed by clearly stamping or typing on the face of the 122
certificate that the certificate may not be used for the 123
purchase of beer, wine, or mixed beverages. 124

Section 2. That existing section 4301.22 of the Revised 125
Code is hereby repealed. 126