

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 306

Representatives Hillyer, Barhorst

A BILL

To amend sections 1333.82, 4303.02, and 4303.022 of
the Revised Code to revise the Alcohol Franchise
Law and other provisions of the liquor control
laws.

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

Section 1. That sections 1333.82, 4303.02, and 4303.022 of
the Revised Code be amended to read as follows:

Sec. 1333.82. As used in sections 1333.82 to 1333.87 of
the Revised Code:

~~(A)~~—"Alcoholic beverages" means beer and wine as defined
in section 4301.01 of the Revised Code.

"Barrel of beer" means thirty-one gallons of beer.

~~(B)~~—"Manufacturer" means a person, whether located in this
state or elsewhere, that manufactures or supplies alcoholic
beverages to distributors in this state. "Manufacturer" does not
include a beer manufacturer that produced two hundred fifty
thousand or less barrels of beer in the preceding calendar year.

~~(C)~~—"Distributor" means a person that sells or distributes
alcoholic beverages to retail permit holders in this state, but

does not include the state or any of its political subdivisions. 19

~~(D)~~ "Franchise" means a contract or any other legal device 20
used to establish a contractual relationship between a 21
manufacturer and a distributor. 22

~~(E)~~ "Good faith" means the duty of any party to any 23
franchise, and all officers, employees, or agents of any party 24
to any franchise, to act in a fair and equitable manner toward 25
each other so as to guarantee each party freedom from coercion 26
or intimidation; except that recommendation, endorsement, 27
exposition, persuasion, urging, or argument shall not be 28
considered to constitute a lack of good faith or coercion. 29

~~(F)~~ "Brand," as applied to wine, means a wine different 30
from any other wine in respect to type, brand, trade name, or 31
container size. 32

~~(G)~~ "Sales area or territory" means an exclusive 33
geographic area or territory that is assigned to a particular A 34
or B permit holder and that either has one or more political 35
subdivisions as its boundaries or consists of an area of land 36
with readily identifiable geographic boundaries. "Sales area or 37
territory" does not include, however, any particular retail 38
location in an exclusive geographic area or territory that had 39
been assigned to another A or B permit holder before April 9, 40
2001. 41

Sec. 4303.02. As used in this section, "barrel of beer" 42
means thirty-one gallons of beer. 43

Permit A-1 may be issued to a manufacturer to manufacture 44
beer and sell beer products in bottles or containers ~~for home-~~ 45
~~use and~~ to wholesale permit holders under rules adopted by the 46
division of liquor control if the manufacturer's total 47

production of beer, wherever produced, will exceed ~~thirty-one-~~ 48
one million gallons-barrels of beer in a calendar year. In 49
addition, an A-1 permit holder may sell beer manufactured on the 50
premises at retail, by individual drink in a glass or from a 51
container, for consumption on the premises where sold. The fee 52
for this permit is three thousand nine hundred six dollars for 53
each plant during the year covered by the permit. 54

Sec. 4303.022. (A) As used in this section, "barrel of 55
beer" has the same meaning as in section 4303.02 of the Revised 56
Code. 57

(B) Permit A-1c may be issued to a manufacturer to 58
manufacture beer and sell beer products in bottles or containers- 59
for home use and to retail and wholesale permit holders under 60
rules adopted by the division of liquor control if the 61
manufacturer's total production of beer, wherever produced, will 62
not exceed ~~thirty-one-~~ one million gallons-barrels of beer in a 63
calendar year. An A-1c permit holder also may do either of the 64
following: 65

(1) If a manufacturer's total production of beer, wherever 66
produced, did not exceed two hundred fifty thousand barrels of 67
beer in the preceding calendar year, sell beer products in 68
bottles or containers for home use and to retail and wholesale 69
permit holders under rules adopted by the division; 70

(2) If a manufacturer's total production of beer, wherever 71
produced, exceeded two hundred fifty thousand barrels of beer in 72
the preceding calendar year, sell beer products in bottles or 73
containers to wholesale permit holders under rules adopted by 74
the division. 75

(C) In addition, an A-1c permit holder may sell beer 76

manufactured on premises at retail, by individual drink in a 77
glass or from a container, for consumption on the premises where 78
sold. ~~The~~ 79

(D) The fee for ~~this the A-1c~~ permit is one thousand 80
dollars for each plant during the year covered by the permit. 81

Section 2. That existing sections 1333.82, 4303.02, and 82
4303.022 of the Revised Code are hereby repealed. 83