

As Passed by the House

134th General Assembly

Regular Session

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Sub. S. B. No. 63

Senator O'Brien

Cosponsors: Senators Fedor, Antonio, Blessing, Cirino, Craig, Gavarone, Hackett, Hoagland, Huffman, S., Kunze, Maharath, Manning, Peterson, Roegner, Schaffer, Schuring, Sykes, Thomas, Wilson, Yuko Representatives Addison, Creech, Galonski, Ginter, Humphrey, Jarrells, John, Johnson, Lepore-Hagan, Lightbody, Liston, O'Brien, Richardson, Rogers, Sobecki, Stewart

A BILL

To amend sections 301.28 and 4301.62 and to enact 1
sections 5.2319, 5.2532, and 4303.186 of the 2
Revised Code to create the D-9 liquor permit, 3
which authorizes an establishment to sell beer, 4
wine, and mixed beverages for on-premises 5
consumption under specified circumstances, to 6
allow a board of county commissioners to 7
authorize a county department of probation to 8
accept payments by credit card, and to make 9
multiple designations. 10

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

Section 1. That sections 301.28 and 4301.62 be amended and 11
sections 5.2319, 5.2532, and 4303.186 of the Revised Code be 12
enacted to read as follows: 13

Sec. 5.2319. The eleventh day of January is designated as 14
"Human Trafficking Awareness Day." 15

Sec. 5.2532. The twenty-third day of October is designated 16
as "Aromatic L-Amino Acid Decarboxylase Deficiency Awareness 17
Day." 18

Sec. 301.28. (A) As used in this section: 19

(1) "Financial transaction device" includes a credit card, 20
debit card, charge card, or prepaid or stored value card, or 21
automated clearinghouse network credit, debit, or e-check entry 22
that includes, but is not limited to, accounts receivable and 23
internet-initiated, point of purchase, and telephone-initiated 24
applications or any other device or method for making an 25
electronic payment or transfer of funds. 26

(2) "County expenses" includes fees, costs, taxes, 27
assessments, fines, penalties, payments, or any other expense a 28
person owes or otherwise pays to a county office under the 29
authority of a county official, other than dog registration and 30
kennel fees required to be paid under Chapter 955. of the 31
Revised Code. "County expenses" includes payment to a county 32
office of money confiscated during the commitment of an 33
individual to a county jail, of bail, of money for a prisoner's 34
inmate account, and of money for goods and services obtained by 35
or for the use of an individual incarcerated by a county 36
sheriff. "County expenses" includes online financial transaction 37
device payments made through the official public sheriff sale 38
web site pursuant to section 2329.153 of the Revised Code. 39

(3) "County official" includes the county auditor, county 40
treasurer, county engineer, county recorder, county prosecuting 41
attorney, county sheriff, county coroner, county park district 42
and board of county commissioners, the clerk of the probate 43
court, the clerk of the juvenile court, the clerks of court for 44
all divisions of the courts of common pleas, and the clerk of 45

the court of common pleas, the clerk of a county-operated 46
municipal court, and the clerk of a county court. 47

The term "county expenses" includes county expenses owed 48
to the board of health of the general health district or a 49
combined health district in the county. If the board of county 50
commissioners authorizes county expenses to be paid by financial 51
transaction devices under this section, then the board of health 52
and the general health district and the combined health district 53
may accept payments by financial transaction devices under this 54
section as if the board were a "county official" and the 55
district were a county office. However, in the case of a general 56
health district formed by unification of general health 57
districts under section 3709.10 of the Revised Code, this 58
entitlement applies only if all the boards of county 59
commissioners of all counties in the district have authorized 60
payments to be accepted by financial transaction devices. 61

The term "county expenses" also includes fees for services 62
and the receipt of gifts to the county law library resources 63
fund authorized by rules adopted by the county law library 64
resources board under division (D) of section 307.51 of the 65
Revised Code. If the board of county commissioners authorizes 66
county expenses to be paid by financial transaction devices 67
under this section, then the county law library resources board 68
may accept payments by financial transaction devices under this 69
section as if the board were a "county official." 70

The term "county expenses" also includes fees, costs, 71
assessments, fines, penalties, payments, or any other expense 72
issued by a court of common pleas that a person owes or 73
otherwise pays to a county department of probation established 74
under section 2301.27 of the Revised Code. If the board of 75

county commissioners authorizes county expenses to be paid by 76
financial transaction devices under this section, then the 77
county department of probation may accept payments by financial 78
transaction devices under this section as if the chief probation 79
officer or chief probation officer's designee was a "county 80
official" and the department was a "county office." However, in 81
the case of a multicounty department of probation, this 82
entitlement applies only if all the boards of county 83
commissioners of all counties in the multicounty department have 84
authorized payments to be accepted by financial transaction 85
devices. A clerk of the court of common pleas may continue 86
accepting payments by financial transaction devices for a county 87
department of probation as authorized under this section. 88

(B) Notwithstanding any other section of the Revised Code 89
and except as provided in division (D) of this section, a board 90
of county commissioners may adopt a resolution authorizing the 91
acceptance of payments by financial transaction devices for 92
county expenses. The resolution shall include the following: 93

(1) A specification of those county officials who, and of 94
the county offices under those county officials that, are 95
authorized to accept payments by financial transaction devices; 96

(2) A list of county expenses that may be paid for through 97
the use of a financial transaction device; 98

(3) Specific identification of financial transaction 99
devices that the board authorizes as acceptable means of payment 100
for county expenses. Uniform acceptance of financial transaction 101
devices among different types of county expenses is not 102
required. 103

(4) The amount, if any, authorized as a surcharge or 104

convenience fee under division (E) of this section for persons 105
using a financial transaction device. Uniform application of 106
surcharges or convenience fees among different types of county 107
expenses is not required. 108

(5) A specific provision as provided in division (G) of 109
this section requiring the payment of a penalty if a payment 110
made by means of a financial transaction device is returned or 111
dishonored for any reason. 112

The board's resolution shall also designate the county 113
treasurer as an administrative agent to solicit proposals, 114
within guidelines established by the board in the resolution and 115
in compliance with the procedures provided in division (C) of 116
this section, from financial institutions, issuers of financial 117
transaction devices, and processors of financial transaction 118
devices, to make recommendations about those proposals to the 119
board, and to assist county offices in implementing the county's 120
financial transaction devices program. The county treasurer may 121
decline this responsibility within thirty days after receiving a 122
copy of the board's resolution by notifying the board in writing 123
within that period. If the treasurer so notifies the board, the 124
board shall perform the duties of the administrative agent. 125

If the county treasurer is the administrative agent and 126
fails to administer the county financial transaction devices 127
program in accordance with the guidelines in the board's 128
resolution, the board shall notify the treasurer in writing of 129
the board's findings, explain the failures, and give the 130
treasurer six months to correct the failures. If the treasurer 131
fails to make the appropriate corrections within that six-month 132
period, the board may pass a resolution declaring the board to 133
be the administrative agent. The board may later rescind that 134

resolution at its discretion. 135

(C) The county shall follow the procedures provided in 136
this division whenever it plans to contract with financial 137
institutions, issuers of financial transaction devices, or 138
processors of financial transaction devices for the purposes of 139
this section. The administrative agent shall request proposals 140
from at least three financial institutions, issuers of financial 141
transaction devices, or processors of financial transaction 142
devices, as appropriate in accordance with the resolution 143
adopted under division (B) of this section. Prior to sending any 144
financial institution, issuer, or processor a copy of any such 145
request, the county shall advertise its intent to request 146
proposals in a newspaper of general circulation in the county 147
once a week for two consecutive weeks or as provided in section 148
7.16 of the Revised Code. The notice shall state that the county 149
intends to request proposals; specify the purpose of the 150
request; indicate the date, which shall be at least ten days 151
after the second publication, on which the request for proposals 152
will be mailed to financial institutions, issuers, or 153
processors; and require that any financial institution, issuer, 154
or processor, whichever is appropriate, interested in receiving 155
the request for proposals submit written notice of this interest 156
to the county not later than noon of the day on which the 157
request for proposals will be mailed. 158

Upon receiving the proposals, the administrative agent 159
shall review them and make a recommendation to the board of 160
county commissioners on which proposals to accept. The board of 161
county commissioners shall consider the agent's recommendation 162
and review all proposals submitted, and then may choose to 163
contract with any or all of the entities submitting proposals, 164
as appropriate. The board shall provide any financial 165

institution, issuer, or processor that submitted a proposal, but 166
with which the board does not enter into a contract, notice that 167
its proposal is rejected. The notice shall state the reasons for 168
the rejection, indicate whose proposals were accepted, and 169
provide a copy of the terms and conditions of the successful 170
bids. 171

(D) A board of county commissioners adopting a resolution 172
under this section shall send a copy of the resolution to each 173
county official in the county who is authorized by the 174
resolution to accept payments by financial transaction devices. 175
After receiving the resolution and before accepting payments by 176
financial transaction devices, a county official shall provide 177
written notification to the board of county commissioners of the 178
official's intent to implement the resolution within the 179
official's office. Each county office subject to the board's 180
resolution adopted under division (B) of this section may use 181
only the financial institutions, issuers of financial 182
transaction devices, and processors of financial transaction 183
devices with which the board of county commissioners contracts, 184
and each such office is subject to the terms of those contracts. 185

If a county office under the authority of a county 186
official is directly responsible for collecting one or more 187
county expenses and the county official determines not to accept 188
payments by financial transaction devices for one or more of 189
those expenses, the office shall not be required to accept 190
payments by financial transaction devices, notwithstanding the 191
adoption of a resolution by the board of county commissioners 192
under this section. 193

Any office of a clerk of the court of common pleas that 194
accepts financial transaction devices on or before July 1, 1999, 195

and any other county office that accepted such devices before 196
January 1, 1998, may continue to accept such devices without 197
being subject to any resolution passed by the board of county 198
commissioners under division (B) of this section, or any other 199
oversight by the board of the office's financial transaction 200
devices program. Any such office may use surcharges or 201
convenience fees in any manner the county official in charge of 202
the office determines to be appropriate, and, if the county 203
treasurer consents, may appoint the county treasurer to be the 204
office's administrative agent for purposes of accepting 205
financial transaction devices. In order not to be subject to the 206
resolution of the board of county commissioners adopted under 207
division (B) of this section, a county office shall notify the 208
board in writing within thirty days after March 30, 1999, that 209
it accepted financial transaction devices prior to January 1, 210
1998, or, in the case of the office of a clerk of the court of 211
common pleas, the clerk has accepted or will accept such devices 212
on or before July 1, 1999. Each such notification shall explain 213
how processing costs associated with financial transaction 214
devices are being paid and shall indicate whether surcharge or 215
convenience fees are being passed on to consumers. 216

(E) A board of county commissioners may establish a 217
surcharge or convenience fee that may be imposed upon a person 218
making payment by a financial transaction device. The surcharge 219
or convenience fee shall not be imposed unless authorized or 220
otherwise permitted by the rules prescribed by an agreement 221
governing the use and acceptance of the financial transaction 222
device. 223

If a surcharge or convenience fee is imposed, every county 224
office accepting payment by a financial transaction device, 225
regardless of whether that office is subject to a resolution 226

adopted by a board of county commissioners, shall clearly post a 227
notice in that office and shall notify each person making a 228
payment by such a device about the surcharge or fee. Notice to 229
each person making a payment shall be provided regardless of the 230
medium used to make the payment and in a manner appropriate to 231
that medium. Each notice shall include all of the following: 232

(1) A statement that there is a surcharge or convenience 233
fee for using a financial transaction device; 234

(2) The total amount of the charge or fee expressed in 235
dollars and cents for each transaction, or the rate of the 236
charge or fee expressed as a percentage of the total amount of 237
the transaction, whichever is applicable; 238

(3) A clear statement that the surcharge or convenience 239
fee is nonrefundable. 240

(F) If a person elects to make a payment to the county by 241
a financial transaction device and a surcharge or convenience 242
fee is imposed, the payment of the surcharge or fee shall be 243
considered voluntary and the surcharge or fee is not refundable. 244

(G) If a person makes payment by financial transaction 245
device and the payment is returned or dishonored for any reason, 246
the person is liable to the county for payment of a penalty over 247
and above the amount of the expense due. The board of county 248
commissioners shall determine the amount of the penalty, which 249
may be either a fee not to exceed twenty dollars or payment of 250
the amount necessary to reimburse the county for banking 251
charges, legal fees, or other expenses incurred by the county in 252
collecting the returned or dishonored payment. The remedies and 253
procedures provided in this section are in addition to any other 254
available civil or criminal remedies provided by law. 255

(H) No person making any payment by financial transaction device to a county office shall be relieved from liability for the underlying obligation except to the extent that the county realizes final payment of the underlying obligation in cash or its equivalent. If final payment is not made by the financial transaction device issuer or other guarantor of payment in the transaction, the underlying obligation shall survive and the county shall retain all remedies for enforcement that would have applied if the transaction had not occurred.

(I) A county official or employee who accepts a financial transaction device payment in accordance with this section and any applicable state or local policies or rules is immune from personal liability for the final collection of such payments.

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

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

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

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

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

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

(3) In any other public place;

(4) Except as provided in division (D) or (E) of this

section, while operating or being a passenger in or on a motor 284
vehicle on any street, highway, or other public or private 285
property open to the public for purposes of vehicular travel or 286
parking; 287

(5) Except as provided in division (D) or (E) of this 288
section, while being in or on a stationary motor vehicle on any 289
street, highway, or other public or private property open to the 290
public for purposes of vehicular travel or parking. 291

(C) (1) A person may have in the person's possession an 292
opened container of any of the following: 293

(a) Beer or intoxicating liquor that has been lawfully 294
purchased for consumption on the premises where bought from the 295
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 296
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 297
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, D-9, E, F, F-2, F- 298
5, F-7, or F-8 permit; 299

(b) Beer, wine, or mixed beverages served for consumption 300
on the premises by the holder of an F-3 permit, wine served as a 301
tasting sample by an A-2, A-2f, S-1, or S-2 permit holder for 302
consumption on the premises of a farmers market for which an F- 303
10 permit has been issued, or wine served for consumption on the 304
premises by the holder of an F-4 or F-6 permit; 305

(c) Beer or intoxicating liquor consumed on the premises 306
of a convention facility as provided in section 4303.201 of the 307
Revised Code; 308

(d) Beer or intoxicating liquor to be consumed during 309
tastings and samplings approved by rule of the liquor control 310
commission; 311

(e) Spirituous liquor to be consumed for purposes of a 312

tasting sample, as defined in section 4301.171 of the Revised Code. 313
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(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres. 315
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(3) (a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued. 326
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(b) As used in division (C) (3) (a) of this section: 335

(i) "Orchestral performance" means a concert comprised of a group of not fewer than forty musicians playing various musical instruments. 336
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(ii) "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than one hundred fifty acres of land and that is open for performances 339
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from the first day of April to the last day of October of each 342
year. 343

(4) A person may have in the person's possession an opened 344
or unopened container of beer or intoxicating liquor at an 345
outdoor location at which the person is attending an orchestral 346
performance as defined in division (C) (3) (b) (i) of this section 347
if the person with supervision and control over the performance 348
grants permission for the possession and consumption of beer or 349
intoxicating liquor in certain predesignated areas of that 350
outdoor location. 351

(5) A person may have in the person's possession on an F-9 352
liquor permit premises an opened or unopened container of beer 353
or intoxicating liquor that was not purchased from the holder of 354
the F-9 permit if the person is attending either of the 355
following: 356

(a) An orchestral performance and the F-9 permit holder 357
grants permission for the possession and consumption of beer or 358
intoxicating liquor in certain predesignated areas of the 359
premises during the period for which the F-9 permit is issued; 360

(b) An outdoor performing arts event or orchestral 361
performance that is free of charge and the F-9 permit holder 362
annually hosts not less than twenty-five other events or 363
performances that are free of charge on the permit premises. 364

As used in division (C) (5) of this section, "orchestral 365
performance" has the same meaning as in division (C) (3) (b) of 366
this section. 367

(6) (a) A person may have in the person's possession on the 368
property of an outdoor motorsports facility an opened or 369
unopened container of beer or intoxicating liquor that was not 370

purchased from the owner of the facility if both of the	371
following apply:	372
(i) The person is attending a racing event at the	373
facility; and	374
(ii) The owner of the facility grants permission for the	375
possession and consumption of beer or intoxicating liquor on the	376
property of the facility.	377
(b) As used in division (C) (6) (a) of this section:	378
(i) "Racing event" means a motor vehicle racing event	379
sanctioned by one or more motor racing sanctioning	380
organizations.	381
(ii) "Outdoor motorsports facility" means an outdoor	382
racetrack to which all of the following apply:	383
(I) It is two and four-tenths miles or more in length.	384
(II) It is located on two hundred acres or more of land.	385
(III) The primary business of the owner of the facility is	386
the hosting and promoting of racing events.	387
(IV) The holder of a D-1, D-2, or D-3 permit is located on	388
the property of the facility.	389
(7) (a) A person may have in the person's possession an	390
opened container of beer or intoxicating liquor at an outdoor	391
location within an outdoor refreshment area created under	392
section 4301.82 of the Revised Code if the opened container of	393
beer or intoxicating liquor was purchased from an A-1, A-1-A, A-	394
1c, A-2, A-2f, D class, or F class permit holder to which both	395
of the following apply:	396
(i) The permit holder's premises is located within the	397

outdoor refreshment area.	398
(ii) The permit held by the permit holder has an outdoor refreshment area designation.	399 400
(b) Division (C) (7) of this section does not authorize a person to do either of the following:	401 402
(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;	403 404 405
(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.	406 407 408 409
(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.	410 411
(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:	412 413 414 415 416
(i) The market grants permission for the possession and consumption of beer and intoxicating liquor within the defined F-8 permit premises;	417 418 419
(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.	420 421 422 423
(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	424 425

in operation since 1860. 426

(D) This section does not apply to a person who pays all 427
or a portion of the fee imposed for the use of a chauffeured 428
limousine pursuant to a prearranged contract, or the guest of 429
the person, when all of the following apply: 430

(1) The person or guest is a passenger in the limousine. 431

(2) The person or guest is located in the limousine, but 432
is not occupying a seat in the front compartment of the 433
limousine where the operator of the limousine is located. 434

(3) The limousine is located on any street, highway, or 435
other public or private property open to the public for purposes 436
of vehicular travel or parking. 437

(E) An opened bottle of wine that was purchased from the 438
holder of a permit that authorizes the sale of wine for 439
consumption on the premises where sold is not an opened 440
container for the purposes of this section if both of the 441
following apply: 442

(1) The opened bottle of wine is securely resealed by the 443
permit holder or an employee of the permit holder before the 444
bottle is removed from the premises. The bottle shall be secured 445
in such a manner that it is visibly apparent if the bottle has 446
been subsequently opened or tampered with. 447

(2) The opened bottle of wine that is resealed in 448
accordance with division (E) (1) of this section is stored in the 449
trunk of a motor vehicle or, if the motor vehicle does not have 450
a trunk, behind the last upright seat or in an area not normally 451
occupied by the driver or passengers and not easily accessible 452
by the driver. 453

(F) (1) Except if an ordinance or resolution is enacted or 454
adopted under division (F) (2) of this section, this section does 455
not apply to a person who, pursuant to a prearranged contract, 456
is a passenger riding on a commercial quadricycle when all of 457
the following apply: 458

(a) The person is not occupying a seat in the front of the 459
commercial quadricycle where the operator is steering or 460
braking. 461

(b) The commercial quadricycle is being operated on a 462
street, highway, or other public or private property open to the 463
public for purposes of vehicular travel or parking. 464

(c) The person has in their possession on the commercial 465
quadricycle an opened container of beer or wine. 466

(d) The person has in their possession on the commercial 467
quadricycle not more than either thirty-six ounces of beer or 468
eighteen ounces of wine. 469

(2) The legislative authority of a municipal corporation 470
or township may enact an ordinance or adopt a resolution, as 471
applicable, that prohibits a passenger riding on a commercial 472
quadricycle from possessing an opened container of beer or wine. 473

(3) As used in this section, "commercial quadricycle" 474
means a vehicle that has fully-operative pedals for propulsion 475
entirely by human power and that meets all of the following 476
requirements: 477

(a) It has four wheels and is operated in a manner similar 478
to a bicycle. 479

(b) It has at least five seats for passengers. 480

(c) It is designed to be powered by the pedaling of the 481

operator and the passengers.	482
(d) It is used for commercial purposes.	483
(e) It is operated by the vehicle owner or an employee of the owner.	484 485
(G) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market.	486 487 488 489 490
As used in division (G) of this section, "market" means an establishment that:	491 492
(1) Leases space in the market to individual vendors, not less than fifty per cent of which are retail food establishments or food service operations licensed under Chapter 3717. of the Revised Code;	493 494 495 496
(2) Has an indoor sales floor area of not less than twenty-two thousand square feet;	497 498
(3) Hosts a farmer's market on each Saturday from April through December.	499 500
(H) (1) As used in this section, "alcoholic beverage" has the same meaning as in section 4303.185 of the Revised Code.	501 502
(2) An alcoholic beverage in a closed container being transported under section 4303.185 of the Revised Code to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing.	503 504 505 506 507 508

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

(1) Consumption of the opened container of beer or intoxicating liquor occurs in the area of the airport terminal that is restricted to persons taking flights to and from the airport; and

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

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

Sec. 4303.186. (A) As used in this section, "disposable container" means a receptacle that is disposable and that has a capacity to hold not more than either of the following:

(1) Sixteen ounces of beer;

(2) Twelve ounces of wine or mixed beverage.

"Disposable container" includes a bottle or can of beer, wine, or mixed beverage produced by the original manufacturer.

(B) The division of liquor control may issue a D-9 permit to an establishment to sell beer, wine, or mixed beverages in disposable containers at retail for on-premises consumption. The establishment shall make such sales for not more than one hundred five calendar days per year. The days need not be consecutive. The owner of the establishment shall do both of the

following: 537

(1) Ensure that a mobile retail food establishment or a 538
mobile food service operation licensed under Chapter 3717. of 539
the Revised Code serves food on the premises of the D-9 permit 540
holder during the same hours that beer, wine, or mixed beverages 541
are sold by the D-9 permit holder; 542

(2) Sell beer, wine, or mixed beverages during the same 543
hours as the holders of D-5 permits under this chapter or 544
Chapter 4301. of the Revised Code or the rules of the liquor 545
control commission. 546

(C) The division only may issue a D-9 permit if the 547
premises for which the D-9 permit is sought is in compliance 548
with all of the following: 549

(1) The premises is located on not less than ninety acres 550
of land. 551

(2) The premises has a total fixed seating capacity for 552
not less than two thousand people. 553

(3) The premises is located in a precinct, or at a 554
particular location in a precinct, in which the sale of beer, 555
wine, and mixed beverages is otherwise permitted by law. 556

(4) The premises primarily hosts automobile sports, 557
including drag racing. 558

(5) The premises is located in the unincorporated area of 559
a township with a population of less than fifteen thousand and 560
in a county with a population of less than one hundred thirty 561
thousand. For purposes of division (C) (5) of this section, the 562
population of a township and county is considered to be the 563
population shown by the most recent regular federal decennial 564

<u>census.</u>	565
<u>(D) In addition, the premises of a D-9 permit holder need</u>	566
<u>not:</u>	567
<u>(1) Have an adequate supply of hot and cold running water</u>	568
<u>from a source satisfactory to the local board of health of the</u>	569
<u>health district in which that premises is located;</u>	570
<u>(2) Have separate toilet facilities for men and women;</u>	571
<u>(3) Have water-flushed toilets. In place of water-flushed</u>	572
<u>toilets, the D-9 permit holder shall install portable toilets on</u>	573
<u>the premises. The portable toilets shall be installed in</u>	574
<u>accordance with the local board of health of the health district</u>	575
<u>in which the premises is located.</u>	576
<u>(4) Have a wash bowl with running water for each portable</u>	577
<u>toilet. In place of a wash bowl with running water, the D-9</u>	578
<u>permit holder shall install hand sanitizer stations outside each</u>	579
<u>portable toilet.</u>	580
<u>(E) The fee for the D-9 permit is five hundred dollars.</u>	581
Section 2. That existing sections 301.28 and 4301.62 of	582
the Revised Code are hereby repealed.	583