

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**H. B. No. 46**

**Representatives Miller, A., Carruthers**

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**A BILL**

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

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

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

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

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

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

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.	138 139 140
(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.	141 142 143
(B) The applicable permits remain valid until the applicable renewal date set forth in this section, unless suspended or revoked.	144 145 146
(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.	147 148 149
<b>Section 4.</b> 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.	150 151 152 153 154 155