

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 170

**Senators DeMora, Lang
Cosponsor: Senator Wilson**

A BILL

To amend sections 4301.22, 4301.24, 4301.32, 1
4301.322, 4301.33, 4301.332, 4301.333, 4301.353, 2
4301.355, 4301.362, 4301.365, 4301.366, 4301.37, 3
4301.39, 4301.403, 4301.404, 4301.99, 4303.184, 4
4303.19, 4303.202, 4303.203, 4303.204, 4303.205, 5
and 4303.99; to enact new section 4303.182; and 6
to repeal sections 4301.351, 4301.354, 4301.361, 7
4301.364, and 4303.182 of the Revised Code to 8
alter the law relative to Sunday sales of beer 9
and intoxicating liquor and make other specified 10
changes to the liquor control law. 11

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

Section 1. That sections 4301.22, 4301.24, 4301.32, 12
4301.322, 4301.33, 4301.332, 4301.333, 4301.353, 4301.355, 13
4301.362, 4301.365, 4301.366, 4301.37, 4301.39, 4301.403, 14
4301.404, 4301.99, 4303.184, 4303.19, 4303.202, 4303.203, 15
4303.204, 4303.205, and 4303.99 be amended and new section 16
4303.182 of the Revised Code be enacted to read as follows: 17

Sec. 4301.22. Sales of beer and intoxicating liquor under 18

all classes of permits and from state liquor stores are subject 19
to the following restrictions, in addition to those imposed by 20
the rules or orders of the division of liquor control: 21

(A) (1) Except as otherwise provided in this chapter, no 22
beer or intoxicating liquor shall be sold to any person under 23
twenty-one years of age. 24

(2) No low-alcohol beverage shall be sold to any person 25
under eighteen years of age. No permit issued by the division 26
shall be suspended, revoked, or canceled because of a violation 27
of division (A) (2) of this section. 28

(3) Except as provided in division (A) (4) of this section, 29
all of the following apply to the handling, serving, and selling 30
of beer and intoxicating liquor by a person employed by a permit 31
holder: 32

(a) No person under nineteen years of age shall sell beer 33
across a bar. 34

(b) No person under twenty-one years of age shall sell 35
wine, mixed beverages, or spirituous liquor across a bar. 36

(c) No person under eighteen years of age shall otherwise 37
handle, serve, or sell beer or intoxicating liquor. 38

(4) Any person employed by a permit holder may handle beer 39
or intoxicating liquor in sealed containers in connection with 40
manufacturing, storage, warehousing, placement, stocking, 41
bagging, loading, or unloading, and may handle beer or 42
intoxicating liquor in open containers in connection with 43
cleaning tables or handling empty bottles or glasses. 44

(B) No permit holder and no agent or employee of a permit 45
holder shall sell or furnish beer or intoxicating liquor to an 46

intoxicated person. 47

~~(C) No sales of intoxicating liquor shall be made after 48
two thirty a.m. on Sunday except under either of the following 49
circumstances: 50~~

~~(1) Intoxicating liquor may be sold on Sunday under 51
authority of a permit that authorizes Sunday sale. 52~~

~~(2) Spirituous liquor may be sold on Sunday by any person 53
awarded an agency contract under section 4301.17 of the Revised 54
Code if the sale of spirituous liquor is authorized in the 55
applicable precinct as the result of an election on question (B) 56
(1) or (2) of section 4301.351 of the Revised Code and if the 57
agency contract authorizes the sale of spirituous liquor on 58
Sunday. 59~~

~~This section does not prevent a municipal corporation from 60
adopting a closing hour for the sale of intoxicating liquor 61
earlier than two thirty a.m. on Sunday or to provide that no 62
intoxicating liquor may be sold prior to that hour on Sunday. 63~~

~~(D) No holder of a permit shall give away any beer or 64
intoxicating liquor of any kind at any time in connection with 65
the permit holder's business. However, with the exception of an 66
A-1-A permit holder that also has been issued an A-2 or A-2f 67
permit, an A-1-A, A-1c, or D permit holder may provide to a 68
paying customer not more than a total of four tasting samples of 69
beer, wine, or spirituous liquor, as authorized by the 70
applicable permit, in any twenty-four-hour period. The permit 71
holder shall provide the tasting samples free of charge, at the 72
permit holder's expense, only to a person who is twenty-one 73
years of age or older. The person shall consume the tasting 74
samples on the premises of the permit holder. A distributor is 75~~

not responsible for the costs of providing tasting samples 76
authorized under division ~~(D)~~(C) of this section. 77

As used in division ~~(D)~~(C) of this section: 78

(1) "Tasting sample" means one of the following, as 79
applicable: 80

(a) An amount not to exceed two ounces of beer; 81

(b) An amount not to exceed two ounces of wine; 82

(c) An amount not to exceed a quarter ounce of spirituous 83
liquor. 84

(2) "D permit holder" means a person that has been issued 85
a D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, D-5c, D-5d, 86
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D- 87
5o, ~~D-6,~~ or D-7 permit. 88

~~(E)~~(D) Except as otherwise provided in this division, no 89
retail permit holder shall display or permit the display on the 90
outside of any licensed retail premises, or on any lot of ground 91
on which the licensed premises are situated, or on the exterior 92
of any building of which the licensed premises are a part, any 93
sign, illustration, or advertisement bearing the name, brand 94
name, trade name, trade-mark, designation, or other emblem of or 95
indicating the manufacturer, producer, distributor, place of 96
manufacture, production, or distribution of any beer or 97
intoxicating liquor. Signs, illustrations, or advertisements 98
bearing the name, brand name, trade name, trade-mark, 99
designation, or other emblem of or indicating the manufacturer, 100
producer, distributor, place of manufacture, production, or 101
distribution of beer or intoxicating liquor may be displayed and 102
permitted to be displayed on the interior or in the show windows 103
of any licensed premises, if the particular brand or type of 104

product so advertised is actually available for sale on the 105
premises at the time of that display. The liquor control 106
commission shall determine by rule the size and character of 107
those signs, illustrations, or advertisements. 108

~~(F)~~ (E) No retail permit holder shall possess on the 109
licensed premises any barrel or other container from which beer 110
is drawn, unless there is attached to the spigot or other 111
dispensing apparatus the name of the manufacturer of the product 112
contained in the barrel or other container, provided that, if 113
the beer is served at a bar, the manufacturer's name or brand 114
shall appear in full view of the purchaser. The commission shall 115
regulate the size and character of the devices provided for in 116
this section. 117

~~(G)~~ (F) The sale of gift certificates for the purchase of 118
beer, wine, or mixed beverages shall be permitted for the 119
purchase of beer, wine, or mixed beverages for on- or off- 120
premises consumption. Limitations on the use of a gift 121
certificate for the purchase of beer, wine, or mixed beverages 122
for on- or off-premises consumption may be expressed by clearly 123
stamping or typing on the face of the certificate that the 124
certificate may not be used for the purchase of beer, wine, or 125
mixed beverages. 126

Sec. 4301.24. (A) Except as provided in sections 4301.242, 127
4301.245, and 4301.246 of the Revised Code, no manufacturer 128
shall aid or assist the holder of any permit for sale at 129
wholesale, and no manufacturer or wholesale distributor shall 130
aid or assist the holder of any permit for sale at retail, by 131
gift or loan of any money or property of any description or 132
other valuable thing, or by giving premiums or rebates. Except 133
as provided in sections 4301.242, 4301.245, and 4301.246 of the 134

Revised Code, no holder of any such permit shall accept the 135
same, provided that the manufacturer or wholesale distributor 136
may furnish to a retail permittee the inside signs or 137
advertising and the tap signs or devices authorized by divisions 138
~~(E)~~ (D) and ~~(F)~~ (E) of section 4301.22 of the Revised Code. 139

(B) No manufacturer shall have any financial interest, 140
directly or indirectly, by stock ownership, or through 141
interlocking directors in a corporation, or otherwise, in the 142
establishment, maintenance, or promotion in the business of any 143
wholesale distributor. No retail permit holder shall have any 144
interest, directly or indirectly, in the operation of, or any 145
ownership in, the business of any wholesale distributor or 146
manufacturer. 147

(C) (1) No manufacturer shall, except as authorized by 148
section 4303.021 of the Revised Code, have any financial 149
interest, directly or indirectly, by stock ownership, or through 150
interlocking directors in a corporation, or otherwise, in the 151
establishment, maintenance, or promotion of the business of any 152
retail dealer. No wholesale distributor or employee of a 153
wholesale distributor shall have any financial interest, 154
directly or indirectly, by stock ownership, interlocking 155
directors in a corporation, or otherwise, in the establishment, 156
maintenance, or promotion of the business of any retail dealer. 157
No manufacturer or wholesale distributor or any stockholder of a 158
manufacturer or wholesale distributor shall acquire, by 159
ownership in fee, leasehold, mortgage, or otherwise, directly or 160
indirectly, any interest in the premises on which the business 161
of any other person engaged in the business of trafficking in 162
beer or intoxicating liquor is conducted. 163

(2) All contracts, covenants, conditions, and limitations 164

whereby any person engaged or proposing to engage in the sale of 165
beer or intoxicating liquors promises to confine the person's 166
sales of a particular kind or quality of beer or intoxicating 167
liquor to one or more products, or the products of a specified 168
manufacturer or wholesale distributor, or to give preference to 169
those products, shall to the extent of that promise be void. The 170
making of a promise in any such form shall be cause for the 171
revocation or suspension of any permit issued to any party. 172

(D) No manufacturer shall sell or offer to sell to any 173
wholesale distributor or retail permit holder, no wholesale 174
distributor shall sell or offer to sell to any retail permit 175
holder, and no wholesale distributor or retail permit holder 176
shall purchase or receive from any manufacturer or wholesale 177
distributor, any beer, brewed beverages, or wine manufactured in 178
the United States except for cash. No right of action shall 179
exist to collect any claims for credit extended contrary to this 180
section. 181

This section does not prohibit a licensee from crediting 182
to a purchaser the actual prices charged for packages or 183
containers returned by the original purchaser as a credit on any 184
sale or from refunding to any purchaser the amount paid by that 185
purchaser for containers or as a deposit on containers when 186
title is retained by the vendor, if those containers or packages 187
have been returned to the manufacturer or distributor. This 188
section does not prohibit a manufacturer from extending usual 189
and customary credit for beer, brewed beverages, or wine 190
manufactured in the United States and sold to customers who live 191
or maintain places of business outside this state when the 192
beverages so sold are actually transported and delivered to 193
points outside this state. 194

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

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

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

(a) Either the manufacturer or one of its parent companies is listed on a national securities exchange.

(b) All purchases of alcoholic beverages by the C or D permit holder are made from wholesale distributors in this state or agency stores licensed by the division of liquor control.

(c) If the C or D permit holder sells brands of alcoholic beverages that are produced or distributed by the manufacturer that holds the financial interest, the C or D permit holder also sells other competing brands of alcoholic beverages produced by other manufacturers, no preference is given to the products of the manufacturer, and there is no exclusion, in whole or in part, of products sold or offered for sale by other

manufacturers, suppliers, or importers of alcoholic beverages	224
that constitutes a substantial impairment of commerce.	225
(d) The primary purpose of the C or D permit premises is a	226
purpose other than to sell alcoholic beverages, and the sale of	227
other goods and services exceeds fifty per cent of the total	228
gross receipts of the C or D permit holder at its premises.	229
(2) A manufacturer from giving financial assistance to the	230
holder of a B permit for the purpose of the holder purchasing an	231
ownership interest in the business, existing inventory and	232
equipment, or property of another B permit holder, including,	233
but not limited to, participation in a limited liability	234
partnership, limited liability company, or any other legal	235
entity authorized to do business in this state. However, this	236
section does not permit a manufacturer to give financial	237
assistance to the holder of a B permit to purchase inventory or	238
equipment used in the daily operation of a B permit holder.	239
(3) A manufacturer or subsidiary of a manufacturer from	240
continuing to operate a wholesale distribution franchise or	241
distribute beer or wine within a designated territory if prior	242
to July 30, 2013, the manufacturer either acquired the	243
distribution franchise or territory, or awarded the franchise or	244
territory to itself or a subsidiary.	245
(4) A manufacturer from securing and holding an A-1c or B-	246
2a permit or permits and operating as a wholesale distributor	247
pursuant to such permits.	248
(5) A manufacturer from renting or leasing property to the	249
holder of an F class permit for purposes of an event for which	250
the F class permit has been issued.	251
(6) A permit holder that sells beer or intoxicating liquor	252

at retail from conducting, sponsoring, or hosting an event for 253
homemade brewers in accordance with section 4301.201 of the 254
Revised Code. 255

Sec. 4301.32. The privilege of local option as to the sale 256
of intoxicating liquors is hereby conferred upon the electors of 257
an election precinct named by the petition authorized by section 258
4301.33 of the Revised Code. 259

Upon the request of an elector, a board of elections of a 260
county that encompasses an election precinct shall furnish to 261
the elector a copy of the instructions prepared by the secretary 262
of state under division (P) of section 3501.05 of the Revised 263
Code and, within fifteen days after the request, with a 264
certificate indicating the number of valid signatures that will 265
be required upon a petition to hold a special election in that 266
precinct on a question specified in section 4301.35 ~~or 4301.351~~ 267
of the Revised Code. 268

Sec. 4301.322. The electors of an election precinct may 269
exercise the privilege of local option under ~~sections~~ section 270
4301.353 ~~and 4301.354~~ of the Revised Code on the sale of beer, 271
the sale of wine and mixed beverages, or the sale of spirituous 272
liquor, ~~on Sunday or on other days of the week,~~ in a portion of 273
the precinct in which the status of such sales as allowed or 274
prohibited is inconsistent with the status of such sales in the 275
remainder of the precinct because of a change in precinct 276
boundaries by the board of elections or an annexation of 277
territory to a municipal corporation. The privilege conferred by 278
this section is in addition to the privilege conferred on the 279
electors of an election precinct as specified in section 280
4301.32, 4301.321, 4303.29, or 4305.14 of the Revised Code. 281

Sec. 4301.33. (A) The board of elections shall provide to 282

a petitioner circulating a petition for an election for the 283
submission of one or more of the questions specified in section 284
4301.35 ~~or 4301.351~~ of the Revised Code, at the time of taking 285
out the petition, both of the following: 286

(1) The names of the streets and, if appropriate, the 287
address numbers of residences and business establishments within 288
the precinct in which the election is sought; 289

(2) A form prescribed by the secretary of state for 290
notifying affected permit holders and liquor agency stores of 291
the circulation of a petition for an election for the submission 292
of one or more of the questions specified in section 4301.35 ~~or~~ 293
~~4301.351~~ of the Revised Code. 294

The petitioner shall, not less than fifty-five days before 295
the petition-filing deadline for the election, as provided in 296
this section, file with the division of liquor control the 297
information regarding names of streets and, if appropriate, 298
address numbers of residences and business establishments 299
provided by the board of elections, and specify to the division 300
the precinct that is concerned and that would be affected by the 301
results of the election and the filing deadline. The division 302
shall, within a reasonable period of time and not later than 303
twenty-five days before the filing deadline, supply the 304
petitioner with a list of the names and addresses of permit 305
holders and liquor agency stores, if any, that would be affected 306
by the election. The list shall contain a heading with the 307
following words: "Liquor permit holders and liquor agency stores 308
that would be affected by the question(s) set forth on petition 309
for a local option election." 310

Within five days after a petitioner has received from the 311
division the list of liquor permit holders and liquor agency 312

stores, if any, that would be affected by the question or 313
questions set forth on a petition for local option election, the 314
petitioner shall, using the form provided by the board of 315
elections, notify by certified mail each permit holder and 316
liquor agency store whose name appears on that list. The form 317
for notifying affected permit holders and liquor agency stores 318
shall require the petitioner to state the petitioner's name and 319
street address and shall contain a statement that a petition is 320
being circulated for an election for the submission of the 321
question or questions specified in section 4301.35 ~~or 4301.351~~ 322
of the Revised Code. The form shall require the petitioner to 323
state the question or questions to be submitted as they appear 324
on the petition. 325

The petitioner shall attach a copy of the list provided by 326
the division to each petition paper. A part petition paper 327
circulated at any time without the list of affected permit 328
holders and liquor agency stores attached to it is invalid. 329

At the time the petitioner files the petition with the 330
board of elections, the petitioner shall provide to the board 331
the list supplied by the division and an affidavit certifying 332
that the petitioner notified all affected permit holders and 333
liquor agency stores, if any, on the list in the manner and 334
within the time required in this section and that, at the time 335
each signer of the petition affixed the signer's signature to 336
the petition, the petition paper contained a copy of the list of 337
affected permit holders and liquor agency stores. 338

Within five days after receiving a petition, the board 339
shall give notice by certified mail that it has received the 340
petition to all liquor permit holders and liquor agency stores, 341
if any, whose names appear on the list of affected permit 342

holders and liquor agency stores filed by the petitioner. 343
Failure of the petitioner to supply the affidavit required by 344
this section and a complete and accurate list of liquor permit 345
holders and liquor agency stores, if any, invalidates the entire 346
petition. The board of elections shall provide to a permit 347
holder or liquor agency store that would be affected by a 348
proposed local option election, on the permit holder's or liquor 349
agency store's request, the names of the streets, and, if 350
appropriate, the address numbers of residences and business 351
establishments within the precinct in which the election is 352
sought that would be affected by the results of the election. 353
The board may charge a reasonable fee for this information when 354
provided to the petitioner and the permit holder or liquor 355
agency store. 356

(B) The petitioner shall present the petition to the board 357
of elections of the county where the precinct is located not 358
later than four p.m. of the ninetieth day before the day of a 359
general election or a special election held on a day on which a 360
primary election may be held. ~~The petitioner shall ensure that~~ 361
~~the petition designates whether it is a petition for an election~~ 362
~~for the submission of one or more of the questions specified in~~ 363
~~section 4301.35 of the Revised Code, or a petition for the~~ 364
~~submission of one or more of the questions specified in section~~ 365
~~4301.351 of the Revised Code.~~ The petitioner also shall ensure 366
that the petition designates the particular question or 367
questions specified in section 4301.35 ~~or 4301.351~~ of the 368
Revised Code that are to be submitted. The petition shall be 369
signed by the number of qualified electors of the precinct 370
concerned as specified in division (C) of this section. 371

The board shall submit the question or questions specified 372
in the petition to the electors of the precinct concerned, on 373

the day of the next general election or the next special 374
election held on a day on which a primary election may be held, 375
whichever occurs first and shall proceed as follows: 376

(1) Such board shall, not later than the seventy-eighth 377
day before the day of the election for which the question or 378
questions on the petition would qualify for submission to the 379
electors of the precinct, examine and determine the sufficiency 380
of the signatures and review, examine, and determine the 381
validity of the petition and, in case of overlapping precinct 382
petitions presented within that period, determine which of the 383
petitions shall govern the further proceedings of the board. In 384
the case where the board determines that two or more overlapping 385
petitions are valid, the earlier filed petition shall govern. 386
The board shall certify the sufficiency and validity of any 387
petition determined to be valid. The board shall determine the 388
validity of the petition as of the time of certification as 389
described in this division. 390

(2) If a petition is sufficient, and, in case of 391
overlapping precinct petitions, after the board has determined 392
the governing petition, the board to which the petition has been 393
presented shall order the holding of a special election in the 394
precinct for the submission of whichever of the questions 395
specified in section 4301.35 or ~~4301.351~~ of the Revised Code are 396
designated in the petition, on the day of the next general 397
election or the next special election held on a day on which a 398
primary election may be held, whichever occurs first. 399

(3) All petitions filed with a board of elections under 400
this section shall be open to public inspection under rules 401
adopted by the board. 402

(4) Protest against local option petitions may be filed by 403

any elector eligible to vote on the question or questions 404
described in the petitions or by a permit holder or liquor 405
agency store in the precinct as described in the petitions, not 406
later than four p.m. of the seventy-fourth day before the day of 407
the general or special election for which the petition 408
qualified. The protest shall be in writing and shall be filed 409
with the election officials with whom the petition was filed. 410
Upon filing of the protest, the election officials with whom it 411
is filed shall promptly fix the time for hearing it, and shall 412
mail notice of the filing of the protest and the time and place 413
for hearing it to the person who filed the petition and to the 414
person who filed the protest. At the time and place fixed, the 415
election officials shall hear the protest and determine the 416
validity of the petition. 417

(C) A petition presented to a board of elections under 418
division (B) of this section shall be signed by ~~the following~~ 419
~~number of qualified electors:~~ 420

~~(1) If the petition is for an election for the submission~~ 421
~~of one or more of the questions specified in section 4301.35 of~~ 422
~~the Revised Code, an amount of qualified electors of the~~ 423
~~precinct equal in number to thirty five per cent of the total~~ 424
~~number of votes cast in the precinct concerned for the office of~~ 425
~~governor at the preceding general election for that office;~~ 426

~~(2) If the petition is for an election for the submission~~ 427
~~of one or more of the questions specified in section 4301.35 of~~ 428
~~the Revised Code and the submission of one or more of the~~ 429
~~questions specified in section 4301.351 of the Revised Code, an~~ 430
~~amount of qualified electors of the precinct equal in number to~~ 431
~~thirty five per cent of the total number of votes cast in the~~ 432
~~precinct concerned for the office of governor at the preceding~~ 433

~~general election for that office;~~ 434

~~(3) If the petition is for an election for the submission~~ 435
~~of one or more of the questions specified in section 4301.351 of~~ 436
~~the Revised Code, fifty electors.~~ 437

Sec. 4301.332. (A) The board of elections shall provide to 438
a petitioner circulating a petition for an election for the 439
submission of one or more of the questions specified in section 440
4301.353 ~~or 4301.354~~ of the Revised Code, at the time of taking 441
out the petition, both of the following: 442

(1) The names of the streets and, if appropriate, the 443
address numbers of residences and business establishments within 444
the precinct that would be affected by the results of the 445
election; 446

(2) A form prescribed by the secretary of state for 447
notifying affected permit holders of the circulation of a 448
petition for an election for the submission of one or more of 449
the questions specified in section 4301.353 ~~or 4301.354~~ of the 450
Revised Code. 451

The petitioner shall, not less than fifty-five days before 452
the petition-filing deadline for the election, as provided in 453
this section, file with the division of liquor control the 454
information regarding names of streets and, if appropriate, 455
address numbers of residences and business establishments 456
provided by the board of elections, and specify to the division 457
the portion of the precinct that would be affected by the 458
results of the election and the filing deadline. The division 459
shall, within a reasonable period of time and not later than 460
twenty-five days before the filing deadline, supply the 461
petitioner with a list of the names and addresses of permit 462

holders, if any, who would be affected by the election. The list 463
shall contain a heading with the following words: "Liquor permit 464
holders who would be affected by the question(s) set forth on 465
petition for a local option election." 466

Within five days after a petitioner has received from the 467
division the list of liquor permit holders, if any, who would be 468
affected by the question or questions set forth on a petition 469
for local option election, the petitioner, using the form 470
provided by the board of elections, shall notify by certified 471
mail each permit holder whose name appears on that list. The 472
form for notifying affected permit holders shall require the 473
petitioner to state the petitioner's name and street address and 474
shall contain a statement that a petition is being circulated 475
for an election for the submission of the question or questions 476
specified in section 4301.353 ~~or 4301.354~~ of the Revised Code. 477
The form shall require the petitioner to state the question or 478
questions to be submitted as they appear on the petition. 479

The petitioner shall attach a copy of the list provided by 480
the division to each petition paper. A part petition paper 481
circulated at any time without the list of affected permit 482
holders attached to it is invalid. 483

At the time the petitioner files the petition with the 484
board of elections, the petitioner shall provide to the board 485
the list supplied by the division and an affidavit certifying 486
that the petitioner notified all affected permit holders, if 487
any, on the list in the manner and within the time required in 488
this section and that, at the time each signer of the petition 489
affixed the signer's signature to the petition, the petition 490
paper contained a copy of the list of affected permit holders. 491

Within five days after receiving a petition, the board 492

shall give notice by certified mail that it has received the 493
petition to all liquor permit holders, if any, whose names 494
appear on the list of affected permit holders filed by the 495
petitioner as furnished by the division. Failure of the 496
petitioner to supply the affidavit required by this section and 497
a complete and accurate list of liquor permit holders as 498
furnished by the division invalidates the entire petition. The 499
board of elections shall provide to a permit holder who would be 500
affected by a proposed local option election, on the permit 501
holder's request, the names of the streets, and, if appropriate, 502
the address numbers of residences and business establishments 503
within the portion of the precinct that would be affected by the 504
results of the election. The board may charge a reasonable fee 505
for this information when provided to the petitioner and the 506
permit holder. 507

This division does not apply to an election held under 508
section 4301.353 ~~or 4301.354~~ of the Revised Code if the results 509
of the election would not affect any permit holder. 510

(B) The petitioner shall present the petition to the board 511
of elections of the county where the precinct is located not 512
later than four p.m. of the ninetieth day before the day of a 513
general election or a special election held on a day on which a 514
primary election may be held. ~~The petitioner shall ensure that~~ 515
~~the petition designates whether it is a petition for an election~~ 516
~~for the submission of one or both of the questions specified in~~ 517
~~section 4301.353 of the Revised Code or a petition for the~~ 518
~~submission of one or more of the questions specified in section~~ 519
~~4301.354 of the Revised Code. The petitioner also shall ensure~~ 520
that the petition designates the particular question or 521
questions specified in section 4301.353 ~~or 4301.354~~ of the 522
Revised Code that are to be submitted. The petition shall be 523

signed by the number of qualified electors of the precinct 524
concerned as required in division (E) of this section. 525

The board shall submit the question or questions specified 526
in the petition to the electors of the precinct concerned, on 527
the day of the next general election or the next special 528
election held on a day on which a primary election may be held, 529
whichever occurs first and shall proceed as follows: 530

(1) Such board shall, not later than the seventy-eighth 531
day before the day of the election for which the question or 532
questions on the petition would qualify for submission to the 533
electors of the precinct, examine and determine the sufficiency 534
of the signatures and review, examine, and determine the 535
validity of the petition and, in case of overlapping precinct 536
petitions presented within that period, determine which of the 537
petitions shall govern the further proceedings of the board. In 538
the case where the board determines that two or more overlapping 539
petitions are valid, the earlier filed petition shall govern. 540
The board shall certify the sufficiency and validity of any 541
petition determined to be valid. The board shall determine the 542
validity of the petition as of the time of certification as 543
described in this division. 544

(2) If a petition is sufficient, and, in case of 545
overlapping precinct petitions, after the board has determined 546
the governing petition, the board to which the petition has been 547
presented shall order the holding of a special election in the 548
precinct for the submission of whichever of the questions 549
specified in section 4301.353 ~~or 4301.354~~ of the Revised Code 550
are designated in the petition, on the day of the next general 551
election or the next special election held on a day on which a 552
primary election may be held, whichever occurs first. 553

(C) All petitions filed with a board of elections under 554
this section shall be open to public inspection under rules 555
adopted by the board. 556

(D) Protest against local option petitions may be filed by 557
any elector eligible to vote on the question or questions 558
described in the petitions or by a permit holder in the precinct 559
as described in the petitions, not later than four p.m. of the 560
seventy-fourth day before the day of the general or special 561
election for which the petition qualified. The protest shall be 562
in writing and shall be filed with the election officials with 563
whom the petition was filed. Upon filing of the protest, the 564
election officials with whom it is filed shall promptly fix the 565
time for hearing it, and shall mail notice of the filing of the 566
protest and the time and place for hearing it to the person who 567
filed the petition and to the person who filed the protest. At 568
the time and place fixed, the election officials shall hear the 569
protest and determine the validity of the petition. 570

(E) A petition presented to a board of elections under 571
division (B) of this section shall be signed by ~~the following~~ 572
~~number of qualified electors:~~ 573

~~(1) If the petition is for an election for the submission~~ 574
~~of one or both of the questions specified in section 4301.353 of~~ 575
~~the Revised Code, an amount of qualified electors of the~~ 576
~~precinct equal in number to thirty five per cent of the total~~ 577
~~number of votes cast in the precinct concerned for the office of~~ 578
~~governor at the preceding general election for that office;~~ 579

~~(2) If the petition is for an election for the submission~~ 580
~~of one or both of the questions specified in section 4301.353 of~~ 581
~~the Revised Code and the submission of one or more of the~~ 582
~~questions specified in section 4301.354 of the Revised Code, an~~ 583

~~amount of qualified electors of the precinct equal in number to~~ 584
~~thirty-five per cent of the total number of votes cast in the~~ 585
~~precinct concerned for the office of governor at the preceding~~ 586
~~general election for that office;~~ 587

~~(3) If the petition is for an election for the submission~~ 588
~~of one or more of the questions specified in section 4301.354 of~~ 589
~~the Revised Code only, fifty electors.~~ 590

Sec. 4301.333. (A) The privilege of local option conferred 591
by section 4301.323 of the Revised Code may be exercised if, not 592
later than four p.m. of the ninetieth day before the day of a 593
general election or a special election held on a day on which a 594
primary election may be held, a petition is presented to the 595
board of elections of the county in which the precinct is 596
situated by a petitioner who is one of the following: 597

(1) An applicant for the issuance or transfer of a liquor 598
permit at, or to, a particular location within the precinct; 599

(2) The holder of a liquor permit at a particular location 600
within the precinct; 601

(3) A person who operates or seeks to operate a liquor 602
agency store at a particular location within the precinct; 603

(4) The designated agent for an applicant, liquor permit 604
holder, or liquor agency store described in division (A) (1), 605
(2), or (3) of this section. 606

(B) If the petition is for the submission of the question 607
specified in division ~~(B) (1)~~ (B) of section 4301.355 of the 608
Revised Code ~~or both questions specified in divisions (B) (1) and~~ 609
~~(2) of that section,~~ the petition shall be signed by ~~the~~ 610
~~electors of the precinct equal in number to at least thirty-five~~ 611
~~per cent of the total number of votes cast in the precinct for~~ 612

~~the office of governor at the preceding general election for~~ 613
~~that office. If the petition is solely for the submission of the~~ 614
~~question specified in division (B) (2) of section 4301.355 of the~~ 615
~~Revised Code, the petition shall be signed by fifty electors.~~ 616

The petition shall contain all of the following: 617

(1) A notice that the petition is for the submission of 618
the question ~~or questions~~ set forth in section 4301.355 of the 619
Revised Code; 620

(2) The name of the applicant for the issuance or 621
transfer, or the holder, of the liquor permit or, if applicable, 622
the name of the liquor agency store, including any trade or 623
fictitious names under which the applicant, holder, or liquor 624
agency store either intends to do or does business at the 625
particular location; 626

(3) The address and proposed use of the particular 627
location within the election precinct to which the results of 628
the question ~~or questions~~ specified in section 4301.355 of the 629
Revised Code shall apply. For purposes of this division, "use" 630
means all of the following: 631

(a) The type of each liquor permit applied for by the 632
applicant or held by the liquor permit holder as described in 633
sections 4303.11 to 4303.183 of the Revised Code, including a 634
description of the type of beer or intoxicating liquor sales 635
authorized by each permit as provided in those sections; 636

(b) If a liquor agency store, the fact that the business 637
operated as a liquor agency store authorized to operate by this 638
state; 639

(c) A description of the general nature of the business of 640
the applicant, liquor permit holder, or liquor agency store. 641

(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 672
section 4301.355 of the Revised Code. 673

(E) A petition filed with the board of elections under 674
this section shall be open to public inspection under rules 675
adopted by the board. 676

(F) An elector who is eligible to vote on the question ~~or~~ 677
~~questions~~ set forth in section 4301.355 of the Revised Code may 678
file, not later than four p.m. of the seventy-fourth day before 679
the day of the election at which the question ~~or questions~~ will 680
be submitted to the electors, a protest against a local option 681
petition circulated and filed pursuant to this section. The 682
protest shall be in writing and shall be filed with the election 683
officials with whom the petition was filed. Upon the filing of 684
the protest, the election officials with whom it is filed shall 685
promptly establish a time and place for hearing the protest and 686
shall mail notice of the time and place for the hearing to the 687
applicant for, or the holder of, the liquor permit who is 688
specified in the petition and to the elector who filed the 689
protest. At the time and place established in the notice, the 690
election officials shall hear the protest and determine the 691
validity of the petition. 692

Sec. 4301.353. If a petition is filed under section 693
4301.332 of the Revised Code for the submission of ~~the~~ one or 694
more questions set forth in this section, a special election 695
shall be held in the precinct as ordered by the board of 696
elections under that section. The expense of holding the special 697
election shall be charged to the municipal corporation or 698
township of which the precinct is a part. 699

At the election, one or both of the following questions as 700
designated in a valid petition shall be submitted to the 701

~~electors of the precinct concerning sales on days of the week
other than Sunday:~~ 702
703

(A) "Shall the sales of (insert one or both of the 704
following: beer, or wine and mixed beverages) by the package, 705
under permits that authorize sale for off-premises consumption 706
only, be permitted in a portion of this precinct in which the 707
status of the sale of (insert one or both of the following: 708
beer, or wine and mixed beverages) as allowed or prohibited is 709
inconsistent with the status of such sale in the remainder of 710
the precinct?" 711

(B) "Shall the sale of (insert one or more of the 712
following: beer, wine and mixed beverages, or spirituous 713
liquor), under permits that authorize sale for on-premises 714
consumption only, and under permits that authorize sale for both 715
on-premises and off-premises consumption, be permitted in a 716
portion of this precinct in which the status of the sale of 717
(insert one or more of the following: beer, wine and mixed 718
beverages, or spirituous liquor) as allowed or prohibited is 719
inconsistent with the status of such sale in the remainder of 720
the precinct?" 721

The board of elections shall furnish printed ballots at 722
the special election as provided under section 3505.06 of the 723
Revised Code, except that a separate ballot shall be used for 724
the special election. One or both of the questions set forth in 725
this section shall be printed on each ballot and the board shall 726
insert in the question and statement appropriate words to 727
complete each and a description of the portion of the precinct 728
that would be affected by the results of the election. 729

The description of the portion of the precinct shall 730
include either the complete listing of street addresses in that 731

portion or a condensed text that accurately describes the 732
boundaries of the portion of the precinct by street name or by 733
another name generally known by the residents of the portion of 734
the precinct. If other than a full street listing is used, the 735
full street listing also shall be posted in each polling place 736
in a location that is easily accessible to all voters. Failure 737
of the board of elections to completely and accurately list all 738
street addresses in the affected area of the precinct does not 739
affect the validity of the election at which the failure 740
occurred and is not grounds for contesting an election under 741
section 3515.08 of the Revised Code. Votes shall be cast as 742
provided under section 3505.06 of the Revised Code. 743

Sec. 4301.355. (A) If a petition is filed under section 744
4301.333 of the Revised Code for the submission of the question 745
~~or questions~~ set forth in this section, it shall be held in the 746
precinct as ordered by the board of elections under that 747
section. The expense of holding the election shall be charged to 748
the municipal corporation or township of which the precinct is a 749
part. 750

(B) At the election, ~~one or more of the following~~ 751
~~questions~~question, as designated in a valid petition, shall be 752
submitted to the electors of the precinct: 753

~~(1)~~ "Shall the sale of _____ (insert beer, wine and 754
mixed beverages, or spirituous liquor) be permitted by 755
_____ (insert name of applicant, liquor permit holder, or 756
liquor agency store, including trade or fictitious name under 757
which applicant for, or holder of, liquor permit or liquor 758
agency store either intends to do, or does, business at the 759
particular location), an _____ (insert "applicant for" or 760
"holder of" or "operator of") a _____ (insert class name of 761

liquor permit or permits followed by the words "liquor 762
permit(s)" or, if appropriate, the words "liquor agency store 763
for the State of Ohio"), who is engaged in the business of 764
_____ (insert general nature of the business in which 765
applicant or liquor permit holder is engaged or will be engaged 766
in at the particular location, as described in the petition) at 767
_____ (insert address of the particular location within the 768
precinct as set forth in the petition) in this precinct?" 769

~~(2) "Shall the sale of _____ (insert beer, wine and 770
mixed beverages, or spirituous liquor) be permitted for sale on 771
Sunday by _____ (insert name of applicant, liquor permit 772
holder, or liquor agency store, including trade or fictitious 773
name under which applicant for, or holder of, liquor permit or 774
liquor agency store either intends to do, or does, business at 775
the particular location), an _____ (insert "applicant for a D-6 776
liquor permit," "holder of a D-6 liquor permit," "applicant for 777
or holder of an A-1, A-2, A-2f, A-3a, C-1, C-2x, D-1, D-2x, D- 778
3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, D-5g, D-5h, D-5i, D- 779
5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 liquor permit," if only 780
the approval of beer sales is sought, or "liquor agency store") 781
who is engaged in the business of _____ (insert general 782
nature of the business in which applicant or liquor permit 783
holder is engaged or will be engaged in at the particular 784
location, as described in the petition) at _____ (insert 785
address of the particular location within the precinct) in this 786
precinct?" 787~~

(C) The board of elections shall furnish printed ballots 788
at the election as provided under section 3505.06 of the Revised 789
Code, except that a separate ballot shall be used for the 790
election under this section. The question set forth in this 791
section shall be printed on each ballot, and the board shall 792

insert in the question appropriate words to complete it. Votes 793
shall be cast as provided under section 3505.06 of the Revised 794
Code. 795

Sec. 4301.362. If a majority of the electors voting on the 796
question set forth in section 4301.352 of the Revised Code vote 797
"yes," the sale of beer or intoxicating liquor by a class C or D 798
permit holder at the specified premises shall only be subject to 799
Chapters 4301. and 4303. of the Revised Code. 800

If a majority of the electors voting on the question set 801
forth in section 4301.352 of the Revised Code vote "no," the 802
board of elections shall notify the division of liquor control 803
of the final result of the election by certified mail. When the 804
division receives notice of the final result of the election, it 805
shall cancel and pick up the permit holder's permit within seven 806
days. 807

The results of a local option election that is held in a 808
precinct pursuant to section 4301.352 of the Revised Code shall 809
not affect the results of a local option election that is held 810
in the same precinct under section 4301.35, ~~4301.351,~~ 4301.353, 811
~~4301.354,~~ 4303.29, or 4305.14 of the Revised Code. 812

Sec. 4301.365. (A) If a majority of the electors in a 813
precinct vote "yes" on ~~questions (B) (1) and (2) as the question~~ 814
set forth in section 4301.355 of the Revised Code, the sale of 815
beer, wine and mixed beverages, or spirituous liquor, whichever 816
was the subject of the election, shall be allowed at the 817
particular location and for the use specified in the ~~questions~~ 818
question under each permit applied for by the petitioner or at 819
the address listed for the liquor agency store, subject only to 820
this chapter and Chapter 4303. of the Revised Code. Failure to 821
continue to use the particular location for any proposed or 822

stated use set forth in the petition is grounds for the denial 823
of a renewal of the liquor permit under division (A) of section 824
4303.271 of the Revised Code or is grounds for the nonrenewal or 825
cancellation of the liquor agency store contract by the division 826
of liquor control, ~~except in the case where the liquor permit-~~ 827
~~holder or liquor agency store decides to cease the sale of beer,~~ 828
~~wine and mixed beverages, or spirituous liquor, whichever was-~~ 829
~~the subject of the election, on Sundays.~~ 830

~~(B) If a majority of the electors in a precinct vote "yes"~~ 831
~~on question (B) (1) and "no" on question (B) (2) as set forth in-~~ 832
~~section 4301.355 of the Revised Code, the sale of beer, wine and~~ 833
~~mixed beverages, or spirituous liquor, whichever was the subject-~~ 834
~~of the election, shall be allowed at the particular location for-~~ 835
~~the use specified in question (B) (1) of section 4301.355 of the-~~ 836
~~Revised Code and under each permit applied for by the-~~ 837
~~petitioner, except for a D-6 permit, subject only to this-~~ 838
~~chapter and Chapter 4303. of the Revised Code.~~ 839

~~(C) If a majority of the electors in a precinct vote "no"~~ 840
~~on the question (B) (1) as set forth in section 4301.355 of the~~ 841
~~Revised Code, no sales of beer, wine and mixed beverages, or~~ 842
~~spirituous liquor, whichever was the subject of the election,~~ 843
~~shall be allowed at the particular location for the use~~ 844
~~specified in the petition during the period the election is in~~ 845
~~effect as defined in section 4301.37 of the Revised Code.~~ 846

~~(D) If a majority of the electors in a precinct vote only~~ 847
~~on question (B) (2) as set forth in section 4301.355 of the~~ 848
~~Revised Code and that vote results in a majority "yes" vote,~~ 849
~~sales of beer, wine and mixed beverages, or spirituous liquor,~~ 850
~~whichever was the subject of the election, shall be allowed at-~~ 851
~~the particular location for the use specified in the petition on-~~ 852

~~Sunday during the hours specified in division (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.~~ 853
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~~(E) If a majority of the electors in a precinct vote only on question (B) (2) as set forth in section 4301.355 of the Revised Code and that vote results in a majority "no" vote, no sales of beer, wine and mixed beverages, or spirituous liquor, whichever was the subject of the election, shall be allowed at the particular location for the use on Sunday during the period the election is in effect as defined in section 4301.37 of the Revised Code.~~ 856
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~~(F) (C)~~ 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. 864
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~~(G) (D)~~ 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. 874
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Sec. 4301.366. If a majority of the electors voting on the 882

question specified in section 4301.356 of the Revised Code vote 883
"yes," the sale of beer and intoxicating liquor shall be allowed 884
at the community facility on all days of the week, ~~including~~ 885
~~Sunday,~~ for the use specified in the question, subject only to 886
this chapter and Chapter 4303. of the Revised Code. Failure to 887
continue to use the location as a community facility constitutes 888
good cause for rejection of the renewal of the liquor permit 889
under division (A) of section 4303.271 of the Revised Code. 890

If a majority of the electors voting on the question 891
specified in section 4301.356 of the Revised Code vote "no," no 892
sales of beer or intoxicating liquor shall be made at or within 893
the community facility during the period the election is in 894
effect as defined in section 4301.37 of the Revised Code. 895

Sec. 4301.37. (A) When a local option election, other than 896
an election under section ~~4301.351,~~ 4301.352, 4301.353, 897
~~4301.354,~~ 4301.355, or 4301.356 of the Revised Code, is held in 898
any precinct, except as provided in divisions (G) and (H) of 899
section 4301.39 of the Revised Code, the result of the election 900
shall be effective in the precinct until another election is 901
called and held pursuant to sections 4301.32 to 4301.36 of the 902
Revised Code, but no such election shall be held in the precinct 903
on the same question more than once in each four years. 904

~~(B) When a local option election under section 4301.351 of~~ 905
~~the Revised Code is held in any precinct, except as provided in~~ 906
~~divisions (G) and (H) of section 4301.39 of the Revised Code,~~ 907
~~the result of the election shall be effective in the precinct~~ 908
~~until another election is called and held pursuant to sections~~ 909
~~4301.32 to 4301.361 of the Revised Code, but no such election~~ 910
~~shall be held under section 4301.351 of the Revised Code in the~~ 911
~~precinct on the same question more than once in each four years.~~ 912

~~(C)~~—When a local option election is held in a precinct 913
under section 4301.352 of the Revised Code and a majority of the 914
electors voting on the question vote "yes," no subsequent local 915
option election shall be held in the precinct upon the sale of 916
beer or intoxicating liquor by the class C or D permit holder at 917
the specified premises for a period of at least four years from 918
the date of the most recent local option election, except that 919
this division shall not be construed to prohibit the holding or 920
affect the results of a local option election under section 921
4301.35, ~~4301.351,~~ 4301.353, ~~4301.354,~~ 4303.29, or 4305.14 of 922
the Revised Code. 923

~~(D)~~ (C)—When a local option election is held in a precinct 924
under section 4301.353 ~~or 4301.354~~ of the Revised Code, except 925
as provided in divisions (G) and (H) of section 4301.39 of the 926
Revised Code, the results of the election shall be effective 927
until another election is held under that section on the same 928
question, but no such election shall be held in a precinct under 929
that section on the same question for a period of at least four 930
years from the date of the most recent election on that 931
question. This division shall not be construed to prohibit the 932
future holding of, or affect the future results of, a local 933
option election held under section 4301.35, ~~4301.351,~~ 4301.355, 934
4303.29, or 4305.14 of the Revised Code. 935

~~(E)~~ (D)—When a local option election is held in a precinct 936
under section 4301.355 of the Revised Code, the results of that 937
election shall be effective at the particular location 938
designated in the petition until another election is held 939
pursuant to section 4301.355 of the Revised Code or until such 940
time as an election is held pursuant to section 4301.352 of the 941
Revised Code, but no election shall be held under section 942
4301.355 of the Revised Code regarding the same use at that 943

particular location for a period of at least four years from the 944
date of the most recent election on that question. The results 945
of a local option election held in a precinct under section 946
4301.355 of the Revised Code shall not prohibit the holding of, 947
and shall be affected by the results of, a local option election 948
held under section 4301.35, ~~4301.351,~~4301.353, ~~4301.354,~~ 949
4303.29, or 4305.14 of the Revised Code. 950

~~(F)~~(E) When a local option election is held in a 951
municipal corporation or unincorporated area of a township under 952
section 4301.356 of the Revised Code, the results of the 953
election shall be effective at the community facility that was 954
the subject of the election until another such election is held 955
regarding that community facility, but no such election shall be 956
held for a period of at least four years from the date of the 957
election. The results of a local option election held in a 958
municipal corporation or unincorporated area of a township under 959
section 4301.356 of the Revised Code shall not prohibit the 960
holding of, or affect or be affected by the results of, a local 961
option election held under section 4301.35, ~~4301.351,~~4301.353, 962
~~4301.354,~~4303.29, or 4305.14 of the Revised Code. 963

~~(G)~~(F) If a community facility is located in an election 964
precinct in which a previous local option election in the 965
precinct resulted in approval of the sale of beer or 966
intoxicating liquor in the precinct, the community facility 967
shall sell beer or intoxicating liquor only to the extent 968
permitted by the previous local option election until an 969
election is held pursuant to section 4301.356 of the Revised 970
Code. 971

~~(H)~~(G) A community facility shall not be affected by a 972
local option election held on or after March 30, 1999, unless 973

the election is held under section 4301.356 of the Revised Code. 974

Sec. 4301.39. (A) When the board of elections of any 975
county determines that a petition for a local option election 976
presented pursuant to section 4301.33, 4301.331, 4301.332, 977
4301.333, 4303.29, or 4305.14 of the Revised Code is sufficient, 978
it shall forthwith, by mail, notify the division of liquor 979
control of the fact that the petition has been filed and 980
approved by it. Upon the determination of the results of any 981
such election, the board shall forthwith notify the division by 982
mail of the result and shall forward with the notice a plat of 983
the precinct in which the election was held and, if applicable, 984
shall separately identify the portion of the precinct affected 985
by the election. 986

(B) On the plat of a precinct forwarded with the results 987
of an election that was held under section 4301.35, ~~4301.351,~~ 988
4301.353, ~~4301.354,~~ or 4303.29 of the Revised Code, the board 989
shall show and designate all of the streets and highways in the 990
precinct or relevant portion of the precinct. 991

(C) On the plat of a precinct forwarded with the results 992
of an election that was held under section 4301.352 of the 993
Revised Code, the board shall show and designate all of the 994
following: 995

(1) All of the streets and highways in the precinct; 996

(2) The permit premises designated in the petition that 997
was filed under section 4301.331 of the Revised Code; 998

(3) A class C or D permit holder's personal or corporate 999
name and, if it is different from the permit holder's personal 1000
or corporate name, the name of the business conducted by the 1001
permit holder on the designated premises; 1002

(4) The address of the designated premises.	1003
(D) On the plat of a precinct forwarded with the results of an election that was held under section 4301.355 of the Revised Code, the board shall show and designate all of the following:	1004 1005 1006 1007
(1) All streets and highways in the precinct;	1008
(2) The address of the particular location within the precinct to which the election results will apply as designated in the petition that was filed under section 4301.333 of the Revised Code;	1009 1010 1011 1012
(3) The name of the applicant for the issuance or transfer of the liquor permit, of the holder of the liquor permit, or of the liquor agency store, including any trade or fictitious names under which the applicant, holder, or operator intends to, or does, do business at the particular location, as designated in the petition that was filed under section 4301.333 of the Revised Code.	1013 1014 1015 1016 1017 1018 1019
(E) With the results of an election that was held under section 4301.356 of the Revised Code, the board shall designate both of the following:	1020 1021 1022
(1) Each permit premises designated in the petition;	1023
(2) Each class C or D permit holder's personal or corporate name and, if it is different from the personal or corporate name, the name of the business conducted by the permit holder on the designated premises.	1024 1025 1026 1027
(F) If an application for recount is filed with the board pursuant to section 3515.02 of the Revised Code or if an election contest is commenced pursuant to section 3515.09 of the	1028 1029 1030

Revised Code, the board shall send written notice of the recount 1031
or contest to the superintendent of liquor control within two 1032
days from the date of the filing of the application for recount 1033
or the commencement of an election contest either by certified 1034
mail or, if the board has record of an internet identifier of 1035
record associated with the superintendent, by ordinary mail and 1036
by that internet identifier of record. Upon the final 1037
determination of an election recount or contest, the board shall 1038
send notice of the final determination to the superintendent and 1039
the liquor control commission either by certified mail or, if 1040
the board has record of an internet identifier of record 1041
associated with the superintendent or commission, by ordinary 1042
mail and an internet identifier of record associated with the 1043
superintendent or commission. 1044

(G) If, as the result of a local option election held 1045
pursuant to section 4301.35, ~~4301.351,~~ 4301.353, ~~4301.354,~~ 1046
4303.29, or 4305.14 of the Revised Code, the use of a permit is 1047
made partially unlawful, the division shall, within thirty days 1048
after receipt of the final notice of the result of the election, 1049
pick up the permit, amend it by inserting appropriate 1050
restrictions on it, and forthwith reissue it without charge or 1051
refund to the permit holder, unless, prior to thirty days after 1052
receipt of the final notice of the result of the election, both 1053
of the following occur: 1054

(1) A petition is filed with the board pursuant to section 1055
4301.333 of the Revised Code; 1056

(2) A copy of the petition filed with the board pursuant 1057
to section 4301.333 of the Revised Code, bearing the file stamp 1058
of the board, is filed with the superintendent of liquor 1059
control. 1060

If both of those conditions are met, the results of the election held pursuant to section 4301.35, ~~4301.351,~~ 4301.353, ~~4301.354,~~ 4303.29, or 4305.14 of the Revised Code shall not take effect as to the liquor permit holder specified in the petition filed pursuant to section 4301.333 of the Revised Code until the earlier of a determination by the board and receipt of notification by the superintendent of liquor control of notice that the petition is invalid or receipt by the superintendent of final notice of the result of an election held pursuant to section 4301.355 of the Revised Code concerning the holder of the liquor permit that resulted in a majority "no" vote.

(H) If, as the result of a local option election, except a local option election held pursuant to section 4301.352 of the Revised Code, the use of a permit is made wholly unlawful, the permit holder may, within thirty days after the certification of that final result by the board to the division, deliver the permit holder's permit to the division for safekeeping as provided in section 4303.272 of the Revised Code, or the permit holder may avail itself of the remedy set forth in divisions (G) (1) and (2) of this section. In such event, the results of the election shall not take effect as to the liquor permit holder specified in the petition pursuant to section 4301.333 of the Revised Code until the earlier of a determination by the board and receipt by the superintendent of liquor control of notice that the petition is invalid or receipt by the superintendent of the final notice of the result of an election held pursuant to section 4301.355 of the Revised Code concerning the holder of the liquor permit that resulted in a majority "no" vote.

(I) As used in this section, "internet identifier of record" has the same meaning as in section 9.312 of the Revised Code.

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

(B) Sections 4301.32 to 4301.391 and 4305.14 of the Revised Code and the provisions for local option elections and the election on the question of the repeal of Section 9 of Article XV, Ohio Constitution, in section 4303.29 of the Revised Code do not affect or prohibit the sale of beer or intoxicating liquor at an exhibition premises if the permit holder for the premises operates pursuant to the authority of a D liquor permit issued pursuant to Chapter 4303. of the Revised Code.

~~Permit D-6 shall be issued to the holder of any D permit that authorizes the sale of intoxicating liquor and that is issued for an exhibition premises to allow the sale of intoxicating liquor under the permit at the premises during the hours on Sunday specified in division (N) of section 4303.182 of the Revised Code, whether or not such sale has been authorized in an election held under section 4301.351 of the Revised Code. Notwithstanding section 4301.351 of the Revised Code, the holder of a D permit issued for an exhibition premises may sell beer on Sunday whether or not the sale of intoxicating liquor has been authorized in an election held under that section.~~

(C) Nothing in section 4303.29 of the Revised Code shall be construed to restrict the issuance of a D permit for an exhibition premises. An application for a D permit for an exhibition premises is exempt from the population quota

restrictions contained in section 4303.29 of the Revised Code 1122
and from the population quota restrictions contained in any rule 1123
of the liquor control commission. The location of a D permit 1124
issued for an exhibition premises shall not be transferred. An 1125
applicant applying for a D-1, D-2, D-3, D-4, or D-5 permit for 1126
an exhibition premises is not subject to section 4303.31 of the 1127
Revised Code. 1128

Sec. 4301.404. (A) As used in this section, "center for 1129
the preservation of wild animals" means a conservation center 1130
located on not less than five thousand acres of land that 1131
provides scientific, educational, and recreational resources to 1132
advance the conservation of animal populations and habitats. 1133

(B) Sections 4301.32 to 4301.391 and 4305.14 of the 1134
Revised Code and the provisions for local option elections and 1135
the election on the repeal of Ohio Constitution, Article XV, 1136
Section 9 in section 4303.29 of the Revised Code do not affect 1137
or prohibit the sale of beer or intoxicating liquor at a center 1138
for the preservation of wild animals if any permit holder for 1139
the premises operates pursuant to the authority of a D liquor 1140
permit issued pursuant to Chapter 4303. of the Revised Code. 1141

~~(C) Permit D-6 shall be issued to the holder of any D- 1142
permit that authorizes the sale of intoxicating liquor and that 1143
is issued for a center for the preservation of wild animals to 1144
allow the sale of intoxicating liquor under the permit at the 1145
premises during the hours on Sunday specified in division (N) of 1146
section 4303.182 of the Revised Code, whether or not such sale 1147
has been authorized in an election held under section 4301.351- 1148
of the Revised Code. Notwithstanding section 4301.351 of the 1149
Revised Code, the holder of a D permit issued for a center for 1150
the preservation of wild animals may sell beer on Sunday whether 1151~~

~~or not the sale of intoxicating liquor has been authorized in an~~ 1152
~~election held under that section.~~ 1153

Sec. 4301.99. (A) Whoever violates section 4301.47, 1154
4301.48, 4301.49, 4301.62, or 4301.70 or division (C) of section 1155
4301.65 or division (B) of section 4301.691 of the Revised Code 1156
is guilty of a minor misdemeanor. 1157

(B) Whoever violates section 4301.15, division (A) (2) ~~or~~ 1158
~~(C)~~ of section 4301.22, division (C), (D), (E), (F), (G), (H), 1159
or (I) of section 4301.631, or section 4301.64 or 4301.67 of the 1160
Revised Code is guilty of a misdemeanor of the fourth degree. 1161

If an offender who violates section 4301.64 of the Revised 1162
Code was under the age of eighteen years at the time of the 1163
offense, the court, in addition to any other penalties it 1164
imposes upon the offender, may suspend the offender's temporary 1165
instruction permit, probationary driver's license, or driver's 1166
license for a period of not less than six months and not more 1167
than one year. In lieu of suspending the offender's temporary 1168
instruction permit, probationary driver's license, or driver's 1169
license, the court instead may require the offender to perform 1170
community service for a number of hours determined by the court. 1171
If the offender is fifteen years and six months of age or older 1172
and has not been issued a temporary instruction permit or 1173
probationary driver's license, the offender shall not be 1174
eligible to be issued such a license or permit for a period of 1175
six months. If the offender has not attained the age of fifteen 1176
years and six months, the offender shall not be eligible to be 1177
issued a temporary instruction permit until the offender attains 1178
the age of sixteen years. 1179

(C) Whoever violates division (D) of section 4301.21, 1180
section 4301.251, 4301.58, 4301.59, 4301.60, 4301.633, 4301.66, 1181

4301.68, or 4301.74, division (B), (C), (D), or (F) of section 1182
4301.69, or division (E), (F), (G), or (I) of section 4301.691 1183
of the Revised Code is guilty of a misdemeanor of the first 1184
degree. 1185

(D) Whoever violates division (B) of section 4301.14, 1186
division (A) (1) or (3) or (B) of section 4301.22, division (E) 1187
(1) of section 4301.69, or division (C) or (D) of section 1188
4301.691 of the Revised Code is guilty of a misdemeanor of the 1189
third degree. 1190

If an offender who violates division (E) (1) of section 1191
4301.69 of the Revised Code was under the age of eighteen years 1192
at the time of the offense and the offense occurred while the 1193
offender was the operator of or a passenger in a motor vehicle, 1194
the court, in addition to any other penalties it imposes upon 1195
the offender, shall suspend the offender's temporary instruction 1196
permit or probationary driver's license for a period of not less 1197
than six months and not more than one year. If the offender is 1198
fifteen years and six months of age or older and has not been 1199
issued a temporary instruction permit or probationary driver's 1200
license, the offender shall not be eligible to be issued such a 1201
license or permit for a period of six months. If the offender 1202
has not attained the age of fifteen years and six months, the 1203
offender shall not be eligible to be issued a temporary 1204
instruction permit until the offender attains the age of sixteen 1205
years. 1206

(E) Whoever violates section 4301.63 or division (B) of 1207
section 4301.631 of the Revised Code shall be fined not less 1208
than twenty-five nor more than one hundred dollars. The court 1209
imposing a fine for a violation of section 4301.63 or division 1210
(B) of section 4301.631 of the Revised Code may order that the 1211

fine be paid by the performance of public work at a reasonable 1212
hourly rate established by the court. The court shall designate 1213
the time within which the public work shall be completed. 1214

(F) (1) Whoever violates section 4301.634 of the Revised 1215
Code is guilty of a misdemeanor of the first degree. If, in 1216
committing a first violation of that section, the offender 1217
presented to the permit holder or the permit holder's employee 1218
or agent a false, fictitious, or altered identification card, a 1219
false or fictitious driver's license purportedly issued by any 1220
state, or a driver's license issued by any state that has been 1221
altered, the offender is guilty of a misdemeanor of the first 1222
degree and shall be fined not less than two hundred fifty and 1223
not more than one thousand dollars, and may be sentenced to a 1224
term of imprisonment of not more than six months. 1225

(2) On a second violation in which, for the second time, 1226
the offender presented to the permit holder or the permit 1227
holder's employee or agent a false, fictitious, or altered 1228
identification card, a false or fictitious driver's license 1229
purportedly issued by any state, or a driver's license issued by 1230
any state that has been altered, the offender is guilty of a 1231
misdemeanor of the first degree and shall be fined not less than 1232
five hundred nor more than one thousand dollars, and may be 1233
sentenced to a term of imprisonment of not more than six months. 1234
The court also may impose a class seven suspension of the 1235
offender's driver's or commercial driver's license or permit or 1236
nonresident operating privilege from the range specified in 1237
division (A) (7) of section 4510.02 of the Revised Code. 1238

(3) On a third or subsequent violation in which, for the 1239
third or subsequent time, the offender presented to the permit 1240
holder or the permit holder's employee or agent a false, 1241

fictitious, or altered identification card, a false or 1242
fictitious driver's license purportedly issued by any state, or 1243
a driver's license issued by any state that has been altered, 1244
the offender is guilty of a misdemeanor of the first degree and 1245
shall be fined not less than five hundred nor more than one 1246
thousand dollars, and may be sentenced to a term of imprisonment 1247
of not more than six months. Except as provided in this 1248
division, the court also may impose a class six suspension of 1249
the offender's driver's or commercial driver's license or permit 1250
or nonresident operating privilege from the range specified in 1251
division (A) (6) of section 4510.02 of the Revised Code, and the 1252
court may order that the suspension or denial remain in effect 1253
until the offender attains the age of twenty-one years. The 1254
court, in lieu of suspending the offender's temporary 1255
instruction permit, probationary driver's license, or driver's 1256
license, instead may order the offender to perform a determinate 1257
number of hours of community service, with the court determining 1258
the actual number of hours and the nature of the community 1259
service the offender shall perform. 1260

(G) Whoever violates section 4301.636 of the Revised Code 1261
is guilty of a felony of the fifth degree. 1262

(H) Whoever violates division (A) (1) of section 4301.22 of 1263
the Revised Code is guilty of a misdemeanor, shall be fined not 1264
less than five hundred and not more than one thousand dollars, 1265
and, in addition to the fine, may be imprisoned for a definite 1266
term of not more than sixty days. 1267

(I) Whoever violates division (A) of section 4301.69 or 1268
division (H) of section 4301.691 of the Revised Code is guilty 1269
of a misdemeanor, shall be fined not less than five hundred and 1270
not more than one thousand dollars, and, in addition to the 1271

fine, may be imprisoned for a definite term of not more than six 1272
months. 1273

(J) Whoever violates division (B) of section 4301.65 of 1274
the Revised Code is guilty of a misdemeanor of the third degree. 1275
For a second or subsequent violation occurring within a period 1276
of five consecutive years after the first violation, a person is 1277
guilty of a misdemeanor of the first degree. 1278

Sec. 4303.182. (A) As used in this section, "retail permit 1279
holder" means an A-1-A, A-2, A-2f, A-3a, A-5, E, or class C, D, 1280
or F permit. 1281

(B) A retail permit holder or an agency store may sell 1282
beer, wine, mixed beverages, or spirituous liquor, as 1283
applicable, on Sunday during the same hours that the permit 1284
holder or agency store contract holder may sell those products 1285
on Monday through Saturday. 1286

Sec. 4303.184. (A) Subject to division (B) of this 1287
section, a D-8 permit may be issued to any of the following: 1288

(1) An agency store; 1289

(2) The holder of a C-1, C-2, or C-2x permit issued to a 1290
retail store that has any of the following characteristics: 1291

(a) The store has at least five thousand five hundred 1292
square feet of floor area, and it generates more than sixty per 1293
cent of its sales in general merchandise items and food for 1294
consumption off the premises where sold. 1295

(b) The store is located in a municipal corporation or 1296
township with a population of five thousand or less, has at 1297
least four thousand five hundred square feet of floor area, and 1298
generates more than sixty per cent of its sales in general 1299

merchandise items and food for consumption off the premises 1300
where sold. 1301

(c) Wine constitutes at least sixty per cent of the value 1302
of the store's inventory. 1303

(3) The holder of both a C-1 and C-2 permit, or the holder 1304
of a C-2x permit, issued to a retail store that is located 1305
within a municipal corporation or township with a population of 1306
fifteen thousand or less. 1307

(B) A D-8 permit may be issued to the holder of a C-1, C- 1308
2, or C-2x permit only if the premises of the permit holder are 1309
located in a precinct, or at a particular location in a 1310
precinct, in which the sale of beer, wine, or mixed beverages is 1311
permitted for consumption off the premises where sold. Sales 1312
under a D-8 permit are not affected by whether sales for 1313
consumption on the premises where sold are permitted in the 1314
precinct or at the particular location where the D-8 premises 1315
are located. 1316

(C) (1) The holder of a D-8 permit described in division 1317
(A) (2) or (3) of this section may sell tasting samples of beer, 1318
wine, and mixed beverages, but not spirituous liquor, at retail, 1319
for consumption on the premises where sold in an amount not to 1320
exceed two ounces or another amount designated by rule of the 1321
liquor control commission. A tasting sample shall not be sold 1322
for general consumption. 1323

(2) The holder of a D-8 permit described in division (A) 1324
(1) of this section may allow the sale of tasting samples of 1325
spirituous liquor in accordance with section 4301.171 of the 1326
Revised Code. 1327

(3) No D-8 permit holder described in division (A) (2) or 1328

(3) of this section shall allow any authorized purchaser to 1329
consume more than four tasting samples of beer, wine, or mixed 1330
beverages, or any combination of beer, wine, or mixed beverages, 1331
per day. 1332

(D) (1) Notwithstanding sections 4303.11 and 4303.121 of 1333
the Revised Code, the holder of a D-8 permit described in 1334
division (A) (2) or (3) of this section may sell beer that is 1335
dispensed from containers that have a capacity equal to or 1336
greater than five and one-sixth gallons if all of the following 1337
conditions are met: 1338

(a) A product registration fee for the beer has been paid 1339
as required in division (A) (8) (b) of section 4301.10 of the 1340
Revised Code. 1341

(b) The beer is dispensed only in glass containers whose 1342
capacity does not exceed one gallon and not for consumption on 1343
the premises where sold. 1344

(c) The containers are sealed, marked, and transported in 1345
accordance with division (E) of section 4301.62 of the Revised 1346
Code. 1347

(d) The containers have been cleaned immediately before 1348
being filled in accordance with rule 4301:1-1-28 of the 1349
Administrative Code. 1350

(2) Beer that is sold and dispensed under division (D) (1) 1351
of this section is subject to both of the following: 1352

(a) All applicable rules adopted by the liquor control 1353
commission, including, but not limited to, rule 4301:1-1-27 and 1354
rule 4301:1-1-72 of the Administrative Code; 1355

(b) All applicable federal laws and regulations. 1356

(E) The privileges authorized for the holder of a D-8 permit described in division (A) (2) or (3) of this section may only be exercised in conjunction with and during the hours of operation authorized by a C-1, C-2, or C-2x, ~~or D-6~~ permit.

(F) A D-8 permit shall not be transferred to another location.

(G) The fee for the D-8 permit is five hundred dollars.

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

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

Sec. 4303.202. (A) The division of liquor control may issue an F-2 permit to an association or corporation, or to a recognized subordinate lodge, chapter, or other local unit of an association or corporation, to sell beer or intoxicating liquor by the individual drink at an event to be held on premises located in a political subdivision or part thereof where the sale of beer or intoxicating liquor, but not spirituous liquor,

on that day is otherwise permitted by law. However, the division 1386
may issue the F-2 permit only if the association, corporation, 1387
or recognized subordinate lodge, chapter, or other local unit of 1388
an association or corporation meets all of the following: 1389

(1) It is organized not for profit; 1390

(2) It is operated for a charitable, cultural, 1391
educational, fraternal, or political purpose; 1392

(3) It is not affiliated with the holder of any class of 1393
liquor permit, other than a D-4 permit. 1394

~~(B) Sales under an F-2 permit on Sundays are not affected by whether Sunday sales of beer or intoxicating liquor for consumption on the premises where sold are allowed to be made by persons holding another type of permit in the precinct or at the particular location where the event is to be held, provided that the F-2 permit is issued for other days of the week in addition to Sunday.~~ 1395
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~~(C)~~ The premises on which the permit is to be used shall 1402
be clearly defined and sufficiently restricted to allow proper 1403
supervision of the permit use by state and local law enforcement 1404
personnel. An F-2 permit may be issued for the same premises for 1405
which another class of permit is issued. 1406

~~(D) (1)~~ (C) (1) No F-2 permit shall be effective for more 1407
than four consecutive days, and sales shall be confined to the 1408
same hours permitted to the holder of a D-3 permit. The division 1409
shall not issue more than one F-2 permit in a thirty-day period 1410
to the same association, corporation, or local unit of an 1411
association or corporation. The fee for an F-2 permit is one 1412
hundred fifty dollars. 1413

(2) No association, corporation, local unit of an 1414

association or corporation, or D-permit holder who holds an F-2 1415
permit shall sell beer or intoxicating liquor beyond the hours 1416
of sale allowed by the permit. Division ~~(D) (2)~~ (C) (2) of this 1417
section imposes strict liability on the holder of such permit 1418
and on any officer, agent, or employee of such permit holder. 1419

~~(E) (D)~~ If an applicant wishes the holder of a D permit 1420
issued under sections 4303.13 to 4303.181 of the Revised Code to 1421
conduct the sale of beer and intoxicating liquor at the event, 1422
the applicant may request that the F-2 permit be issued jointly 1423
to the association, corporation, or local unit and the D-permit 1424
holder. If a permit is issued jointly, the association, 1425
corporation, or local unit and the D-permit holder shall both be 1426
held responsible for any conduct that violates laws pertaining 1427
to the sale of alcoholic beverages, including sales by the D- 1428
permit holder; otherwise, the association, corporation, or local 1429
unit shall be held responsible. In addition to the permit fee 1430
paid by the association, corporation, or local unit, the D- 1431
permit holder shall pay a fee of ten dollars. A D-permit holder 1432
may receive an unlimited number of joint F-2 permits. 1433

~~(F) (1)~~ (E) (1) Any association, corporation, or local unit 1434
applying for an F-2 permit shall file with the application a 1435
statement of the organizational purpose of the association, 1436
corporation, or local unit, the location and purpose of the 1437
event, and a list of its officers. The application form shall 1438
contain a notice that a person who knowingly makes a false 1439
statement on the application or statement is guilty of the crime 1440
of falsification, a misdemeanor of the first degree. In ruling 1441
on an application, the division shall consider, among other 1442
things, the past activities of the association, corporation, or 1443
local unit and any D-permit holder while operating under other 1444
F-2 permits, the location of the event for which the current 1445

application is made, and any objections of local residents or 1446
law enforcement authorities. If the division approves the 1447
application, it shall send copies of the approved application to 1448
the proper law enforcement authorities prior to the scheduled 1449
event. 1450

(2) Notwithstanding section 1711.09 of the Revised Code, 1451
this section applies to any association or corporation or a 1452
recognized subordinate lodge, chapter, or other local unit of an 1453
association or corporation. 1454

~~(G)~~ (F) Using the procedures of Chapter 119. of the 1455
Revised Code, the liquor control commission may adopt such rules 1456
as are necessary to administer this section. 1457

Sec. 4303.203. (A) As used in this section: 1458

(1) "Convention facility" and "nonprofit corporation" have 1459
the same meanings as in section 4303.201 of the Revised Code. 1460

(2) "Hotel" means a hotel described in section 3731.01 of 1461
the Revised Code that has at least fifty rooms for registered 1462
transient guests and that is required to be licensed pursuant to 1463
section 3731.03 of the Revised Code. 1464

(B) An F-3 permit may be issued to an organization whose 1465
primary purpose is to support, promote, and educate members of 1466
the beer, wine, or mixed beverage industries, to allow the 1467
organization to bring beer, wine, or mixed beverages in their 1468
original packages or containers into a convention facility or 1469
hotel for consumption in the facility or hotel, if all of the 1470
following requirements are met: 1471

(1) The superintendent of liquor control is satisfied that 1472
the organization is a nonprofit organization and that the 1473
organization's membership is in excess of two hundred fifty 1474

persons. 1475

(2) The general manager or the equivalent officer of the 1476
convention facility or hotel provides a written consent for the 1477
use of a portion of the facility or hotel by the organization 1478
and a written statement that the facility's or hotel's permit 1479
privileges will be suspended in the portion of the facility or 1480
hotel in which the F-3 permit is in force. 1481

(3) The organization provides a written description that 1482
clearly sets forth the portion of the convention facility or 1483
hotel in which the F-3 permit will be used. 1484

(4) The organization provides a written statement as to 1485
its primary purpose and the purpose of its event at the 1486
convention facility or hotel. 1487

(5) Division (C) of this section does not apply. 1488

(C) No F-3 permit shall be issued to any nonprofit 1489
organization that is created by or for a specific manufacturer, 1490
supplier, distributor, or retailer of beer, wine, or mixed 1491
beverages. 1492

(D) Notwithstanding division ~~(D)~~ (C) of section 4301.22 of 1493
the Revised Code, a holder of an F-3 permit may obtain by 1494
donation beer, wine, or mixed beverages from any manufacturer or 1495
producer of beer, wine, or mixed beverages. 1496

(E) Nothing in this chapter prohibits the holder of an F-3 1497
permit from bringing into the portion of the convention facility 1498
or hotel covered by the permit beer, wine, or mixed beverages 1499
otherwise not approved for sale in this state. 1500

(F) Notwithstanding division ~~(D)~~ (C) of section 4301.22 of 1501
the Revised Code, no holder of an F-3 permit shall make any 1502

charge for any beer, wine, or mixed beverage served by the 1503
drink, or in its original package or container, in connection 1504
with the use of the portion of the convention facility or hotel 1505
covered by the permit. 1506

(G) The division of liquor control shall prepare and make 1507
available an F-3 permit application form and may require 1508
applicants for the permit to provide information, in addition to 1509
that required by this section, that is necessary for the 1510
administration of this section. 1511

(H) An F-3 permit shall be effective for a period not to 1512
exceed five consecutive days. The division of liquor control 1513
shall not issue more than three F-3 permits per calendar year to 1514
the same nonprofit organization. The fee for an F-3 permit is 1515
three hundred dollars. 1516

Sec. 4303.204. (A) The division of liquor control may 1517
issue an F-4 permit to an organization or corporation organized 1518
not-for-profit in this state to conduct an event that includes 1519
the introduction, showcasing, or promotion of Ohio wines, if the 1520
event has all of the following characteristics: 1521

(1) It is coordinated by that organization or corporation, 1522
and the organization or corporation is responsible for the 1523
activities at it. 1524

(2) It has as one of its purposes the intent to introduce, 1525
showcase, or promote Ohio wines to persons who attend it. 1526

(3) It includes the sale of food for consumption on the 1527
premises where sold. 1528

(4) It features any combination of at least three A-2 or 1529
A-2f permit holders who sell Ohio wine at it. 1530

(B) The holder of an F-4 permit may furnish, with or 1531
without charge, wine that it has obtained from the A-2 or A-2f 1532
permit holders that are participating in the event for which the 1533
F-4 permit is issued, in two-ounce samples for consumption on 1534
the premises where furnished and may sell such wine by the glass 1535
for consumption on the premises where sold. The holder of an A-2 1536
or A-2f permit that is participating in the event for which the 1537
F-4 permit is issued may sell wine that it has manufactured, in 1538
sealed containers for consumption off the premises where sold. 1539
Wine may be furnished or sold on the premises of the event for 1540
which the F-4 permit is issued only where and when the sale of 1541
wine is otherwise permitted by law. 1542

(C) The premises of the event for which the F-4 permit is 1543
issued shall be clearly defined and sufficiently restricted to 1544
allow proper enforcement of the permit by state and local law 1545
enforcement officers. If an F-4 permit is issued for all or a 1546
portion of the same premises for which another class of permit 1547
is issued, that permit holder's privileges will be suspended in 1548
that portion of the premises in which the F-4 permit is in 1549
effect. 1550

(D) No F-4 permit shall be effective for more than 1551
seventy-two consecutive hours. No sales or furnishing of wine 1552
shall take place under an F-4 permit after one a.m. 1553

(E) The division shall not issue more than six F-4 permits 1554
to the same not-for-profit organization or corporation in any 1555
one calendar year. 1556

(F) An applicant for an F-4 permit shall apply for the 1557
permit not later than thirty days prior to the first day of the 1558
event for which the permit is sought. The application for the 1559
permit shall list all of the A-2 and A-2f permit holders that 1560

will participate in the event for which the F-4 permit is 1561
sought. The fee for the F-4 permit is sixty dollars per day. 1562

The division shall prepare and make available an F-4 1563
permit application form and may require applicants for and 1564
holders of the F-4 permit to provide information that is in 1565
addition to that required by this section and that is necessary 1566
for the administration of this section. 1567

(G) (1) The holder of an F-4 permit is responsible for, and 1568
is subject to penalties for, any violations of this chapter or 1569
Chapter 4301. of the Revised Code or the rules adopted under 1570
this and that chapter. 1571

(2) An F-4 permit holder shall not allow an A-2 or A-2f 1572
permit holder to participate in the event for which the F-4 1573
permit is issued if the A-2 or A-2f or the A-1-A permit of that 1574
A-2 or A-2f permit holder is under suspension. 1575

(3) The division may refuse to issue an F-4 permit to an 1576
applicant who has violated any provision of this chapter or 1577
Chapter 4301. of the Revised Code during the applicant's 1578
previous operation under an F-4 permit, for a period of up to 1579
two years after the date of the violation. 1580

(H) (1) Notwithstanding division ~~(D)~~ (C) of section 4301.22 1581
of the Revised Code, an A-2 or A-2f permit holder that 1582
participates in an event for which an F-4 permit is issued may 1583
donate wine that it has manufactured to the holder of that F-4 1584
permit. The holder of an F-4 permit may return unused and sealed 1585
containers of wine to the A-2 or A-2f permit holder that donated 1586
the wine at the conclusion of the event for which the F-4 permit 1587
was issued. 1588

(2) The participation by an A-2 or A-2f permit holder or 1589

its employees in an event for which an F-4 permit is issued does 1590
not violate section 4301.24 of the Revised Code. 1591

Sec. 4303.205. (A) As used in this section: 1592

(1) "Festival" means an event organized by a nonprofit 1593
organization that includes food, music, and entertainment and 1594
the participation of at least five riverboats. 1595

(2) "Nonprofit organization" has the same meaning as in 1596
section 4303.201 of the Revised Code. 1597

(B) The division of liquor control may issue an F-5 permit 1598
to the owner or operator of a riverboat that has a capacity in 1599
excess of fifty-five persons, that is not regularly docked in 1600
this state, and whose owner or operator has entered into a 1601
written contract with a nonprofit organization for the riverboat 1602
to participate in a festival. 1603

(C) The holder of an F-5 permit may sell beer and any 1604
intoxicating liquor, only by the individual drink in glass and 1605
from the container, for consumption on the premises where sold 1606
until one a.m., on any day of the week, ~~including Sunday.~~ 1607

(D) The division shall prepare and make available an F-5 1608
permit application form and may require applicants for the 1609
permit to provide information, in addition to that required by 1610
this section, that is necessary for the administration of this 1611
section. 1612

(E) Sales under an F-5 permit are not affected by whether 1613
sales of beer or intoxicating liquor for consumption on the 1614
premises where sold are permitted to be made by persons holding 1615
another type of permit in the precinct or at the particular 1616
location where the riverboat is located. 1617

(F) No F-5 permit shall be in effect for more than six consecutive days. 1618
1619

(G) The division shall not issue more than one F-5 permit in any one calendar year for the same riverboat. 1620
1621

(H) The fee for an F-5 permit is one hundred eighty dollars. 1622
1623

Sec. 4303.99. (A) Whoever violates section 4303.28 of the Revised Code shall be fined not less than one thousand nor more than twenty-five hundred dollars or imprisoned not less than six months nor more than one year. 1624
1625
1626
1627

(B) Whoever violates section 4303.36 of the Revised Code shall be fined not less than twenty-five nor more than one hundred dollars. 1628
1629
1630

(C) Whoever violates section 4303.37 of the Revised Code shall be fined not less than twenty-five nor more than fifty dollars. 1631
1632
1633

(D) Whoever violates division ~~(D) (2)~~ (C) (2) of section 4303.202 or division (C) of section 4303.208 of the Revised Code is guilty of a misdemeanor of the fourth degree. 1634
1635
1636

(E) (1) Whoever violates division (B) (1) or (2) of section 4303.236 of the Revised Code is guilty of a misdemeanor and shall be fined not more than five hundred dollars. 1637
1638
1639

(2) If a person commits a second offense within one year after committing the first offense, the person shall be fined not more than one thousand dollars. 1640
1641
1642

(3) If a person commits a third or subsequent offense within one year after committing the first offense, the person shall be fined not more than five thousand dollars. 1643
1644
1645

Section 2. That existing sections 4301.22, 4301.24, 1646
4301.32, 4301.322, 4301.33, 4301.332, 4301.333, 4301.353, 1647
4301.355, 4301.362, 4301.365, 4301.366, 4301.37, 4301.39, 1648
4301.403, 4301.404, 4301.99, 4303.184, 4303.19, 4303.202, 1649
4303.203, 4303.204, 4303.205, and 4303.99 of the Revised Code 1650
are hereby repealed. 1651

Section 3. That sections 4301.351, 4301.354, 4301.361, 1652
4301.364, and 4303.182 of the Revised Code are hereby repealed. 1653

Section 4. (A) As used in this section, "petition" means a 1654
petition for a local option election authorizing the sale of 1655
beer, wine, mixed beverages, or spirituous liquor on Sundays 1656
that has been filed with a board of elections under section 1657
4301.33, 4301.332, or 4301.333 of the Revised Code, as amended 1658
by this act. 1659

(B) On the effective date of this section, if a board of 1660
elections is in the process of reviewing a petition calling for 1661
the submission of a question or questions authorizing Sunday 1662
sales of beer, wine, mixed beverages, or spirituous liquor on 1663
the ballot of the next general election or a special election 1664
conducted on the day of the next primary election, the board 1665
shall do either of the following, as applicable: 1666

(1) If ballots have not been printed, remove the question 1667
or questions submitted to the board for placement on the ballot 1668
of the next general election or a special election conducted on 1669
the day of the next primary election; 1670

(2) If ballots have been printed with the question or 1671
questions on them, post a notice at each polling place on the 1672
day of the election, and enclose with each absent voter's ballot 1673
given or mailed after the question or questions are to be 1674

removed, a notice that votes for the removed question or	1675
questions will be void and will not be counted. If the question	1676
or questions are not removed from all ballots before the day of	1677
the election, the votes for the removed question or questions	1678
are void and shall not be counted.	1679