

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 46

Representatives Miller, A., Carruthers

A BILL

To amend section 4301.22 of the Revised Code to 1
exempt specified liquor permit holders from the 2
requirement to renew their permits in calendar 3
year 2021, to eliminate a prohibition against 4
the use of gift cards to purchase beer or 5
intoxicating liquor for on-premises consumption, 6
and to declare an emergency. 7

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

Section 1. That section 4301.22 of the Revised Code be 8
amended to read as follows: 9

Sec. 4301.22. Sales of beer and intoxicating liquor under 10
all classes of permits and from state liquor stores are subject 11
to the following restrictions, in addition to those imposed by 12
the rules or orders of the division of liquor control: 13

(A) (1) Except as otherwise provided in this chapter, no 14
beer or intoxicating liquor shall be sold to any person under 15
twenty-one years of age. 16

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

of division (A) (2) of this section. 20

(3) No intoxicating liquor shall be handled by any person 21
under twenty-one years of age, except that a person eighteen 22
years of age or older employed by a permit holder may handle or 23
sell beer or intoxicating liquor in sealed containers in 24
connection with wholesale or retail sales, and any person 25
nineteen years of age or older employed by a permit holder may 26
handle intoxicating liquor in open containers when acting in the 27
capacity of a server in a hotel, restaurant, club, or night 28
club, as defined in division (B) of section 4301.01 of the 29
Revised Code, or in the premises of a D-7 permit holder. This 30
section does not authorize persons under twenty-one years of age 31
to sell intoxicating liquor across a bar. Any person employed by 32
a permit holder may handle beer or intoxicating liquor in sealed 33
containers in connection with manufacturing, storage, 34
warehousing, placement, stocking, bagging, loading, or 35
unloading, and may handle beer or intoxicating liquor in open 36
containers in connection with cleaning tables or handling empty 37
bottles or glasses. 38

(B) No permit holder and no agent or employee of a permit 39
holder shall sell or furnish beer or intoxicating liquor to an 40
intoxicated person. 41

(C) No sales of intoxicating liquor shall be made after 42
two-thirty a.m. on Sunday except under either of the following 43
circumstances: 44

(1) Intoxicating liquor may be sold on Sunday under 45
authority of a permit that authorizes Sunday sale. 46

(2) Spirituous liquor may be sold on Sunday by any person 47
awarded an agency contract under section 4301.17 of the Revised 48

Code if the sale of spirituous liquor is authorized in the 49
applicable precinct as the result of an election on question (B) 50
(1) or (2) of section 4301.351 of the Revised Code and if the 51
agency contract authorizes the sale of spirituous liquor on 52
Sunday. 53

This section does not prevent a municipal corporation from 54
adopting a closing hour for the sale of intoxicating liquor 55
earlier than two-thirty a.m. on Sunday or to provide that no 56
intoxicating liquor may be sold prior to that hour on Sunday. 57

(D) No holder of a permit shall give away any beer or 58
intoxicating liquor of any kind at any time in connection with 59
the permit holder's business. However, with the exception of an 60
A-1-A permit holder that also has been issued an A-2 or A-2f 61
permit, an A-1-A, A-1c, or D permit holder may provide to a 62
paying customer not more than a total of four tasting samples of 63
beer, wine, or spirituous liquor, as authorized by the 64
applicable permit, in any twenty-four-hour period. The permit 65
holder shall provide the tasting samples free of charge, at the 66
permit holder's expense, only to a person who is twenty-one 67
years of age or older. The person shall consume the tasting 68
samples on the premises of the permit holder. A distributor is 69
not responsible for the costs of providing tasting samples 70
authorized under division (D) of this section. 71

As used in division (D) of this section: 72

(1) "Tasting sample" means one of the following, as 73
applicable: 74

(a) An amount not to exceed two ounces of beer; 75

(b) An amount not to exceed two ounces of wine; 76

(c) An amount not to exceed a quarter ounce of spirituous 77

liquor. 78

(2) "D permit holder" means a person that has been issued 79
a D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, D-5c, D-5d, 80
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D- 81
5o, D-6, or D-7 permit. 82

(E) Except as otherwise provided in this division, no 83
retail permit holder shall display or permit the display on the 84
outside of any licensed retail premises, or on any lot of ground 85
on which the licensed premises are situated, or on the exterior 86
of any building of which the licensed premises are a part, any 87
sign, illustration, or advertisement bearing the name, brand 88
name, trade name, trade-mark, designation, or other emblem of or 89
indicating the manufacturer, producer, distributor, place of 90
manufacture, production, or distribution of any beer or 91
intoxicating liquor. Signs, illustrations, or advertisements 92
bearing the name, brand name, trade name, trade-mark, 93
designation, or other emblem of or indicating the manufacturer, 94
producer, distributor, place of manufacture, production, or 95
distribution of beer or intoxicating liquor may be displayed and 96
permitted to be displayed on the interior or in the show windows 97
of any licensed premises, if the particular brand or type of 98
product so advertised is actually available for sale on the 99
premises at the time of that display. The liquor control 100
commission shall determine by rule the size and character of 101
those signs, illustrations, or advertisements. 102

(F) No retail permit holder shall possess on the licensed 103
premises any barrel or other container from which beer is drawn, 104
unless there is attached to the spigot or other dispensing 105
apparatus the name of the manufacturer of the product contained 106
in the barrel or other container, provided that, if the beer is 107

served at a bar, the manufacturer's name or brand shall appear 108
in full view of the purchaser. The commission shall regulate the 109
size and character of the devices provided for in this section. 110

~~(G) Except as otherwise provided in this division, no sale 111
of any gift certificate shall be permitted whereby beer or 112
intoxicating liquor of any kind is to be exchanged for the 113
certificate, unless the gift certificate can be exchanged only 114
for food, and beer or intoxicating liquor, for on premises 115
consumption and the value of the beer or intoxicating liquor for 116
which the certificate can be exchanged does not exceed more than 117
thirty per cent of the total value of the gift certificate. The 118
sale and redemption of gift certificates for the purchase of 119
beer, wine, or mixed beverages shall be permitted for the 120
purchase of beer, wine, or mixed beverages for on- or off- 121
premises consumption. ~~Limitations on the use of a gift 122
certificate for the purchase of beer, wine, or mixed beverages 123
for off premises consumption may be expressed by clearly 124
stamping or typing on the face of the certificate that the 125
certificate may not be used for the purchase of beer, wine, or 126
mixed beverages. 127~~~~

Section 2. That existing section 4301.22 of the Revised 128
Code is hereby repealed. 129

Section 3. (A) Notwithstanding any section of the Revised 130
Code or any other law to the contrary, a person that holds a 131
valid A-1-A or class D permit issued under Chapter 4303. of the 132
Revised Code on the effective date of this section shall renew 133
the person's permit as follows: 134

(1) If the person is scheduled to renew the permit by 135
February 1, 2021, the person instead shall renew the permit not 136
later than February 1, 2022. 137

(2) If the person is scheduled to renew the permit by June 1, 2021, the person instead shall renew the permit not later than June 1, 2022.

(3) If the person is scheduled to renew the permit by October 1, 2021, the person instead shall renew the permit not later than October 1, 2022.

(B) The applicable permits remain valid until the applicable renewal date set forth in this section, unless suspended or revoked.

(C) The Division of Liquor Control shall adopt rules in accordance with Chapter 119. of the Revised Code necessary to administer and enforce this section.

Section 4. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to provide economic relief to liquor permit holders as a result of the COVID-19 outbreak. Therefore, this act shall go into immediate effect.