

**As Reported by the Senate Agriculture and Natural Resources  
Committee**

**133rd General Assembly**

**Regular Session  
2019-2020**

**Sub. H. B. No. 674**

**Representatives Hillyer, Becker**

**Cosponsors: Representatives Callender, Carruthers, Crossman, Galonski,  
Holmes, A., Lang, Leland, Miller, J., Reineke, Robinson, Roemer, Rogers, Seitz,  
Upchurch, West**

**Senator Hoagland**

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**A BILL**

To amend sections 3717.22, 3717.42, 4301.01, 1  
4301.101, 4301.24, 4301.62, 4303.021, and 2  
4303.181 and to enact sections 4301.011, 3  
4301.246, and 4303.2011 of the Revised Code to 4  
revise specified provisions of the liquor 5  
control laws. 6

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

**Section 1.** That sections 3717.22, 3717.42, 4301.01, 7  
4301.101, 4301.24, 4301.62, 4303.021, and 4303.181 be amended 8  
and sections 4301.011, 4301.246, and 4303.2011 of the Revised 9  
Code be enacted to read as follows: 10

**Sec. 3717.22.** (A) The following are not retail food 11  
establishments: 12

(1) A food service operation licensed under this chapter, 13  
including a food service operation that provides the services of 14  
a retail food establishment pursuant to an endorsement issued 15

under section 3717.44 of the Revised Code; 16

(2) An entity exempt under divisions (B) (1) to (9) ~~or~~, (11) to (13), or (15) of section 3717.42 of the Revised Code 17  
from the requirement to be licensed as a food service operation 18  
and an entity exempt under division (B) (10) of that section if 19  
the entity is regulated by the department of agriculture as a 20  
food processing establishment under section 3715.021 of the 21  
Revised Code; 22  
23

(3) A business or that portion of a business that is 24  
regulated by the federal government or the department of 25  
agriculture as a food manufacturing or food processing business, 26  
including a business or that portion of a business regulated by 27  
the department of agriculture under Chapter 911., 913., 915., 28  
917., 918., or 925. of the Revised Code. 29

(B) All of the following are exempt from the requirement 30  
to be licensed as a retail food establishment: 31

(1) An establishment with commercially prepackaged foods 32  
that are not potentially hazardous and contained in displays, 33  
the total space of which equals less than two hundred cubic 34  
feet; 35

(2) A person at a farmers market that is registered with 36  
the director of agriculture pursuant to section 3717.221 of the 37  
Revised Code that offers for sale only one or more of the 38  
following: 39

(a) Fresh unprocessed fruits or vegetables; 40

(b) Products of a cottage food production operation; 41

(c) Tree syrup, sorghum, honey, apple syrup, or apple 42  
butter that is produced by a tree syrup or sorghum producer, 43

beekeeper, or apple syrup or apple butter processor described in 44  
division (A) of section 3715.021 of the Revised Code; 45

(d) Wine as authorized under section 4303.2010 of the 46  
Revised Code; 47

(e) Commercially prepackaged food that is not potentially 48  
hazardous, on the condition that the food is contained in 49  
displays, the total space of which equals less than one hundred 50  
cubic feet on the premises where the person conducts business at 51  
the farmers market. 52

(3) A person who offers for sale at a roadside stand only 53  
fresh fruits and fresh vegetables that are unprocessed; 54

(4) A nonprofit organization exempt from federal income 55  
taxation under section 501(c)(3) of the "Internal Revenue Code 56  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises 57  
funds by selling foods and that, if required to be licensed, 58  
would be classified as risk level one in accordance with rules 59  
establishing licensing categories for retail food establishments 60  
adopted under section 3717.33 of the Revised Code, if the sales 61  
occur inside a building and are for not more than seven 62  
consecutive days or more than fifty-two separate days during a 63  
licensing period. This exemption extends to any individual or 64  
group raising all of its funds during the time periods specified 65  
in division (B)(4) of this section for the benefit of the 66  
nonprofit organization by selling foods under the same 67  
conditions. 68

(5) An establishment that offers food contained in 69  
displays of less than five hundred square feet, and if required 70  
to be licensed would be classified as risk level one pursuant to 71  
rules establishing licensing categories for retail food 72

establishments adopted under section 3717.33 of the Revised Code, on the condition that the establishment offers the food for sale at retail not more than six months in each calendar year;

(6) A cottage food production operation, on the condition that the operation offers its products directly to the consumer from the site where the products are produced;

(7) A tree syrup and sorghum processor, beekeeper, or apple syrup and apple butter processor described in division (A) of section 3715.021 of the Revised Code, on the condition that the processor or beekeeper offers only tree syrup, sorghum, honey, apple syrup, or apple butter directly to the consumer from the site where those products are processed;

(8) A person who annually maintains five hundred or fewer birds, on the condition that the person offers the eggs from those birds directly to the consumer from the location where the eggs are produced or at a farm product auction to which division (B) (11) of this section applies;

(9) A person who annually raises and slaughters one thousand or fewer chickens, on the condition that the person offers dressed chickens directly to the consumer from the location where the chickens are raised and slaughtered or at a farm product auction to which division (B) (11) of this section applies;

(10) A person who raises, slaughters, and processes the meat of nonamenable species described in divisions (A) and (B) of section 918.12 of the Revised Code, on the condition that the person offers the meat directly to the consumer from the location where the meat is processed or at a farm product

auction to which division (B) (11) of this section applies;	102
(11) A farm product auction, on the condition that it is	103
registered with the director pursuant to section 3717.221 of the	104
Revised Code that offers for sale at the farm product auction	105
only one or more of the following:	106
(a) The products described in divisions (B) (8) to (10) of	107
this section that are produced, raised, slaughtered, or	108
processed, as appropriate, by persons described in divisions (B)	109
(8) to (10) of this section;	110
(b) Fresh unprocessed fruits or vegetables;	111
(c) Products of a cottage food production operation;	112
(d) Tree syrup, sorghum, honey, apple syrup, or apple	113
butter that is produced by a tree syrup or sorghum producer,	114
beekeeper, or apple syrup or apple butter processor described in	115
division (A) of section 3715.021 of the Revised Code.	116
(12) An establishment that, with respect to offering food	117
for sale, offers only alcoholic beverages or prepackaged	118
beverages that are not potentially hazardous;	119
(13) An establishment that, with respect to offering food	120
for sale, offers only alcoholic beverages, prepackaged beverages	121
that are not potentially hazardous, or commercially prepackaged	122
food that is not potentially hazardous, on the condition that	123
the commercially prepackaged food is contained in displays, the	124
total space of which equals less than two hundred cubic feet on	125
the premises of the establishment;	126
(14) An establishment that, with respect to offering food	127
for sale, offers only fountain beverages that are not	128
potentially hazardous;	129

(15) A person who offers for sale only one or more of the	130
following foods at a festival or celebration, on the condition	131
that the festival or celebration is organized by a political	132
subdivision of the state and lasts for a period not longer than	133
seven consecutive days:	134
(a) Fresh unprocessed fruits or vegetables;	135
(b) Products of a cottage food production operation;	136
(c) Tree syrup, sorghum, honey, apple syrup, or apple	137
butter if produced by a tree syrup or sorghum processor,	138
beekeeper, or apple syrup or apple butter processor as described	139
in division (A) of section 3715.021 of the Revised Code;	140
(d) Commercially prepackaged food that is not potentially	141
hazardous, on the condition that the food is contained in	142
displays, the total space of which equals less than one hundred	143
cubic feet;	144
(e) Fruit butter produced at the festival or celebration	145
and sold from the production site.	146
(16) A farm market on the condition that it is registered	147
with the director pursuant to section 3717.221 of the Revised	148
Code that offers for sale at the farm market only one or more of	149
the following:	150
(a) Fresh unprocessed fruits or vegetables;	151
(b) Products of a cottage food production operation;	152
(c) Tree syrup, sorghum, honey, apple syrup, or apple	153
butter that is produced by a tree syrup or sorghum producer,	154
beekeeper, or apple syrup or apple butter processor described in	155
division (A) of section 3715.021 of the Revised Code;	156

(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;	157 158 159 160 161
(e) Cider and other juices manufactured on site at the farm market;	162 163
(f) The products or items described in divisions (B) (8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the person offering to sell them annually maintains five hundred or fewer birds, and with respect to dressed chickens offered, the person annually raises and slaughters one thousand or fewer chickens.	164 165 166 167 168 169 170 171
(17) (a) An establishment to which all of the following apply:	172 173
(i) The establishment has been issued an A-2 permit under section 4303.03 of the Revised Code or an A-2f permit under section 4303.031 of the Revised Code, annually produces ten thousand gallons or less of wine, and sells that wine in accordance with Chapter 4303. of the Revised Code on the premises of the establishment.	174 175 176 177 178 179
(ii) The establishment serves unopened commercially prepackaged food, other than wine.	180 181
(iii) The amount of the establishment's commercially prepackaged food sales, other than wine sales, for the previous calendar year did not exceed five per cent of the establishment's total gross receipts.	182 183 184 185

(b) The owner or operator of the establishment shall 186  
notify the director that it is exempt from licensure because it 187  
qualifies under division (B) (17) (a) of this section. The owner 188  
or operator also shall display a notice in a place conspicuous 189  
to all of its guests informing them that the establishment is 190  
not required to be licensed as a retail food establishment. 191

**Sec. 3717.42.** (A) The following are not food service 192  
operations: 193

(1) A retail food establishment licensed under this 194  
chapter, including a retail food establishment that provides the 195  
services of a food service operation pursuant to an endorsement 196  
issued under section 3717.24 of the Revised Code; 197

(2) An entity exempt from the requirement to be licensed 198  
as a retail food establishment under division (B) of section 199  
3717.22 of the Revised Code; 200

(3) A business or that portion of a business that is 201  
regulated by the federal government or the department of 202  
agriculture as a food manufacturing or food processing business, 203  
including a business or that portion of a business regulated by 204  
the department of agriculture under Chapter 911., 913., 915., 205  
917., 918., or 925. of the Revised Code. 206

(B) All of the following are exempt from the requirement 207  
to be licensed as a food service operation: 208

(1) A private home in which individuals related by blood, 209  
marriage, or law reside and in which the food that is prepared 210  
or served is intended only for those individuals and their 211  
nonpaying guests; 212

(2) A private home operated as a bed-and-breakfast that 213  
prepares and offers food to guests, if the home is owner- 214



occupied, the number of available guest bedrooms does not exceed 215  
six, breakfast is the only meal offered, and the number of 216  
guests served does not exceed sixteen; 217

(3) A stand operated on the premises of a private home by 218  
one or more children under the age of twelve, if the food served 219  
is not potentially hazardous; 220

(4) A residential facility that accommodates not more than 221  
sixteen residents; is licensed, certified, registered, or 222  
otherwise regulated by the federal government or by the state or 223  
a political subdivision of the state; and prepares food for or 224  
serves food to only the residents of the facility, the staff of 225  
the facility, and any nonpaying guests of residents or staff; 226

(5) A church, school, fraternal or veterans' organization, 227  
volunteer fire organization, or volunteer emergency medical 228  
service organization preparing or serving food intended for 229  
individual portion service on its premises for not more than 230  
seven consecutive days or not more than fifty-two separate days 231  
during a licensing period. This exemption extends to any 232  
individual or group raising all of its funds during the time 233  
periods specified in division (B) (5) of this section for the 234  
benefit of the church, school, or organization by preparing or 235  
serving food intended for individual portion service under the 236  
same conditions. 237

(6) A common carrier that prepares or serves food, if the 238  
carrier is regulated by the federal government; 239

(7) A food service operation serving thirteen or fewer 240  
individuals daily; 241

(8) A type A or type B family day-care home, as defined in 242  
section 5104.01 of the Revised Code, that prepares or serves 243

food for the children receiving day-care;	244
(9) A vending machine location where the only foods	245
dispensed are foods from one or both of the following	246
categories:	247
(a) Prepackaged foods that are not potentially hazardous;	248
(b) Nuts, panned or wrapped bulk chewing gum, or panned or	249
wrapped bulk candies.	250
(10) A place servicing the vending machines at a vending	251
machine location described in division (B) (9) of this section;	252
(11) A commissary servicing vending machines that dispense	253
only milk, milk products, or frozen desserts that are under a	254
state or federal inspection and analysis program;	255
(12) A "controlled location vending machine location,"	256
which means a vending machine location at which all of the	257
following apply:	258
(a) The vending machines dispense only foods that are not	259
potentially hazardous;	260
(b) The machines are designed to be filled and maintained	261
in a sanitary manner by untrained persons;	262
(c) Minimal protection is necessary to ensure against	263
contamination of food and equipment.	264
(13) A private home that prepares and offers food to	265
guests, if the home is owner-occupied, meals are served on the	266
premises of that home, the number of meals served does not	267
exceed one hundred fifteen per week, and the home displays a	268
notice in a place conspicuous to all of its guests informing	269
them that the home is not required to be licensed as a food	270

service operation;	271
(14) An individual who prepares full meals or meal components, such as pies or baked goods, in the individual's home to be served off the premises of that home, if the number of meals or meal components prepared for that purpose does not exceed twenty in a seven-day period.	272 273 274 275 276
<u>(15) The holder of an A-1-A permit issued under section 4303.021 of the Revised Code to which both of the following apply:</u>	277 278 279
<u>(a) The A-1-A permit holder has also been issued an A-1c permit under section 4303.022 of the Revised Code;</u>	280 281
<u>(b) The A-1-A permit holder serves only unopened commercially prepackaged meals and nonalcoholic beverages, as well as beer and intoxicating liquor.</u>	282 283 284
<b>Sec. 4301.01.</b> (A) As used in the Revised Code:	285
(1) "Intoxicating liquor" and "liquor" include all liquids 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.	286 287 288 289 290 291 292 293 294
(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	295 296 297 298 299

intoxicating liquor either by constructive or actual delivery by 300  
any means or devices whatever, including the sale of beer or 301  
intoxicating liquor by means of a controlled access alcohol and 302  
beverage cabinet pursuant to section 4301.21 of the Revised 303  
Code. "Sale" and "sell" do not include the mere solicitation of 304  
orders for beer or intoxicating liquor from the holders of 305  
permits issued by the division of liquor control authorizing the 306  
sale of the beer or intoxicating liquor, but no solicitor shall 307  
solicit any such orders until the solicitor has been registered 308  
with the division pursuant to section 4303.25 of the Revised 309  
Code. 310

(3) "Vehicle" includes all means of transportation by 311  
land, by water, or by air, and everything made use of in any way 312  
for such transportation. 313

(B) As used in this chapter: 314

(1) "Alcohol" means ethyl alcohol, whether rectified or 315  
diluted with water or not, whatever its origin may be, and 316  
includes synthetic ethyl alcohol. "Alcohol" does not include 317  
denatured alcohol and wood alcohol. 318

(2) "Beer" includes all beverages brewed or fermented 319  
wholly or in part from malt products and containing one-half of 320  
one per cent or more of alcohol by volume. 321

(3) "Wine" includes all liquids fit to use for beverage 322  
purposes containing not less than one-half of one per cent of 323  
alcohol by volume and not more than twenty-one per cent of 324  
alcohol by volume, which is made from the fermented juices of 325  
grapes, fruits, or other agricultural products, except that as 326  
used in sections 4301.13, 4301.421, 4301.422, 4301.432, and 327  
4301.44 of the Revised Code, and, for purposes of determining 328

the rate of the tax that applies, division (B) of section	329
4301.43 of the Revised Code, "wine" does not include cider.	330
(4) "Mixed beverages" include bottled and prepared	331
cordials, cocktails, highballs, and solids and confections that	332
are obtained by mixing any type of whiskey, neutral spirits,	333
brandy, gin, or other distilled spirits with, or over,	334
carbonated or plain water, pure juices from flowers and plants,	335
and other flavoring materials. The completed product shall	336
contain not less than one-half of one per cent of alcohol by	337
volume and not more than twenty-one per cent of alcohol by	338
volume. <u>"Mixed beverages" includes the contents of a pod.</u>	339
(5) "Spirituous liquor" includes all intoxicating liquors	340
containing more than twenty-one per cent of alcohol by volume.	341
<u>"Spirituous liquor" does not include the contents of a pod.</u>	342
(6) "Sealed container" means any container having a	343
capacity of not more than one hundred twenty-eight fluid ounces,	344
the opening of which is closed to prevent the entrance of air.	345
(7) "Person" includes firms and corporations.	346
(8) "Manufacture" includes all processes by which beer or	347
intoxicating liquor is produced, whether by distillation,	348
rectifying, fortifying, blending, fermentation, or brewing, or	349
in any other manner.	350
(9) "Manufacturer" means any person engaged in the	351
business of manufacturing beer or intoxicating liquor.	352
(10) "Wholesale distributor" and "distributor" means a	353
person engaged in the business of selling to retail dealers for	354
purposes of resale.	355
(11) "Hotel" has the same meaning as in section 3731.01 of	356

the Revised Code, subject to the exceptions mentioned in section 357  
3731.03 of the Revised Code. 358

(12) "Restaurant" means a place located in a permanent 359  
building provided with space and accommodations wherein, in 360  
consideration of the payment of money, hot meals are habitually 361  
prepared, sold, and served at noon and evening, as the principal 362  
business of the place. "Restaurant" does not include pharmacies, 363  
confectionery stores, lunch stands, night clubs, and filling 364  
stations. 365

(13) "Club" means a corporation or association of 366  
individuals organized in good faith for social, recreational, 367  
benevolent, charitable, fraternal, political, patriotic, or 368  
athletic purposes, which is the owner, lessor, or occupant of a 369  
permanent building or part of a permanent building operated 370  
solely for those purposes, membership in which entails the 371  
prepayment of regular dues, and includes the place so operated. 372

(14) "Night club" means a place operated for profit, where 373  
food is served for consumption on the premises and one or more 374  
forms of amusement are provided or permitted for a consideration 375  
that may be in the form of a cover charge or may be included in 376  
the price of the food and beverages, or both, purchased by 377  
patrons. 378

(15) "At retail" means for use or consumption by the 379  
purchaser and not for resale. 380

(16) "Pharmacy" means an establishment, as defined in 381  
section 4729.01 of the Revised Code, that is under the 382  
management or control of a licensed pharmacist in accordance 383  
with section 4729.27 of the Revised Code. 384

(17) "Enclosed shopping center" means a group of retail 385

sales and service business establishments that face into an 386  
enclosed mall, share common ingress, egress, and parking 387  
facilities, and are situated on a tract of land that contains an 388  
area of not less than five hundred thousand square feet. 389  
"Enclosed shopping center" also includes not more than one 390  
business establishment that is located within a free-standing 391  
building on such a tract of land, so long as the sale of beer 392  
and intoxicating liquor on the tract of land was approved in an 393  
election held under former section 4301.353 of the Revised Code. 394

(18) "Controlled access alcohol and beverage cabinet" 395  
means a closed container, either refrigerated, in whole or in 396  
part, or nonrefrigerated, access to the interior of which is 397  
restricted by means of a device that requires the use of a key, 398  
magnetic card, or similar device and from which beer, 399  
intoxicating liquor, other beverages, or food may be sold. 400

(19) "Community facility" means either of the following: 401

(a) Any convention, sports, or entertainment facility or 402  
complex, or any combination of these, that is used by or 403  
accessible to the general public and that is owned or operated 404  
in whole or in part by the state, a state agency, or a political 405  
subdivision of the state or that is leased from, or located on 406  
property owned by or leased from, the state, a state agency, a 407  
political subdivision of the state, or a convention facilities 408  
authority created pursuant to section 351.02 of the Revised 409  
Code; 410

(b) An area designated as a community entertainment 411  
district pursuant to section 4301.80 of the Revised Code. 412

(20) "Low-alcohol beverage" means any brewed or fermented 413  
malt product, or any product made from the fermented juices of 414

grapes, fruits, or other agricultural products, that contains 415  
either no alcohol or less than one-half of one per cent of 416  
alcohol by volume. The beverages described in division (B) (20) 417  
of this section do not include a soft drink such as root beer, 418  
birch beer, or ginger beer. 419

(21) "Cider" means all liquids fit to use for beverage 420  
purposes that contain one-half of one per cent of alcohol by 421  
volume, but not more than six per cent of alcohol by weight, and 422  
that are made through the normal alcoholic fermentation of the 423  
juice of sound, ripe apples, including, without limitation, 424  
flavored, sparkling, or carbonated cider and cider made from 425  
pure condensed apple must. 426

(22) "Sales area or territory" means an exclusive 427  
geographic area or territory that is assigned to a particular A 428  
or B permit holder and that either has one or more political 429  
subdivisions as its boundaries or consists of an area of land 430  
with readily identifiable geographic boundaries. "Sales area or 431  
territory" does not include, however, any particular retail 432  
location in an exclusive geographic area or territory that had 433  
been assigned to another A or B permit holder before April 9, 434  
2001. 435

(23) "Pod" means a sealed capsule made from plastic, 436  
glass, aluminum, or a combination thereof to which all of the 437  
following apply: 438

(a) The capsule contains intoxicating liquor of more than 439  
twenty-one per cent of alcohol by volume. 440

(b) The capsule also contains a concentrated flavoring 441  
mixture. 442

(c) The contents of the capsule are not readily accessible 443



or intended for consumption unless certain manufacturer's 444  
processing instructions are followed. 445

(d) The instructions include releasing the contents of the 446  
capsule through a machine specifically designed to process the 447  
contents. 448

(e) After being properly processed according to the 449  
manufacturer's instructions, the final product produced from the 450  
capsule contains not less than one-half of one per cent of 451  
alcohol by volume and not more than twenty-one per cent of 452  
alcohol by volume. 453

**Sec. 4301.011.** The general assembly hereby finds that the 454  
Twenty-first Amendment to the United States Constitution confers 455  
upon the state of Ohio sole and exclusive authority to regulate 456  
the sale and distribution of beer and intoxicating liquor in 457  
this state. That authority, so conferred, has rested with the 458  
state of Ohio since the ratification of the Twenty-first 459  
Amendment to the United States Constitution. 460

The general assembly also finds that its authority to so 461  
regulate is exercised through Title XLIII of the Revised Code 462  
and other relevant provisions of the Revised Code. Title XLIII 463  
of the Revised Code and the other relevant provisions of the 464  
Revised Code reflect the intent of the general assembly to do 465  
all of the following: 466

(A) Promote temperance by preventing consumption by 467  
underage persons and by discouraging abusive consumption; 468

(B) Promote orderly markets by requiring transparent, 469  
accountable, and stable distribution of beer and intoxicating 470  
liquor and preventing unfair competition; 471

(C) Facilitate the collection of taxes related to the sale 472

<u>and consumption of beer and intoxicating liquor.</u>	473
<b>Sec. 4301.101.</b> The superintendent of liquor control may	474
adopt and promulgate, repeal, rescind, and amend, in the manner	475
required by this section, rules, standards, requirements, and	476
orders necessary to carry out the following:	477
(A) Rules and regulations governing the management of the	478
state liquor stores and the manner of conducting them;	479
(B) Standards, not in conflict with those prescribed by	480
any law of this state or the United States, to secure the use of	481
proper ingredients and methods in the manufacture of alcohol and	482
spirituous liquor to be sold within this state;	483
(C) Rules and regulations determining the nature, form,	484
and capacity of all packages and bottles to be used for	485
containing spirituous liquor to be kept or sold, subject to the	486
provisions of section 4301.19 of the Revised Code, governing the	487
form of all seals and labels to be used thereon, prescribing	488
that the stamps required by Chapters 4301. and 4303. of the	489
Revised Code to be affixed to containers of such spirituous	490
liquor shall bear the official seal of the division of liquor	491
control, in addition to the official identification seal	492
prescribed by the superintendent by rule to be affixed to all	493
bottles of spirituous liquor, and requiring the label on every	494
package, bottle, and container to state the ingredients in the	495
contents and the terms of weight, volume, or proof spirits of	496
the spirituous liquor;	497
(D) <u>Rules in accordance with Chapter 119. of the Revised</u>	498
<u>Code governing the delivery of spirituous liquor in original</u>	499
<u>containers to personal consumers by the division of liquor</u>	500
<u>control.</u>	501

**Sec. 4301.24.** (A) Except as provided in ~~section~~ sections 4301.242 and 4301.246 of the Revised Code, no manufacturer shall aid or assist the holder of any permit for sale at wholesale, and no manufacturer or wholesale distributor shall aid or assist the holder of any permit for sale at retail, by gift or loan of any money or property of any description or other valuable thing, or by giving premiums or rebates. Except as provided in ~~section~~ sections 4301.242 and 4301.246 of the Revised Code, no holder of any such permit shall accept the same, provided that the manufacturer or wholesale distributor may furnish to a retail permittee the inside signs or advertising and the tap signs or devices authorized by divisions (E) and (F) of section 4301.22 of the Revised Code.

(B) No manufacturer shall have any financial interest, directly or indirectly, by stock ownership, or through interlocking directors in a corporation, or otherwise, in the establishment, maintenance, or promotion in the business of any wholesale distributor. No retail permit holder shall have any interest, directly or indirectly, in the operation of, or any ownership in, the business of any wholesale distributor or manufacturer.

(C) (1) No manufacturer shall, except as authorized by section 4303.021 of the Revised Code, have any financial interest, directly or indirectly, by stock ownership, or through interlocking directors in a corporation, or otherwise, in the establishment, maintenance, or promotion of the business of any retail dealer. No wholesale distributor or employee of a wholesale distributor shall have any financial interest, directly or indirectly, by stock ownership, interlocking directors in a corporation, or otherwise, in the establishment, maintenance, or promotion of the business of any retail dealer.

No manufacturer or wholesale distributor or any stockholder of a 533  
manufacturer or wholesale distributor shall acquire, by 534  
ownership in fee, leasehold, mortgage, or otherwise, directly or 535  
indirectly, any interest in the premises on which the business 536  
of any other person engaged in the business of trafficking in 537  
beer or intoxicating liquor is conducted. 538

(2) All contracts, covenants, conditions, and limitations 539  
whereby any person engaged or proposing to engage in the sale of 540  
beer or intoxicating liquors promises to confine the person's 541  
sales of a particular kind or quality of beer or intoxicating 542  
liquor to one or more products, or the products of a specified 543  
manufacturer or wholesale distributor, or to give preference to 544  
those products, shall to the extent of that promise be void. The 545  
making of a promise in any such form shall be cause for the 546  
revocation or suspension of any permit issued to any party. 547

(D) No manufacturer shall sell or offer to sell to any 548  
wholesale distributor or retail permit holder, no wholesale 549  
distributor shall sell or offer to sell to any retail permit 550  
holder, and no wholesale distributor or retail permit holder 551  
shall purchase or receive from any manufacturer or wholesale 552  
distributor, any beer, brewed beverages, or wine manufactured in 553  
the United States except for cash. No right of action shall 554  
exist to collect any claims for credit extended contrary to this 555  
section. 556

This section does not prohibit a licensee from crediting 557  
to a purchaser the actual prices charged for packages or 558  
containers returned by the original purchaser as a credit on any 559  
sale or from refunding to any purchaser the amount paid by that 560  
purchaser for containers or as a deposit on containers when 561  
title is retained by the vendor, if those containers or packages 562

have been returned to the manufacturer or distributor. This 563  
section does not prohibit a manufacturer from extending usual 564  
and customary credit for beer, brewed beverages, or wine 565  
manufactured in the United States and sold to customers who live 566  
or maintain places of business outside this state when the 567  
beverages so sold are actually transported and delivered to 568  
points outside this state. 569

No wholesale or retail permit shall be issued to an 570  
applicant unless the applicant has paid in full all accounts for 571  
beer or wine, manufactured in the United States, outstanding as 572  
of September 6, 1939. No beer or wine manufactured in the United 573  
States shall be imported into the state unless the beer or wine 574  
has been paid for in cash, and no supplier registration for any 575  
such beer or wine manufactured in the United States shall be 576  
issued by the division of liquor control until the A-2, A-2f, B- 577  
1, or B-5 permit holder establishes to the satisfaction of the 578  
division that the beer or wine has been paid for in cash. 579

(E) This section does not ~~prevent a~~ prohibit any of the 580  
following: 581

(1) A manufacturer from securing and holding any financial 582  
interest, directly or indirectly, by stock ownership or through 583  
interlocking directors in a corporation, or otherwise, in the 584  
establishment, maintenance, or promotion of the business or 585  
premises of any C or D permit holder, provided that the 586  
following conditions are met: 587

~~(1)~~ (a) Either the manufacturer or one of its parent 588  
companies is listed on a national securities exchange. 589

~~(2)~~ (b) All purchases of alcoholic beverages by the C or D 590  
permit holder are made from wholesale distributors in this state 591

or agency stores licensed by the division of liquor control. 592

~~(3)~~ (c) If the C or D permit holder sells brands of 593  
alcoholic beverages that are produced or distributed by the 594  
manufacturer that holds the financial interest, the C or D 595  
permit holder also sells other competing brands of alcoholic 596  
beverages produced by other manufacturers, no preference is 597  
given to the products of the manufacturer, and there is no 598  
exclusion, in whole or in part, of products sold or offered for 599  
sale by other manufacturers, suppliers, or importers of 600  
alcoholic beverages that constitutes a substantial impairment of 601  
commerce. 602

~~(4)~~ (d) The primary purpose of the C or D permit premises 603  
is a purpose other than to sell alcoholic beverages, and the 604  
sale of other goods and services exceeds fifty per cent of the 605  
total gross receipts of the C or D permit holder at its 606  
premises. 607

~~(F)~~ ~~(1)~~ ~~This section does not prevent a~~ (2) A manufacturer 608  
from giving financial assistance to the holder of a B permit for 609  
the purpose of the holder purchasing an ownership interest in 610  
the business, existing inventory and equipment, or property of 611  
another B permit holder, including, but not limited to, 612  
participation in a limited liability partnership, limited 613  
liability company, or any other legal entity authorized to do 614  
business in this state. However, this 615

~~(2)~~ ~~This section does not permit a manufacturer to give 616  
financial assistance to the holder of a B permit to purchase 617  
inventory or equipment used in the daily operation of a B permit 618  
holder. 619~~

~~(G)~~ ~~This section does not prohibit a~~ (3) A manufacturer or 620

subsidiary of a manufacturer from continuing to operate a 621  
wholesale distribution franchise or distribute beer or wine 622  
within a designated territory if prior to ~~the effective date of~~ 623  
~~this amendment~~ July 30, 2013, the manufacturer either acquired 624  
the distribution franchise or territory, or awarded the 625  
franchise or territory to itself or a subsidiary. 626

~~(H) This section shall not prevent a~~ (4) A manufacturer 627  
from securing and holding an A-1c or B-2a permit or permits and 628  
operating as a wholesale distributor pursuant to such permits. 629

(5) A manufacturer from renting or leasing property to the 630  
holder of an F class permit for purposes of an event for which 631  
the F class permit has been issued. 632

**Sec. 4301.246.** (A) As used in this section: 633

(1) "Case" means twenty-four individual pieces of 634  
glassware. 635

(2) "Glassware" means a glass container to which all of 636  
the following apply: 637

(a) It has the brand name of a beer or the name of the 638  
manufacturer or supplier of the beer permanently affixed, 639  
embossed, or engraved on the container; 640

(b) It has the brand name of the beer or the name of the 641  
manufacturer or supplier of the beer prominently displayed on 642  
the container; 643

(c) It holds not more than twenty-four ounces of liquid. 644

(3) "Receipt" means a record, either in paper or digital 645  
format, that contains all of the following information: 646

(a) The name and address of the permit holder authorized 647

to sell beer for on-premises consumption that receives glassware 648  
from a manufacturer or supplier; 649

(b) The name and address of the manufacturer or supplier 650  
that provides glassware to the permit holder; 651

(c) The name of the employee or agent of the permit holder 652  
that receives the glassware; 653

(d) The date that the glassware is provided to the permit 654  
holder; 655

(e) The amount, if any, that the manufacturer or supplier 656  
charged the permit holder for the glassware; 657

(f) The permit holder's permit number; 658

(g) A description and the amount of glassware provided to 659  
the permit holder; 660

(h) The amount that the manufacturer or supplier paid to 661  
have the glassware manufactured. 662

(B) Notwithstanding section 4301.24 of the Revised Code, a 663  
manufacturer or supplier may provide glassware intended for the 664  
serving of beer to a permit holder authorized to sell beer for 665  
on-premises consumption if the manufacturer or supplier provides 666  
a receipt to the permit holder. However, the manufacturer or 667  
supplier shall not annually provide more than four cases of such 668  
glassware to the permit holder. 669

(C) A permit holder authorized to sell for on-premises 670  
consumption may receive glassware intended for the serving of 671  
beer from a manufacturer or supplier. 672

**Sec. 4301.62.** (A) As used in this section: 673

(1) "Chauffeured limousine" means a vehicle registered 674



under section 4503.24 of the Revised Code. 675

(2) "Street," "highway," and "motor vehicle" have the same 676  
meanings as in section 4511.01 of the Revised Code. 677

(B) No person shall have in the person's possession an 678  
opened container of beer or intoxicating liquor in any of the 679  
following circumstances: 680

(1) Except as provided in division (C) (1) (e) of this 681  
section, in an agency store; 682

(2) Except as provided in division (C) of this section, on 683  
the premises of the holder of any permit issued by the division 684  
of liquor control; 685

(3) In any other public place; 686

(4) Except as provided in division (D) or (E) of this 687  
section, while operating or being a passenger in or on a motor 688  
vehicle on any street, highway, or other public or private 689  
property open to the public for purposes of vehicular travel or 690  
parking; 691

(5) Except as provided in division (D) or (E) of this 692  
section, while being in or on a stationary motor vehicle on any 693  
street, highway, or other public or private property open to the 694  
public for purposes of vehicular travel or parking. 695

(C) (1) A person may have in the person's possession an 696  
opened container of any of the following: 697

(a) Beer or intoxicating liquor that has been lawfully 698  
purchased for consumption on the premises where bought from the 699  
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 700  
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 701  
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F- 702

7, or F-8 permit;	703
(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2 permit holder or S permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;	704 705 706 707 708 709
(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code;	710 711 712
(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission;	713 714 715
(e) Spirituous liquor to be consumed for purposes of a tasting sample, as defined in section 4301.171 of the Revised Code.	716 717 718
(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.	719 720 721 722 723 724 725 726 727 728 729
(3) (a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of	730 731

wine that was not purchased from the holder of the D-2 permit if 732  
the premises for which the D-2 permit is issued is an outdoor 733  
performing arts center, the person is attending an orchestral 734  
performance, and the holder of the D-2 permit grants permission 735  
for the possession and consumption of wine in certain 736  
predesignated areas of the premises during the period for which 737  
the D-2 permit is issued. 738

(b) As used in division (C) (3) (a) of this section: 739

(i) "Orchestral performance" means a concert comprised of 740  
a group of not fewer than forty musicians playing various 741  
musical instruments. 742

(ii) "Outdoor performing arts center" means an outdoor 743  
performing arts center that is located on not less than one 744  
hundred fifty acres of land and that is open for performances 745  
from the first day of April to the last day of October of each 746  
year. 747

(4) A person may have in the person's possession an opened 748  
or unopened container of beer or intoxicating liquor at an 749  
outdoor location at which the person is attending an orchestral 750  
performance as defined in division (C) (3) (b) (i) of this section 751  
if the person with supervision and control over the performance 752  
grants permission for the possession and consumption of beer or 753  
intoxicating liquor in certain predesignated areas of that 754  
outdoor location. 755

(5) A person may have in the person's possession on an F-9 756  
liquor permit premises an opened or unopened container of beer 757  
or intoxicating liquor that was not purchased from the holder of 758  
the F-9 permit if the person is attending either of the 759  
following: 760

(a) An orchestral performance and the F-9 permit holder 761  
grants permission for the possession and consumption of beer or 762  
intoxicating liquor in certain predesignated areas of the 763  
premises during the period for which the F-9 permit is issued; 764

(b) An outdoor performing arts event or orchestral 765  
performance that is free of charge and the F-9 permit holder 766  
annually hosts not less than twenty-five other events or 767  
performances that are free of charge on the permit premises. 768

As used in division (C) (5) of this section, "orchestral 769  
performance" has the same meaning as in division (C) (3) (b) of 770  
this section. 771

(6) (a) A person may have in the person's possession on the 772  
property of an outdoor motorsports facility an opened or 773  
unopened container of beer or intoxicating liquor that was not 774  
purchased from the owner of the facility if both of the 775  
following apply: 776

(i) The person is attending a racing event at the 777  
facility; and 778

(ii) The owner of the facility grants permission for the 779  
possession and consumption of beer or intoxicating liquor on the 780  
property of the facility. 781

(b) As used in division (C) (6) (a) of this section: 782

(i) "Racing event" means a motor vehicle racing event 783  
sanctioned by one or more motor racing sanctioning 784  
organizations. 785

(ii) "Outdoor motorsports facility" means an outdoor 786  
racetrack to which all of the following apply: 787

(I) It is two and four-tenths miles or more in length. 788

(II) It is located on two hundred acres or more of land.	789
(III) The primary business of the owner of the facility is the hosting and promoting of racing events.	790 791
(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.	792 793
(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 an A-1, A-1-A, A-1c, A-2, A-2f, D class, or F class permit holder to which both of the following apply:	794 795 796 797 798 799 800
(i) The permit holder's premises is located within the outdoor refreshment area.	801 802
(ii) The permit held by the permit holder has an outdoor refreshment area designation.	803 804
(b) Division (C) (7) of this section does not authorize a person to do either of the following:	805 806
(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;	807 808 809
(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 possession is otherwise authorized under division (D) or (E) of this section.	810 811 812 813
(c) As used in division (C) (7) of this section, "D class permit holder" does not include a D-6 or D-8 permit holder.	814 815

(8) (a) A person may have in the person's possession on the 816  
property of a market, within a defined F-8 permit premises, an 817  
opened container of beer or intoxicating liquor that was 818  
purchased from a D permit premises that is located immediately 819  
adjacent to the market if both of the following apply: 820

(i) The market grants permission for the possession and 821  
consumption of beer and intoxicating liquor within the defined 822  
F-8 permit premises; 823

(ii) The market is hosting an event pursuant to an F-8 824  
permit and the market has notified the division of liquor 825  
control about the event in accordance with division (A) (3) of 826  
section 4303.208 of the Revised Code. 827

(b) As used in division (C) (8) of this section, "market" 828  
means a market, for which an F-8 permit is held, that has been 829  
in operation since 1860. 830

(D) This section does not apply to a person who pays all 831  
or a portion of the fee imposed for the use of a chauffeured 832  
limousine pursuant to a prearranged contract, or the guest of 833  
the person, when all of the following apply: 834

(1) The person or guest is a passenger in the limousine. 835

(2) The person or guest is located in the limousine, but 836  
is not occupying a seat in the front compartment of the 837  
limousine where the operator of the limousine is located. 838

(3) The limousine is located on any street, highway, or 839  
other public or private property open to the public for purposes 840  
of vehicular travel or parking. 841

(E) An opened bottle of wine that was purchased from the 842  
holder of a permit that authorizes the sale of wine for 843

consumption on the premises where sold is not an opened 844  
container for the purposes of this section if both of the 845  
following apply: 846

(1) The opened bottle of wine is securely resealed by the 847  
permit holder or an employee of the permit holder before the 848  
bottle is removed from the premises. The bottle shall be secured 849  
in such a manner that it is visibly apparent if the bottle has 850  
been subsequently opened or tampered with. 851

(2) The opened bottle of wine that is resealed in 852  
accordance with division (E) (1) of this section is stored in the 853  
trunk of a motor vehicle or, if the motor vehicle does not have 854  
a trunk, behind the last upright seat or in an area not normally 855  
occupied by the driver or passengers and not easily accessible 856  
by the driver. 857

(F) (1) Except if an ordinance or resolution is enacted or 858  
adopted under division (F) (2) of this section, this section does 859  
not apply to a person who, pursuant to a prearranged contract, 860  
is a passenger riding on a commercial quadricycle when all of 861  
the following apply: 862

(a) The person is not occupying a seat in the front of the 863  
commercial quadricycle where the operator is steering or 864  
braking. 865

(b) The commercial quadricycle is being operated on a 866  
street, highway, or other public or private property open to the 867  
public for purposes of vehicular travel or parking. 868

(c) The person has in their possession on the commercial 869  
quadricycle an opened container of beer or wine. 870

(d) The person has in their possession on the commercial 871  
quadricycle not more than either thirty-six ounces of beer or 872

eighteen ounces of wine.	873
(2) The legislative authority of a municipal corporation	874
or township may enact an ordinance or adopt a resolution, as	875
applicable, that prohibits a passenger riding on a commercial	876
quadricycle from possessing an opened container of beer or wine.	877
(3) As used in this section, "commercial quadricycle"	878
means a vehicle that has fully-operative pedals for propulsion	879
entirely by human power and that meets all of the following	880
requirements:	881
(a) It has four wheels and is operated in a manner similar	882
to a bicycle.	883
(b) It has at least five seats for passengers.	884
(c) It is designed to be powered by the pedaling of the	885
operator and the passengers.	886
(d) It is used for commercial purposes.	887
(e) It is operated by the vehicle owner or an employee of	888
the owner.	889
(G) This section does not apply to a person that has in	890
the person's possession an opened container of beer or	891
intoxicating liquor on the premises of a market if the beer or	892
intoxicating liquor has been purchased from a D liquor permit	893
holder that is located in the market.	894
As used in division (G) of this section, "market" means an	895
establishment that:	896
(1) Leases space in the market to individual vendors, not	897
less than fifty per cent of which are retail food establishments	898
or food service operations licensed under Chapter 3717. of the	899



Revised Code;	900
(2) Has an indoor sales floor area of not less than twenty-two thousand square feet;	901 902
(3) Hosts a farmer's market on each Saturday from April through December.	903 904
(H) (1) As used in this section, "alcoholic beverage" has the same meaning as in section 4303.185 of the Revised Code.	905 906
(2) An alcoholic beverage in a closed container being transported under section 4303.185 of the Revised Code to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing.	907 908 909 910 911 912
<u>(I) This section does not apply to a person who has in the person's possession an opened container of beer or intoxicating liquor in a public-use airport, as described in division (D) (2) (a) (iii) of section 4303.181 of the Revised Code, when both of the following apply:</u>	913 914 915 916 917
<u>(1) Consumption of the opened container of beer or intoxicating liquor occurs in the area of the airport terminal that is restricted to persons taking flights to and from the airport; and</u>	918 919 920 921
<u>(2) The consumption is authorized under division (D) (2) (a) of section 4303.181 of the Revised Code.</u>	922 923
<b>Sec. 4303.021.</b> (A) Permit A-1-A may be issued to the holder of an A-1, A-1c, A-2, A-2f, 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	924 925 926 927

following applies to the A-1-A permit premises: 928

(1) It is situated on the same parcel or tract of land as 929  
the related A-1, A-1c, A-2, A-2f, or A-3a manufacturing permit 930  
premises. 931

(2) It is separated from the parcel or tract of land on 932  
which is located the A-1, A-1c, A-2, A-2f, or A-3a manufacturing 933  
permit premises only by public streets or highways or by other 934  
lands owned by the holder of the A-1, A-1c, A-2, A-2f, or A-3a 935  
permit and used by the holder in connection with or in promotion 936  
of the holder's A-1, A-1c, A-2, A-2f, or A-3a permit business. 937

(3) In the case of an A-1, A-1c, A-2, or A-2f permit 938  
holder, it is situated on a parcel or tract of land that is not 939  
more than one-half mile from the A-1, A-1c, A-2, or A-2f 940  
manufacturing permit premises. 941

(4) In the case of an A-3a permit holder, it is situated 942  
on a parcel or tract of land that is not more than two hundred 943  
feet from the A-3a manufacturing permit premises. 944

(B) The fee for this permit is three thousand nine hundred 945  
six dollars. 946

(C) (1) The holder of an A-1-A permit may sell beer and any 947  
intoxicating liquor during the same hours as the holders of D-5 948  
permits under this chapter or Chapter 4301. of the Revised Code 949  
or the rules of the liquor control commission~~and~~. Except as 950  
provided in division (C) (2) of this section, the permit holder 951  
shall obtain a license as a retail food establishment or a food 952  
service operation pursuant to Chapter 3717. of the Revised Code 953  
and operate as a restaurant for purposes of this chapter. 954

(2) In lieu of obtaining a license as a retail food 955  
establishment or food service operation, an A-1c permit holder 956

may do either of the following: 957

(a) Serve unopened commercially prepackaged meals and 958  
nonalcoholic beverages, as well as beer and intoxicating liquor, 959  
under the exemption provided for under sections 3717.22 and 960  
3717.42 of the Revised Code; 961

(b) Maintain a schedule with the owner or operator of a 962  
mobile retail food establishment or a mobile food service 963  
operation licensed under Chapter 3717. of the Revised Code to 964  
serve food to the A-1-A permit holder's customers. The schedule 965  
shall be in writing and agreed upon a week in advance. In 966  
addition, the A-1-A permit holder shall maintain the schedule 967  
for a minimum of one month. 968

(3) If a permit A-1-A is issued to the holder of an A-1 or 969  
A-1c permit, the A-1-A permit holder may sell beer at the A-1-A 970  
permit premises dispensed in ~~glass~~ containers with a capacity 971  
that does not exceed one gallon and not for consumption on the 972  
premises where sold if all of the following apply: 973

(a) The A-1-A permit premises is situated in the same 974  
municipal corporation or township as the related A-1 or A-1c 975  
manufacturing permit premises. 976

(b) The containers are sealed, marked, and transported in 977  
accordance with division (E) of section 4301.62 of the Revised 978  
Code. 979

(c) The containers have been cleaned immediately before 980  
being filled in accordance with rule 4301:1-1-28 of the 981  
Administrative Code. 982

(D) Except as otherwise provided in this section, the 983  
division of liquor control shall not issue a new A-1-A permit to 984  
the holder of an A-1, A-1c, A-2, A-2f, or A-3a permit unless the 985

sale of beer and intoxicating liquor under class D permits is 986  
permitted in the precinct in which the A-1, A-1c, A-2, A-2f, or 987  
A-3a permit is located and, in the case of an A-2 or A-2f 988  
permit, unless the holder of the A-2 or A-2f permit manufactures 989  
or has a storage capacity of at least twenty-five thousand 990  
gallons of wine per year. The immediately preceding sentence 991  
does not prohibit the issuance of an A-1-A permit to an 992  
applicant for such a permit who is the holder of an A-1 permit 993  
and whose application was filed with the division of liquor 994  
control before June 1, 1994. The liquor control commission shall 995  
not restrict the number of A-1-A permits which may be located 996  
within a precinct. 997

**Sec. 4303.181.** (A) Permit D-5a may be issued either to the 998  
owner or operator of a hotel or motel that is required to be 999  
licensed under section 3731.03 of the Revised Code, that 1000  
contains at least fifty rooms for registered transient guests or 1001  
is owned by a state institution of higher education as defined 1002  
in section 3345.011 of the Revised Code or a private college or 1003  
university, and that qualifies under the other requirements of 1004  
this section, or to the owner or operator of a restaurant 1005  
specified under this section, to sell beer and any intoxicating 1006  
liquor at retail, only by the individual drink in glass and from 1007  
the container, for consumption on the premises where sold, and 1008  
to registered guests in their rooms, which may be sold by means 1009  
of a controlled access alcohol and beverage cabinet in 1010  
accordance with division (B) of section 4301.21 of the Revised 1011  
Code; and to sell the same products in the same manner and 1012  
amounts not for consumption on the premises as may be sold by 1013  
holders of D-1 and D-2 permits. The premises of the hotel or 1014  
motel shall include a retail food establishment or a food 1015  
service operation licensed pursuant to Chapter 3717. of the 1016

Revised Code that operates as a restaurant for purposes of this 1017  
chapter and that is affiliated with the hotel or motel and 1018  
within or contiguous to the hotel or motel, and that serves food 1019  
within the hotel or motel, but the principal business of the 1020  
owner or operator of the hotel or motel shall be the 1021  
accommodation of transient guests. In addition to the privileges 1022  
authorized in this division, the holder of a D-5a permit may 1023  
exercise the same privileges as the holder of a D-5 permit. 1024

The owner or operator of a hotel, motel, or restaurant who 1025  
qualified for and held a D-5a permit on August 4, 1976, may, if 1026  
the owner or operator held another permit before holding a D-5a 1027  
permit, either retain a D-5a permit or apply for the permit 1028  
formerly held, and the division of liquor control shall issue 1029  
the permit for which the owner or operator applies and formerly 1030  
held, notwithstanding any quota. 1031

A D-5a permit shall not be transferred to another 1032  
location. No quota restriction shall be placed on the number of 1033  
D-5a permits that may be issued. 1034

The fee for this permit is two thousand three hundred 1035  
forty-four dollars. 1036

(B) Permit D-5b may be issued to the owner, operator, 1037  
tenant, lessee, or occupant of an enclosed shopping center to 1038  
sell beer and intoxicating liquor at retail, only by the 1039  
individual drink in glass and from the container, for 1040  
consumption on the premises where sold; and to sell the same 1041  
products in the same manner and amount not for consumption on 1042  
the premises as may be sold by holders of D-1 and D-2 permits. 1043  
In addition to the privileges authorized in this division, the 1044  
holder of a D-5b permit may exercise the same privileges as a 1045  
holder of a D-5 permit. 1046

A D-5b permit shall not be transferred to another location. 1047  
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One D-5b permit may be issued at an enclosed shopping center containing at least two hundred twenty-five thousand, but less than four hundred thousand, square feet of floor area. 1049  
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Two D-5b permits may be issued at an enclosed shopping center containing at least four hundred thousand square feet of floor area. No more than one D-5b permit may be issued at an enclosed shopping center for each additional two hundred thousand square feet of floor area or fraction of that floor area, up to a maximum of five D-5b permits for each enclosed shopping center. The number of D-5b permits that may be issued at an enclosed shopping center shall be determined by subtracting the number of D-3 and D-5 permits issued in the enclosed shopping center from the number of D-5b permits that otherwise may be issued at the enclosed shopping center under the formulas provided in this division. Except as provided in this section, no quota shall be placed on the number of D-5b permits that may be issued. Notwithstanding any quota provided in this section, the holder of any D-5b permit first issued in accordance with this section is entitled to its renewal in accordance with section 4303.271 of the Revised Code. 1052  
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The holder of a D-5b permit issued before April 4, 1984, whose tenancy is terminated for a cause other than nonpayment of rent, may return the D-5b permit to the division of liquor control, and the division shall cancel that permit. Upon cancellation of that permit and upon the permit holder's payment of taxes, contributions, premiums, assessments, and other debts owing or accrued upon the date of cancellation to this state and its political subdivisions and a filing with the division of a 1069  
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certification of that payment, the division shall issue to that 1077  
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, 1078  
as that person requests. The division shall issue the D-5 1079  
permit, or the D-1, D-2, and D-3 permits, even if the number of 1080  
D-1, D-2, D-3, or D-5 permits currently issued in the municipal 1081  
corporation or in the unincorporated area of the township where 1082  
that person's proposed premises is located equals or exceeds the 1083  
maximum number of such permits that can be issued in that 1084  
municipal corporation or in the unincorporated area of that 1085  
township under the population quota restrictions contained in 1086  
section 4303.29 of the Revised Code. Any D-1, D-2, D-3, or D-5 1087  
permit so issued shall not be transferred to another location. 1088  
If a D-5b permit is canceled under the provisions of this 1089  
paragraph, the number of D-5b permits that may be issued at the 1090  
enclosed shopping center for which the D-5b permit was issued, 1091  
under the formula provided in this division, shall be reduced by 1092  
one if the enclosed shopping center was entitled to more than 1093  
one D-5b permit under the formula. 1094

The fee for this permit is two thousand three hundred 1095  
forty-four dollars. 1096

(C) Permit D-5c may be issued to the owner or operator of 1097  
a retail food establishment or a food service operation licensed 1098  
pursuant to Chapter 3717. of the Revised Code that operates as a 1099  
restaurant for purposes of this chapter and that qualifies under 1100  
the other requirements of this section to sell beer and any 1101  
intoxicating liquor at retail, only by the individual drink in 1102  
glass and from the container, for consumption on the premises 1103  
where sold, and to sell the same products in the same manner and 1104  
amounts not for consumption on the premises as may be sold by 1105  
holders of D-1 and D-2 permits. In addition to the privileges 1106  
authorized in this division, the holder of a D-5c permit may 1107

exercise the same privileges as the holder of a D-5 permit. 1108

To qualify for a D-5c permit, the owner or operator of a 1109  
retail food establishment or a food service operation licensed 1110  
pursuant to Chapter 3717. of the Revised Code that operates as a 1111  
restaurant for purposes of this chapter, shall have operated the 1112  
restaurant at the proposed premises for not less than twenty- 1113  
four consecutive months immediately preceding the filing of the 1114  
application for the permit, have applied for a D-5 permit no 1115  
later than December 31, 1988, and appear on the division's quota 1116  
waiting list for not less than six months immediately preceding 1117  
the filing of the application for the permit. In addition to 1118  
these requirements, the proposed D-5c permit premises shall be 1119  
located within a municipal corporation and further within an 1120  
election precinct that, at the time of the application, has no 1121  
more than twenty-five per cent of its total land area zoned for 1122  
residential use. 1123

A D-5c permit shall not be transferred to another 1124  
location. No quota restriction shall be placed on the number of 1125  
such permits that may be issued. 1126

Any person who has held a D-5c permit for at least two 1127  
years may apply for a D-5 permit, and the division of liquor 1128  
control shall issue the D-5 permit notwithstanding the quota 1129  
restrictions contained in section 4303.29 of the Revised Code or 1130  
in any rule of the liquor control commission. 1131

The fee for this permit is one thousand five hundred 1132  
sixty-three dollars. 1133

(D) (1) Permit D-5d may be issued to the owner or operator 1134  
of a retail food establishment or a food service operation 1135  
licensed pursuant to Chapter 3717. of the Revised Code that 1136



operates as a restaurant for purposes of this chapter and that 1137  
is located at an airport operated by a municipal corporation, at 1138  
an airport operated by a board of county commissioners pursuant 1139  
to section 307.20 of the Revised Code, at an airport operated by 1140  
a port authority pursuant to Chapter 4582. of the Revised Code, 1141  
or at an airport operated by a regional airport authority 1142  
pursuant to Chapter 308. of the Revised Code. ~~The~~ 1143

(2) The holder of a D-5d permit may sell beer either of 1144  
the following: 1145

(a) Beer and any intoxicating liquor at retail, only by 1146  
the individual drink in glass and from the container, for 1147  
consumption on the premises where sold, ~~and may sell.~~ In 1148  
addition, such consumption may occur in the area of the airport 1149  
terminal that is restricted to persons taking flights to and 1150  
from the airport, provided all of the following apply: 1151

(i) The airport's governing body authorizes the 1152  
consumption of beer and intoxicating liquor in that area. 1153

(ii) The D-5d permit holder is located in that area. 1154

(iii) The airport is a public-use airport, as defined in 1155  
section 4563.30 of the Revised Code, that has commercial flight 1156  
activity and has one or more passenger or property screening 1157  
checkpoints or restricted areas used as security measures. 1158

(iv) The beer or intoxicating liquor is served solely in 1159  
plastic bottles or other plastic containers that clearly 1160  
identify the D-5d permit holder. 1161

(b) The the same products in the same manner and amounts 1162  
not for consumption on the premises where sold as may be sold by 1163  
the holders of D-1 and D-2 permits. ~~In~~ 1164

In addition to the privileges authorized in ~~this~~ division 1165  
(D) of this section, the holder of a D-5d permit may exercise 1166  
the same privileges as the holder of a D-5 permit. 1167

(3) A D-5d permit shall not be transferred to another 1168  
location. No quota restrictions shall be placed on the number of 1169  
such permits that may be issued. 1170

(4) The fee for ~~this~~ the D-5d permit is two thousand three 1171  
hundred forty-four dollars. 1172

(E) Permit D-5e may be issued to any nonprofit 1173  
organization that is exempt from federal income taxation under 1174  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1175  
501(c)(3), as amended, or that is a charitable organization 1176  
under any chapter of the Revised Code, and that owns or operates 1177  
a riverboat that meets all of the following: 1178

(1) Is permanently docked at one location; 1179

(2) Is designated as an historical riverboat by the Ohio 1180  
history connection; 1181

(3) Contains not less than fifteen hundred square feet of 1182  
floor area; 1183

(4) Has a seating capacity of fifty or more persons. 1184

The holder of a D-5e permit may sell beer and intoxicating 1185  
liquor at retail, only by the individual drink in glass and from 1186  
the container, for consumption on the premises where sold. 1187

A D-5e permit shall not be transferred to another 1188  
location. No quota restriction shall be placed on the number of 1189  
such permits that may be issued. The population quota 1190  
restrictions contained in section 4303.29 of the Revised Code or 1191  
in any rule of the liquor control commission shall not apply to 1192

this division, and the division shall issue a D-5e permit to any 1193  
applicant who meets the requirements of this division. However, 1194  
the division shall not issue a D-5e permit if the permit 1195  
premises or proposed permit premises are located within an area 1196  
in which the sale of spirituous liquor by the glass is 1197  
prohibited. 1198

The fee for this permit is one thousand two hundred 1199  
nineteen dollars. 1200

(F) Permit D-5f may be issued to the owner or operator of 1201  
a retail food establishment or a food service operation licensed 1202  
under Chapter 3717. of the Revised Code that operates as a 1203  
restaurant for purposes of this chapter and that meets all of 1204  
the following: 1205

(1) It contains not less than twenty-five hundred square 1206  
feet of floor area. 1207

(2) It is located on or in, or immediately adjacent to, 1208  
the shoreline of, a navigable river. 1209

(3) It provides docking space for twenty-five boats. 1210

(4) It provides entertainment and recreation, provided 1211  
that not less than fifty per cent of the business on the permit 1212  
premises shall be preparing and serving meals for a 1213  
consideration. 1214

In addition, each application for a D-5f permit shall be 1215  
accompanied by a certification from the local legislative 1216  
authority that the issuance of the D-5f permit is not 1217  
inconsistent with that political subdivision's comprehensive 1218  
development plan or other economic development goal as 1219  
officially established by the local legislative authority. 1220

The holder of a D-5f permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5f permit shall not be transferred to another location.

The division of liquor control shall not issue a D-5f permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

A fee for this permit is two thousand three hundred forty-four dollars.

As used in this division, "navigable river" means a river that is also a "navigable water" as defined in the "Federal Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796.

(G) Permit D-5g may be issued to a nonprofit corporation that is either the owner or the operator of a national professional sports museum. The holder of a D-5g permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. The holder of a D-5g permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. A D-5g permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5g permits that may be issued. The fee for this permit is one thousand eight hundred seventy-five dollars.

(H) (1) Permit D-5h may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A.

501(c)(3), as amended, that owns or operates any of the 1250  
following: 1251

(a) A fine arts museum, provided that the nonprofit 1252  
organization has no less than one thousand five hundred bona 1253  
fide members possessing full membership privileges; 1254

(b) A community arts center. As used in division (H)(1)(b) 1255  
of this section, "community arts center" means a facility that 1256  
provides arts programming to the community in more than one arts 1257  
discipline, including, but not limited to, exhibits of works of 1258  
art and performances by both professional and amateur artists. 1259

(c) A community theater, provided that the nonprofit 1260  
organization is a member of the Ohio arts council and the 1261  
American community theatre association and has been in existence 1262  
for not less than ten years. As used in division (H)(1)(c) of 1263  
this section, "community theater" means a facility that contains 1264  
at least one hundred fifty seats and has a primary function of 1265  
presenting live theatrical performances and providing 1266  
recreational opportunities to the community. 1267

(2) The holder of a D-5h permit may sell beer and any 1268  
intoxicating liquor at retail, only by the individual drink in 1269  
glass and from the container, for consumption on the premises 1270  
where sold. The holder of a D-5h permit shall sell no beer or 1271  
intoxicating liquor for consumption on the premises where sold 1272  
after one a.m. A D-5h permit shall not be transferred to another 1273  
location. No quota restrictions shall be placed on the number of 1274  
D-5h permits that may be issued. 1275

(3) The fee for a D-5h permit is one thousand eight 1276  
hundred seventy-five dollars. 1277

(I) Permit D-5i may be issued to the owner or operator of 1278

a retail food establishment or a food service operation licensed 1279  
under Chapter 3717. of the Revised Code that operates as a 1280  
restaurant for purposes of this chapter and that meets all of 1281  
the following requirements: 1282

(1) It is located in a municipal corporation or a township 1283  
with a population of one hundred thousand or less. 1284

(2) It has inside seating capacity for at least one 1285  
hundred forty persons. 1286

(3) It has at least four thousand square feet of floor 1287  
area. 1288

(4) It offers full-course meals, appetizers, and 1289  
sandwiches. 1290

(5) Its receipts from beer and liquor sales, excluding 1291  
wine sales, do not exceed twenty-five per cent of its total 1292  
gross receipts. 1293

(6) It has at least one of the following characteristics: 1294

(a) The value of its real and personal property exceeds 1295  
seven hundred twenty-five thousand dollars. 1296

(b) It is located on property that is owned or leased by 1297  
the state or a state agency, and its owner or operator has 1298  
authorization from the state or the state agency that owns or 1299  
leases the property to obtain a D-5i permit. 1300

The holder of a D-5i permit may sell beer and any 1301  
intoxicating liquor at retail, only by the individual drink in 1302  
glass and from the container, for consumption on the premises 1303  
where sold, and may sell the same products in the same manner 1304  
and amounts not for consumption on the premises where sold as 1305  
may be sold by the holders of D-1 and D-2 permits. The holder of 1306

a D-5i permit shall sell no beer or intoxicating liquor for 1307  
consumption on the premises where sold after two-thirty a.m. In 1308  
addition to the privileges authorized in this division, the 1309  
holder of a D-5i permit may exercise the same privileges as the 1310  
holder of a D-5 permit. 1311

A D-5i permit shall not be transferred to another 1312  
location. The division of liquor control shall not renew a D-5i 1313  
permit unless the retail food establishment or food service 1314  
operation for which it is issued continues to meet the 1315  
requirements described in divisions (I) (1) to (6) of this 1316  
section. No quota restrictions shall be placed on the number of 1317  
D-5i permits that may be issued. The fee for the D-5i permit is 1318  
two thousand three hundred forty-four dollars. 1319

(J) Permit D-5j may be issued to the owner or the operator 1320  
of a retail food establishment or a food service operation 1321  
licensed under Chapter 3717. of the Revised Code to sell beer 1322  
and intoxicating liquor at retail, only by the individual drink 1323  
in glass and from the container, for consumption on the premises 1324  
where sold and to sell beer and intoxicating liquor in the same 1325  
manner and amounts not for consumption on the premises where 1326  
sold as may be sold by the holders of D-1 and D-2 permits. The 1327  
holder of a D-5j permit may exercise the same privileges, and 1328  
shall observe the same hours of operation, as the holder of a D- 1329  
5 permit. 1330

The D-5j permit shall be issued only within a community 1331  
entertainment district that is designated under section 4301.80 1332  
of the Revised Code. The permit shall not be issued to a 1333  
community entertainment district that is designated under 1334  
divisions (B) and (C) of section 4301.80 of the Revised Code if 1335  
the district does not meet one of the following qualifications: 1336

- (1) It is located in a municipal corporation with a population of at least one hundred thousand. 1337  
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- (2) It is located in a municipal corporation with a population of at least twenty thousand, and either of the following applies: 1339  
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- (a) It contains an amusement park the rides of which have been issued a permit by the department of agriculture under Chapter 1711. of the Revised Code. 1342  
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- (b) Not less than fifty million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation. 1345  
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- (3) It is located in a township with a population of at least forty thousand. 1348  
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- (4) It is located in a township with a population of at least twenty thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the township. 1350  
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- (5) It is located in a municipal corporation with a population between seven thousand and twenty thousand, and both of the following apply: 1354  
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- (a) The municipal corporation was incorporated as a village prior to calendar year 1880 and currently has a historic downtown business district. 1357  
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- (b) The municipal corporation is located in the same county as another municipal corporation with at least one community entertainment district. 1360  
1361  
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- (6) It is located in a municipal corporation with a population of at least ten thousand, and not less than seventy 1363  
1364



million dollars will be invested in development and construction 1365  
in the community entertainment district's area located in the 1366  
municipal corporation. 1367

(7) It is located in a municipal corporation with a 1368  
population of at least three thousand, and not less than one 1369  
hundred fifty million dollars will be invested in development 1370  
and construction in the community entertainment district's area 1371  
located in the municipal corporation. 1372

The location of a D-5j permit may be transferred only 1373  
within the geographic boundaries of the community entertainment 1374  
district in which it was issued and shall not be transferred 1375  
outside the geographic boundaries of that district. 1376

Not more than one D-5j permit shall be issued within each 1377  
community entertainment district for each five acres of land 1378  
located within the district. Not more than fifteen D-5j permits 1379  
may be issued within a single community entertainment district. 1380  
Except as otherwise provided in division (J) (4) of this section, 1381  
no quota restrictions shall be placed upon the number of D-5j 1382  
permits that may be issued. 1383

The fee for a D-5j permit is two thousand three hundred 1384  
forty-four dollars. 1385

(K) (1) Permit D-5k may be issued to any nonprofit 1386  
organization that is exempt from federal income taxation under 1387  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1388  
501(c) (3), as amended, that is the owner or operator of a 1389  
botanical garden recognized by the American association of 1390  
botanical gardens and arboreta, and that has not less than 1391  
twenty-five hundred bona fide members. 1392

(2) The holder of a D-5k permit may sell beer and any 1393

intoxicating liquor at retail, only by the individual drink in 1394  
glass and from the container, on the premises where sold. 1395

(3) The holder of a D-5k permit shall sell no beer or 1396  
intoxicating liquor for consumption on the premises where sold 1397  
after one a.m. 1398

(4) A D-5k permit shall not be transferred to another 1399  
location. 1400

(5) No quota restrictions shall be placed on the number of 1401  
D-5k permits that may be issued. 1402

(6) The fee for the D-5k permit is one thousand eight 1403  
hundred seventy-five dollars. 1404

(L) (1) Permit D-5l may be issued to the owner or the 1405  
operator of a retail food establishment or a food service 1406  
operation licensed under Chapter 3717. of the Revised Code to 1407  
sell beer and intoxicating liquor at retail, only by the 1408  
individual drink in glass and from the container, for 1409  
consumption on the premises where sold and to sell beer and 1410  
intoxicating liquor in the same manner and amounts not for 1411  
consumption on the premises where sold as may be sold by the 1412  
holders of D-1 and D-2 permits. The holder of a D-5l permit may 1413  
exercise the same privileges, and shall observe the same hours 1414  
of operation, as the holder of a D-5 permit. 1415

(2) The D-5l permit shall be issued only to a premises to 1416  
which all of the following apply: 1417

(a) The premises has gross annual receipts from the sale 1418  
of food and meals that constitute not less than seventy-five per 1419  
cent of its total gross annual receipts. 1420

(b) The premises is located within a revitalization 1421

district that is designated under section 4301.81 of the Revised Code. 1422  
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(c) The premises is located in a municipal corporation or township in which the number of D-5 permits issued equals or exceeds the number of those permits that may be issued in that municipal corporation or township under section 4303.29 of the Revised Code. 1424  
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(d) The premises meets any of the following qualifications: 1429  
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(i) It is located in a county with a population of one hundred twenty-five thousand or less according to the population estimates certified by the development services agency for calendar year 2006. 1431  
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(ii) It is located in the municipal corporation that has the largest population in a county when the county has a population between two hundred fifteen thousand and two hundred twenty-five thousand according to the population estimates certified by the development services agency for calendar year 2006. Division (L) (2) (d) (ii) of this section applies only to a municipal corporation that is wholly located in a county. 1435  
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(iii) It is located in the municipal corporation that has the largest population in a county when the county has a population between one hundred forty thousand and one hundred forty-one thousand according to the population estimates certified by the development services agency for calendar year 2006. Division (L) (2) (d) (iii) of this section applies only to a municipal corporation that is wholly located in a county. 1442  
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(iv) It is located in a township with a population density of less than four hundred fifty people per square mile. For 1449  
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purposes of division (L) (2) (d) (iv) of this section, the 1451  
population of a township is considered to be the population 1452  
shown by the most recent regular federal decennial census. 1453

(v) It is located in a municipal corporation that is 1454  
wholly located within the geographic boundaries of a township, 1455  
provided that the municipal corporation and the unincorporated 1456  
portion of the township have a combined population density of 1457  
less than four hundred fifty people per square mile. For 1458  
purposes of division (L) (2) (d) (v) of this section, the 1459  
population of a municipal corporation and unincorporated portion 1460  
of a township is the population shown by the most recent federal 1461  
decennial census. 1462

(vi) It is located in a county with a population of not 1463  
less than one hundred seventy-two thousand and not more than one 1464  
hundred ninety-five thousand. For purposes of division (L) (2) (d) 1465  
(vi) of this section, the population of a county is the 1466  
population shown by the most recent decennial census. 1467

(vii) It is located in a municipal corporation with a 1468  
population of less than ten thousand and the municipal 1469  
corporation is located in a county with a population of more 1470  
than one million. For purposes of division (L) (2) (d) (vii) of 1471  
this section, the population of a municipal corporation and a 1472  
county is the population shown by the most recent decennial 1473  
census. 1474

(3) The location of a D-51 permit may be transferred only 1475  
within the geographic boundaries of the revitalization district 1476  
in which it was issued and shall not be transferred outside the 1477  
geographic boundaries of that district. 1478

(4) Not more than one D-51 permit shall be issued within 1479

each revitalization district for each five acres of land located 1480  
within the district. Not more than fifteen D-5l permits may be 1481  
issued within a single revitalization district. Except as 1482  
otherwise provided in division (L) (4) of this section, no quota 1483  
restrictions shall be placed upon the number of D-5l permits 1484  
that may be issued. 1485

(5) No D-5l permit shall be issued to an adult 1486  
entertainment establishment as defined in section 2907.39 of the 1487  
Revised Code. 1488

(6) The fee for a D-5l permit is two thousand three 1489  
hundred forty-four dollars. 1490

(M) Permit D-5m may be issued to either the owner or the 1491  
operator of a retail food establishment or food service 1492  
operation licensed under Chapter 3717. of the Revised Code that 1493  
operates as a restaurant for purposes of this chapter and that 1494  
is located in, or affiliated with, a center for the preservation 1495  
of wild animals as defined in section 4301.404 of the Revised 1496  
Code, to sell beer and any intoxicating liquor at retail, only 1497  
by the glass and from the container, for consumption on the 1498  
premises where sold, and to sell the same products in the same 1499  
manner and amounts not for consumption on the premises as may be 1500  
sold by the holders of D-1 and D-2 permits. In addition to the 1501  
privileges authorized by this division, the holder of a D-5m 1502  
permit may exercise the same privileges as the holder of a D-5 1503  
permit. 1504

A D-5m permit shall not be transferred to another 1505  
location. No quota restrictions shall be placed on the number of 1506  
D-5m permits that may be issued. The fee for a permit D-5m is 1507  
two thousand three hundred forty-four dollars. 1508

(N) Permit D-5n shall be issued to either a casino operator or a casino management company licensed under Chapter 3772. of the Revised Code that operates a casino facility under that chapter, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5n permit may exercise the same privileges as the holder of a D-5 permit. A D-5n permit shall not be transferred to another location. Only one D-5n permit may be issued per casino facility and not more than four D-5n permits shall be issued in this state. The fee for a permit D-5n shall be twenty thousand dollars. The holder of a D-5n permit may conduct casino gaming on the permit premises notwithstanding any provision of the Revised Code or Administrative Code.

(O) Permit D-5o may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located within a casino facility for which a D-5n permit has been issued. The holder of a D-5o permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5o permit may exercise the same privileges as the holder of a D-5 permit. A D-5o permit shall not be transferred to another

location. No quota restrictions shall be placed on the number of 1540  
such permits that may be issued. The fee for this permit is two 1541  
thousand three hundred forty-four dollars. 1542

Sec. 4303.2011. (A) As used in this section, "nonprofit 1543  
organization" means a corporation, association, group, 1544  
institution, society, or other organization that: 1545

(1) Is exempt from federal income taxation; 1546

(2) Has a membership of two hundred fifty or more persons. 1547

(B) The division of liquor control may issue an F-11 1548  
permit to a nonprofit organization to conduct an event if the 1549  
event has all of the following characteristics: 1550

(1) The event is coordinated by the nonprofit organization 1551  
and the nonprofit organization is responsible for the activities 1552  
at the event. 1553

(2) One of the event's purposes is the introduction, 1554  
showcasing, or promotion of craft beers manufactured in this 1555  
state. 1556

(3) The event includes the sale of food for consumption on 1557  
the premises where sold. 1558

(4) The event features at least twenty A-1c permit 1559  
holders, who are members of the nonprofit organization that has 1560  
organized the event, as participants. The nonprofit organization 1561  
may allow any number of A-1 permit holders to participate in the 1562  
event. 1563

(C) An F-11 permit holder may sell, at the event, beer 1564  
that it has purchased from the A-1 or A-1c permit holders that 1565  
are participating in the event. The F-11 permit holder may sell 1566  
the beer in four-ounce samples or in containers not exceeding 1567

sixteen ounces for consumption on the premises where sold. 1568

The F-11 permit holder may sell beer on the F-11 permit 1569  
premises only where and when the sale of beer is otherwise 1570  
permitted by law. 1571

(D) The F-11 permit holder shall clearly define and 1572  
sufficiently restrict the premises of the event to allow proper 1573  
enforcement of the permit by state and local law enforcement 1574  
officers. If an F-11 permit is issued for all or a portion of 1575  
the same premises for which another class of permit is issued, 1576  
that permit holder's privileges are suspended in that portion of 1577  
the premises in which the F-11 permit is in effect. 1578

(E) (1) No F-11 permit is effective for more than seventy- 1579  
two consecutive hours. However, for purposes of an exposition at 1580  
the state fairgrounds, an F-11 permit is effective for the 1581  
duration of the exposition. 1582

(2) No sales of beer shall take place under an F-11 permit 1583  
after one a.m. 1584

(F) The division shall not issue more than six F-11 1585  
permits to the same nonprofit organization in any one calendar 1586  
year. 1587

(G) An applicant for an F-11 permit shall apply for the 1588  
permit not later than thirty days prior to the first day of the 1589  
event for which the permit is sought. In the application, the 1590  
applicant shall list all of the A-1 and A-1c permit holders that 1591  
will participate in the event. The fee for the F-11 permit is 1592  
sixty dollars for each day of the event. 1593

The division shall prepare and make available an F-11 1594  
permit application form and may require applicants for and 1595  
holders of the F-11 permit to provide information that is in 1596



addition to that required by this section and that is necessary 1597  
for the administration of this section. 1598

(H) (1) An F-11 permit holder is responsible, and is 1599  
subject to penalties, for any violations of this chapter or 1600  
Chapter 4301. of the Revised Code that occur during the event. 1601

(2) An F-11 permit holder shall not allow an A-1 or A-1c 1602  
permit holder to participate in the event if the A-1 or A-1c 1603  
permit or, if applicable, the A-1-A permit of that A-1 or A-1c 1604  
permit holder is under suspension. 1605

(3) The division may refuse to issue an F-11 permit to an 1606  
applicant if both of the following apply: 1607

(a) The applicant has pleaded guilty to or has been 1608  
convicted of violating this chapter or Chapter 4301. of the 1609  
Revised Code while operating under a previously issued F-11 1610  
permit. 1611

(b) The violation occurred within the two years preceding 1612  
the filing of the new F-11 permit application. 1613

(I) Notwithstanding any provision of section 4301.24 of 1614  
the Revised Code or any rule adopted by the liquor control 1615  
commission to the contrary, employees of an A-1 or A-1c permit 1616  
holder or B-1 permit holder, or employees or agents of a B-1 1617  
permit holder may assist an F-11 permit holder in serving beer 1618  
at an event for which an F-11 permit is issued. 1619

**Section 2.** That existing sections 3717.22, 3717.42, 1620  
4301.01, 4301.101, 4301.24, 4301.62, 4303.021, and 4303.181 of 1621  
the Revised Code are hereby repealed. 1622

**Section 3.** The provisions of this act are severable as 1623  
provided in section 1.50 of the Revised Code. 1624

**Section 4.** Section 4303.021 of the Revised Code is 1625  
presented in this act as a composite of the section as amended 1626  
by both H.B. 342 and H.B. 351 of the 131st General Assembly. The 1627  
General Assembly, applying the principle stated in division (B) 1628  
of section 1.52 of the Revised Code that amendments are to be 1629  
harmonized if reasonably capable of simultaneous operation, 1630  
finds that the composite is the resulting version of the section 1631  
in effect prior to the effective date of the section as 1632  
presented in this act. 1633