

As Passed by the House

134th General Assembly

Regular Session

2021-2022

Sub. S. B. No. 102

Senator Roegner

Cosponsors: Senators Huffman, S., Schaffer, Fedor, Antonio, Blessing, Brenner, Cirino, Hackett, Hoagland, Manning, McColley, O'Brien, Reineke, Romanchuk, Thomas, Wilson, Yuko Representatives Roemer, Abrams, Brown, Carfagna, Carruthers, Cross, Crossman, Grendell, Hillyer, Hoops, Jones, Lampton, Leland, Lepore-Hagan, Liston, Manning, Miller, J., Miller, K., O'Brien, Patton, Plummer, Richardson, Riedel, Russo, Sheehy, Sobecki, Stein, Swearingen, Upchurch, Weinstein, West, Wilkin

A BILL

To amend sections 4301.01, 4301.03, 4301.22, 1
4301.24, 4301.33, 4301.331, 4301.332, 4301.333, 2
4301.334, 4301.351, 4301.354, 4301.355, 3
4301.356, 4301.361, 4301.364, 4301.365, 4
4301.366, 4301.403, 4301.404, 4301.58, 4301.62, 5
4301.82, 4303.14, 4303.18, 4303.181, 4303.182, 6
4303.19, and 4303.2010 and to enact sections 7
4301.172, 4301.201, 4301.245, and 4303.191 of 8
the Revised Code and to amend Section 3 of H.B. 9
669 of the 133rd General Assembly to revise 10
specified provisions of the liquor control law. 11

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

Section 1. That sections 4301.01, 4301.03, 4301.22, 12
4301.24, 4301.33, 4301.331, 4301.332, 4301.333, 4301.334, 13
4301.351, 4301.354, 4301.355, 4301.356, 4301.361, 4301.364, 14

4301.365, 4301.366, 4301.403, 4301.404, 4301.58, 4301.62, 15
4301.82, 4303.14, 4303.18, 4303.181, 4303.182, 4303.19, and 16
4303.2010 be amended and sections 4301.172, 4301.201, 4301.245, 17
and 4303.191 of the Revised Code be enacted to read as follows: 18

Sec. 4301.01. (A) As used in the Revised Code: 19

(1) "Intoxicating liquor" and "liquor" include all liquids 20
and compounds, other than beer, containing one-half of one per 21
cent or more of alcohol by volume which are fit to use for 22
beverage purposes, from whatever source and by whatever process 23
produced, by whatever name called, and whether they are 24
medicated, proprietary, or patented. "Intoxicating liquor" and 25
"liquor" include cider and alcohol, and all solids and 26
confections which contain one-half of one per cent or more of 27
alcohol by volume. 28

(2) Except as used in sections 4301.01 to 4301.20, 4301.22 29
to 4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of 30
the Revised Code, "sale" and "sell" include exchange, barter, 31
gift, offer for sale, sale, distribution and delivery of any 32
kind, and the transfer of title or possession of beer and 33
intoxicating liquor either by constructive or actual delivery by 34
any means or devices whatever, including the sale of beer or 35
intoxicating liquor by means of a controlled access alcohol and 36
beverage cabinet pursuant to section 4301.21 of the Revised 37
Code. "Sale" and "sell" do not include the mere solicitation of 38
orders for beer or intoxicating liquor from the holders of 39
permits issued by the division of liquor control authorizing the 40
sale of the beer or intoxicating liquor, but no solicitor shall 41
solicit any such orders until the solicitor has been registered 42
with the division pursuant to section 4303.25 of the Revised 43
Code. 44

(3) "Vehicle" includes all means of transportation by 45
land, by water, or by air, and everything made use of in any way 46
for such transportation. 47

(B) As used in this chapter: 48

(1) "Alcohol" means ethyl alcohol, whether rectified or 49
diluted with water or not, whatever its origin may be, and 50
includes synthetic ethyl alcohol. "Alcohol" does not include 51
denatured alcohol and wood alcohol. 52

(2) "Beer" includes all beverages brewed or fermented 53
wholly or in part from malt products and containing one-half of 54
one per cent or more of alcohol by volume. 55

(3) "Wine" includes all liquids fit to use for beverage 56
purposes containing not less than one-half of one per cent of 57
alcohol by volume and not more than twenty-one per cent of 58
alcohol by volume, ~~which that~~ is made from the fermented juices 59
of grapes, fruits, or other agricultural products, ~~except that.~~ 60
"Wine" includes cider, except as used in sections 4301.13, 61
4301.421, 4301.422, 4301.432, and 4301.44 of the Revised Code, 62
and, for purposes of determining the rate of the tax that 63
applies, division (B) of section 4301.43 of the Revised Code, 64
"wine" does not include cider. 65

(4) "Mixed beverages" include bottled and prepared 66
cordials, cocktails, highballs, and solids and confections that 67
are obtained by mixing any type of whiskey, neutral spirits, 68
brandy, gin, or other distilled spirits with, or over, 69
carbonated or plain water, pure juices from flowers and plants, 70
and other flavoring materials. The completed product shall 71
contain not less than one-half of one per cent of alcohol by 72
volume and not more than twenty-one per cent of alcohol by 73

volume. "Mixed beverages" includes the contents of a pod.	74
(5) "Spirituous liquor" includes all intoxicating liquors containing more than twenty-one per cent of alcohol by volume.	75 76
"Spirituous liquor" does not include the contents of a pod.	77
(6) "Sealed container" means any container having a capacity of not more than one hundred twenty-eight fluid ounces, the opening of which is closed to prevent the entrance of air.	78 79 80
(7) "Person" includes firms and corporations.	81
(8) "Manufacture" includes all processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, or brewing, or in any other manner.	82 83 84 85
(9) "Manufacturer" means any person engaged in the business of manufacturing beer or intoxicating liquor.	86 87
(10) "Wholesale distributor" and "distributor" means a person engaged in the business of selling to retail dealers for purposes of resale.	88 89 90
(11) "Hotel" has the same meaning as in section 3731.01 of the Revised Code, subject to the exceptions mentioned in section 3731.03 of the Revised Code.	91 92 93
(12) "Restaurant" means a place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. "Restaurant" does not include pharmacies, confectionery stores, lunch stands, night clubs, and filling stations.	94 95 96 97 98 99 100
(13) "Club" means a corporation or association of	101

individuals organized in good faith for social, recreational, 102
benevolent, charitable, fraternal, political, patriotic, or 103
athletic purposes, which is the owner, lessor, or occupant of a 104
permanent building or part of a permanent building operated 105
solely for those purposes, membership in which entails the 106
prepayment of regular dues, and includes the place so operated. 107

(14) "Night club" means a place operated for profit, where 108
food is served for consumption on the premises and one or more 109
forms of amusement are provided or permitted for a consideration 110
that may be in the form of a cover charge or may be included in 111
the price of the food and beverages, or both, purchased by 112
patrons. 113

(15) "At retail" means for use or consumption by the 114
purchaser and not for resale. 115

(16) "Pharmacy" means an establishment, as defined in 116
section 4729.01 of the Revised Code, that is under the 117
management or control of a licensed pharmacist in accordance 118
with section 4729.27 of the Revised Code. 119

(17) "Enclosed shopping center" means a group of retail 120
sales and service business establishments that face into an 121
enclosed mall, share common ingress, egress, and parking 122
facilities, and are situated on a tract of land that contains an 123
area of not less than five hundred thousand square feet. 124
"Enclosed shopping center" also includes not more than one 125
business establishment that is located within a free-standing 126
building on such a tract of land, so long as the sale of beer 127
and intoxicating liquor on the tract of land was approved in an 128
election held under former section 4301.353 of the Revised Code. 129

(18) "Controlled access alcohol and beverage cabinet" 130

means a closed container, either refrigerated, in whole or in 131
part, or nonrefrigerated, access to the interior of which is 132
restricted by means of a device that requires the use of a key, 133
magnetic card, or similar device and from which beer, 134
intoxicating liquor, other beverages, or food may be sold. 135

(19) "Community facility" means either of the following: 136

(a) Any convention, sports, or entertainment facility or 137
complex, or any combination of these, that is used by or 138
accessible to the general public and that is owned or operated 139
in whole or in part by the state, a state agency, or a political 140
subdivision of the state or that is leased from, or located on 141
property owned by or leased from, the state, a state agency, a 142
political subdivision of the state, or a convention facilities 143
authority created pursuant to section 351.02 of the Revised 144
Code; 145

(b) An area designated as a community entertainment 146
district pursuant to section 4301.80 of the Revised Code. 147

(20) "Low-alcohol beverage" means any brewed or fermented 148
malt product, or any product made from the fermented juices of 149
grapes, fruits, or other agricultural products, that contains 150
either no alcohol or less than one-half of one per cent of 151
alcohol by volume. The beverages described in division (B) (20) 152
of this section do not include a soft drink such as root beer, 153
birch beer, or ginger beer. 154

(21) "Cider" means all liquids fit to use for beverage 155
purposes that contain one-half of one per cent of alcohol by 156
volume, but not more than six per cent of alcohol by weight, and 157
that are made through the normal alcoholic fermentation of the 158
juice of sound, ripe apples, including, without limitation, 159

flavored, sparkling, or carbonated cider and cider made from 160
pure condensed apple must. 161

(22) "Sales area or territory" means an exclusive 162
geographic area or territory that is assigned to a particular A 163
or B permit holder and that either has one or more political 164
subdivisions as its boundaries or consists of an area of land 165
with readily identifiable geographic boundaries. "Sales area or 166
territory" does not include, however, any particular retail 167
location in an exclusive geographic area or territory that had 168
been assigned to another A or B permit holder before April 9, 169
2001. 170

(23) "Pod" means a sealed capsule made from plastic, 171
glass, aluminum, or a combination thereof to which all of the 172
following apply: 173

(a) The capsule contains intoxicating liquor of more than 174
twenty-one per cent of alcohol by volume. 175

(b) The capsule also contains a concentrated flavoring 176
mixture. 177

(c) The contents of the capsule are not readily accessible 178
or intended for consumption unless certain manufacturer's 179
processing instructions are followed. 180

(d) The instructions include releasing the contents of the 181
capsule through a machine specifically designed to process the 182
contents. 183

(e) After being properly processed according to the 184
manufacturer's instructions, the final product produced from the 185
capsule contains not less than one-half of one per cent of 186
alcohol by volume and not more than twenty-one per cent of 187
alcohol by volume. 188

Sec. 4301.03. The liquor control commission may adopt and 189
promulgate, repeal, rescind, and amend, in the manner required 190
by this section, rules, standards, requirements, and orders 191
necessary to carry out this chapter and Chapter 4303. of the 192
Revised Code, but all rules of the board of liquor control that 193
were in effect immediately prior to April 17, 1963, shall remain 194
in full force and effect as rules of the liquor control 195
commission until and unless amended or repealed by the liquor 196
control commission. The rules of the commission may include the 197
following: 198

(A) Rules with reference to applications for and the 199
issuance of permits for the manufacture, distribution, 200
transportation, and sale of beer and intoxicating liquor, and 201
the sale of alcohol; and rules governing the procedure of the 202
division of liquor control in the suspension, revocation, and 203
cancellation of those permits; 204

(B) Rules and orders providing in detail for the conduct 205
of any retail business authorized under permits issued pursuant 206
to this chapter and Chapter 4303. of the Revised Code, with a 207
view to ensuring compliance with those chapters and laws 208
relative to them, and the maintenance of public decency, 209
sobriety, and good order in any place licensed under the 210
permits. No rule or order shall prohibit the operation of video 211
lottery terminal games at a commercial race track where live 212
horse racing and simulcasting are conducted in accordance with 213
Chapter 3769. of the Revised Code or the sale of lottery tickets 214
issued pursuant to Chapter 3770. of the Revised Code by any 215
retail business authorized under permits issued pursuant to that 216
chapter. 217

No rule or order shall prohibit pari-mutuel wagering on 218

simulcast horse races at a satellite facility that has been 219
issued a D liquor permit under Chapter 4303. of the Revised 220
Code. No rule or order shall prohibit a charitable organization 221
that holds a D-4 permit from selling or serving beer or 222
intoxicating liquor under its permit in a portion of its 223
premises merely because that portion of its premises is used for 224
the conduct of a bingo game, as described in division (O) of 225
section 2915.01 of the Revised Code. As used in this division, 226
"charitable organization" has the same meaning as in division 227
(H) of section 2915.01 of the Revised Code. No rule or order 228
pertaining to visibility into the premises of a permit holder 229
after the legal hours of sale shall be adopted or maintained by 230
the commission. 231

(C) Standards, not in conflict with those prescribed by 232
any law of this state or the United States, to secure the use of 233
proper ingredients and methods in the manufacture of beer, mixed 234
beverages, and wine to be sold within this state; 235

(D) Rules determining the nature, form, and capacity of 236
all packages and bottles to be used for containing beer or 237
intoxicating liquor, except for spirituous liquor to be kept or 238
sold, governing the form of all seals and labels to be used on 239
those packages and bottles; 240

(E) Rules requiring the label on every package, bottle, 241
and container to state all of the following, as applicable: 242

(1) The ingredients in the contents; 243

(2) Except for beer, the terms of weight, volume, or proof 244
spirits; 245

(3) Except for spirituous liquor, whether the product is 246
beer, wine, alcohol, or any intoxicating liquor; 247

(4) Regarding beer that contains more than twelve per cent	248
of alcohol by volume, the percentage of alcohol by volume and	249
that the beer is a "high alcohol beer."	250
(F) Uniform rules governing all advertising with reference	251
to the sale of beer and intoxicating liquor throughout the state	252
and advertising upon and in the premises licensed for the sale	253
of beer or intoxicating liquor;	254
(G) Rules restricting and placing conditions upon the	255
transfer of permits;	256
(H) Rules and orders limiting the number of permits of any	257
class within the state or within any political subdivision of	258
the state; and, for that purpose, adopting reasonable	259
classifications of persons or establishments to which any	260
authorized class of permits may be issued within any political	261
subdivision;	262
(I) Rules and orders with reference to sales of beer and	263
intoxicating liquor on Sundays and holidays and with reference	264
to the hours of the day during which and the persons to whom	265
intoxicating liquor of any class may be sold, and rules with	266
reference to the manner of sale;	267
(J) Rules requiring permit holders buying beer to pay and	268
permit holders selling beer to collect minimum cash deposits for	269
kegs, cases, bottles, or other returnable containers of the	270
beer; requiring the repayment, or credit, of the minimum cash	271
deposit charges upon the return of the empty containers; and	272
requiring the posting of such form of indemnity or such other	273
conditions with respect to the charging, collection, and	274
repayment of minimum cash deposit charges for returnable	275
containers of beer as are necessary to ensure the return of the	276

empty containers or the repayment upon that return of the 277
minimum cash deposits paid; 278

(K) Rules establishing the method by which alcohol 279
products may be imported for sale by wholesale distributors and 280
the method by which manufacturers and suppliers may sell alcohol 281
products to wholesale distributors. 282

Every rule, standard, requirement, or order of the 283
commission and every repeal, amendment, or rescission of them 284
shall be posted for public inspection in the principal office of 285
the commission and the principal office of the division of 286
liquor control, and a certified copy of them shall be filed in 287
the office of the secretary of state. An order applying only to 288
persons named in it shall be served on the persons affected by 289
personal delivery of a certified copy, or by mailing a certified 290
copy to each person affected by it or, in the case of a 291
corporation, to any officer or agent of the corporation upon 292
whom a service of summons may be served in a civil action. The 293
posting and filing required by this section constitutes 294
sufficient notice to all persons affected by such rule or order 295
which is not required to be served. General rules of the 296
commission promulgated pursuant to this section shall be 297
published in the manner the commission determines. 298

Sec. 4301.172. If an agency contract holder is authorized 299
to make sales of spirituous liquor on Sunday, those sales may 300
occur during the same hours that the contract holder is 301
authorized to sell spirituous liquor on Monday through Saturday. 302

Sec. 4301.201. (A) As used in this section: 303

(1) "Event" means a demonstration or competition that is 304
not open to the public and at which tasting samples of homemade 305

<u>beer or wine are served.</u>	306
<u>(2) "Fraternal organization" means any society, order, or association within this state, except a college or high school fraternity, to which all of the following apply:</u>	307
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	309
<u>(a) It is not organized for profit.</u>	310
<u>(b) It is a branch, lodge, or chapter of a national or state organization.</u>	311
	312
<u>(c) It exists exclusively for the common business or sodality of its members.</u>	313
	314
<u>(3) "Homebrewer" means a person who brews or ferments homemade beer or wine.</u>	315
	316
<u>(4) "Homemade beer or wine" means beer that is brewed or wine that is fermented by an individual's own efforts and not for commercial purposes.</u>	317
	318
	319
<u>(5) "Sell" does not include giving away homemade beer or wine free of charge.</u>	320
	321
<u>(6) "Tasting sample" means an amount of beer or wine not to exceed two ounces.</u>	322
	323
<u>(B) A homebrewer may brew or ferment homemade beer or wine without a permit issued under Chapter 4303. of the Revised Code if all of the following apply:</u>	324
	325
	326
<u>(1) The homebrewer does not sell homemade beer or wine or offer homemade beer or wine for sale.</u>	327
	328
<u>(2) The homebrewer does not receive compensation for participating in any event. Both of the following are not considered compensation:</u>	329
	330
	331
<u>(a) Any prize that is cash or a cash equivalent awarded at</u>	332

<u>an event;</u>	333
<u>(b) A free or discounted admission to an event.</u>	334
<u>(3) The homebrewer annually brews or ferments homemade</u>	335
<u>beer or wine in either of the following amounts:</u>	336
<u>(a) Not more than one hundred gallons if the homebrewer's</u>	337
<u>household has only one person who is twenty-one years of age or</u>	338
<u>older; or</u>	339
<u>(b) Not more than two hundred gallons if the homebrewer's</u>	340
<u>household has two or more persons who are twenty-one years of</u>	341
<u>age or older.</u>	342
<u>(C) A homebrewer may serve homemade beer or wine the</u>	343
<u>homebrewer brews or ferments without a permit issued under</u>	344
<u>Chapter 4303. of the Revised Code as follows:</u>	345
<u>(1) For personal consumption on private property or to the</u>	346
<u>homebrewer's family, neighbors, co-workers, and friends on</u>	347
<u>private property.</u>	348
<u>(2) At an event, if the event is held on private property,</u>	349
<u>the premises of a fraternal organization, or on the premises for</u>	350
<u>which an A-1-A, A-1c, A-2, A-2f, A-3a, or D-4 permit is issued.</u>	351
<u>(D) A homebrewer or the homebrewer's designated</u>	352
<u>representative may transport homemade beer or wine brewed or</u>	353
<u>fermented by the homebrewer without a permit issued under</u>	354
<u>Chapter 4303. of the Revised Code.</u>	355
<u>(E) A person may conduct, sponsor, or host an event if the</u>	356
<u>person:</u>	357
<u>(1) Is a homebrewer or fraternal organization that does</u>	358
<u>not hold a permit issued under Chapter 4303. of the Revised Code</u>	359

and conducts, sponsors, or hosts the event on private property 360
or the premises of a fraternal organization; or 361

(2) Holds an A-1-A, A-1c, A-2, A-2f, A-3a, or D-4 permit 362
and the person conducts, sponsors, or hosts the event on the 363
permitted premises. The permit holder shall suspend its permit 364
privileges in the portion of the permit premises where the event 365
is to occur and for the duration of the event. The permit holder 366
shall provide notice to the division of liquor control and the 367
investigative unit of the department of public safety not later 368
than ten days prior to the date of the event. 369

(F) A person described under division (E) of this section 370
who is hosting an event shall not do any of the following: 371

(1) Sell any homemade beer or wine. 372

(2) Unless the person is the homebrewer of the homemade 373
beer or wine, acquire an ownership interest in any homemade beer 374
or wine served at the event. 375

(3) Charge a fee for the consumption of the homemade beer 376
or wine at the event. If an event is hosted by a homebrewers 377
club or group, division (F)(3) of this section does not apply to 378
a registration fee charged to a member of the club or group to 379
attend the event. 380

(4) If the person is a liquor permit holder and conducts, 381
sponsors, or hosts the event on the permit holder's permitted 382
premises, fail to store the homemade beer or wine on the 383
premises so that it is clearly identified and kept separate from 384
any beer or intoxicating liquor that is intended for sale by the 385
permit holder under the authority of the applicable permit. 386

Sec. 4301.22. Sales of beer and intoxicating liquor under 387
all classes of permits and from state liquor stores are subject 388

to the following restrictions, in addition to those imposed by 389
the rules or orders of the division of liquor control: 390

(A) (1) Except as otherwise provided in this chapter, no 391
beer or intoxicating liquor shall be sold to any person under 392
twenty-one years of age. 393

(2) No low-alcohol beverage shall be sold to any person 394
under eighteen years of age. No permit issued by the division 395
shall be suspended, revoked, or canceled because of a violation 396
of division (A) (2) of this section. 397

(3) Except as provided in division (A) (4) of this section, 398
all of the following apply to the handling, serving, and selling 399
of beer and intoxicating liquor by a person employed by a permit 400
holder: 401

~~(a) No intoxicating liquor shall be handled by any person~~ 402
~~under twenty one years of age, except that a person eighteen~~ 403
~~years of age or older employed by a permit holder may handle or~~ 404
~~sell beer or intoxicating liquor in sealed containers in~~ 405
~~connection with wholesale or retail sales, and any person~~ 406
~~nineteen years of age or older employed by a permit holder may~~ 407
~~handle intoxicating liquor in open containers when acting in the~~ 408
~~capacity of a server in a hotel, restaurant, club, or night~~ 409
~~club, as defined in division (B) of section 4301.01 of the~~ 410
~~Revised Code, or in the premises of a D-7 permit holder. This~~ 411
~~section does not authorize persons under twenty one years of age~~ 412
~~to sell intoxicating liquor~~ person under nineteen years of age 413
shall sell beer across a bar. Any 414

(b) No person under twenty-one years of age shall sell 415
wine, mixed beverages, or spirituous liquor across a bar. 416

(c) No person under eighteen years of age shall otherwise 417

handle, serve, or sell beer or intoxicating liquor. 418

(4) Any person employed by a permit holder may handle beer 419
or intoxicating liquor in sealed containers in connection with 420
manufacturing, storage, warehousing, placement, stocking, 421
bagging, loading, or unloading, and may handle beer or 422
intoxicating liquor in open containers in connection with 423
cleaning tables or handling empty bottles or glasses. 424

(B) No permit holder and no agent or employee of a permit 425
holder shall sell or furnish beer or intoxicating liquor to an 426
intoxicated person. 427

(C) No sales of intoxicating liquor shall be made after 428
two-thirty a.m. on Sunday except under either of the following 429
circumstances: 430

(1) Intoxicating liquor may be sold on Sunday under 431
authority of a permit that authorizes Sunday sale. 432

(2) Spirituous liquor may be sold on Sunday by any person 433
awarded an agency contract under section 4301.17 of the Revised 434
Code if the sale of spirituous liquor is authorized in the 435
applicable precinct as the result of an election on question (B) 436
(1) or (2) of section 4301.351 of the Revised Code and if the 437
agency contract authorizes the sale of spirituous liquor on 438
Sunday. 439

This section does not prevent a municipal corporation from 440
adopting a closing hour for the sale of intoxicating liquor 441
earlier than two-thirty a.m. on Sunday or to provide that no 442
intoxicating liquor may be sold prior to that hour on Sunday. 443

(D) No holder of a permit shall give away any beer or 444
intoxicating liquor of any kind at any time in connection with 445
the permit holder's business. However, with the exception of an 446

A-1-A permit holder that also has been issued an A-2 or A-2f 447
permit, an A-1-A, A-1c, or D permit holder may provide to a 448
paying customer not more than a total of four tasting samples of 449
beer, wine, or spirituous liquor, as authorized by the 450
applicable permit, in any twenty-four-hour period. The permit 451
holder shall provide the tasting samples free of charge, at the 452
permit holder's expense, only to a person who is twenty-one 453
years of age or older. The person shall consume the tasting 454
samples on the premises of the permit holder. A distributor is 455
not responsible for the costs of providing tasting samples 456
authorized under division (D) of this section. 457

As used in division (D) of this section: 458

(1) "Tasting sample" means one of the following, as 459
applicable: 460

(a) An amount not to exceed two ounces of beer; 461

(b) An amount not to exceed two ounces of wine; 462

(c) An amount not to exceed a quarter ounce of spirituous 463
liquor. 464

(2) "D permit holder" means a person that has been issued 465
a D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, D-5c, D-5d, 466
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D- 467
5o, D-6, or D-7 permit. 468

(E) Except as otherwise provided in this division, no 469
retail permit holder shall display or permit the display on the 470
outside of any licensed retail premises, or on any lot of ground 471
on which the licensed premises are situated, or on the exterior 472
of any building of which the licensed premises are a part, any 473
sign, illustration, or advertisement bearing the name, brand 474
name, trade name, trade-mark, designation, or other emblem of or 475

indicating the manufacturer, producer, distributor, place of 476
manufacture, production, or distribution of any beer or 477
intoxicating liquor. Signs, illustrations, or advertisements 478
bearing the name, brand name, trade name, trade-mark, 479
designation, or other emblem of or indicating the manufacturer, 480
producer, distributor, place of manufacture, production, or 481
distribution of beer or intoxicating liquor may be displayed and 482
permitted to be displayed on the interior or in the show windows 483
of any licensed premises, if the particular brand or type of 484
product so advertised is actually available for sale on the 485
premises at the time of that display. The liquor control 486
commission shall determine by rule the size and character of 487
those signs, illustrations, or advertisements. 488

(F) No retail permit holder shall possess on the licensed 489
premises any barrel or other container from which beer is drawn, 490
unless there is attached to the spigot or other dispensing 491
apparatus the name of the manufacturer of the product contained 492
in the barrel or other container, provided that, if the beer is 493
served at a bar, the manufacturer's name or brand shall appear 494
in full view of the purchaser. The commission shall regulate the 495
size and character of the devices provided for in this section. 496

(G) ~~Except as otherwise provided in this division, no sale~~ 497
~~of any gift certificate shall be permitted whereby beer or~~ 498
~~intoxicating liquor of any kind is to be exchanged for the~~ 499
~~certificate, unless the gift certificate can be exchanged only~~ 500
~~for food, and beer or intoxicating liquor, for on-premises~~ 501
~~consumption and the value of the beer or intoxicating liquor for~~ 502
~~which the certificate can be exchanged does not exceed more than~~ 503
~~thirty per cent of the total value of the gift certificate. The~~ 504
sale of gift certificates for the purchase of beer, wine, or 505
mixed beverages shall be permitted for the purchase of beer, 506

wine, or mixed beverages for on- or off-premises consumption. 507
Limitations on the use of a gift certificate for the purchase of 508
beer, wine, or mixed beverages for on- or off-premises 509
consumption may be expressed by clearly stamping or typing on 510
the face of the certificate that the certificate may not be used 511
for the purchase of beer, wine, or mixed beverages. 512

Sec. 4301.24. (A) Except as provided in sections 4301.242, 513
4301.245, and 4301.246 of the Revised Code, no manufacturer 514
shall aid or assist the holder of any permit for sale at 515
wholesale, and no manufacturer or wholesale distributor shall 516
aid or assist the holder of any permit for sale at retail, by 517
gift or loan of any money or property of any description or 518
other valuable thing, or by giving premiums or rebates. Except 519
as provided in sections 4301.242, 4301.245, and 4301.246 of the 520
Revised Code, no holder of any such permit shall accept the 521
same, provided that the manufacturer or wholesale distributor 522
may furnish to a retail permittee the inside signs or 523
advertising and the tap signs or devices authorized by divisions 524
(E) and (F) of section 4301.22 of the Revised Code. 525

(B) No manufacturer shall have any financial interest, 526
directly or indirectly, by stock ownership, or through 527
interlocking directors in a corporation, or otherwise, in the 528
establishment, maintenance, or promotion in the business of any 529
wholesale distributor. No retail permit holder shall have any 530
interest, directly or indirectly, in the operation of, or any 531
ownership in, the business of any wholesale distributor or 532
manufacturer. 533

(C) (1) No manufacturer shall, except as authorized by 534
section 4303.021 of the Revised Code, have any financial 535
interest, directly or indirectly, by stock ownership, or through 536

interlocking directors in a corporation, or otherwise, in the 537
establishment, maintenance, or promotion of the business of any 538
retail dealer. No wholesale distributor or employee of a 539
wholesale distributor shall have any financial interest, 540
directly or indirectly, by stock ownership, interlocking 541
directors in a corporation, or otherwise, in the establishment, 542
maintenance, or promotion of the business of any retail dealer. 543
No manufacturer or wholesale distributor or any stockholder of a 544
manufacturer or wholesale distributor shall acquire, by 545
ownership in fee, leasehold, mortgage, or otherwise, directly or 546
indirectly, any interest in the premises on which the business 547
of any other person engaged in the business of trafficking in 548
beer or intoxicating liquor is conducted. 549

(2) All contracts, covenants, conditions, and limitations 550
whereby any person engaged or proposing to engage in the sale of 551
beer or intoxicating liquors promises to confine the person's 552
sales of a particular kind or quality of beer or intoxicating 553
liquor to one or more products, or the products of a specified 554
manufacturer or wholesale distributor, or to give preference to 555
those products, shall to the extent of that promise be void. The 556
making of a promise in any such form shall be cause for the 557
revocation or suspension of any permit issued to any party. 558

(D) No manufacturer shall sell or offer to sell to any 559
wholesale distributor or retail permit holder, no wholesale 560
distributor shall sell or offer to sell to any retail permit 561
holder, and no wholesale distributor or retail permit holder 562
shall purchase or receive from any manufacturer or wholesale 563
distributor, any beer, brewed beverages, or wine manufactured in 564
the United States except for cash. No right of action shall 565
exist to collect any claims for credit extended contrary to this 566
section. 567

This section does not prohibit a licensee from crediting 568
to a purchaser the actual prices charged for packages or 569
containers returned by the original purchaser as a credit on any 570
sale or from refunding to any purchaser the amount paid by that 571
purchaser for containers or as a deposit on containers when 572
title is retained by the vendor, if those containers or packages 573
have been returned to the manufacturer or distributor. This 574
section does not prohibit a manufacturer from extending usual 575
and customary credit for beer, brewed beverages, or wine 576
manufactured in the United States and sold to customers who live 577
or maintain places of business outside this state when the 578
beverages so sold are actually transported and delivered to 579
points outside this state. 580

No wholesale or retail permit shall be issued to an 581
applicant unless the applicant has paid in full all accounts for 582
beer or wine, manufactured in the United States, outstanding as 583
of September 6, 1939. No beer or wine manufactured in the United 584
States shall be imported into the state unless the beer or wine 585
has been paid for in cash, and no supplier registration for any 586
such beer or wine manufactured in the United States shall be 587
issued by the division of liquor control until the A-2, A-2f, B- 588
1, or B-5 permit holder establishes to the satisfaction of the 589
division that the beer or wine has been paid for in cash. 590

(E) This section does not prohibit any of the following: 591

(1) A manufacturer from securing and holding any financial 592
interest, directly or indirectly, by stock ownership or through 593
interlocking directors in a corporation, or otherwise, in the 594
establishment, maintenance, or promotion of the business or 595
premises of any C or D permit holder, provided that the 596
following conditions are met: 597

(a) Either the manufacturer or one of its parent companies	598
is listed on a national securities exchange.	599
(b) All purchases of alcoholic beverages by the C or D	600
permit holder are made from wholesale distributors in this state	601
or agency stores licensed by the division of liquor control.	602
(c) If the C or D permit holder sells brands of alcoholic	603
beverages that are produced or distributed by the manufacturer	604
that holds the financial interest, the C or D permit holder also	605
sells other competing brands of alcoholic beverages produced by	606
other manufacturers, no preference is given to the products of	607
the manufacturer, and there is no exclusion, in whole or in	608
part, of products sold or offered for sale by other	609
manufacturers, suppliers, or importers of alcoholic beverages	610
that constitutes a substantial impairment of commerce.	611
(d) The primary purpose of the C or D permit premises is a	612
purpose other than to sell alcoholic beverages, and the sale of	613
other goods and services exceeds fifty per cent of the total	614
gross receipts of the C or D permit holder at its premises.	615
(2) A manufacturer from giving financial assistance to the	616
holder of a B permit for the purpose of the holder purchasing an	617
ownership interest in the business, existing inventory and	618
equipment, or property of another B permit holder, including,	619
but not limited to, participation in a limited liability	620
partnership, limited liability company, or any other legal	621
entity authorized to do business in this state. However, this	622
section does not permit a manufacturer to give financial	623
assistance to the holder of a B permit to purchase inventory or	624
equipment used in the daily operation of a B permit holder.	625
(3) A manufacturer or subsidiary of a manufacturer from	626

continuing to operate a wholesale distribution franchise or 627
distribute beer or wine within a designated territory if prior 628
to July 30, 2013, the manufacturer either acquired the 629
distribution franchise or territory, or awarded the franchise or 630
territory to itself or a subsidiary. 631

(4) A manufacturer from securing and holding an A-1c or B- 632
2a permit or permits and operating as a wholesale distributor 633
pursuant to such permits. 634

(5) A manufacturer from renting or leasing property to the 635
holder of an F class permit for purposes of an event for which 636
the F class permit has been issued. 637

(6) A permit holder that sells beer or intoxicating liquor 638
at retail from conducting, sponsoring, or hosting an event for 639
homemade brewers in accordance with section 4301.201 of the 640
Revised Code. 641

Sec. 4301.245. (A) As used in this section: 642

(1) "Broker" and "solicitor" have the same meanings as in 643
rules adopted by the superintendent of liquor control under 644
section 4303.25 of the Revised Code. 645

(2) "On-premises brand promotion" means a promotion of a 646
brand of beer or intoxicating liquor by a distributor, 647
manufacturer, trade marketing professional, solicitor, or broker 648
of that brand at a retail permit premises. 649

(3) "Product location communication" means a listing or 650
program that allows an individual to determine the availability 651
of a specific brand of beer or intoxicating liquor at retail 652
permit holders or agency stores in a certain geographic area. 653

(4) "Social media" means a service, platform, or web site 654

where users communicate with one another free of charge and 655
share media such as pictures, videos, music, and blogs. "Social 656
media" includes the web site of a distributor, manufacturer, 657
trade marketing professional, solicitor, or broker. 658

(5) "Trade marketing professional" has the same meaning as 659
in section 4301.171 of the Revised Code. 660

(B) Notwithstanding section 4301.24 of the Revised Code 661
and except as provided in division (C) of this section, a 662
distributor, manufacturer, trade marketing professional, 663
solicitor, or broker may use free services provided by social 664
media to advertise any of the following: 665

(1) An on-premises brand promotion; 666

(2) Beer, wine, or spirituous liquor tastings sold in 667
accordance with this chapter or Chapter 4303. of the Revised 668
Code; 669

(3) A product location communication. 670

(C) No distributor, manufacturer, trade marketing 671
professional, solicitor, or broker shall use free services 672
provided by social media to advertise to persons under twenty- 673
one years of age. 674

Sec. 4301.33. (A) The board of elections shall provide to 675
a petitioner circulating a petition for an election for the 676
submission of one or more of the questions specified in 677
~~divisions (A) to (D) of section 4301.35 or section 4301.351 of~~ 678
the Revised Code, at the time of taking out the petition, ~~the~~ 679
both of the following: 680

(1) The names of the streets and, if appropriate, the 681
address numbers of residences and business establishments within 682

the precinct in which the election is sought, ~~and a;~~ 683

(2) A form prescribed by the secretary of state for 684
notifying affected permit holders and liquor agency stores of 685
the circulation of a petition for an election for the submission 686
of one or more of the questions specified in ~~divisions (A) to~~ 687
~~(D) of~~ section 4301.35 or ~~section~~ 4301.351 of the Revised Code. 688
~~The~~ 689

The petitioner shall, not less than fifty-five days before 690
the petition-filing deadline for the election, as provided in 691
this section, file with the division of liquor control the 692
information regarding names of streets and, if appropriate, 693
address numbers of residences and business establishments 694
provided by the board of elections, and specify to the division 695
the precinct that is concerned and that would be affected by the 696
results of the election and the filing deadline. The division 697
shall, within a reasonable period of time and not later than 698
twenty-five days before the filing deadline, supply the 699
petitioner with a list of the names and addresses of permit 700
holders and liquor agency stores, if any, that would be affected 701
by the election. The list shall contain a heading with the 702
following words: "Liquor permit holders and liquor agency stores 703
that would be affected by the question(s) set forth on petition 704
for a local option election." 705

Within five days after a petitioner has received from the 706
division the list of liquor permit holders and liquor agency 707
stores, if any, that would be affected by the question or 708
questions set forth on a petition for local option election, the 709
petitioner shall, using the form provided by the board of 710
elections, notify by certified mail each permit holder and 711
liquor agency store whose name appears on that list. The form 712

for notifying affected permit holders and liquor agency stores 713
shall require the petitioner to state the petitioner's name and 714
street address and shall contain a statement that a petition is 715
being circulated for an election for the submission of the 716
question or questions specified in ~~divisions (A) to (D) of~~ 717
~~section 4301.35 or section 4301.351~~ of the Revised Code. The 718
form shall require the petitioner to state the question or 719
questions to be submitted as they appear on the petition. 720

The petitioner shall attach a copy of the list provided by 721
the division to each petition paper. A part petition paper 722
circulated at any time without the list of affected permit 723
holders and liquor agency stores attached to it is invalid. 724

At the time the petitioner files the petition with the 725
board of elections, the petitioner shall provide to the board 726
the list supplied by the division and an affidavit certifying 727
that the petitioner notified all affected permit holders and 728
liquor agency stores, if any, on the list in the manner and 729
within the time required in this section and that, at the time 730
each signer of the petition affixed the signer's signature to 731
the petition, the petition paper contained a copy of the list of 732
affected permit holders and liquor agency stores. 733

Within five days after receiving a petition ~~calling for an~~ 734
~~election for the submission of one or more of the questions~~ 735
~~specified in divisions (A) to (D) of section 4301.35 or section~~ 736
~~4301.351 of the Revised Code~~, the board shall give notice by 737
certified mail that it has received the petition to all liquor 738
permit holders and liquor agency stores, if any, whose names 739
appear on the list of affected permit holders and liquor agency 740
stores filed by the petitioner. Failure of the petitioner to 741
supply the affidavit required by this section and a complete and 742

accurate list of liquor permit holders and liquor agency stores, 743
if any, invalidates the entire petition. The board of elections 744
shall provide to a permit holder or liquor agency store that 745
would be affected by a proposed local option election, on the 746
permit holder's or liquor agency store's request, the names of 747
the streets, and, if appropriate, the address numbers of 748
residences and business establishments within the precinct in 749
which the election is sought that would be affected by the 750
results of the election. The board may charge a reasonable fee 751
for this information when provided to the petitioner and the 752
permit holder or liquor agency store. 753

(B) ~~Upon the presentation of a~~ The petitioner shall 754
present the petition, ~~to the board of elections of the county~~ 755
where the precinct is located not later than four p.m. of the 756
ninetieth day before the day of a general election or ~~primary-a~~ 757
special election, ~~to the board of elections of the county where~~ 758
~~the precinct is located, designating~~ held on a day on which a 759
primary election may be held. The petitioner shall ensure that 760
the petition designates whether it is a petition for an election 761
for the submission of one or more of the questions specified in 762
section 4301.35 of the Revised Code, or a petition for the 763
submission of one or more of the questions specified in section 764
4301.351 of the Revised Code, ~~designating. The petitioner also~~ 765
shall ensure that the petition designates the particular 766
question or questions specified in section 4301.35 or 4301.351 767
of the Revised Code that are to be submitted, ~~and. The petition~~ 768
shall be signed by the number of qualified electors of the 769
precinct concerned, ~~equal in number to thirty five per cent of~~ 770
~~the total number of votes cast in the precinct concerned for the~~ 771
~~office of governor at the preceding general election for that~~ 772
~~office, the~~ as specified in division (C) of this section. 773

The board shall submit the question or questions specified 774
in the petition to the electors of the precinct concerned, on 775
the day of the next general election or the next special 776
election held on a day on which a primary election may be held, 777
whichever occurs first and shall proceed as follows: 778

(1) Such board shall, not later than the seventy-eighth 779
day before the day of the election for which the question or 780
questions on the petition would qualify for submission to the 781
electors of the precinct, examine and determine the sufficiency 782
of the signatures and review, examine, and determine the 783
validity of the petition and, in case of overlapping precinct 784
petitions presented within that period, determine which of the 785
petitions shall govern the further proceedings of the board. In 786
the case where the board determines that two or more overlapping 787
petitions are valid, the earlier filed petition shall govern. 788
The board shall certify the sufficiency and validity of any 789
petition determined to be valid. The board shall determine the 790
validity of the petition as of the time of certification as 791
described in this division. 792

(2) If a petition is sufficient, and, in case of 793
overlapping precinct petitions, after the board has determined 794
the governing petition, the board to which the petition has been 795
presented shall order the holding of a special election in the 796
precinct for the submission of whichever of the questions 797
specified in section 4301.35 or 4301.351 of the Revised Code are 798
designated in the petition, on the day of the next general 799
election or the next special election held on a day on which a 800
primary election may be held, whichever occurs first. 801

(3) All petitions filed with a board of elections under 802
this section shall be open to public inspection under rules 803

adopted by the board. 804

(4) Protest against local option petitions may be filed by 805
any elector eligible to vote on the question or questions 806
described in the petitions or by a permit holder or liquor 807
agency store in the precinct as described in the petitions, not 808
later than four p.m. of the seventy-fourth day before the day of 809
the general or ~~primary-special~~ election for which the petition 810
qualified. The protest shall be in writing and shall be filed 811
with the election officials with whom the petition was filed. 812
Upon filing of the protest, the election officials with whom it 813
is filed shall promptly fix the time for hearing it, and shall 814
mail notice of the filing of the protest and the time and place 815
for hearing it to the person who filed the petition and to the 816
person who filed the protest. At the time and place fixed, the 817
election officials shall hear the protest and determine the 818
validity of the petition. 819

(C) A petition presented to a board of elections under 820
division (B) of this section shall be signed by the following 821
number of qualified electors: 822

(1) If the petition is for an election for the submission 823
of one or more of the questions specified in section 4301.35 of 824
the Revised Code, an amount of qualified electors of the 825
precinct equal in number to thirty-five per cent of the total 826
number of votes cast in the precinct concerned for the office of 827
governor at the preceding general election for that office; 828

(2) If the petition is for an election for the submission 829
of one or more of the questions specified in section 4301.35 of 830
the Revised Code and the submission of one or more of the 831
questions specified in section 4301.351 of the Revised Code, an 832
amount of qualified electors of the precinct equal in number to 833

thirty-five per cent of the total number of votes cast in the 834
precinct concerned for the office of governor at the preceding 835
general election for that office; 836

(3) If the petition is for an election for the submission 837
of one or more of the questions specified in section 4301.351 of 838
the Revised Code, fifty electors. 839

Sec. 4301.331. (A) The privilege of local option conferred 840
by section 4301.321 of the Revised Code shall be exercised if a 841
certified copy of the judgment issued pursuant to division (D) 842
or (E) of section 3767.05 of the Revised Code that is the basis 843
for the exercise of the local option privilege is filed pursuant 844
to division (G) of section 3767.05 of the Revised Code 845
indicating that a liquor permit premises has been adjudged a 846
nuisance. The certified copy of the judgment shall be filed in 847
accordance with this section by the person or public official 848
who brought the action under section 3763.03 of the Revised 849
Code. 850

(B) The certified copy of the judgment prescribed under 851
division (A) of this section shall be filed with the board of 852
elections of the county in which the nuisance was adjudged to 853
exist pursuant to division (D) or (E) of section 3767.05 of the 854
Revised Code not later than four p.m. of the ninetieth day 855
before the day of the next general election or the next special 856
election held on a day on which a primary election may be held. 857

(C) The statement prescribed under division (A) of this 858
section shall contain both of the following: 859

(1) A notice that the statement is for the submission of 860
the question set forth in section 4301.352 of the Revised Code; 861

(2) The name of a class C or D permit holder and the 862

address of the permit holder's permit premises. If the business 863
conducted by a class C or D permit holder at the permit premises 864
has a name different from the permit holder's personal or 865
corporate name, the name of the permit holder's business shall 866
be stated along with the permit holder's personal or corporate 867
name. 868

(D) Not later than five days after the certified copy of 869
the judgment prescribed under division (A) of this section is 870
filed, the board shall give notice by certified mail that it has 871
received the certified copy of the judgment to the liquor permit 872
holder whose permit would be affected by the results of the 873
election required by the filing of the certified copy of the 874
judgment. Failure of the petitioner to supply a complete and 875
accurate address of the liquor permit holder to the board of 876
elections invalidates the election. 877

For purposes of this section, "complete and accurate 878
address" means all of the following: 879

(1) The address of the liquor permit premises; 880

(2) The address of the statutory agent of the liquor 881
permit holder, if applicable; 882

(3) The address of the liquor permit holder if different 883
from the liquor permit premises address. 884

(E) Not later than the seventy-eighth day before the day 885
of the next general election or the next special election held 886
on a day on which a primary election may be held, whichever 887
occurs first, the board shall certify the sufficiency and 888
validity of the certified copy of the judgment, make such 889
determination as of the time of certification, and order the 890
holding of an election in the precinct on the day of that 891

general or ~~primary-special~~ election for the submission of the 892
question set forth in section 4301.352 of the Revised Code. 893

(F) A certified copy of the judgment filed with the board 894
of elections under division (A) of this section shall be open to 895
public inspection under rules adopted by the board. 896

An elector who is eligible to vote on the question set 897
forth in section 4301.352 of the Revised Code or the permit 898
holder named on the certified copy of the judgment, not later 899
than four p.m. of the seventy-fourth day before the day of the 900
election at which the question will be submitted to the 901
electors, may file a protest against a local option petition. 902
The protest shall be in writing and shall be filed with the 903
election officials with whom the certified copy of the judgment 904
was filed. Upon the filing of the protest, the election 905
officials with whom it is filed shall promptly fix a time and 906
place for hearing the protest, and shall mail notice of the time 907
and place for hearing it to the person who filed the certified 908
copy of the judgment and to the person who filed the protest. At 909
the time and place fixed, the election officials shall hear the 910
protest and determine the validity of the certified copy of the 911
judgment. 912

Sec. 4301.332. (A) The board of elections shall provide to 913
a petitioner circulating a petition for an election for the 914
submission of one or more of the questions specified in section 915
4301.353 or 4301.354 of the Revised Code, at the time of taking 916
out the petition, ~~the~~ both of the following: 917

(1) The names of the streets and, if appropriate, the 918
address numbers of residences and business establishments within 919
the precinct that would be affected by the results of the 920
election, ~~and a;~~ 921

(2) A form prescribed by the secretary of state for 922
notifying affected permit holders of the circulation of a 923
petition for an election for the submission of one or more of 924
the questions specified in section 4301.353 or 4301.354 of the 925
Revised Code. ~~The~~ 926

The petitioner shall, not less than fifty-five days before 927
the petition-filing deadline for the election, as provided in 928
this section, file with the division of liquor control the 929
information regarding names of streets and, if appropriate, 930
address numbers of residences and business establishments 931
provided by the board of elections, and specify to the division 932
the portion of the precinct that would be affected by the 933
results of the election and the filing deadline. The division 934
shall, within a reasonable period of time and not later than 935
twenty-five days before the filing deadline, supply the 936
petitioner with a list of the names and addresses of permit 937
holders, if any, who would be affected by the election. The list 938
shall contain a heading with the following words: "Liquor permit 939
holders who would be affected by the question(s) set forth on 940
petition for a local option election." 941

Within five days after a petitioner has received from the 942
division the list of liquor permit holders, if any, who would be 943
affected by the question or questions set forth on a petition 944
for local option election, the petitioner, using the form 945
provided by the board of elections, shall notify by certified 946
mail each permit holder whose name appears on that list. The 947
form for notifying affected permit holders shall require the 948
petitioner to state the petitioner's name and street address and 949
shall contain a statement that a petition is being circulated 950
for an election for the submission of the question or questions 951
specified in section 4301.353 or 4301.354 of the Revised Code. 952

The form shall require the petitioner to state the question or 953
questions to be submitted as they appear on the petition. 954

The petitioner shall attach a copy of the list provided by 955
the division to each petition paper. A part petition paper 956
circulated at any time without the list of affected permit 957
holders attached to it is invalid. 958

At the time the petitioner files the petition with the 959
board of elections, the petitioner shall provide to the board 960
the list supplied by the division and an affidavit certifying 961
that the petitioner notified all affected permit holders, if 962
any, on the list in the manner and within the time required in 963
this section and that, at the time each signer of the petition 964
affixed the signer's signature to the petition, the petition 965
paper contained a copy of the list of affected permit holders. 966

~~Within five days after receiving a petition calling for an 967
election for the submission of one or more of the questions 968
specified in section 4301.353 or 4301.354 of the Revised Code, 969
the board shall give notice by certified mail that it has 970
received the petition to all liquor permit holders, if any, 971
whose names appear on the list of affected permit holders filed 972
by the petitioner as furnished by the division. Failure of the 973
petitioner to supply the affidavit required by this section and 974
a complete and accurate list of liquor permit holders as 975
furnished by the division invalidates the entire petition. The 976
board of elections shall provide to a permit holder who would be 977
affected by a proposed local option election, on the permit 978
holder's request, the names of the streets, and, if appropriate, 979
the address numbers of residences and business establishments 980
within the portion of the precinct that would be affected by the 981
results of the election. The board may charge a reasonable fee 982~~

for this information when provided to the petitioner and the 983
permit holder. 984

This division does not apply to an election held under 985
section 4301.353 or 4301.354 of the Revised Code if the results 986
of the election would not affect any permit holder. 987

(B) ~~Upon the presentation of a~~ The petitioner shall 988
present the petition, ~~to the board of elections of the county~~ 989
where the precinct is located not later than four p.m. of the 990
ninetieth day before the day of a general election or a special 991
election held on a day on which a primary election, ~~to the board~~ 992
~~of elections of the county where the precinct is located,~~ 993
designating may be held. The petitioner shall ensure that the 994
petition designates whether it is a petition for an election for 995
the submission of one or both of the questions specified in 996
section 4301.353 of the Revised Code, ~~or a petition for the~~ 997
submission of one or more of the questions specified in section 998
4301.354 of the Revised Code, ~~designating.~~ The petitioner also 999
shall ensure that the petition designates the particular 1000
question or questions specified in section 4301.353 or 4301.354 1001
of the Revised Code that are to be submitted, ~~and.~~ The petition 1002
shall be signed by the number of qualified electors of the 1003
precinct concerned, ~~equal in number to thirty five per cent of~~ 1004
~~the total number of votes cast in the precinct concerned for the~~ 1005
~~office of governor at the preceding general election for that~~ 1006
~~office, the~~ as required in division (E) of this section. 1007

The board shall submit the question or questions specified 1008
in the petition to the electors of the precinct concerned, on 1009
the day of the next general election or the next special 1010
election held on a day on which a primary election may be held, 1011
whichever occurs first and shall proceed as follows: 1012

(1) Such board shall, not later than the seventy-eighth 1013
day before the day of the election for which the question or 1014
questions on the petition would qualify for submission to the 1015
electors of the precinct, examine and determine the sufficiency 1016
of the signatures and review, examine, and determine the 1017
validity of the petition and, in case of overlapping precinct 1018
petitions presented within that period, determine which of the 1019
petitions shall govern the further proceedings of the board. In 1020
the case where the board determines that two or more overlapping 1021
petitions are valid, the earlier filed petition shall govern. 1022
The board shall certify the sufficiency and validity of any 1023
petition determined to be valid. The board shall determine the 1024
validity of the petition as of the time of certification as 1025
described in this division. 1026

(2) If a petition is sufficient, and, in case of 1027
overlapping precinct petitions, after the board has determined 1028
the governing petition, the board to which the petition has been 1029
presented shall order the holding of a special election in the 1030
precinct for the submission of whichever of the questions 1031
specified in section 4301.353 or 4301.354 of the Revised Code 1032
are designated in the petition, on the day of the next general 1033
election or the next special election held on a day on which a 1034
primary election may be held, whichever occurs first. 1035

(C) All petitions filed with a board of elections under 1036
this section shall be open to public inspection under rules 1037
adopted by the board. 1038

(D) Protest against local option petitions may be filed by 1039
any elector eligible to vote on the question or questions 1040
described in the petitions or by a permit holder in the precinct 1041
as described in the petitions, not later than four p.m. of the 1042

seventy-fourth day before the day of the general or ~~primary~~ 1043
special election for which the petition qualified. The protest 1044
shall be in writing and shall be filed with the election 1045
officials with whom the petition was filed. Upon filing of the 1046
protest, the election officials with whom it is filed shall 1047
promptly fix the time for hearing it, and shall mail notice of 1048
the filing of the protest and the time and place for hearing it 1049
to the person who filed the petition and to the person who filed 1050
the protest. At the time and place fixed, the election officials 1051
shall hear the protest and determine the validity of the 1052
petition. 1053

(E) A petition presented to a board of elections under 1054
division (B) of this section shall be signed by the following 1055
number of qualified electors: 1056

(1) If the petition is for an election for the submission 1057
of one or both of the questions specified in section 4301.353 of 1058
the Revised Code, an amount of qualified electors of the 1059
precinct equal in number to thirty-five per cent of the total 1060
number of votes cast in the precinct concerned for the office of 1061
governor at the preceding general election for that office; 1062

(2) If the petition is for an election for the submission 1063
of one or both of the questions specified in section 4301.353 of 1064
the Revised Code and the submission of one or more of the 1065
questions specified in section 4301.354 of the Revised Code, an 1066
amount of qualified electors of the precinct equal in number to 1067
thirty-five per cent of the total number of votes cast in the 1068
precinct concerned for the office of governor at the preceding 1069
general election for that office; 1070

(3) If the petition is for an election for the submission 1071
of one or more of the questions specified in section 4301.354 of 1072

the Revised Code only, fifty electors. 1073

Sec. 4301.333. (A) The privilege of local option conferred 1074
by section 4301.323 of the Revised Code may be exercised if, not 1075
later than four p.m. of the ninetieth day before the day of a 1076
general election or a special election held on a day on which a 1077
primary election may be held, a petition is presented to the 1078
board of elections of the county in which the precinct is 1079
situated by a petitioner who is one of the following: 1080

(1) An applicant for the issuance or transfer of a liquor 1081
permit at, or to, a particular location within the precinct; 1082

(2) The holder of a liquor permit at a particular location 1083
within the precinct; 1084

(3) A person who operates or seeks to operate a liquor 1085
agency store at a particular location within the precinct; 1086

(4) The designated agent for an applicant, liquor permit 1087
holder, or liquor agency store described in division (A) (1), 1088
(2), or (3) of this section. 1089

(B) ~~The~~ If the petition is for the submission of the 1090
question specified in division (B) (1) of section 4301.355 of the 1091
Revised Code or both questions specified in divisions (B) (1) and 1092
(2) of that section, the petition shall be signed by the 1093
electors of the precinct equal in number to at least thirty-five 1094
per cent of the total number of votes cast in the precinct for 1095
the office of governor at the preceding general election for 1096
that office ~~and~~. If the petition is solely for the submission of 1097
the question specified in division (B) (2) of section 4301.355 of 1098
the Revised Code, the petition shall be signed by fifty 1099
electors. 1100

The petition shall contain all of the following: 1101

(1) A notice that the petition is for the submission of 1102
the question or questions set forth in section 4301.355 of the 1103
Revised Code; 1104

(2) The name of the applicant for the issuance or 1105
transfer, or the holder, of the liquor permit or, if applicable, 1106
the name of the liquor agency store, including any trade or 1107
fictitious names under which the applicant, holder, or liquor 1108
agency store either intends to do or does business at the 1109
particular location; 1110

(3) The address and proposed use of the particular 1111
location within the election precinct to which the results of 1112
the question or questions specified in section 4301.355 of the 1113
Revised Code shall apply. For purposes of this division, "use" 1114
means all of the following: 1115

(a) The type of each liquor permit applied for by the 1116
applicant or held by the liquor permit holder as described in 1117
sections 4303.11 to 4303.183 of the Revised Code, including a 1118
description of the type of beer or intoxicating liquor sales 1119
authorized by each permit as provided in those sections; 1120

(b) If a liquor agency store, the fact that the business 1121
operated as a liquor agency store authorized to operate by this 1122
state; 1123

(c) A description of the general nature of the business of 1124
the applicant, liquor permit holder, or liquor agency store. 1125

~~(4) If the petition seeks approval of Sunday sales under 1126
question (B) (2) as set forth in section 4301.355 of the Revised 1127
Code, a statement indicating whether the hours of sale sought 1128
are between ten a.m. and midnight or between eleven a.m. and 1129
midnight. 1130~~

(C) (1) At the time the petitioner files the petition with the board of elections, the petitioner shall provide to the board both of the following:

(a) An affidavit that is signed by the petitioner and that states the proposed use of the location following the election held to authorize the sale of beer or intoxicating liquor authorized by each permit as provided in sections 4303.11 to 4303.183 of the Revised Code;

(b) Written evidence of the designation of an agent by the applicant, liquor permit holder, or liquor agency store described in division (A) (1), (2), or (3) of this section for the purpose of petitioning for the local option election, if the petitioner is the designated agent of the applicant, liquor permit holder, or liquor agency store.

(2) Failure to supply the affidavit, or the written evidence of the designation of the agent if the petitioner for the local option election is the agent of the applicant, liquor permit holder, or liquor agency store described in division (A) (1), (2), or (3) of this section, at the time the petition is filed invalidates the entire petition.

(D) Not later than the seventy-eighth day before the day of the next general election or the next special election held on a day on which a primary election may be held, whichever occurs first, the board shall examine and determine the sufficiency of the signatures and the validity of the petition. If the board finds that the petition contains sufficient signatures and in other respects is valid, it shall order the holding of an election in the precinct on the day of the next general election or the next special election held on a day on which a primary election may be held, whichever occurs first,

for the submission of the question or questions set forth in 1161
section 4301.355 of the Revised Code. 1162

(E) A petition filed with the board of elections under 1163
this section shall be open to public inspection under rules 1164
adopted by the board. 1165

(F) An elector who is eligible to vote on the question or 1166
questions set forth in section 4301.355 of the Revised Code may 1167
file, not later than four p.m. of the seventy-fourth day before 1168
the day of the election at which the question or questions will 1169
be submitted to the electors, a protest against a local option 1170
petition circulated and filed pursuant to this section. The 1171
protest shall be in writing and shall be filed with the election 1172
officials with whom the petition was filed. Upon the filing of 1173
the protest, the election officials with whom it is filed shall 1174
promptly establish a time and place for hearing the protest and 1175
shall mail notice of the time and place for the hearing to the 1176
applicant for, or the holder of, the liquor permit who is 1177
specified in the petition and to the elector who filed the 1178
protest. At the time and place established in the notice, the 1179
election officials shall hear the protest and determine the 1180
validity of the petition. 1181

Sec. 4301.334. (A) The privilege of local option conferred 1182
by section 4301.324 of the Revised Code may be exercised if, not 1183
later than four p.m. of the ninetieth day before the day of a 1184
general election or a special election held on a day on which a 1185
primary election may be held, a petition and other information 1186
required by division (B) of this section are presented to the 1187
board of elections of the county in which the community facility 1188
named in the petition is located. The petition shall be signed 1189
by electors of the municipal corporation or unincorporated area 1190

of the township in which the community facility is located equal 1191
in number to at least ten per cent of the total number of votes 1192
cast in the municipal corporation or unincorporated area of the 1193
township in which the community facility is located for the 1194
office of governor at the most recent general election for that 1195
office and shall contain both of the following: 1196

(1) A notice that the petition is for the submission of 1197
the question set forth in section 4301.356 of the Revised Code 1198
~~and a statement indicating whether the hours of Sunday sales~~ 1199
~~sought in the local option election are between ten a.m. and~~ 1200
~~midnight or between eleven a.m. and midnight;~~ 1201

(2) The name and address of the community facility for 1202
which the local option election is sought and, if the community 1203
facility is a community entertainment district, the boundaries 1204
of the district. 1205

(B) Upon the request of a petitioner, a board of elections 1206
of a county shall furnish to the petitioner a copy of the 1207
instructions prepared by the secretary of state under division 1208
(P) of section 3501.05 of the Revised Code and, within fifteen 1209
days after the request, a certificate indicating the number of 1210
valid signatures that will be required on a petition to hold an 1211
election in the municipal corporation or unincorporated area of 1212
the township in which the community facility is located on the 1213
question specified in section 4301.356 of the Revised Code. 1214

The petitioner shall, not less than thirty days before the 1215
petition-filing deadline for an election on the question 1216
specified in section 4301.356 of the Revised Code, specify to 1217
the division of liquor control the name and address of the 1218
community facility for which the election is sought and, if the 1219
community facility is a community entertainment district, the 1220

boundaries of the district, the municipal corporation or 1221
unincorporated area of a township in which the election is 1222
sought, and the filing deadline. The division shall, within a 1223
reasonable period of time and not later than ten days before the 1224
filing deadline, supply the petitioner with the name and address 1225
of any permit holder for or within the community facility. 1226

The petitioner shall file the name and address of any 1227
permit holder who would be affected by the election at the time 1228
the petitioner files the petition with the board of elections. 1229
Within five days after receiving the petition, the board shall 1230
give notice by certified mail to any permit holder within the 1231
community facility that it has received the petition. Failure of 1232
the petitioner to supply the name and address of any permit 1233
holder for or within the community facility as furnished to the 1234
petitioner by the division invalidates the petition. 1235

(C) Not later than the seventy-eighth day before the day 1236
of the next general election or the next special election held 1237
on a day on which a primary election may be held, whichever 1238
occurs first, the board shall examine and determine the 1239
sufficiency of the signatures on the petition. If the board 1240
finds that the petition is valid, it shall order the holding of 1241
an election in the municipal corporation or unincorporated area 1242
of a township on the day of the next general election or the 1243
next special election held on a day on which a primary election 1244
may be held, whichever occurs first, for the submission of the 1245
question set forth in section 4301.356 of the Revised Code. 1246

(D) A petition filed with a board of elections under this 1247
section shall be open to public inspection under rules adopted 1248
by the board. 1249

(E) An elector who is eligible to vote on the question set 1250

forth in section 4301.356 of the Revised Code or any permit 1251
holder for or within the community facility may, not later than 1252
four p.m. of the seventy-fourth day before the day of the 1253
election at which the question will be submitted to the 1254
electors, file a written protest against the local option 1255
petition with the board of elections with which the petition was 1256
filed. Upon the filing of the protest, the board shall promptly 1257
fix a time and place for hearing the protest and shall mail 1258
notice of the time and place to the person who filed the 1259
petition and to the person who filed the protest. At the time 1260
and place fixed, the board shall hear the protest and determine 1261
the validity of the petition. 1262

Sec. 4301.351. (A) If a petition is for submission of the 1263
question of whether the sale of intoxicating liquor shall be 1264
permitted on Sunday, a special election shall be held in the 1265
precinct at the time fixed as provided in section 4301.33 of the 1266
Revised Code. The expenses of holding the election shall be 1267
charged to the municipal corporation or township of which the 1268
precinct is a part. 1269

(B) At the election, one or more of the following 1270
questions, question (B) (1), (B) (2), or (B) (3) as designated in a 1271
valid petition or question (B) (4) as submitted by the 1272
legislative authority of a municipal corporation or the board of 1273
trustees of a township, shall be submitted to the electors of 1274
the precinct: 1275

(1) "Shall the sale of intoxicating liquor, of the same 1276
types as may be legally sold in this precinct on other days of 1277
the week, be permitted in this _____ for consumption on the 1278
premises where sold, ~~between the hours of eleven a.m. and~~ 1279
~~midnight~~ on Sunday?" 1280

(2) "Shall the sale of intoxicating liquor, of the same 1281
types as may be legally sold in this precinct on other days of 1282
the week, be permitted in this _____ for consumption on the 1283
premises where sold, ~~between the hours of eleven a.m. and~~ 1284
~~midnight~~ on Sunday, at licensed premises where the sale of food 1285
and other goods and services exceeds fifty per cent of the total 1286
gross receipts of the permit holder at the premises?" 1287

(3) "Shall the sale of wine and mixed beverages, of the 1288
same types as may be legally sold in this precinct on other days 1289
of the week, be permitted in this _____ for consumption off 1290
the premises where sold, ~~between the hours of eleven a.m. and~~ 1291
~~midnight~~ on Sunday?" 1292

(4) "Shall the sale of intoxicating liquor, of the same 1293
types as may be legally sold in this precinct on other days of 1294
the week, be permitted in this _____ for consumption on the 1295
premises where sold, ~~between the hours of one p.m. and midnight~~ 1296
on Sunday, at outdoor performing arts centers, as defined in 1297
section 4303.182 of the Revised Code, that have been issued a D- 1298
6 permit?" 1299

Question (B) (4) shall be presented to the electors of a 1300
precinct in which an outdoor performing arts center is located 1301
only if the legislative authority of the municipal corporation 1302
in which, or the board of trustees of the township in which, the 1303
outdoor performing arts center is located submits, not later 1304
than four p.m. of the seventy-fifth day before the day of a 1305
primary or general election that occurs within two years after 1306
April 9, 2001, to the board of elections of the county in which 1307
the precinct is located, a copy of an ordinance or resolution 1308
requesting the submission of that question to the electors of 1309
the precinct. An election on question (B) (4) may not be sought 1310

by a petition under section 4301.33 of the Revised Code. 1311

~~(C) At the election, one or more of the following 1312
questions, as designated in a valid petition, shall be submitted 1313
to the electors of the precinct: 1314~~

~~(1) "Shall the sale of intoxicating liquor, of the same 1315
types as may be legally sold in this precinct on other days of 1316
the week, be permitted in this _____ for consumption on the 1317
premises where sold, between the hours of ten a.m. and midnight 1318
on Sunday?" 1319~~

~~(2) "Shall the sale of intoxicating liquor, of the same 1320
types as may be legally sold in this precinct on other days of 1321
the week, be permitted in this _____ for consumption on the 1322
premises where sold, between the hours of ten a.m. and midnight 1323
on Sunday, at licensed premises where the sale of food and other 1324
goods and services exceeds fifty per cent of the total gross 1325
receipts of the permit holder at the premises?" 1326~~

~~(3) "Shall the sale of wine and mixed beverages, of the 1327
same types as may be legally sold in this precinct on other days 1328
of the week, be permitted in this _____ for consumption off 1329
the premises where sold, between the hours of ten a.m. and 1330
midnight on Sunday?" 1331~~

~~(D) No C or D permit holder who first applied for such a 1332
permit after April 15, 1982, shall sell beer on Sunday unless 1333
the sale of intoxicating liquor is authorized in the precinct or 1334
portion of the precinct at an election on question (B) (1), (B) 1335
(2), or (B) (3) of this section, on question (C) (1), (C) (2), or 1336
(C) (3) of this section, on question (B) (1), (B) (2), or (B) (3) of 1337
section 4301.354 of the Revised Code, on question (C) (1), (C) 1338
(2), or (C) (3) of section 4301.354 of the Revised Code, or on 1339~~

question (B) (2) of section 4301.355 of the Revised Code. No D-6 permit is required for the sale of beer on Sunday.

The board of elections to which the petition is presented shall furnish printed ballots at the election in accordance with section 3505.06 of the Revised Code, and separate ballots shall be used for the special election under this section. One or more of the questions prescribed by ~~divisions~~ division (B) ~~and (C)~~ of this section, as designated in the petition, shall be set forth on each ballot, and the board shall insert in each question the name or an accurate description of the precinct in which the election is to be held. Votes shall be cast as provided in section 3505.06 of the Revised Code.

Sec. 4301.354. (A) If a petition is filed under section 4301.332 of the Revised Code for the submission of one or more questions set forth in this section, a special election shall be held in the precinct as ordered by the board of elections under that section. The expense of holding the special election shall be charged to the municipal corporation or township of which the precinct is a part.

(B) At the election, one or more of the following questions, as designated in a valid petition, shall be submitted to the electors of the precinct concerning Sunday sales:

(1) "Shall the sale of intoxicating liquor be permitted in a portion of this precinct ~~between the hours of eleven a.m. and midnight~~ on Sunday for consumption on the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?"

(2) "Shall the sale of intoxicating liquor be permitted in

a portion of this precinct ~~between the hours of eleven a.m. and~~ 1369
~~midnight~~ on Sunday for consumption on the premises where sold at 1370
licensed premises where the sale of food and other goods exceeds 1371
fifty per cent of the total gross receipts of the permit holder 1372
at the premises, where the status of such Sunday sales as 1373
allowed or prohibited is inconsistent with the status of such 1374
Sunday sales in the remainder of the precinct?" 1375

(3) "Shall the sale of wine and mixed beverages be 1376
permitted in a portion of this precinct ~~between the hours of~~ 1377
~~eleven a.m. and midnight~~ on Sunday for consumption off the 1378
premises where sold, where the status of such Sunday sales as 1379
allowed or prohibited is inconsistent with the status of such 1380
Sunday sales in the remainder of the precinct?" 1381

(C) ~~At the election, one or more of the following~~ 1382
~~questions, as designated in a valid petition, shall be submitted~~ 1383
~~to the electors of the precinct concerning Sunday sales:~~ 1384

~~(1) "Shall the sale of intoxicating liquor be permitted in~~ 1385
~~a portion of this precinct between the hours of ten a.m. and~~ 1386
~~midnight on Sunday for consumption on the premises where sold,~~ 1387
~~where the status of such Sunday sales as allowed or prohibited~~ 1388
~~is inconsistent with the status of such Sunday sales in the~~ 1389
~~remainder of the precinct?"~~ 1390

~~(2) "Shall the sale of intoxicating liquor be permitted in~~ 1391
~~a portion of this precinct between the hours of ten a.m. and~~ 1392
~~midnight on Sunday for consumption on the premises where sold at~~ 1393
~~licensed premises where the sale of food and other goods exceeds~~ 1394
~~fifty per cent of the total gross receipts of the permit holder~~ 1395
~~at the premises, where the status of such Sunday sales as~~ 1396
~~allowed or prohibited is inconsistent with the status of such~~ 1397
~~Sunday sales in the remainder of the precinct?"~~ 1398

~~(3) "Shall the sale of wine and mixed beverages be permitted in a portion of this precinct between the hours of ten a.m. and midnight on Sunday for consumption off the premises where sold, where the status of such Sunday sales as allowed or prohibited is inconsistent with the status of such Sunday sales in the remainder of the precinct?"~~

~~(D)~~The board of elections shall furnish printed ballots at the special election as provided under section 3505.06 of the Revised Code, except that a separate ballot shall be used for the special election. The one or more questions set forth in ~~divisions~~ division (B) ~~and (C)~~ of this section shall be printed on each ballot, and the board shall insert in the questions appropriate words to complete each and a description of the portion of the precinct that would be affected by the results of the election.

The description of the portion of the precinct shall include either the complete listing of street addresses in that portion or a condensed text that accurately describes the boundaries of the portion of the precinct by street name or by another name generally known by the residents of the portion of the precinct. If other than a full street listing is used, the full street listing also shall be posted in each polling place in a location that is easily accessible to all voters. Failure of the board of elections to completely and accurately list all street addresses in the affected area of the precinct does not affect the validity of the election at which the failure occurred and is not grounds for contesting an election under section 3515.08 of the Revised Code. Votes shall be cast as provided under section 3505.06 of the Revised Code.

Sec. 4301.355. (A) If a petition is filed under section

4301.333 of the Revised Code for the submission of the question 1429
or questions set forth in this section, it shall be held in the 1430
precinct as ordered by the board of elections under that 1431
section. The expense of holding the election shall be charged to 1432
the municipal corporation or township of which the precinct is a 1433
part. 1434

(B) At the election, one or more of the following 1435
questions, as designated in a valid petition, shall be submitted 1436
to the electors of the precinct: 1437

(1) "Shall the sale of _____ (insert beer, wine and 1438
mixed beverages, or spirituous liquor) be permitted by 1439
_____ (insert name of applicant, liquor permit holder, or 1440
liquor agency store, including trade or fictitious name under 1441
which applicant for, or holder of, liquor permit or liquor 1442
agency store either intends to do, or does, business at the 1443
particular location), an _____ (insert "applicant for" or 1444
"holder of" or "operator of") a _____ (insert class name of 1445
liquor permit or permits followed by the words "liquor 1446
permit(s)" or, if appropriate, the words "liquor agency store 1447
for the State of Ohio"), who is engaged in the business of 1448
_____ (insert general nature of the business in which 1449
applicant or liquor permit holder is engaged or will be engaged 1450
in at the particular location, as described in the petition) at 1451
_____ (insert address of the particular location within the 1452
precinct as set forth in the petition) in this precinct?" 1453

(2) "Shall the sale of _____ (insert beer, wine and 1454
mixed beverages, or spirituous liquor) be permitted for sale on 1455
Sunday ~~between the hours of _____ (insert "ten a.m. and~~ 1456
~~midnight" or "eleven a.m. and midnight")~~ by _____ (insert 1457
name of applicant, liquor permit holder, or liquor agency store, 1458

including trade or fictitious name under which applicant for, or 1459
holder of, liquor permit or liquor agency store either intends 1460
to do, or does, business at the particular location), an _____ 1461
(insert "applicant for a D-6 liquor permit," "holder of a D-6 1462
liquor permit," "applicant for or holder of an A-1-A, A-2, A-2f, 1463
A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D- 1464
5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, 1465
or D-7 liquor permit," if only the approval of beer sales is 1466
sought, or "liquor agency store") who is engaged in the business 1467
of _____ (insert general nature of the business in which 1468
applicant or liquor permit holder is engaged or will be engaged 1469
in at the particular location, as described in the petition) at 1470
_____ (insert address of the particular location within the 1471
precinct) in this precinct?" 1472

(C) The board of elections shall furnish printed ballots 1473
at the election as provided under section 3505.06 of the Revised 1474
Code, except that a separate ballot shall be used for the 1475
election under this section. The question set forth in this 1476
section shall be printed on each ballot, and the board shall 1477
insert in the question appropriate words to complete it. Votes 1478
shall be cast as provided under section 3505.06 of the Revised 1479
Code. 1480

Sec. 4301.356. If a petition is filed under section 1481
4301.334 of the Revised Code for the submission of the question 1482
set forth in this section, an election shall be held in the 1483
municipal corporation or unincorporated area of a township as 1484
ordered by the board of elections under that section. 1485

Except as otherwise provided in this section, if the 1486
legislative authority of a municipal corporation in whose 1487
territory, or the board of township trustees of a township in 1488

whose unincorporated area, a community facility is located 1489
submits, not later than four p.m. of the ninetieth day before 1490
the day of a general election or a special election held on a 1491
day on which a primary ~~or general~~ election may be held, to the 1492
board of elections of the county in which the community facility 1493
is located an ordinance or resolution requesting the submission 1494
of the question set forth in this section to the electors of the 1495
municipal corporation or unincorporated area of the township, 1496
the board of elections shall order that an election be held on 1497
that question in the municipal corporation or the unincorporated 1498
area of the township on the day of the next general election or 1499
the next special election held on a day on which a primary ~~or~~ 1500
general election may be held, whichever occurs first. The 1501
legislative authority or board of township trustees shall submit 1502
the name and address of any permit holder who would be affected 1503
by the results of the election to the board of elections at the 1504
same time it submits the ordinance or resolution. The board of 1505
elections, within five days after receiving the name and 1506
address, shall give notice by certified mail to each permit 1507
holder that it has received the ordinance or resolution. Failure 1508
of the legislative authority or board of township trustees to 1509
supply the name and address of each permit holder to the board 1510
of elections invalidates the effect of the ordinance or 1511
resolution. 1512

At the election, the following question shall be submitted 1513
to the electors of the municipal corporation or unincorporated 1514
area of a township: 1515

"Shall the sale of beer and intoxicating liquor be 1516
permitted on all days of the week ~~other than Sunday and between~~ 1517
~~the hours of _____ (insert "ten a.m." or "eleven a.m.") and~~ 1518
~~midnight on, including Sunday,~~ at _____ (insert name of 1519

community facility), a community facility as defined by section 1520
4301.01 of the Revised Code, and located at _____ (insert the 1521
address of the community facility and, if the community facility 1522
is a community entertainment district, the boundaries of the 1523
district, as set forth in the petition)?" 1524

The board of elections shall furnish printed ballots at 1525
the election as provided under section 3505.06 of the Revised 1526
Code, except that a separate ballot shall be used for the 1527
election under this section. The question set forth in this 1528
section shall be printed on each ballot, and the board shall 1529
insert in the question appropriate words to complete it, subject 1530
to the approval of the secretary of state. Votes shall be cast 1531
as provided under section 3505.06 of the Revised Code. 1532

Sec. 4301.361. (A) If a majority of the electors voting on 1533
questions set forth in section 4301.351 of the Revised Code in a 1534
precinct vote "yes" on question (B) (1) ~~or (C) (1)~~, or, if both 1535
questions (B) (1) and (B) (2), ~~or questions (C) (1) and (C) (2)~~, are 1536
submitted, "yes" on both questions or "yes" on question (B) (1) 1537
~~or (C) (1)~~ but "no" on question (B) (2) ~~or (C) (2)~~, sales of 1538
intoxicating liquor shall be allowed on Sunday in the manner and 1539
under the conditions specified in question (B) (1) ~~or (C) (1)~~, 1540
under a D-6 permit, within the precinct concerned, during the 1541
hours specified in division ~~(A)~~ (N) of section 4303.182 of the 1542
Revised Code and during the period the election is in effect as 1543
defined in section 4301.37 of the Revised Code. 1544

(B) If only question (B) (2) ~~or (C) (2)~~ is submitted to the 1545
voters or if questions (B) (2) and (B) (3) ~~or (C) (2) and (C) (3)~~ 1546
are submitted and a majority of the electors voting in a 1547
precinct vote "yes" on question (B) (2) ~~or (C) (2)~~ as set forth in 1548
section 4301.351 of the Revised Code, sales of intoxicating 1549

liquor shall be allowed on Sunday in the manner and under the 1550
conditions specified in question (B) (2) ~~or (C) (2)~~, under a D-6 1551
permit, within the precinct concerned, during the hours 1552
specified in division ~~(A)~~ (N) of section 4303.182 of the Revised 1553
Code and during the period the election is in effect as defined 1554
in section 4301.37 of the Revised Code, even if question (B) (1) 1555
~~or (C) (1)~~ was also submitted and a majority of the electors 1556
voting in the precinct voted "no." 1557

(C) If question (B) (3) ~~or (C) (3)~~ is submitted and a 1558
majority of electors voting on question (B) (3) ~~or (C) (3)~~ as set 1559
forth in section 4301.351 of the Revised Code in a precinct vote 1560
"yes," sales of wine and mixed beverages shall be allowed on 1561
Sunday in the manner and under the conditions specified in 1562
question (B) (3) ~~or (C) (3)~~, under a D-6 permit, within the 1563
precinct concerned, during the hours specified in division ~~(A)~~ 1564
(N) of section 4303.182 of the Revised Code and during the 1565
period the election is in effect as defined in section 4301.37 1566
of the Revised Code. 1567

(D) If questions (B) (1), (B) (2), and (B) (3), ~~or questions~~ 1568
~~(C) (1), (C) (2), and (C) (3)~~, as set forth in section 4301.351 of 1569
the Revised Code, are all submitted and a majority of the 1570
electors voting in such precinct vote "no" on all three 1571
questions, no sales of intoxicating liquor shall be made within 1572
the precinct concerned after two-thirty a.m. on Sunday as 1573
specified in the questions submitted, during the period the 1574
election is in effect as defined in section 4301.37 of the 1575
Revised Code. 1576

~~(E) If question (C) (1) as set forth in section 4301.351 of~~ 1577
~~the Revised Code is submitted to the voters in a precinct in~~ 1578
~~which question (B) (1) as set forth in that section previously~~ 1579

~~was submitted and approved, and the results of the election on question (B) (1) are still in effect in the precinct; or if question (C) (2) as set forth in that section is submitted to the voters in a precinct in which question (B) (2) as set forth in that section previously was submitted and approved, and the results of the election on question (B) (2) are still in effect in the precinct; or if question (C) (3) as set forth in that section is submitted to the voters in a precinct in which question (B) (3) as set forth in that section previously was submitted and approved, and the results of the election on question (B) (3) are still in effect in the precinct; and if a majority of the electors voting on question (C) (1), (C) (2), or (C) (3) vote "no," then sales shall continue to be allowed in the precinct in the manner and under the conditions specified in the previously approved question (B) (1), (B) (2), or (B) (3), as applicable.~~

~~(F)~~ If question (B) (4) as set forth in section 4301.351 of the Revised Code is submitted and a majority of the electors voting in the precinct vote "yes," sales of intoxicating liquor shall be allowed on Sunday at outdoor performing arts centers in the manner and under the conditions specified in question (B) (4) under a D-6 permit, within the precinct concerned, during the hours specified in division ~~(F)~~ (N) of section 4303.182 of the Revised Code and during the period the election is in effect as defined in section 4301.37 of the Revised Code. If question (B) (4) as set forth in section 4301.351 of the Revised Code is submitted and a majority of the electors voting in the precinct vote "no," no sales of intoxicating liquor shall be allowed at outdoor performing arts centers in the precinct concerned under a D-6 permit, after 2:30 a.m. on Sunday, during the period the election is in effect as defined in section 4301.37 of the

Revised Code. 1611

Sec. 4301.364. (A) If a majority of the electors in a 1612
precinct vote "yes" on question (B) (1) ~~or (C) (1)~~ as set forth in 1613
section 4301.354 of the Revised Code, the sale of intoxicating 1614
liquor, of the same types as may be legally sold in the precinct 1615
on other days of the week, shall be permitted on Sunday in the 1616
portion of the precinct affected by the results of the election 1617
during the hours specified in division ~~(A)~~ (N) of section 1618
4303.182 of the Revised Code and in the manner and under the 1619
conditions specified in the question, subject only to this 1620
chapter and Chapter 4303. of the Revised Code. 1621

(B) If a majority of the electors in a precinct vote "yes" 1622
on question (B) (2) ~~or (C) (2)~~ as set forth in section 4301.354 of 1623
the Revised Code, the sale of intoxicating liquor, of the same 1624
types as may be legally sold in the precinct on other days of 1625
the week, shall be permitted on Sunday in the portion of the 1626
precinct affected by the results of the election during the 1627
hours specified in division ~~(A)~~ (N) of section 4303.182 of the 1628
Revised Code and in the manner and under the conditions 1629
specified in the question, subject only to this chapter and 1630
Chapter 4303. of the Revised Code. 1631

(C) If a majority of the electors in a precinct vote "yes" 1632
on question (B) (3) ~~or (C) (3)~~ as set forth in section 4301.354 of 1633
the Revised Code, the sale of wine and mixed beverages shall be 1634
permitted on Sunday in the portion of the precinct affected by 1635
the results of the election during the hours specified in 1636
division ~~(A)~~ (N) of section 4303.182 of the Revised Code and in 1637
the manner and under the conditions specified in the question, 1638
subject only to this chapter and Chapter 4303. of the Revised 1639
Code. 1640

(D) If a majority of the electors in a precinct vote "no" 1641
on question (B) (1) ~~or (C) (1)~~ as set forth in section 4301.354 of 1642
the Revised Code, no sale of intoxicating liquor shall be 1643
permitted on Sunday in the manner and under the conditions 1644
specified in the question in the portion of the precinct 1645
affected by the results of the election. 1646

(E) If a majority of the electors in a precinct vote "no" 1647
on question (B) (2) ~~or (C) (2)~~ as set forth in section 4301.354 of 1648
the Revised Code, no sale of intoxicating liquor shall be 1649
permitted on Sunday in the manner and under the conditions 1650
specified in the question in the portion of the precinct 1651
affected by the results of the election. 1652

(F) If a majority of the electors in a precinct vote "no" 1653
on question (B) (3) ~~or (C) (3)~~ as set forth in section 4301.354 of 1654
the Revised Code, no sale of wine or mixed beverages shall be 1655
permitted on Sunday in the manner and under the conditions 1656
specified in the question in the portion of the precinct 1657
affected by the results of the election. 1658

~~(G) If question (C) (1) as set forth in section 4301.354 of~~ 1659
~~the Revised Code is submitted to the voters in a precinct in~~ 1660
~~which question (B) (1) as set forth in that section previously~~ 1661
~~was submitted and approved, and the results of the election on~~ 1662
~~question (B) (1) are still in effect in the precinct; or if~~ 1663
~~question (C) (2) as set forth in that section is submitted to the~~ 1664
~~voters in a precinct in which question (B) (2) as set forth in~~ 1665
~~that section previously was submitted and approved, and the~~ 1666
~~results of the election on question (B) (2) are still in effect~~ 1667
~~in the precinct; or if question (C) (3) as set forth in that~~ 1668
~~section is submitted to the voters in a precinct in which~~ 1669
~~question (B) (3) as set forth in that section previously was~~ 1670

~~submitted and approved, and the results of the election on~~ 1671
~~question (B) (3) are still in effect in the precinct; and if a~~ 1672
~~majority of the electors voting on question (C) (1), (C) (2), or~~ 1673
~~(C) (3) vote "no," then sales shall continue to be allowed in the~~ 1674
~~precinct in the manner and under the conditions specified in the~~ 1675
~~previously approved question (B) (1), (B) (2), or (B) (3), as~~ 1676
~~applicable.~~ 1677

Sec. 4301.365. (A) If a majority of the electors in a 1678
precinct vote "yes" on questions (B) (1) and (2) as set forth in 1679
section 4301.355 of the Revised Code, the sale of beer, wine and 1680
mixed beverages, or spirituous liquor, whichever was the subject 1681
of the election, shall be allowed at the particular location and 1682
for the use specified in the questions under each permit applied 1683
for by the petitioner or at the address listed for the liquor 1684
agency store, ~~and, in relation to question (B) (2), during the~~ 1685
~~hours on Sunday specified in division (A) of section 4303.182 of~~ 1686
~~the Revised Code,~~ subject only to this chapter and Chapter 4303. 1687
of the Revised Code. Failure to continue to use the particular 1688
location for any proposed or stated use set forth in the 1689
petition is grounds for the denial of a renewal of the liquor 1690
permit under division (A) of section 4303.271 of the Revised 1691
Code or is grounds for the nonrenewal or cancellation of the 1692
liquor agency store contract by the division of liquor control, 1693
except in the case where the liquor permit holder or liquor 1694
agency store decides to cease the sale of beer, wine and mixed 1695
beverages, or spirituous liquor, whichever was the subject of 1696
the election, on Sundays. 1697

~~(B) Except as otherwise provided in division (H) of this~~ 1698
~~section, if~~ If a majority of the electors in a precinct vote 1699
"yes" on question (B) (1) and "no" on question (B) (2) as set 1700
forth in section 4301.355 of the Revised Code, the sale of beer, 1701

wine and mixed beverages, or spirituous liquor, whichever was 1702
the subject of the election, shall be allowed at the particular 1703
location for the use specified in question (B) (1) of section 1704
4301.355 of the Revised Code and under each permit applied for 1705
by the petitioner, except for a D-6 permit, subject only to this 1706
chapter and Chapter 4303. of the Revised Code. 1707

(C) If a majority of the electors in a precinct vote "no" 1708
on question (B) (1) as set forth in section 4301.355 of the 1709
Revised Code, no sales of beer, wine and mixed beverages, or 1710
spirituous liquor, whichever was the subject of the election, 1711
shall be allowed at the particular location for the use 1712
specified in the petition during the period the election is in 1713
effect as defined in section 4301.37 of the Revised Code. 1714

(D) If a majority of the electors in a precinct vote only 1715
on question (B) (2) as set forth in section 4301.355 of the 1716
Revised Code and that vote results in a majority "yes" vote, 1717
sales of beer, wine and mixed beverages, or spirituous liquor, 1718
whichever was the subject of the election, shall be allowed at 1719
the particular location for the use specified in the petition on 1720
Sunday during the hours specified in division ~~(A)~~ (N) of section 1721
4303.182 of the Revised Code and during the period the election 1722
is in effect as defined in section 4301.37 of the Revised Code. 1723

(E) ~~Except as otherwise provided in division (H) of this~~ 1724
~~section, if~~ If a majority of the electors in a precinct vote 1725
only on question (B) (2) as set forth in section 4301.355 of the 1726
Revised Code and that vote results in a majority "no" vote, no 1727
sales of beer, wine and mixed beverages, or spirituous liquor, 1728
whichever was the subject of the election, shall be allowed at 1729
the particular location for the use ~~and during the hours~~ 1730
~~specified in the petition~~ on Sunday during the period the 1731

election is in effect as defined in section 4301.37 of the Revised Code. 1732
1733

(F) In case of elections in the same precinct for the question or questions set forth in section 4301.355 of the Revised Code and for a question or questions set forth in section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code, the results of the election held on the question or questions set forth in section 4301.355 of the Revised Code shall apply to the particular location notwithstanding the results of the election held on the question or questions set forth in section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code. 1734
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(G) Sections 4301.32 to 4301.41 of the Revised Code do not prohibit the transfer of ownership of a permit that was issued to a particular location as the result of an election held on sales of beer, wine and mixed beverages, spirituous liquor, or intoxicating liquor at that particular location as long as the general nature of the business at that particular location described in the petition for that election remains the same after the transfer. 1744
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~~(H) If question (B) (2) as set forth in section 4301.355 of the Revised Code is submitted to the electors of a precinct proposing to authorize the sale of beer, wine and mixed beverages, or spirituous liquor between the hours of ten a.m. and midnight at a particular location at which the sale of beer, wine and mixed beverages, spirituous liquor, or intoxicating liquor is already allowed between the hours of eleven a.m. and midnight or one p.m. and midnight and the question submitted is defeated, the sale of beer, wine and mixed beverages, spirituous liquor, or intoxicating liquor between the hours of eleven a.m. 1752
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~~and midnight or one p.m. and midnight, as applicable, shall~~ 1762
~~continue at that particular location.~~ 1763

Sec. 4301.366. If a majority of the electors voting on the 1764
question specified in section 4301.356 of the Revised Code vote 1765
"yes," the sale of beer and intoxicating liquor shall be allowed 1766
at the community facility on all days of the week ~~other than,~~ 1767
~~including Sunday and during the hours on Sunday specified in~~ 1768
~~division (A) of section 4303.182 of the Revised Code,~~ for the 1769
use specified in the question, subject only to this chapter and 1770
Chapter 4303. of the Revised Code. Failure to continue to use 1771
the location as a community facility constitutes good cause for 1772
rejection of the renewal of the liquor permit under division (A) 1773
of section 4303.271 of the Revised Code. 1774

If a majority of the electors voting on the question 1775
specified in section 4301.356 of the Revised Code vote "no," no 1776
sales of beer or intoxicating liquor shall be made at or within 1777
the community facility during the period the election is in 1778
effect as defined in section 4301.37 of the Revised Code. 1779

Sec. 4301.403. (A) As used in this section, "exhibition 1780
premises" means a premises at the site where an exhibition 1781
sanctioned by the U.S. Christopher Columbus quincentenary 1782
jubilee commission is being or has been held, if the exhibition 1783
is or was sponsored by an organization that also is sponsoring 1784
or has sponsored an exhibition sanctioned by the international 1785
association of horticulture producers. 1786

(B) Sections 4301.32 to 4301.391 and 4305.14 of the 1787
Revised Code and the provisions for local option elections and 1788
the election on the question of the repeal of Section 9 of 1789
Article XV, Ohio Constitution, in section 4303.29 of the Revised 1790
Code do not affect or prohibit the sale of beer or intoxicating 1791

liquor at an exhibition premises if the permit holder for the 1792
premises operates pursuant to the authority of a D liquor permit 1793
issued pursuant to Chapter 4303. of the Revised Code. 1794

Permit D-6 shall be issued to the holder of any D permit 1795
that authorizes the sale of intoxicating liquor and that is 1796
issued for an exhibition premises to allow the sale of 1797
intoxicating liquor under the permit at the premises ~~between~~ 1798
during the hours of one p.m. and midnight on Sunday specified in 1799
division (N) of section 4303.182 of the Revised Code, whether or 1800
not such sale has been authorized in an election held under 1801
section 4301.351 of the Revised Code. Notwithstanding section 1802
4301.351 of the ~~revised code~~ Revised Code, the holder of a D 1803
permit issued for an exhibition premises may sell beer on Sunday 1804
whether or not the sale of intoxicating liquor has been 1805
authorized in an election held under that section. 1806

(C) Nothing in section 4303.29 of the Revised Code shall 1807
be construed to restrict the issuance of a D permit for an 1808
exhibition premises. An application for a D permit for an 1809
exhibition premises is exempt from the population quota 1810
restrictions contained in section 4303.29 of the Revised Code 1811
and from the population quota restrictions contained in any rule 1812
of the liquor control commission. The location of a D permit 1813
issued for an exhibition premises shall not be transferred. An 1814
applicant applying for a D-1, D-2, D-3, D-4, or D-5 permit for 1815
an exhibition premises is not subject to section 4303.31 of the 1816
Revised Code. 1817

Sec. 4301.404. (A) As used in this section, "center for 1818
the preservation of wild animals" means a conservation center 1819
located on not less than five thousand acres of land that 1820
provides scientific, educational, and recreational resources to 1821

advance the conservation of animal populations and habitats. 1822

(B) Sections 4301.32 to 4301.391 and 4305.14 of the 1823
Revised Code and the provisions for local option elections and 1824
the election on the repeal of Ohio Constitution, Article XV, 1825
Section 9 in section 4303.29 of the Revised Code do not affect 1826
or prohibit the sale of beer or intoxicating liquor at a center 1827
for the preservation of wild animals if any permit holder for 1828
the premises operates pursuant to the authority of a D liquor 1829
permit issued pursuant to Chapter 4303. of the Revised Code. 1830

(C) Permit D-6 shall be issued to the holder of any D 1831
permit that authorizes the sale of intoxicating liquor and that 1832
is issued for a center for the preservation of wild animals to 1833
allow the sale of intoxicating liquor under the permit at the 1834
premises ~~between during~~ the hours ~~of one p.m. and midnight~~ on 1835
Sunday specified in division (N) of section 4303.182 of the 1836
Revised Code, whether or not such sale has been authorized in an 1837
election held under section 4301.351 of the Revised Code. 1838
Notwithstanding section 4301.351 of the Revised Code, the holder 1839
of a D permit issued for a center for the preservation of wild 1840
animals may sell beer on Sunday whether or not the sale of 1841
intoxicating liquor has been authorized in an election held 1842
under that section. 1843

Sec. 4301.58. (A) As used in this section: 1844

(1) "Charitable organization" is an organization described 1845
under section 501(c) (3) of the Internal Revenue Code and exempt 1846
from federal income taxation under section 501(a) of the 1847
Internal Revenue Code. 1848

(2) "Fundraiser" means a raffle, silent auction, or event 1849
where a door prize is awarded. 1850

(3) "Political organization" means a political organization defined under section 527 of the Internal Revenue Code. 1851
1852
1853

(4) "Raffle" means a raffle conducted in accordance with Chapter 2915. of the Revised Code. 1854
1855

(5) "Silent auction" means a method of submitting bids in writing by one or more persons and, after a review of all the bids received, personal property is awarded to the highest and most responsive bidder. 1856
1857
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1859

(B) No person, personally or by the person's clerk, agent, or employee, who is not the holder of an A permit issued by the division of liquor control, in force at the time, and authorizing the manufacture of beer or intoxicating liquor, or who is not an agent or employee of the division authorized to manufacture such beer or intoxicating liquor, shall manufacture any beer or intoxicating liquor for sale, or shall manufacture spirituous liquor. 1860
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~~(B)~~ (C) No person, personally or by the person's clerk, agent, or employee, who is not the holder of an A, B, C, D, E, F, G, I, or S permit issued by the division, in force at the time, and authorizing the sale of beer, intoxicating liquor, or alcohol, or who is not an agent or employee of the division or the tax commissioner authorized to sell such beer, intoxicating liquor, or alcohol, shall sell, keep, or possess beer, intoxicating liquor, or alcohol for sale to any persons other than those authorized by Chapters 4301. and 4303. of the Revised Code to purchase any beer or intoxicating liquor, or sell any alcohol at retail. This division does not apply to or affect the sale or possession for sale of any low alcohol beverage. 1868
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~~(C)~~-(D) No person, personally or by the person's clerk, 1880
agent, or employee, who is the holder of a permit issued by the 1881
division, shall sell, keep, or possess for sale any intoxicating 1882
liquor not purchased from the division or from the holder of a 1883
permit issued by the division authorizing the sale of such 1884
intoxicating liquor unless the same has been purchased with the 1885
special consent of the division. The division shall revoke the 1886
permit of any person convicted of a violation of division (C) of 1887
this section. 1888

(E) Division (B) of this section does not apply to either 1889
of the following: 1890

(1) The sale or possession for sale of any low-alcohol 1891
beverage; 1892

(2) Beer and intoxicating liquor that is given away if all 1893
of the following apply: 1894

(a) The beer or intoxicating liquor is given away by a 1895
charitable or political organization to a participant in a 1896
fundraiser. 1897

(b) Any beer, wine, or mixed beverages given away via the 1898
fundraiser is purchased from a person issued a permit under 1899
Chapter 4303. of the Revised Code. 1900

(c) Any spirituous liquor given away via the fundraiser is 1901
purchased from an agency store located in this state. 1902

(d) Regarding any spirituous liquor donated to the 1903
charitable or political organization for purposes of the 1904
fundraiser, the donor is not an agency store located in this 1905
state and submits to the charitable or political organization 1906
receipts showing that the donor purchased the spirituous liquor 1907
from an agency store located in this state. 1908

(e) The charitable or political organization submits 1909
purchase receipts for the spirituous liquor given away via a 1910
fundraiser to the division of liquor control as proof that the 1911
spirituous liquor was purchased from an agency store located in 1912
this state. The charitable or political organization shall 1913
submit the receipts in accordance with procedures that the 1914
division shall establish. 1915

Sec. 4301.62. (A) As used in this section: 1916

(1) "Chauffeured limousine" means a vehicle registered 1917
under section 4503.24 of the Revised Code. 1918

(2) "Street," "highway," and "motor vehicle" have the same 1919
meanings as in section 4511.01 of the Revised Code. 1920

(B) No person shall have in the person's possession an 1921
opened container of beer or intoxicating liquor in any of the 1922
following circumstances: 1923

(1) Except as provided in division (C) (1) (e) of this 1924
section, in an agency store; 1925

(2) Except as provided in division (C) or (J) of this 1926
section, on the premises of the holder of any permit issued by 1927
the division of liquor control; 1928

(3) In any other public place; 1929

(4) Except as provided in division (D) or (E) of this 1930
section, while operating or being a passenger in or on a motor 1931
vehicle on any street, highway, or other public or private 1932
property open to the public for purposes of vehicular travel or 1933
parking; 1934

(5) Except as provided in division (D) or (E) of this 1935
section, while being in or on a stationary motor vehicle on any 1936

street, highway, or other public or private property open to the public for purposes of vehicular travel or parking. 1937
1938

(C) (1) A person may have in the person's possession an opened container of any of the following: 1939
1940

(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or F-8 permit; 1941
1942
1943
1944
1945
1946

(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, S-1, or S-2 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; 1947
1948
1949
1950
1951
1952

(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code; 1953
1954
1955

(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission; 1956
1957
1958

(e) Spirituous liquor to be consumed for purposes of a tasting sample, as defined in section 4301.171 of the Revised Code. 1959
1960
1961

(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 1962
1963
1964
1965

a music festival and the holder of the F permit grants 1966
permission for that possession on the premises during the period 1967
for which the F permit is issued. As used in this division, 1968
"music festival" means a series of outdoor live musical 1969
performances, extending for a period of at least three 1970
consecutive days and located on an area of land of at least 1971
forty acres. 1972

(3) (a) A person may have in the person's possession on a 1973
D-2 liquor permit premises an opened or unopened container of 1974
wine that was not purchased from the holder of the D-2 permit if 1975
the premises for which the D-2 permit is issued is an outdoor 1976
performing arts center, the person is attending an orchestral 1977
performance, and the holder of the D-2 permit grants permission 1978
for the possession and consumption of wine in certain 1979
predesignated areas of the premises during the period for which 1980
the D-2 permit is issued. 1981

(b) As used in division (C) (3) (a) of this section: 1982

(i) "Orchestral performance" means a concert comprised of 1983
a group of not fewer than forty musicians playing various 1984
musical instruments. 1985

(ii) "Outdoor performing arts center" means an outdoor 1986
performing arts center that is located on not less than one 1987
hundred fifty acres of land and that is open for performances 1988
from the first day of April to the last day of October of each 1989
year. 1990

(4) A person may have in the person's possession an opened 1991
or unopened container of beer or intoxicating liquor at an 1992
outdoor location at which the person is attending an orchestral 1993
performance as defined in division (C) (3) (b) (i) of this section 1994

if the person with supervision and control over the performance 1995
grants permission for the possession and consumption of beer or 1996
intoxicating liquor in certain predesignated areas of that 1997
outdoor location. 1998

(5) A person may have in the person's possession on an F-9 1999
liquor permit premises an opened or unopened container of beer 2000
or intoxicating liquor that was not purchased from the holder of 2001
the F-9 permit if the person is attending either of the 2002
following: 2003

(a) An orchestral performance and the F-9 permit holder 2004
grants permission for the possession and consumption of beer or 2005
intoxicating liquor in certain predesignated areas of the 2006
premises during the period for which the F-9 permit is issued; 2007

(b) An outdoor performing arts event or orchestral 2008
performance that is free of charge and the F-9 permit holder 2009
annually hosts not less than twenty-five other events or 2010
performances that are free of charge on the permit premises. 2011

As used in division (C) (5) of this section, "orchestral 2012
performance" has the same meaning as in division (C) (3) (b) of 2013
this section. 2014

(6) (a) A person may have in the person's possession on the 2015
property of an outdoor motorsports facility an opened or 2016
unopened container of beer or intoxicating liquor that was not 2017
purchased from the owner of the facility if both of the 2018
following apply: 2019

(i) The person is attending a racing event at the 2020
facility; and 2021

(ii) The owner of the facility grants permission for the 2022
possession and consumption of beer or intoxicating liquor on the 2023

property of the facility.	2024
(b) As used in division (C) (6) (a) of this section:	2025
(i) "Racing event" means a motor vehicle racing event	2026
sanctioned by one or more motor racing sanctioning	2027
organizations.	2028
(ii) "Outdoor motorsports facility" means an outdoor	2029
racetrack to which all of the following apply:	2030
(I) It is two and four-tenths miles or more in length.	2031
(II) It is located on two hundred acres or more of land.	2032
(III) The primary business of the owner of the facility is	2033
the hosting and promoting of racing events.	2034
(IV) The holder of a D-1, D-2, or D-3 permit is located on	2035
the property of the facility.	2036
(7) (a) A person may have in the person's possession an	2037
opened container of beer or intoxicating liquor at an outdoor	2038
location within an outdoor refreshment area created under	2039
section 4301.82 of the Revised Code if the opened container of	2040
beer or intoxicating liquor was purchased from an A-1, A-1-A, A-	2041
1c, A-2, A-2f, D class, or F class permit holder to which both	2042
of the following apply:	2043
(i) The permit holder's premises is located within the	2044
outdoor refreshment area.	2045
(ii) The permit held by the permit holder has an outdoor	2046
refreshment area designation.	2047
(b) Division (C) (7) of this section does not authorize a	2048
person to do either of the following:	2049
(i) Enter the premises of an establishment within an	2050

outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere; 2051
2052

(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. 2053
2054
2055
2056

(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. 2057
2058

(8) (a) A person may have in the person's possession on the property of a market, within a defined F-8 permit premises, an opened container of beer or intoxicating liquor that was purchased from a D permit premises that is located immediately adjacent to the market if both of the following apply: 2059
2060
2061
2062
2063

(i) The market grants permission for the possession and consumption of beer and intoxicating liquor within the defined F-8 permit premises; 2064
2065
2066

(ii) The market is hosting an event pursuant to an F-8 permit and the market has notified the division of liquor control about the event in accordance with division (A) (3) of section 4303.208 of the Revised Code. 2067
2068
2069
2070

(b) As used in division (C) (8) of this section, "market" means a market, for which an F-8 permit is held, that has been in operation since 1860. 2071
2072
2073

(D) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of the person, when all of the following apply: 2074
2075
2076
2077

(1) The person or guest is a passenger in the limousine. 2078

(2) The person or guest is located in the limousine, but 2079
is not occupying a seat in the front compartment of the 2080
limousine where the operator of the limousine is located. 2081

(3) The limousine is located on any street, highway, or 2082
other public or private property open to the public for purposes 2083
of vehicular travel or parking. 2084

(E) An opened bottle of wine that was purchased from the 2085
holder of a permit that authorizes the sale of wine for 2086
consumption on the premises where sold is not an opened 2087
container for the purposes of this section if both of the 2088
following apply: 2089

(1) The opened bottle of wine is securely resealed by the 2090
permit holder or an employee of the permit holder before the 2091
bottle is removed from the premises. The bottle shall be secured 2092
in such a manner that it is visibly apparent if the bottle has 2093
been subsequently opened or tampered with. 2094

(2) The opened bottle of wine that is resealed in 2095
accordance with division (E) (1) of this section is stored in the 2096
trunk of a motor vehicle or, if the motor vehicle does not have 2097
a trunk, behind the last upright seat or in an area not normally 2098
occupied by the driver or passengers and not easily accessible 2099
by the driver. 2100

(F) (1) Except if an ordinance or resolution is enacted or 2101
adopted under division (F) (2) of this section, this section does 2102
not apply to a person who, pursuant to a prearranged contract, 2103
is a passenger riding on a commercial quadricycle when all of 2104
the following apply: 2105

(a) The person is not occupying a seat in the front of the 2106
commercial quadricycle where the operator is steering or 2107

braking. 2108

(b) The commercial quadricycle is being operated on a 2109
street, highway, or other public or private property open to the 2110
public for purposes of vehicular travel or parking. 2111

(c) The person has in their possession on the commercial 2112
quadricycle an opened container of beer or wine. 2113

(d) The person has in their possession on the commercial 2114
quadricycle not more than either thirty-six ounces of beer or 2115
eighteen ounces of wine. 2116

(2) The legislative authority of a municipal corporation 2117
or township may enact an ordinance or adopt a resolution, as 2118
applicable, that prohibits a passenger riding on a commercial 2119
quadricycle from possessing an opened container of beer or wine. 2120

(3) As used in this section, "commercial quadricycle" 2121
means a vehicle that has fully-operative pedals for propulsion 2122
entirely by human power and that meets all of the following 2123
requirements: 2124

(a) It has four wheels and is operated in a manner similar 2125
to a bicycle. 2126

(b) It has at least five seats for passengers. 2127

(c) It is designed to be powered by the pedaling of the 2128
operator and the passengers. 2129

(d) It is used for commercial purposes. 2130

(e) It is operated by the vehicle owner or an employee of 2131
the owner. 2132

(G) This section does not apply to a person that has in 2133
the person's possession an opened container of beer or 2134

intoxicating liquor on the premises of a market if the beer or 2135
intoxicating liquor has been purchased from a D liquor permit 2136
holder that is located in the market. 2137

As used in division (G) of this section, "market" means an 2138
establishment that: 2139

(1) Leases space in the market to individual vendors, not 2140
less than fifty per cent of which are retail food establishments 2141
or food service operations licensed under Chapter 3717. of the 2142
Revised Code; 2143

(2) Has an indoor sales floor area of not less than 2144
twenty-two thousand square feet; 2145

(3) Hosts a farmer's market on each Saturday from April 2146
through December. 2147

(H) (1) As used in this section, "alcoholic beverage" has 2148
the same meaning as in section 4303.185 of the Revised Code. 2149

(2) An alcoholic beverage in a closed container being 2150
transported under section 4303.185 of the Revised Code to its 2151
final destination is not an opened container for the purposes of 2152
this section if the closed container is securely sealed in such 2153
a manner that it is visibly apparent if the closed container has 2154
been subsequently opened or tampered with after sealing. 2155

(I) This section does not apply to a person who has in the 2156
person's possession an opened container of beer or intoxicating 2157
liquor in a public-use airport, as described in division (D) (2) 2158
(a) (iii) of section 4303.181 of the Revised Code, when both of 2159
the following apply: 2160

(1) Consumption of the opened container of beer or 2161
intoxicating liquor occurs in the area of the airport terminal 2162

that is restricted to persons taking flights to and from the 2163
airport; and 2164

(2) The consumption is authorized under division (D) (2) (a) 2165
of section 4303.181 of the Revised Code. 2166

(J) This section does not apply to a person that has in 2167
the person's possession an opened container of homemade beer or 2168
wine that is served in accordance with division (E) of section 2169
4301.201 of the Revised Code. 2170

Sec. 4301.82. (A) As used in this section: 2171

(1) "Qualified permit holder" means the holder of an A-1, 2172
A-1-A, A-1c, A-2, A-2f, or D class permit issued under Chapter 2173
4303. of the Revised Code. 2174

(2) "D class permit" does not include a D-6 or D-8 permit. 2175

(B) The executive officer of a municipal corporation or 2176
the fiscal officer of a township may file an application with 2177
the legislative authority of the municipal corporation or 2178
township to have property within the municipal corporation or 2179
township designated as an outdoor refreshment area or to expand 2180
an existing outdoor refreshment area to include additional 2181
property within the municipal corporation or township. The 2182
executive officer or fiscal officer shall ensure that the 2183
application contains all of the following: 2184

(1) A map or survey of the proposed outdoor refreshment 2185
area in sufficient detail to identify the boundaries of the 2186
area, which shall not exceed either of the following, as 2187
applicable: 2188

(a) ~~Three~~ Six hundred ~~twenty~~ forty contiguous acres ~~or~~ 2189
~~one-half square mile~~ if the municipal corporation or township 2190

has a population of more than ~~thirty-five~~ fifty thousand as 2191
specified in division (D) of this section; 2192

(b) ~~One-Three~~ hundred ~~fifty-twenty~~ contiguous acres if the 2193
municipal corporation or township has a population of ~~thirty-~~ 2194
~~five-~~ fifty thousand or less as specified in division (D) of this 2195
section. 2196

(2) A general statement of the nature and types of 2197
establishments that will be located within the proposed outdoor 2198
refreshment area; 2199

(3) A statement that the proposed outdoor refreshment area 2200
~~will encompass not fewer than four qualified permit-~~ 2201
~~holders~~ complies with division (D) of this section; 2202

(4) Evidence that the uses of land within the proposed 2203
outdoor refreshment area are in accord with the master zoning 2204
plan or map of the municipal corporation or township; 2205

(5) Proposed requirements for the purpose of ensuring 2206
public health and safety within the proposed outdoor refreshment 2207
area. 2208

(C) Within forty-five days after the date the application 2209
is filed with the legislative authority of a municipal 2210
corporation or township, the legislative authority shall publish 2211
public notice of the application in one newspaper of general 2212
circulation in the municipal corporation or township or as 2213
provided in section 7.16 of the Revised Code. The legislative 2214
authority shall ensure that the notice states that the 2215
application is on file in the office of the clerk of the 2216
municipal corporation or township and is available for 2217
inspection by the public during regular business hours. The 2218
legislative authority also shall indicate in the notice the date 2219

and time of any public hearing to be held regarding the 2220
application by the legislative authority. 2221

Not earlier than thirty but not later than sixty days 2222
after the initial publication of notice, the legislative 2223
authority shall approve or disapprove the application by either 2224
ordinance or resolution, as applicable. Approval of an 2225
application requires an affirmative vote of a majority of the 2226
legislative authority. Upon approval of the application by the 2227
legislative authority, the territory described in the 2228
application constitutes an outdoor refreshment area. The 2229
legislative authority shall provide to the division of liquor 2230
control and the investigative unit of the department of public 2231
safety notice of the approval of the application and a 2232
description of the area specified in the application. If the 2233
legislative authority disapproves the application, the executive 2234
officer of a municipal corporation or fiscal officer of a 2235
township may make changes in the application to secure its 2236
approval by the legislative authority. 2237

(D) The creation of outdoor refreshment areas is limited 2238
as follows: 2239

(1) A municipal corporation or township with a population 2240
of more than fifty thousand shall not create more than ~~four-six~~ 2241
outdoor refreshment areas. Any such outdoor refreshment area 2242
shall include at least four qualified permit holders. 2243

(2) A municipal corporation or township with a population 2244
of ~~more than thirty-five-fifty~~ thousand ~~but or less than or~~ 2245
~~equal to fifty thousand~~ shall not create more than ~~two-three~~ 2246
outdoor refreshment areas. Any such outdoor refreshment area 2247
shall include at least two qualified permit holders. 2248

~~(3) (a) Except as provided in division (D) (3) (b) of this section, a municipal corporation or township with a population of thirty five thousand or less shall not create an outdoor refreshment area.~~ 2249
2250
2251
2252

~~(b) A municipal corporation or township with a population of thirty five thousand or less may create one outdoor refreshment area if the proposed area will include at least four qualified permit holders and be composed of one hundred fifty or fewer contiguous acres.~~ 2253
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For purposes of this section, the population of a municipal corporation or township is deemed to be the population shown by the most recent regular federal decennial census. 2258
2259
2260

(E) As soon as possible after receiving notice that an outdoor refreshment area has been approved, the division of liquor control, for purposes of section 4301.62 of the Revised Code, shall issue an outdoor refreshment area designation to each qualified permit holder located within the refreshment area that is in compliance with all applicable requirements under Chapters 4301. and 4303. of the Revised Code. The division shall not charge any fee for the issuance of the designation. Any permit holder that receives such a designation shall comply with all laws, rules, and regulations that govern its license type, and the applicable public health and safety requirements established for the area under division (F) of this section. 2261
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(F) (1) At the time of the creation of an outdoor refreshment area, the legislative authority of a municipal corporation or township in which such an area is located shall adopt an ordinance or resolution, as applicable, that establishes requirements the legislative authority determines necessary to ensure public health and safety within the area. 2273
2274
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The legislative authority shall include in the ordinance or	2279
resolution all of the following:	2280
(a) The specific boundaries of the area, including street	2281
addresses;	2282
(b) The number, spacing, and type of signage designating	2283
the area;	2284
(c) The hours of operation for the area;	2285
(d) The number of personnel needed to ensure public safety	2286
in the area;	2287
(e) A sanitation plan that will help maintain the	2288
appearance and public health of the area;	2289
(f) The number of personnel needed to execute the	2290
sanitation plan;	2291
(g) A requirement that beer and intoxicating liquor be	2292
served solely in plastic bottles or other non-glass containers	2293
in the area.	2294
The legislative authority may, but is not required to,	2295
include in the ordinance or resolution any public health and	2296
safety requirements proposed in an application under division	2297
(B) of this section to designate or expand the outdoor	2298
refreshment area. The legislative authority may subsequently	2299
modify the public health and safety requirements as determined	2300
necessary by the legislative authority.	2301
(2) Prior to adopting an ordinance or resolution under	2302
this division, the legislative authority shall give notice of	2303
its proposed action by publication in one newspaper of general	2304
circulation in the municipal corporation or township or as	2305
provided in section 7.16 of the Revised Code.	2306

(3) The legislative authority shall provide to the 2307
division of liquor control and the investigative unit of the 2308
department of public safety notice of the public health and 2309
safety requirements established or modified under this division. 2310

(G) If an outdoor refreshment area has been created in 2311
accordance with this section, the holder of an F class permit 2312
that sponsors an event located in the outdoor refreshment area 2313
may apply to the division for issuance of an outdoor refreshment 2314
area designation. The division shall issue such a designation if 2315
the division determines that the permit holder is in compliance 2316
with all applicable requirements established under this chapter 2317
and Chapter 4303. of the Revised Code. An F class permit holder 2318
that receives a designation under this division shall do both of 2319
the following: 2320

(1) Comply with all laws, rules, and regulations that 2321
govern its type of permit, and the applicable public health and 2322
safety requirements established for the outdoor refreshment area 2323
under division (F) of this section; 2324

(2) Not block ingress or egress to the outdoor refreshment 2325
area or any other liquor permit premises located within the 2326
area. 2327

(H) Section 4399.18 of the Revised Code applies to a 2328
liquor permit holder located within an outdoor refreshment area 2329
in the same manner as if the liquor permit holder were not 2330
located in an outdoor refreshment area. 2331

(I) (1) Five years after the date of creation of an outdoor 2332
refreshment area, the legislative authority of the municipal 2333
corporation or township that created the area under this section 2334
shall review the operation of the area and shall, by ordinance 2335

or resolution, either approve the continued operation of the 2336
area or dissolve the area. Prior to adopting the ordinance or 2337
resolution, the legislative authority shall give notice of its 2338
proposed action by publication in one newspaper of general 2339
circulation in the municipal corporation or township or as 2340
provided in section 7.16 of the Revised Code. 2341

If the legislative authority dissolves the outdoor 2342
refreshment area, the outdoor refreshment area ceases to exist. 2343
The legislative authority then shall provide notice of its 2344
action to the division of liquor control and the investigative 2345
unit of the department of public safety. Upon receipt of the 2346
notice, the division shall revoke all outdoor refreshment area 2347
designations issued to qualified permit holders within the 2348
dissolved area. If the legislative authority approves the 2349
continued operation of the outdoor refreshment area, the area 2350
continues in operation. 2351

(2) Five years after the approval of the continued 2352
operation of an outdoor refreshment area under division (I)(1) 2353
of this section, the legislative authority shall conduct a 2354
review in the same manner as provided in division (I)(1) of this 2355
section. The legislative authority also shall conduct such a 2356
review five years after any subsequent approval of continued 2357
operation under division (I)(2) of this section. 2358

(J) At any time, the legislative authority of a municipal 2359
corporation or township in which an outdoor refreshment area is 2360
located may, by ordinance or resolution, dissolve all or a part 2361
of the outdoor refreshment area. Prior to adopting the 2362
resolution or ordinance, the legislative authority shall give 2363
notice of its proposed action by publication in one newspaper of 2364
general circulation in the municipal corporation or township or 2365

as provided in section 7.16 of the Revised Code. If the 2366
legislative authority dissolves all or part of an outdoor 2367
refreshment area, the area designated in the ordinance or 2368
resolution no longer constitutes an outdoor refreshment area. 2369
The legislative authority shall provide notice of its actions to 2370
the division of liquor control and the investigative unit of the 2371
department of public safety. Upon receipt of the notice, the 2372
division shall revoke all outdoor refreshment area designations 2373
issued to qualified permit holders or the holder of an F class 2374
permit within the dissolved area or portion of the area. 2375

Sec. 4303.14. (A) Permit D-2 may be issued to the owner or 2376
operator of a hotel, of a retail food establishment or a food 2377
service operation licensed pursuant to Chapter 3717. of the 2378
Revised Code that operates as a restaurant for purposes of this 2379
chapter, or of a club, boat, or vessel, to sell cider, wine, and 2380
prepared and bottled cocktails, cordials, and other mixed 2381
beverages manufactured and distributed by holders of A-4 and B-4 2382
permits at retail, either in glass or container, for consumption 2383
on the premises where sold. ~~The holder of this permit~~ 2384

(B) A D-2 permit holder may also sell wine and prepared 2385
the following for consumption off the premises where sold and 2386
not for resale: 2387

(1) Wine in original packages; 2388

(2) Prepared and bottled cocktails, cordials, and other 2389
mixed beverages in original packages ~~and not for consumption on~~ 2390
~~the premises where sold or for resale;~~ 2391

(3) Cider, in original packages, or dispensed in 2392
containers with a capacity that does not exceed one gallon. ~~The~~ 2393

(C) The fee for this permit is five hundred sixty-four 2394

dollars for each location, boat, or vessel. 2395

Sec. 4303.18. Permit D-5 may be issued to the owner or 2396
operator of a retail food establishment or a food service 2397
operation licensed pursuant to Chapter 3717. of the Revised Code 2398
that operates as a restaurant or night club for purposes of this 2399
chapter, to sell beer and any intoxicating liquor at retail, 2400
only by the individual drink in glass and from the container, 2401
for consumption on the premises where sold, and to sell the same 2402
products in the same manner and amounts not for consumption on 2403
the premises as may be sold by holders of D-1 and D-2 permits. A 2404
person who is the holder of both a D-3 and D-3a permit need not 2405
obtain a D-5 permit. A D-5 permit holder may sell beer and 2406
intoxicating liquor from five-thirty a.m. until two-thirty a.m. 2407
the following day, but shall not sell beer and intoxicating 2408
liquor between the hours of two-thirty a.m. and five-thirty a.m. 2409
on any day. The fee for this permit is two thousand three 2410
hundred forty-four dollars. 2411

Sec. 4303.181. (A) Permit D-5a may be issued either to the 2412
owner or operator of a hotel or motel that is required to be 2413
licensed under section 3731.03 of the Revised Code, that 2414
contains at least fifty rooms for registered transient guests or 2415
is owned by a state institution of higher education as defined 2416
in section 3345.011 of the Revised Code or a private college or 2417
university, and that qualifies under the other requirements of 2418
this section, or to the owner or operator of a restaurant 2419
specified under this section, to sell beer and any intoxicating 2420
liquor at retail, only by the individual drink in glass and from 2421
the container, for consumption on the premises where sold, and 2422
to registered guests in their rooms, which may be sold by means 2423
of a controlled access alcohol and beverage cabinet in 2424
accordance with division (B) of section 4301.21 of the Revised 2425

Code; and to sell the same products in the same manner and 2426
amounts not for consumption on the premises as may be sold by 2427
holders of D-1 and D-2 permits. The premises of the hotel or 2428
motel shall include a retail food establishment or a food 2429
service operation licensed pursuant to Chapter 3717. of the 2430
Revised Code that operates as a restaurant for purposes of this 2431
chapter and that is affiliated with the hotel or motel and 2432
within or contiguous to the hotel or motel, and that serves food 2433
within the hotel or motel, but the principal business of the 2434
owner or operator of the hotel or motel shall be the 2435
accommodation of transient guests. In addition to the privileges 2436
authorized in this division, the holder of a D-5a permit may 2437
exercise the same privileges, and shall observe the same hours 2438
of operation, as the holder of a D-5 permit. 2439

The owner or operator of a hotel, motel, or restaurant who 2440
qualified for and held a D-5a permit on August 4, 1976, may, if 2441
the owner or operator held another permit before holding a D-5a 2442
permit, either retain a D-5a permit or apply for the permit 2443
formerly held, and the division of liquor control shall issue 2444
the permit for which the owner or operator applies and formerly 2445
held, notwithstanding any quota. 2446

A D-5a permit shall not be transferred to another 2447
location. No quota restriction shall be placed on the number of 2448
D-5a permits that may be issued. 2449

The fee for this permit is two thousand three hundred 2450
forty-four dollars. 2451

(B) Permit D-5b may be issued to the owner, operator, 2452
tenant, lessee, or occupant of an enclosed shopping center to 2453
sell beer and intoxicating liquor at retail, only by the 2454
individual drink in glass and from the container, for 2455

consumption on the premises where sold; and to sell the same 2456
products in the same manner and amount not for consumption on 2457
the premises as may be sold by holders of D-1 and D-2 permits. 2458
In addition to the privileges authorized in this division, the 2459
holder of a D-5b permit may exercise the same privileges, and 2460
shall observe the same hours of operation, as a holder of a D-5 2461
permit. 2462

A D-5b permit shall not be transferred to another 2463
location. 2464

One D-5b permit may be issued at an enclosed shopping 2465
center containing at least two hundred twenty-five thousand, but 2466
less than four hundred thousand, square feet of floor area. 2467

Two D-5b permits may be issued at an enclosed shopping 2468
center containing at least four hundred thousand square feet of 2469
floor area. No more than one D-5b permit may be issued at an 2470
enclosed shopping center for each additional two hundred 2471
thousand square feet of floor area or fraction of that floor 2472
area, up to a maximum of five D-5b permits for each enclosed 2473
shopping center. The number of D-5b permits that may be issued 2474
at an enclosed shopping center shall be determined by 2475
subtracting the number of D-3 and D-5 permits issued in the 2476
enclosed shopping center from the number of D-5b permits that 2477
otherwise may be issued at the enclosed shopping center under 2478
the formulas provided in this division. Except as provided in 2479
this section, no quota shall be placed on the number of D-5b 2480
permits that may be issued. Notwithstanding any quota provided 2481
in this section, the holder of any D-5b permit first issued in 2482
accordance with this section is entitled to its renewal in 2483
accordance with section 4303.271 of the Revised Code. 2484

The holder of a D-5b permit issued before April 4, 1984, 2485

whose tenancy is terminated for a cause other than nonpayment of 2486
rent, may return the D-5b permit to the division of liquor 2487
control, and the division shall cancel that permit. Upon 2488
cancellation of that permit and upon the permit holder's payment 2489
of taxes, contributions, premiums, assessments, and other debts 2490
owing or accrued upon the date of cancellation to this state and 2491
its political subdivisions and a filing with the division of a 2492
certification of that payment, the division shall issue to that 2493
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, 2494
as that person requests. The division shall issue the D-5 2495
permit, or the D-1, D-2, and D-3 permits, even if the number of 2496
D-1, D-2, D-3, or D-5 permits currently issued in the municipal 2497
corporation or in the unincorporated area of the township where 2498
that person's proposed premises is located equals or exceeds the 2499
maximum number of such permits that can be issued in that 2500
municipal corporation or in the unincorporated area of that 2501
township under the population quota restrictions contained in 2502
section 4303.29 of the Revised Code. Any D-1, D-2, D-3, or D-5 2503
permit so issued shall not be transferred to another location. 2504
If a D-5b permit is canceled under the provisions of this 2505
paragraph, the number of D-5b permits that may be issued at the 2506
enclosed shopping center for which the D-5b permit was issued, 2507
under the formula provided in this division, shall be reduced by 2508
one if the enclosed shopping center was entitled to more than 2509
one D-5b permit under the formula. 2510

The fee for this permit is two thousand three hundred 2511
forty-four dollars. 2512

(C) Permit D-5c may be issued to the owner or operator of 2513
a retail food establishment or a food service operation licensed 2514
pursuant to Chapter 3717. of the Revised Code that operates as a 2515
restaurant for purposes of this chapter and that qualifies under 2516

the other requirements of this section to sell beer and any 2517
intoxicating liquor at retail, only by the individual drink in 2518
glass and from the container, for consumption on the premises 2519
where sold, and to sell the same products in the same manner and 2520
amounts not for consumption on the premises as may be sold by 2521
holders of D-1 and D-2 permits. In addition to the privileges 2522
authorized in this division, the holder of a D-5c permit may 2523
exercise the same privileges, and shall observe the same hours 2524
of operation, as the holder of a D-5 permit. 2525

To qualify for a D-5c permit, the owner or operator of a 2526
retail food establishment or a food service operation licensed 2527
pursuant to Chapter 3717. of the Revised Code that operates as a 2528
restaurant for purposes of this chapter, shall have operated the 2529
restaurant at the proposed premises for not less than twenty- 2530
four consecutive months immediately preceding the filing of the 2531
application for the permit, have applied for a D-5 permit no 2532
later than December 31, 1988, and appear on the division's quota 2533
waiting list for not less than six months immediately preceding 2534
the filing of the application for the permit. In addition to 2535
these requirements, the proposed D-5c permit premises shall be 2536
located within a municipal corporation and further within an 2537
election precinct that, at the time of the application, has no 2538
more than twenty-five per cent of its total land area zoned for 2539
residential use. 2540

A D-5c permit shall not be transferred to another 2541
location. No quota restriction shall be placed on the number of 2542
such permits that may be issued. 2543

Any person who has held a D-5c permit for at least two 2544
years may apply for a D-5 permit, and the division of liquor 2545
control shall issue the D-5 permit notwithstanding the quota 2546

restrictions contained in section 4303.29 of the Revised Code or 2547
in any rule of the liquor control commission. 2548

The fee for this permit is one thousand five hundred 2549
sixty-three dollars. 2550

(D) (1) Permit D-5d may be issued to the owner or operator 2551
of a retail food establishment or a food service operation 2552
licensed pursuant to Chapter 3717. of the Revised Code that 2553
operates as a restaurant for purposes of this chapter and that 2554
is located at an airport operated by a municipal corporation, at 2555
an airport operated by a board of county commissioners pursuant 2556
to section 307.20 of the Revised Code, at an airport operated by 2557
a port authority pursuant to Chapter 4582. of the Revised Code, 2558
or at an airport operated by a regional airport authority 2559
pursuant to Chapter 308. of the Revised Code. 2560

(2) The holder of a D-5d permit may sell either of the 2561
following: 2562

(a) Beer and any intoxicating liquor at retail, only by 2563
the individual drink in glass and from the container, for 2564
consumption on the premises where sold. In addition, such 2565
consumption may occur in the area of the airport terminal that 2566
is restricted to persons taking flights to and from the airport, 2567
provided all of the following apply: 2568

(i) The airport's governing body authorizes the 2569
consumption of beer and intoxicating liquor in that area. 2570

(ii) The D-5d permit holder is located in that area. 2571

(iii) The airport is a public-use airport, as defined in 2572
section 4563.30 of the Revised Code, that has commercial flight 2573
activity and has one or more passenger or property screening 2574
checkpoints or restricted areas used as security measures. 2575

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

(b) The ~~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 in division (D) of this section, the holder of a D-5d permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit.

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

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

(E) Permit D-5e 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, or that is a charitable organization under any chapter of the Revised Code, and that owns or operates a riverboat that meets all of the following:

(1) Is permanently docked at one location;

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

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

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

The holder of a D-5e 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-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e 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.

In addition to the privileges authorized in this division, the holder of a D-5e permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit.

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

(F) Permit D-5f 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 meets all of the following:

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

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

(3) It provides docking space for twenty-five boats. 2632

(4) It provides entertainment and recreation, provided 2633
that not less than fifty per cent of the business on the permit 2634
premises shall be preparing and serving meals for a 2635
consideration. 2636

In addition, each application for a D-5f permit shall be 2637
accompanied by a certification from the local legislative 2638
authority that the issuance of the D-5f permit is not 2639
inconsistent with that political subdivision's comprehensive 2640
development plan or other economic development goal as 2641
officially established by the local legislative authority. 2642

The holder of a D-5f permit may sell beer and intoxicating 2643
liquor at retail, only by the individual drink in glass and from 2644
the container, for consumption on the premises where sold. 2645

A D-5f permit shall not be transferred to another 2646
location. 2647

The division of liquor control shall not issue a D-5f 2648
permit if the permit premises or proposed permit premises are 2649
located within an area in which the sale of spirituous liquor by 2650
the glass is prohibited. In addition to the privileges 2651
authorized in this division, the holder of a D-5f permit may 2652
exercise the same privileges, and shall observe the same hours 2653
of operation, as the holder of a D-5 permit. 2654

A fee for this permit is two thousand three hundred forty- 2655
four dollars. 2656

As used in this division, "navigable river" means a river 2657
that is also a "navigable water" as defined in the "Federal 2658
Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 2659

(G) Permit D-5g may be issued to a nonprofit corporation 2660
that is either the owner or the operator of a national 2661
professional sports museum. The holder of a D-5g permit may sell 2662
beer and any intoxicating liquor at retail, only by the 2663
individual drink in glass and from the container, for 2664
consumption on the premises where sold. The holder of a D-5g 2665
permit shall sell no beer or intoxicating liquor for consumption 2666
on the premises where sold after two-thirty a.m. A D-5g permit 2667
shall not be transferred to another location. No quota 2668
restrictions shall be placed on the number of D-5g permits that 2669
may be issued. The In addition to the privileges authorized in 2670
this division, the holder of a D-5g permit may exercise the same 2671
privileges, and shall observe the same hours of operation, as 2672
the holder of a D-5 permit. 2673

The fee for this permit is one thousand eight hundred 2674
seventy-five dollars. 2675

(H) (1) Permit D-5h may be issued to any nonprofit 2676
organization that is exempt from federal income taxation under 2677
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 2678
501(c) (3), as amended, that owns or operates any of the 2679
following: 2680

(a) A fine arts museum, provided that the nonprofit 2681
organization has no less than one thousand five hundred bona 2682
fide members possessing full membership privileges; 2683

(b) A community arts center. As used in division (H) (1) (b) 2684
of this section, "community arts center" means a facility that 2685
provides arts programming to the community in more than one arts 2686
discipline, including, but not limited to, exhibits of works of 2687
art and performances by both professional and amateur artists. 2688

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

(2) The holder of a D-5h 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-5h permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m.~~ A D-5h permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5h permits that may be issued.

(3) In addition to the privileges authorized in this division, the holder of a D-5h permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit.

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

(I) Permit D-5i 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 meets all of the following requirements:

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

(2) It has inside seating capacity for at least one	2718
hundred forty persons.	2719
(3) It has at least four thousand square feet of floor	2720
area.	2721
(4) It offers full-course meals, appetizers, and	2722
sandwiches.	2723
(5) Its receipts from beer and liquor sales, excluding	2724
wine sales, do not exceed twenty-five per cent of its total	2725
gross receipts.	2726
(6) It has at least one of the following characteristics:	2727
(a) The value of its real and personal property exceeds	2728
seven hundred twenty-five thousand dollars.	2729
(b) It is located on property that is owned or leased by	2730
the state or a state agency, and its owner or operator has	2731
authorization from the state or the state agency that owns or	2732
leases the property to obtain a D-5i permit.	2733
The holder of a D-5i permit may sell beer and any	2734
intoxicating liquor at retail, only by the individual drink in	2735
glass and from the container, for consumption on the premises	2736
where sold, and may sell the same products in the same manner	2737
and amounts not for consumption on the premises where sold as	2738
may be sold by the holders of D-1 and D-2 permits. The holder of	2739
a D-5i permit shall sell no beer or intoxicating liquor for	2740
consumption on the premises where sold after two thirty a.m. In	2741
addition to the privileges authorized in this division, the	2742
holder of a D-5i permit may exercise the same privileges, <u>and</u>	2743
<u>shall observe the same hours of operation,</u> as the holder of a D-	2744
5 permit.	2745

A D-5i permit shall not be transferred to another 2746
location. The division of liquor control shall not renew a D-5i 2747
permit unless the retail food establishment or food service 2748
operation for which it is issued continues to meet the 2749
requirements described in divisions (I) (1) to (6) of this 2750
section. No quota restrictions shall be placed on the number of 2751
D-5i permits that may be issued. The fee for the D-5i permit is 2752
two thousand three hundred forty-four dollars. 2753

(J) Permit D-5j may be issued to the owner or the operator 2754
of a retail food establishment or a food service operation 2755
licensed under Chapter 3717. of the Revised Code to sell beer 2756
and intoxicating liquor at retail, only by the individual drink 2757
in glass and from the container, for consumption on the premises 2758
where sold and to sell beer and intoxicating liquor in the same 2759
manner and amounts not for consumption on the premises where 2760
sold as may be sold by the holders of D-1 and D-2 permits. The 2761
holder of a D-5j permit may exercise the same privileges, and 2762
shall observe the same hours of operation, as the holder of a D- 2763
5 permit. 2764

The D-5j permit shall be issued only within a community 2765
entertainment district that is designated under section 4301.80 2766
of the Revised Code. The permit shall not be issued to a 2767
community entertainment district that is designated under 2768
divisions (B) and (C) of section 4301.80 of the Revised Code if 2769
the district does not meet one of the following qualifications: 2770

(1) It is located in a municipal corporation with a 2771
population of at least one hundred thousand. 2772

(2) It is located in a municipal corporation with a 2773
population of at least twenty thousand, and either of the 2774
following applies: 2775

- (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. 2776
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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. 2779
2780
2781
- (3) It is located in a township with a population of at least forty thousand. 2782
2783
- (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. 2784
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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: 2788
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2790
- (a) The municipal corporation was incorporated as a village prior to calendar year 1880 and currently has a historic downtown business district. 2791
2792
2793
- (b) The municipal corporation is located in the same county as another municipal corporation with at least one community entertainment district. 2794
2795
2796
- (6) It is located in a municipal corporation with a population of at least ten 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 municipal corporation. 2797
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2800
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- (7) It is located in a municipal corporation with a population of at least three thousand, and not less than one 2802
2803

hundred fifty million dollars will be invested in development 2804
and construction in the community entertainment district's area 2805
located in the municipal corporation. 2806

The location of a D-5j permit may be transferred only 2807
within the geographic boundaries of the community entertainment 2808
district in which it was issued and shall not be transferred 2809
outside the geographic boundaries of that district. 2810

Not more than one D-5j permit shall be issued within each 2811
community entertainment district for each five acres of land 2812
located within the district. Not more than fifteen D-5j permits 2813
may be issued within a single community entertainment district. 2814
Except as otherwise provided in division (J) (4) of this section, 2815
no quota restrictions shall be placed upon the number of D-5j 2816
permits that may be issued. 2817

The fee for a D-5j permit is two thousand three hundred 2818
forty-four dollars. 2819

(K) (1) Permit D-5k may be issued to any nonprofit 2820
organization that is exempt from federal income taxation under 2821
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 2822
501(c) (3), as amended, that is the owner or operator of a 2823
botanical garden recognized by the American association of 2824
botanical gardens and arboreta, and that has not less than 2825
twenty-five hundred bona fide members. 2826

(2) The holder of a D-5k permit may sell beer and any 2827
intoxicating liquor at retail, only by the individual drink in 2828
glass and from the container, on the premises where sold. 2829

(3) ~~The~~ In addition to the privileges authorized in this 2830
division, the holder of a D-5k permit ~~shall sell no beer or~~ 2831
~~intoxicating liquor for consumption on the premises where sold~~ 2832

~~after one a.m. may exercise the same privileges, and shall~~ 2833
~~observe the same hours of operation, as the holder of a D-5~~ 2834
~~permit.~~ 2835

(4) A D-5k permit shall not be transferred to another 2836
location. 2837

(5) No quota restrictions shall be placed on the number of 2838
D-5k permits that may be issued. 2839

(6) The fee for the D-5k permit is one thousand eight 2840
hundred seventy-five dollars. 2841

(L) (1) Permit D-5l may be issued to the owner or the 2842
operator of a retail food establishment or a food service 2843
operation licensed under Chapter 3717. of the Revised Code to 2844
sell beer and intoxicating liquor at retail, only by the 2845
individual drink in glass and from the container, for 2846
consumption on the premises where sold and to sell beer and 2847
intoxicating liquor in the same manner and amounts not for 2848
consumption on the premises where sold as may be sold by the 2849
holders of D-1 and D-2 permits. The holder of a D-5l permit may 2850
exercise the same privileges, and shall observe the same hours 2851
of operation, as the holder of a D-5 permit. 2852

(2) The D-5l permit shall be issued only to a premises to 2853
which all of the following apply: 2854

(a) The premises has gross annual receipts from the sale 2855
of food and meals that constitute not less than seventy-five per 2856
cent of its total gross annual receipts. 2857

(b) The premises is located within a revitalization 2858
district that is designated under section 4301.81 of the Revised 2859
Code. 2860

(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.

(d) The premises meets any of the following qualifications:

(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.

(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.

(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.

(iv) It is located in a township with a population density of less than four hundred fifty people per square mile. For purposes of division (L) (2) (d) (iv) of this section, the population of a township is considered to be the population

shown by the most recent regular federal decennial census. 2890

(v) It is located in a municipal corporation that is 2891
wholly located within the geographic boundaries of a township, 2892
provided that the municipal corporation and the unincorporated 2893
portion of the township have a combined population density of 2894
less than four hundred fifty people per square mile. For 2895
purposes of division (L) (2) (d) (v) of this section, the 2896
population of a municipal corporation and unincorporated portion 2897
of a township is the population shown by the most recent federal 2898
decennial census. 2899

(vi) It is located in a county with a population of not 2900
less than one hundred seventy-two thousand and not more than one 2901
hundred ninety-five thousand. For purposes of division (L) (2) (d) 2902
(vi) of this section, the population of a county is the 2903
population shown by the most recent decennial census. 2904

(vii) It is located in a municipal corporation with a 2905
population of less than ten thousand and the municipal 2906
corporation is located in a county with a population of more 2907
than one million. For purposes of division (L) (2) (d) (vii) of 2908
this section, the population of a municipal corporation and a 2909
county is the population shown by the most recent decennial 2910
census. 2911

(3) The location of a D-51 permit may be transferred only 2912
within the geographic boundaries of the revitalization district 2913
in which it was issued and shall not be transferred outside the 2914
geographic boundaries of that district. 2915

(4) Not more than one D-51 permit shall be issued within 2916
each revitalization district for each five acres of land located 2917
within the district. Not more than fifteen D-51 permits may be 2918

issued within a single revitalization district. Except as 2919
otherwise provided in division (L) (4) of this section, no quota 2920
restrictions shall be placed upon the number of D-5l permits 2921
that may be issued. 2922

(5) No D-5l permit shall be issued to an adult 2923
entertainment establishment as defined in section 2907.39 of the 2924
Revised Code. 2925

(6) The fee for a D-5l permit is two thousand three 2926
hundred forty-four dollars. 2927

(M) Permit D-5m may be issued to either the owner or the 2928
operator of a retail food establishment or food service 2929
operation licensed under Chapter 3717. of the Revised Code that 2930
operates as a restaurant for purposes of this chapter and that 2931
is located in, or affiliated with, a center for the preservation 2932
of wild animals as defined in section 4301.404 of the Revised 2933
Code, to sell beer and any intoxicating liquor at retail, only 2934
by the glass and from the container, for consumption on the 2935
premises where sold, and to sell the same products in the same 2936
manner and amounts not for consumption on the premises as may be 2937
sold by the holders of D-1 and D-2 permits. In addition to the 2938
privileges authorized by this division, the holder of a D-5m 2939
permit may exercise the same privileges, and shall observe the 2940
same hours of operation, as the holder of a D-5 permit. 2941

A D-5m permit shall not be transferred to another 2942
location. No quota restrictions shall be placed on the number of 2943
D-5m permits that may be issued. The fee for a permit D-5m is 2944
two thousand three hundred forty-four dollars. 2945

(N) Permit D-5n shall be issued to either a casino 2946
operator or a casino management company licensed under Chapter 2947

3772. of the Revised Code that operates a casino facility under 2948
that chapter, to sell beer and any intoxicating liquor at 2949
retail, only by the individual drink in glass and from the 2950
container, for consumption on the premises where sold, and to 2951
sell the same products in the same manner and amounts not for 2952
consumption on the premises as may be sold by the holders of D-1 2953
and D-2 permits. In addition to the privileges authorized by 2954
this division, the holder of a D-5n permit may exercise the same 2955
privileges, and shall observe the same hours for beer and 2956
intoxicating liquor sales, as the holder of a D-5 permit. A D-5n 2957
permit shall not be transferred to another location. Only one D- 2958
5n permit may be issued per casino facility and not more than 2959
four D-5n permits shall be issued in this state. The fee for a 2960
permit D-5n shall be twenty thousand dollars. The holder of a D- 2961
5n permit may conduct casino gaming on the permit premises 2962
notwithstanding any provision of the Revised Code or 2963
Administrative Code. 2964

(O) Permit D-5o may be issued to the owner or operator of 2965
a retail food establishment or a food service operation licensed 2966
under Chapter 3717. of the Revised Code that operates as a 2967
restaurant for purposes of this chapter and that is located 2968
within a casino facility for which a D-5n permit has been 2969
issued. The holder of a D-5o permit may sell beer and any 2970
intoxicating liquor at retail, only by the individual drink in 2971
glass and from the container, for consumption on the premises 2972
where sold, and may sell the same products in the same manner 2973
and amounts not for consumption on the premises where sold as 2974
may be sold by the holders of D-1 and D-2 permits. In addition 2975
to the privileges authorized by this division, the holder of a 2976
D-5o permit may exercise the same privileges, and shall observe 2977
the same hours for beer and intoxicating liquor sales, as the 2978

holder of a D-5 permit. A D-5o permit shall not be transferred 2979
to another location. No quota restrictions shall be placed on 2980
the number of such permits that may be issued. The fee for this 2981
permit is two thousand three hundred forty-four dollars. 2982

Sec. 4303.182. (A) Except as otherwise provided in 2983
divisions (B) to (K) of this section, permit D-6 shall be issued 2984
to the holder of an A-1-A, A-2, A-2f, A-3a, A-5, C-2, D-2, D-3, 2985
D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 2986
D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to 2987
allow sale under that permit ~~as follows:~~ 2988

~~(1) Between the hours of ten a.m. and midnight on Sunday 2989
if sale during those hours. However, such a sale only may be 2990
allowed if the sale has been approved under a question (C)(1), 2991
(2), or (3) specified in division (B) of section 4301.351 or 2992
4301.354 of the Revised Code, under question in division (B) (2) 2993
of section 4301.355 of the Revised Code, or under in section 2994
4301.356 of the Revised Code and has been authorized under 2995
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 2996
Code, under the restrictions of that authorization; 2997~~

~~(2) Between the hours of eleven a.m. and midnight on 2998
Sunday, if sale during those hours has been approved on or after 2999
October 16, 2009, under question (B) (1), (2), or (3) of section 3000
4301.351 or 4301.354 of the Revised Code, under question (B) (2) 3001
of section 4301.355 of the Revised Code, or under section 3002
4301.356 of the Revised Code and has been authorized under 3003
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 3004
Code, under the restrictions of that authorization; 3005~~

~~(3) Between the hours of eleven a.m. and midnight on 3006
Sunday if sale between the hours of one p.m. and midnight was 3007
approved before October 16, 2009, under question (B) (1), (2), or 3008~~

~~(3) of section 4301.351 or 4301.354 of the Revised Code, under
question (B) (2) of section 4301.355 of the Revised Code, or
under section 4301.356 of the Revised Code and has been
authorized under section 4301.361, 4301.364, 4301.365, or
4301.366 of the Revised Code, under the other restrictions of
that authorization.~~

(B) Permit D-6 shall be issued to the holder of any
permit, including a D-4a and D-5d permit, authorizing the sale
of intoxicating liquor issued for a premises located at any
publicly owned airport, as defined in section 4563.01 of the
Revised Code, at which commercial airline companies operate
regularly scheduled flights on which space is available to the
public, to allow sale under such permit ~~between the hours of ten
a.m. and midnight~~ on Sunday, whether or not that sale has been
authorized under section 4301.361, 4301.364, 4301.365, or
4301.366 of the Revised Code.

(C) Permit D-6 shall be issued to the holder of a D-5a
permit, and to the holder of a D-3 or D-3a permit who is the
owner or operator of a hotel or motel that is required to be
licensed under section 3731.03 of the Revised Code, that
contains at least fifty rooms for registered transient guests,
and that has on its premises a retail food establishment or a
food service operation licensed pursuant to Chapter 3717. of the
Revised Code that operates as a restaurant for purposes of this
chapter and is affiliated with the hotel or motel and within or
contiguous to the hotel or motel and serving food within the
hotel or motel, to allow sale under such permit ~~between the
hours of ten a.m. and midnight~~ on Sunday, whether or not that
sale has been authorized under section 4301.361, 4301.364,
4301.365, or 4301.366 of the Revised Code.

(D) The holder of a D-6 permit that is issued to a sports facility may make sales under the permit ~~between the hours of eleven a.m. and midnight~~ on any Sunday on which a professional baseball, basketball, football, hockey, or soccer game is being played at the sports facility. As used in this division, "sports facility" means a stadium or arena that has a seating capacity of at least four thousand and that is owned or leased by a professional baseball, basketball, football, hockey, or soccer franchise or any combination of those franchises.

(E) Permit D-6 shall be issued to the holder of any permit that authorizes the sale of beer or intoxicating liquor and that is issued to a premises located in or at the Ohio history connection area or the state fairgrounds, as defined in division (B) of section 4301.40 of the Revised Code, to allow sale under that permit ~~between the hours of ten a.m. and midnight~~ on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

(F) Permit D-6 shall be issued to the holder of any permit that authorizes the sale of intoxicating liquor and that is issued to an outdoor performing arts center to allow sale under that permit ~~between the hours of one p.m. and midnight~~ on Sunday, whether or not that sale has been authorized under section 4301.361 of the Revised Code. A D-6 permit issued under this division is subject to the results of an election, held after the D-6 permit is issued, on question (B) (4) as set forth in section 4301.351 of the Revised Code. Following the end of the period during which an election may be held on question (B) (4) as set forth in that section, sales of intoxicating liquor may continue at an outdoor performing arts center under a D-6 permit issued under this division, unless an election on that

question is held during the permitted period and a majority of 3070
the voters voting in the precinct on that question vote "no." 3071

As used in this division, "outdoor performing arts center" 3072
means an outdoor performing arts center that is located on not 3073
less than eight hundred acres of land and that is open for 3074
performances from the first day of April to the last day of 3075
October of each year. 3076

(G) Permit D-6 shall be issued to the holder of any permit 3077
that authorizes the sale of beer or intoxicating liquor and that 3078
is issued to a golf course owned by the state, a conservancy 3079
district, a park district created under Chapter 1545. of the 3080
Revised Code, or another political subdivision to allow sale 3081
under that permit ~~between the hours of ten a.m. and midnight~~ on 3082
Sunday, whether or not that sale has been authorized under 3083
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 3084
Code. 3085

(H) Permit D-6 shall be issued to the holder of a D-5g 3086
permit to allow sale under that permit ~~between the hours of ten-~~ 3087
~~a.m. and midnight~~ on Sunday, whether or not that sale has been 3088
authorized under section 4301.361, 4301.364, 4301.365, or 3089
4301.366 of the Revised Code. 3090

(I) Permit D-6 shall be issued to the holder of any D 3091
permit for a premises that is licensed under Chapter 3717. of 3092
the Revised Code and that is located at a ski area to allow sale 3093
under the D-6 permit ~~between the hours of ten a.m. and midnight~~ 3094
on Sunday, whether or not that sale has been authorized under 3095
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 3096
Code. 3097

As used in this division, "ski area" means a ski area as 3098

defined in section 4169.01 of the Revised Code, provided that 3099
the passenger tramway operator at that area is registered under 3100
section 4169.03 of the Revised Code. 3101

(J) Permit D-6 shall be issued to the holder of any permit 3102
that is described in division (A) of this section for a permit 3103
premises that is located in a community entertainment district, 3104
as defined in section 4301.80 of the Revised Code, that was 3105
approved by the legislative authority of a municipal corporation 3106
under that section between October 1 and October 15, 2005, to 3107
allow sale under the permit ~~between the hours of ten a.m. and~~ 3108
~~midnight~~ on Sunday, whether or not that sale has been authorized 3109
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 3110
Revised Code. 3111

(K) A D-6 permit shall be issued to the holder of any D 3112
permit for a premises that is licensed under Chapter 3717. of 3113
the Revised Code and that is located in a state park to allow 3114
sales under the D-6 permit ~~between the hours of ten a.m. and~~ 3115
~~midnight~~ on Sunday, whether or not those sales have been 3116
authorized under section 4301.361, 4301.364, 4301.365, or 3117
4301.366 of the Revised Code. 3118

As used in this division, "state park" means a state park 3119
that is established or dedicated under Chapter 1546. of the 3120
Revised Code and that has a working farm on its property. 3121

(L) If the restriction to licensed premises where the sale 3122
of food and other goods and services exceeds fifty per cent of 3123
the total gross receipts of the permit holder at the premises is 3124
applicable, the division of liquor control may accept an 3125
affidavit from the permit holder to show the proportion of the 3126
permit holder's gross receipts derived from the sale of food and 3127
other goods and services. If the liquor control commission 3128

determines that affidavit to have been false, it shall revoke 3129
the permits of the permit holder at the premises concerned. 3130

(M) The fee for the D-6 permit is five hundred dollars 3131
when it is issued to the holder of an A-1-A, A-2, A-2f, A-3a, A- 3132
5, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, 3133
D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or 3134
D-7 permit. The fee for the D-6 permit is four hundred dollars 3135
when it is issued to the holder of a C-2 permit. 3136

(N) Sunday sales of beer, wine, mixed beverages, or 3137
spirituous liquor authorized under a valid D-6 permit issued 3138
prior to, on, or after the effective date of this amendment may 3139
occur during the same hours that a permit holder may sell those 3140
products on Monday through Saturday. 3141

Sec. 4303.19. Permit E may be issued to the owner or 3142
operator of any railroad, a sleeping car company operating 3143
dining cars, buffet cars, club cars, lounge cars, or similar 3144
equipment, or an airline providing charter or regularly 3145
scheduled aircraft transportation service with dining, buffet, 3146
club, lounge, or similar facilities, to sell beer or any 3147
intoxicating liquor in any such car or aircraft to bona fide 3148
passengers at retail in glass and from the container for 3149
consumption in such car or aircraft, including sale on Sunday 3150
~~between the hours of one p.m. and midnight.~~ The fee for this 3151
permit is five hundred dollars. 3152

Sunday sales of beer and intoxicating liquor authorized 3153
under a valid E permit issued prior to, on, or after the 3154
effective date of this amendment may occur during the same hours 3155
that a permit holder may sell those products on Monday through 3156
Saturday. 3157

Sec. 4303.191. Sales under an F class permit on Sundays 3158
are not affected by whether Sunday sales of beer or intoxicating 3159
liquor for consumption on the premises where sold are allowed to 3160
be made by persons holding another type of permit in the 3161
precinct or at the particular location where the event is to be 3162
held, provided that the F class permit is issued for other days 3163
of the week in addition to Sunday. 3164

Sec. 4303.2010. (A) As used in this section: 3165

(1) "Farmers market" means a farmers market registered 3166
with the director of agriculture under section 3717.221 of the 3167
Revised Code. "Farmers market" does not include a for-profit 3168
farmers market, a farmers market located at a rest area within 3169
the limits of the right-of-way of an interstate highway, a 3170
farmers market located at a service facility as defined in 3171
Chapter 5537. of the Revised Code that is along the Ohio 3172
turnpike, or a farmers market with fewer than five farmers 3173
market participants. 3174

(2) "~~A-2 permit holder~~Qualified winery" means an A-2 or A- 3175
2f permit holder that produces less than two hundred and fifty 3176
thousand gallons of wine per year or an S-1 permit holder. 3177

(B) The division of liquor control may issue an F-10 3178
permit to a person who organizes a farmers market. Pursuant to 3179
the permit, the F-10 permit holder may allow a farmers market 3180
participant that is ~~an A-2, S-1, or S-2 permit holder a~~ 3181
qualified winery to do the following at the location of the 3182
farmers market: 3183

(1) Sell tasting samples of wine manufactured by the ~~A-2,~~ 3184
~~S-1, or S-2 permit holder~~ qualified winery for consumption on 3185
the premises where the farmers market is located; 3186

(2) Sell wine manufactured by the ~~A-2, S-1, or S-2 permit holder~~ qualified winery in sealed containers for consumption off the premises where the farmers market is located. 3187
3188
3189

(C) An applicant for an F-10 permit shall submit an application for the permit to the division of liquor control. 3190
3191
The application shall include the location of the farmers market that is the subject of the application. 3192
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(D) The premises of the farmers market for which the F-10 permit is issued shall be clearly defined and sufficiently restricted to allow proper enforcement of the permit by state and local law enforcement officers. If an F-10 permit is issued for all or a portion of the same premises for which another class of permit is issued, the division of liquor control shall suspend that permit holder's privileges in that portion of the premises in which the F-10 permit is in effect. 3194
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(E) No ~~A-2, S-1, or S-2 permit holder~~ qualified winery shall do any of the following at a farmers market for which an F-10 permit has been issued: 3202
3203
3204

(1) Sell a tasting sample in an amount that exceeds one ounce; 3205
3206

(2) Sell more than one sample of each wine offered for sale to any one person; 3207
3208

(3) Sell more than five varieties of wine as tasting samples per day; 3209
3210

(4) Sell a variety of wine that is offered for distribution by a wholesale distributor in any state. Division 3211
3212

(E) (4) of this section does not apply to a variety of wine solely distributed by the ~~A-2, S-1, or S-2 permit holder~~ qualified winery. 3213
3214
3215

(5) Sell more than four and one-half liters of wine per 3216
household for off-premises consumption under division (B) (2) of 3217
this section; 3218

(6) Allow any person other than the ~~A-2, S-1, or S-2~~ 3219
~~permit holder~~qualified winery, a member of the applicable ~~permit~~ 3220
~~holder's~~qualified winery's family, or an employee of the 3221
applicable ~~permit holder~~qualified winery to sell wine. 3222

(F) The F-10 permit is effective for nine months. The 3223
permit is not renewable. However, a person who organizes a 3224
farmers market may re-apply for a new permit. The fee for the F- 3225
10 permit is one hundred dollars. 3226

(G) ~~An A-2, S-1, or S-2 permit holder~~A qualified winery 3227
shall not conduct the activities described in division (B) of 3228
this section unless the sale of wine for consumption on the 3229
premises and the sale of wine for consumption off the premises 3230
is authorized in the election precinct in which the farmers 3231
market that is the subject of the F-10 permit is located. 3232

(H) No F-10 permit holder shall allow more than four ~~A-2~~ 3233
~~permit holders, four S-1 permit holders, four S-2 permit~~ 3234
~~holders, or a combination of four A-2, S-1, and S-2 permit~~ 3235
~~holders~~qualified wineries per day to conduct the activities 3236
described in division (B) of this section on the premises of the 3237
applicable farmers market. 3238

Section 2. That existing sections 4301.01, 4301.03, 3239
4301.22, 4301.24, 4301.33, 4301.331, 4301.332, 4301.333, 3240
4301.334, 4301.351, 4301.354, 4301.355, 4301.356, 4301.361, 3241
4301.364, 4301.365, 4301.366, 4301.403, 4301.404, 4301.58, 3242
4301.62, 4301.82, 4303.14, 4303.18, 4303.181, 4303.182, 4303.19, 3243
and 4303.2010 of the Revised Code are hereby repealed. 3244

Section 3. On the effective date of this section, if a board of elections is in the process of reviewing a petition submitted under Chapter 4301. of the Revised Code, as that chapter existed prior to its amendment by this act, calling for the submission of a question or questions authorizing Sunday sales of beer, wine, mixed beverages, or spirituous liquor between 10:00 a.m. or 11:00 a.m. and midnight on the ballot of the next general election or a special election conducted on the day of the next primary election, the board shall do either of the following, as applicable:

(A) If ballots have not been printed, revise the question or questions to authorize sales of beer, wine, mixed beverages, or spirituous liquor on Sunday during the same hours those products may be sold on Monday through Saturday;

(B) If ballots have been printed with the question or questions on them stating whether the question is to authorize the sale on Sunday between 10:00 a.m. and midnight or 11:00 a.m. and midnight, post a notice at each polling place on the day of the election, and enclose with each absent voter's ballot given or mailed, a notice that votes for either 10:00 a.m. or 11:00 a.m. will be counted as approval for sales on Sunday during the same hours those products may be sold on Monday through Saturday.

Section 4. That Section 3 of H.B. 669 of the 133rd General Assembly be amended to read as follows:

Sec. 3. (A) As used in this section:

(1) "Alcoholic beverage" means beer, wine, mixed beverages, or spirituous liquor as those terms are defined in section 4301.01 of the Revised Code.

(2) "Personal consumer" means an individual who is at least twenty-one years of age and intends to use a purchased alcoholic beverage for personal consumption only and not for resale or other commercial purposes.

(3) "Qualified permit holder" has the same meaning as in section 4301.82 of the Revised Code ~~and also includes an A-3a permit holder under Chapter 4303. of the Revised Code.~~

(B) (1) Notwithstanding any other provision of law to the contrary and in addition to areas in which a qualified permit holder is authorized to sell alcoholic beverages under the qualified permit holder's permit, a qualified permit holder may sell alcoholic beverages by the individual drink for consumption as follows:

(a) In any area of the qualified permit holder's property in which sales are not currently authorized and that is outdoors, including the qualified permit holder's parking area;

(b) In any outdoor area of public property that is immediately adjacent to the qualified permit holder's premises and that is owned by a municipal corporation or township, provided that the permit holder obtains written consent in accordance with division (C) of this section;

(c) In any outdoor area of private property that is immediately adjacent to the qualified permit holder's premises, provided that the permit holder obtains the written consent of the owner of the private property.

(2) If a qualified permit holder sells alcoholic beverages in ~~an~~ the outdoor area, the qualified permit holder shall clearly delineate the area where personal consumers may consume alcoholic beverages.

(C) For purposes of division (B) (1) (b) of this section, a 3303
qualified permit holder shall obtain the written consent of 3304
either of the following: 3305

(1) If the public property is located in a municipal 3306
corporation, the executive officer of the municipal corporation 3307
or the executive officer's designee. If the executive officer or 3308
the executive officer's designee denies consent, the qualified 3309
permit holder may appeal the denial to the legislative authority 3310
of the municipal corporation. The legislative authority may 3311
adopt a resolution requesting the executive officer to 3312
reconsider the executive officer's denial. 3313

(2) If the public property is located in the 3314
unincorporated area of a township, the legislative authority of 3315
the township by the adoption of a resolution consenting to the 3316
sale of alcoholic beverages in the outdoor area. 3317

(D) Section 4301.62 of the Revised Code does not apply to 3318
the consumption of an alcoholic beverage in an outdoor area 3319
described in division (B) (1) of this section. 3320

(E) A qualified permit holder that ~~sells~~ intends to sell 3321
alcoholic beverages by the individual drink in an outdoor area 3322
under division (B) (1) of this section shall notify the Division 3323
of Liquor Control and the Investigative Unit of the Department 3324
of Public Safety of the ~~areas that~~ area in which the qualified 3325
permit holder intends to sell the alcoholic beverages. The 3326
qualified permit holder shall provide the notice not later than 3327
ten days prior to the commencement of such sales. 3328

(F) ~~This section is operative through December 31, 2022A~~ 3329
qualified permit holder or the holder's employee shall deliver 3330
each alcoholic beverage sold to a personal consumer in an 3331

outdoor area authorized under this section. 3332

(G) An expansion to an outdoor area under this section 3333
expires with the qualified permit holder's permit in 2022. A 3334
qualified permit holder may renew an expanded outdoor area 3335
through December 31, 2023. After that date, no alcohol sales are 3336
permitted under this section in an expanded outdoor area. At any 3337
time, a qualified permit holder may apply to the Division for 3338
permanent expansion of the holder's permit premises pursuant to 3339
section 4301.10 of the Revised Code. 3340

Section 5. That existing Section 3 of H.B. 669 of the 3341
133rd General Assembly is hereby repealed. 3342