

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 342

Representative Young

Cosponsors: Representatives Becker, Grossman, Hackett, Schaffer, Vitale

A BILL

To amend sections 4301.12, 4301.13, 4301.24, 1
4301.30, 4301.355, 4301.43, 4301.432, 4301.47, 2
4301.62, 4301.82, 4301.83, 4303.021, 4303.07, 3
4303.10, 4303.182, 4303.204, 4303.33, 4303.333, 4
and 5709.55 and to enact section 4303.031 of the 5
Revised Code to create the Ohio Farm Winery 6
Permit. 7

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

Section 1. That sections 4301.12, 4301.13, 4301.24, 8
4301.30, 4301.355, 4301.43, 4301.432, 4301.47, 4301.62, 4301.82, 9
4301.83, 4303.021, 4303.07, 4303.10, 4303.182, 4303.204, 10
4303.33, 4303.333, and 5709.55 be amended and section 4303.031 11
of the Revised Code be enacted to read as follows: 12

Sec. 4301.12. The division of liquor control shall provide 13
for the custody, safekeeping, and deposit of all moneys, checks, 14
and drafts received by it or any of its employees or agents 15
prior to paying them to the treasurer of state as provided by 16
section 113.08 of the Revised Code. 17

A sum equal to three dollars and thirty-eight cents for 18

each gallon of spirituous liquor sold by the division, JobsOhio, 19
or a designee of JobsOhio during the period covered by the 20
payment shall be paid into the state treasury to the credit of 21
the general revenue fund. All moneys received from permit fees, 22
except B-2a and S permit fees from B-2a and S permit holders who 23
do not also hold A-2 or A-2f permits, shall be paid to the 24
credit of the undivided liquor permit fund established by 25
section 4301.30 of the Revised Code. 26

Except as otherwise provided by law, all moneys collected 27
under Chapters 4301. and 4303. of the Revised Code shall be paid 28
by the division into the state treasury to the credit of the 29
liquor control fund, which is hereby created. In addition, 30
revenue resulting from any contracts with the department of 31
commerce pertaining to the responsibilities and operations 32
described in this chapter may be credited to the fund. Amounts 33
in the liquor control fund may be used to pay the operating 34
expenses of the liquor control commission. 35

Whenever, in the judgment of the director of budget and 36
management, the amount in the liquor control fund is in excess 37
of that needed to meet the maturing obligations of the division, 38
as working capital for its further operations, to pay the 39
operating expenses of the commission, and for the alcohol 40
testing program under section 3701.143 of the Revised Code, the 41
director shall transfer the excess to the credit of the general 42
revenue fund. If the director determines that the amount in the 43
liquor control fund is insufficient, the director may transfer 44
money from the general revenue fund to the liquor control fund. 45

Sec. 4301.13. The liquor control commission may adopt, 46
promulgate, repeal, rescind, and amend rules to regulate the 47
manner of dealing in and distributing and selling bottled wine 48

within the state. The commission may require out-of-state 49
producers, shippers, bottlers, and holders of federal importers' 50
permits shipping bottled wine into Ohio and holders of A-2, A- 51
2f, B-5, B-3, and B-2 permits issued by the division of liquor 52
control, engaged in distributing and selling bottled wine in 53
Ohio, to file with the division a schedule of prices in which 54
minimum prices are set forth for the sale of bottled wine at 55
wholesale or retail, or both, in Ohio. Any amendments, 56
additions, alterations, or revisions to the schedule of prices 57
as originally filed with the division shall be filed in the same 58
manner as the original schedule of prices required to be filed 59
with the division. 60

The commission may determine and fix the minimum mark-ups 61
at wholesale or retail, or both, for bottled wine, and fix the 62
minimum prices at which the various classes of bottled wine 63
shall be distributed and sold in Ohio either at wholesale or 64
retail, or both. 65

Sec. 4301.24. (A) Except as provided in section 4301.242 66
of the Revised Code, no manufacturer shall aid or assist the 67
holder of any permit for sale at wholesale, and no manufacturer 68
or wholesale distributor shall aid or assist the holder of any 69
permit for sale at retail, by gift or loan of any money or 70
property of any description or other valuable thing, or by 71
giving premiums or rebates. Except as provided in section 72
4301.242 of the Revised Code, no holder of any such permit shall 73
accept the same, provided that the manufacturer or wholesale 74
distributor may furnish to a retail permittee the inside signs 75
or advertising and the tap signs or devices authorized by 76
divisions (E) and (F) of section 4301.22 of the Revised Code. 77

(B) No manufacturer shall have any financial interest, 78

directly or indirectly, by stock ownership, or through 79
interlocking directors in a corporation, or otherwise, in the 80
establishment, maintenance, or promotion in the business of any 81
wholesale distributor. No retail permit holder shall have any 82
interest, directly or indirectly, in the operation of, or any 83
ownership in, the business of any wholesale distributor or 84
manufacturer. 85

(C) (1) No manufacturer shall, except as authorized by 86
section 4303.021 of the Revised Code, have any financial 87
interest, directly or indirectly, by stock ownership, or through 88
interlocking directors in a corporation, or otherwise, in the 89
establishment, maintenance, or promotion of the business of any 90
retail dealer. No wholesale distributor or employee of a 91
wholesale distributor shall have any financial interest, 92
directly or indirectly, by stock ownership, interlocking 93
directors in a corporation, or otherwise, in the establishment, 94
maintenance, or promotion of the business of any retail dealer. 95
No manufacturer or wholesale distributor or any stockholder of a 96
manufacturer or wholesale distributor shall acquire, by 97
ownership in fee, leasehold, mortgage, or otherwise, directly or 98
indirectly, any interest in the premises on which the business 99
of any other person engaged in the business of trafficking in 100
beer or intoxicating liquor is conducted. 101

(2) All contracts, covenants, conditions, and limitations 102
whereby any person engaged or proposing to engage in the sale of 103
beer or intoxicating liquors promises to confine the person's 104
sales of a particular kind or quality of beer or intoxicating 105
liquor to one or more products, or the products of a specified 106
manufacturer or wholesale distributor, or to give preference to 107
those products, shall to the extent of that promise be void. The 108
making of a promise in any such form shall be cause for the 109

revocation or suspension of any permit issued to any party. 110

(D) No manufacturer shall sell or offer to sell to any 111
wholesale distributor or retail permit holder, no wholesale 112
distributor shall sell or offer to sell to any retail permit 113
holder, and no wholesale distributor or retail permit holder 114
shall purchase or receive from any manufacturer or wholesale 115
distributor, any beer, brewed beverages, or wine manufactured in 116
the United States except for cash. No right of action shall 117
exist to collect any claims for credit extended contrary to this 118
section. 119

This section does not prohibit a licensee from crediting 120
to a purchaser the actual prices charged for packages or 121
containers returned by the original purchaser as a credit on any 122
sale or from refunding to any purchaser the amount paid by that 123
purchaser for containers or as a deposit on containers when 124
title is retained by the vendor, if those containers or packages 125
have been returned to the manufacturer or distributor. This 126
section does not prohibit a manufacturer from extending usual 127
and customary credit for beer, brewed beverages, or wine 128
manufactured in the United States and sold to customers who live 129
or maintain places of business outside this state when the 130
beverages so sold are actually transported and delivered to 131
points outside this state. 132

No wholesale or retail permit shall be issued to an 133
applicant unless the applicant has paid in full all accounts for 134
beer or wine, manufactured in the United States, outstanding as 135
of September 6, 1939. No beer or wine manufactured in the United 136
States shall be imported into the state unless the beer or wine 137
has been paid for in cash, and no supplier registration for any 138
such beer or wine manufactured in the United States shall be 139

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 prevent 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:

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

(2) 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.

(3) 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 that constitutes a substantial impairment of commerce.

(4) The primary purpose of the C or D permit premises is a purpose other than to sell alcoholic beverages, and the sale of other goods and services exceeds fifty per cent of the total gross receipts of the C or D permit holder at its premises.

(F) (1) This section does not prevent a manufacturer from

giving financial assistance to the holder of a B permit for the 169
purpose of the holder purchasing an ownership interest in the 170
business, existing inventory and equipment, or property of 171
another B permit holder, including, but not limited to, 172
participation in a limited liability partnership, limited 173
liability company, or any other legal entity authorized to do 174
business in this state. 175

(2) This section does not permit a manufacturer to give 176
financial assistance to the holder of a B permit to purchase 177
inventory or equipment used in the daily operation of a B permit 178
holder. 179

(G) This section does not prohibit a manufacturer or 180
subsidiary of a manufacturer from continuing to operate a 181
wholesale distribution franchise or distribute beer or wine 182
within a designated territory if prior to the effective date of 183
this amendment the manufacturer either acquired the distribution 184
franchise or territory, or awarded the franchise or territory to 185
itself or a subsidiary. 186

(H) This section shall not prevent a manufacturer from 187
securing and holding an A-1c or B-2a permit or permits and 188
operating as a wholesale distributor pursuant to such permits. 189

Sec. 4301.30. (A) All fees collected by the division of 190
liquor control shall be deposited in the state treasury to the 191
credit of the undivided liquor permit fund, which is hereby 192
created, at the time prescribed under section 4301.12 of the 193
Revised Code. Each payment shall be accompanied by a statement 194
showing separately the amount collected for each class of 195
permits in each municipal corporation and in each township 196
outside the limits of any municipal corporation in such 197
township. 198

(B) (1) An amount equal to forty-five per cent of the fund 199
shall be paid from the fund into the state liquor regulatory 200
fund, which is hereby created in the state treasury. The state 201
liquor regulatory fund shall be used to pay the operating 202
expenses of the division of liquor control in administering and 203
enforcing Title XLIII of the Revised Code and the operating 204
expenses of the liquor control commission. Investment earnings 205
of the fund shall be credited to the fund. 206

(2) Whenever, in the judgment of the director of budget 207
and management, the amount of money that is in the state liquor 208
regulatory fund is in excess of the amount that is needed to pay 209
the operating expenses of the division in administering and 210
enforcing Title XLIII of the Revised Code and the operating 211
expenses of the commission, the director shall credit the excess 212
amount to the general revenue fund. 213

(C) Twenty per cent of the undivided liquor permit fund 214
shall be paid into the statewide treatment and prevention fund, 215
which is hereby created in the state treasury. This amount shall 216
be appropriated by the general assembly, together with an amount 217
equal to one and one-half per cent of the gross profit of the 218
division of liquor control derived under division (B) (4) of 219
section 4301.10 of the Revised Code, to the department of mental 220
health and addiction services. In planning for the allocation of 221
and in allocating these amounts for the purposes of Chapter 222
5119. of the Revised Code, the department shall comply with the 223
nondiscrimination provisions of Title VI of the Civil Rights Act 224
of 1964, and any rules adopted under that act. 225

(D) Thirty-five per cent of the undivided liquor permit 226
fund shall be distributed by the superintendent of liquor 227
control at quarterly calendar periods as follows: 228

(1) To each municipal corporation, the aggregate amount 229
shown by the statements to have been collected from permits in 230
the municipal corporation, for the use of the general fund of 231
the municipal corporation; 232

(2) To each township, the aggregate amount shown by the 233
statements to have been collected from permits in its territory, 234
outside the limits of any municipal corporation located in the 235
township, for the use of the general fund of the township, or 236
for fire protection purposes, including buildings and equipment 237
in the township or in an established fire district within the 238
township, to the extent that the funds are derived from liquor 239
permits within the territory comprising such fire district. 240

(E) For the purpose of the distribution required by this 241
section, E, H, and D permits covering boats or vessels are 242
deemed to have been issued in the municipal corporation or 243
township wherein the owner or operator of the vehicle, boat, 244
vessel, or dining car equipment to which the permit relates has 245
the owner's or operator's principal office or place of business 246
within the state. 247

(F) If the liquor control commission determines that the 248
police or other officers of any municipal corporation or 249
township entitled to share in distributions under this section 250
are refusing or culpably neglecting to enforce this chapter and 251
Chapter 4303. of the Revised Code, or the penal laws of this 252
state relating to the manufacture, importation, transportation, 253
distribution, and sale of beer and intoxicating liquors, or if 254
the prosecuting officer of a municipal corporation or a 255
municipal court fails to comply with the request of the 256
commission authorized by division (A) (4) of section 4301.10 of 257
the Revised Code, the commission, by certified mail, may notify 258

the chief executive officer of the municipal corporation or the 259
board of township trustees of the township of the failure and 260
require the immediate cooperation of the responsible officers of 261
the municipal corporation or township with the division of 262
liquor control in the enforcement of those chapters and penal 263
laws. Within thirty days after the notice is served, the 264
commission shall determine whether the requirement has been 265
complied with. If the commission determines that the requirement 266
has not been complied with, it may issue an order to the 267
superintendent to withhold the distributive share of the 268
municipal corporation or township until further order of the 269
commission. This action of the commission is reviewable within 270
thirty days thereafter in the court of common pleas of Franklin 271
county. 272

(G) All fees collected by the division of liquor control 273
from the issuance or renewal of B-2a and S permits, and paid by 274
B-2a and S permit holders who do not also hold A-2 or A-2f 275
permits, shall be deposited in the state treasury to the credit 276
of the state liquor regulatory fund. Once during each fiscal 277
year, an amount equal to fifty per cent of the fees collected 278
shall be paid from the state liquor regulatory fund into the 279
general revenue fund. 280

Sec. 4301.355. (A) If a petition is filed under section 281
4301.333 of the Revised Code for the submission of the question 282
or questions set forth in this section, it shall be held in the 283
precinct as ordered by the board of elections under that 284
section. The expense of holding the election shall be charged to 285
the municipal corporation or township of which the precinct is a 286
part. 287

(B) At the election, one or more of the following 288

questions, as designated in a valid petition, shall be submitted 289
to the electors of the precinct: 290

(1) "Shall the sale of (insert beer, wine and 291
mixed beverages, or spirituous liquor) be permitted 292
by (insert name of applicant, liquor permit holder, 293
or liquor agency store, including trade or fictitious name under 294
which applicant for, or holder of, liquor permit or liquor 295
agency store either intends to do, or does, business at the 296
particular location), an (insert "applicant for" or 297
"holder of" or "operator of") a (insert class name of 298
liquor permit or permits followed by the words "liquor 299
permit(s)" or, if appropriate, the words "liquor agency store 300
for the State of Ohio"), who is engaged in the business 301
of (insert general nature of the business in which 302
applicant or liquor permit holder is engaged or will be engaged 303
in at the particular location, as described in the petition) 304
at (insert address of the particular location within 305
the precinct as set forth in the petition) in this precinct?" 306

(2) "Shall the sale of (insert beer, wine and 307
mixed beverages, or spirituous liquor) be permitted for sale on 308
Sunday between the hours of (insert "ten a.m. and 309
midnight" or "eleven a.m. and midnight") by (insert 310
name of applicant, liquor permit holder, or liquor agency store, 311
including trade or fictitious name under which applicant for, or 312
holder of, liquor permit or liquor agency store either intends 313
to do, or does, business at the particular location), an 314
(insert "applicant for a D-6 liquor permit," "holder of a D-6 315
liquor permit," "applicant for or holder of an A-1-A, A-2, A-2f, 316
A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D- 317
5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, 318
or D-7 liquor permit," if only the approval of beer sales is 319

sought, or "liquor agency store") who is engaged in the business 320
of (insert general nature of the business in which 321
applicant or liquor permit holder is engaged or will be engaged 322
in at the particular location, as described in the petition) 323
at (insert address of the particular location within 324
the precinct) in this precinct?" 325

(C) The board of elections shall furnish printed ballots 326
at the election as provided under section 3505.06 of the Revised 327
Code, except that a separate ballot shall be used for the 328
election under this section. The question set forth in this 329
section shall be printed on each ballot, and the board shall 330
insert in the question appropriate words to complete it. Votes 331
shall be cast as provided under section 3505.06 of the Revised 332
Code. 333

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 334
of the Revised Code: 335

(1) "Gallon" or "wine gallon" means one hundred twenty- 336
eight fluid ounces. 337

(2) "Sale" or "sell" includes exchange, barter, gift, 338
distribution, and, except with respect to A-4 permit holders, 339
offer for sale. 340

(B) For the purposes of providing revenues for the support 341
of the state and encouraging the grape industries in the state, 342
a tax is hereby levied on the sale or distribution of wine in 343
Ohio, except for known sacramental purposes, at the rate of 344
thirty cents per wine gallon for wine containing not less than 345
four per cent of alcohol by volume and not more than fourteen 346
per cent of alcohol by volume, ninety-eight cents per wine 347
gallon for wine containing more than fourteen per cent but not 348

more than twenty-one per cent of alcohol by volume, one dollar 349
and eight cents per wine gallon for vermouth, and one dollar and 350
forty-eight cents per wine gallon for sparkling and carbonated 351
wine and champagne, the tax to be paid by the holders of A-2, A- 352
2f, and B-5 permits or by any other person selling or 353
distributing wine upon which no tax has been paid. From the tax 354
paid under this section on wine, vermouth, and sparkling and 355
carbonated wine and champagne, the treasurer of state shall 356
credit to the Ohio grape industries fund created under section 357
924.54 of the Revised Code a sum equal to one cent per gallon 358
for each gallon upon which the tax is paid. 359

(C) For the purpose of providing revenues for the support 360
of the state, there is hereby levied a tax on prepared and 361
bottled highballs, cocktails, cordials, and other mixed 362
beverages at the rate of one dollar and twenty cents per wine 363
gallon to be paid by holders of A-4 permits or by any other 364
person selling or distributing those products upon which no tax 365
has been paid. Only one sale of the same article shall be used 366
in computing the amount of tax due. The tax on mixed beverages 367
to be paid by holders of A-4 permits under this section shall 368
not attach until the ownership of the mixed beverage is 369
transferred for valuable consideration to a wholesaler or 370
retailer, and no payment of the tax shall be required prior to 371
that time. 372

(D) During the period of July 1, 2013, through June 30, 373
2015, from the tax paid under this section on wine, vermouth, 374
and sparkling and carbonated wine and champagne, the treasurer 375
of state shall credit to the Ohio grape industries fund created 376
under section 924.54 of the Revised Code a sum equal to two 377
cents per gallon upon which the tax is paid. The amount credited 378
under this division is in addition to the amount credited to the 379

Ohio grape industries fund under division (B) of this section. 380

(E) For the purpose of providing revenues for the support 381
of the state, there is hereby levied a tax on cider at the rate 382
of twenty-four cents per wine gallon to be paid by the holders 383
of A-2, A-2f, and B-5 permits or by any other person selling or 384
distributing cider upon which no tax has been paid. Only one 385
sale of the same article shall be used in computing the amount 386
of the tax due. 387

Sec. 4301.432. For the purpose of encouraging the grape 388
industries of the state, a tax is hereby levied on the sale or 389
distribution of vermouth, sparkling and carbonated wine and 390
champagne, and other wine, except for known sacramental 391
purposes, at the rate of two cents per wine gallon, the tax to 392
be paid by the holders of A-2, A-2f, B-2a, B-5, and S permits or 393
by any other person selling or distributing wine upon which no 394
such tax has been paid. The treasurer of state shall credit to 395
the Ohio grape industries fund created under section 924.54 of 396
the Revised Code the moneys the treasurer of state receives from 397
this tax. 398

Sec. 4301.47. Every class A-1, A-1c, A-2, A-2f, and A-4 399
permit holder and each class B or S permit holder shall maintain 400
and keep for a period of three years a record of the beer, wine, 401
and mixed beverages purchased, distributed, or sold within this 402
state by the permit holder, together with invoices, records, 403
receipts, bills of lading, and other pertinent papers required 404
by the tax commissioner and, upon demand by the tax 405
commissioner, shall produce these records for a three-year 406
period prior to the demand unless upon satisfactory proof it is 407
shown that the nonproduction is due to causes beyond the permit 408
holder's control. 409

Sec. 4301.62. (A) As used in this section:	410
(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code.	411 412
(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code.	413 414
(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:	415 416 417
(1) Except as provided in division (C) (1) (e) of this section, in an agency store;	418 419
(2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the division of liquor control;	420 421 422
(3) In any other public place;	423
(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;	424 425 426 427 428
(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.	429 430 431 432
(C) (1) A person may have in the person's possession an opened container of any of the following:	433 434
(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the	435 436

holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 437
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 438
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F- 439
7, or F-8 permit; 440

(b) Beer, wine, or mixed beverages served for consumption 441
on the premises by the holder of an F-3 permit or wine served 442
for consumption on the premises by the holder of an F-4 or F-6 443
permit; 444

(c) Beer or intoxicating liquor consumed on the premises 445
of a convention facility as provided in section 4303.201 of the 446
Revised Code; 447

(d) Beer or intoxicating liquor to be consumed during 448
tastings and samplings approved by rule of the liquor control 449
commission; 450

(e) Spirituous liquor to be consumed for purposes of a 451
tasting sample, as defined in section 4301.171 of the Revised 452
Code. 453

(2) A person may have in the person's possession on an F 454
liquor permit premises an opened container of beer or 455
intoxicating liquor that was not purchased from the holder of 456
the F permit if the premises for which the F permit is issued is 457
a music festival and the holder of the F permit grants 458
permission for that possession on the premises during the period 459
for which the F permit is issued. As used in this division, 460
"music festival" means a series of outdoor live musical 461
performances, extending for a period of at least three 462
consecutive days and located on an area of land of at least 463
forty acres. 464

(3) (a) A person may have in the person's possession on a 465

D-2 liquor permit premises an opened or unopened container of 466
wine that was not purchased from the holder of the D-2 permit if 467
the premises for which the D-2 permit is issued is an outdoor 468
performing arts center, the person is attending an orchestral 469
performance, and the holder of the D-2 permit grants permission 470
for the possession and consumption of wine in certain 471
predesignated areas of the premises during the period for which 472
the D-2 permit is issued. 473

(b) As used in division (C) (3) (a) of this section: 474

(i) "Orchestral performance" means a concert comprised of 475
a group of not fewer than forty musicians playing various 476
musical instruments. 477

(ii) "Outdoor performing arts center" means an outdoor 478
performing arts center that is located on not less than one 479
hundred fifty acres of land and that is open for performances 480
from the first day of April to the last day of October of each 481
year. 482

(4) A person may have in the person's possession an opened 483
or unopened container of beer or intoxicating liquor at an 484
outdoor location at which the person is attending an orchestral 485
performance as defined in division (C) (3) (b) (i) of this section 486
if the person with supervision and control over the performance 487
grants permission for the possession and consumption of beer or 488
intoxicating liquor in certain predesignated areas of that 489
outdoor location. 490

(5) A person may have in the person's possession on an F-9 491
liquor permit premises an opened or unopened container of beer 492
or intoxicating liquor that was not purchased from the holder of 493
the F-9 permit if the person is attending an orchestral 494

performance and the holder of the F-9 permit grants permission 495
for the possession and consumption of beer or intoxicating 496
liquor in certain predesignated areas of the premises during the 497
period for which the F-9 permit is issued. 498

As used in division (C) (5) of this section, "orchestral 499
performance" has the same meaning as in division (C) (3) (b) of 500
this section. 501

(6) (a) A person may have in the person's possession on the 502
property of an outdoor motorsports facility an opened or 503
unopened container of beer or intoxicating liquor that was not 504
purchased from the owner of the facility if both of the 505
following apply: 506

(i) The person is attending a racing event at the 507
facility; and 508

(ii) The owner of the facility grants permission for the 509
possession and consumption of beer or intoxicating liquor on the 510
property of the facility. 511

(b) As used in division (C) (6) (a) of this section: 512

(i) "Racing event" means a motor vehicle racing event 513
sanctioned by one or more motor racing sanctioning 514
organizations. 515

(ii) "Outdoor motorsports facility" means an outdoor 516
racetrack to which all of the following apply: 517

(I) It is two and four-tenths miles or more in length. 518

(II) It is located on two hundred acres or more of land. 519

(III) The primary business of the owner of the facility is 520
the hosting and promoting of racing events. 521

(IV) The holder of a D-1, D-2, or D-3 permit is located on	522
the property of the facility.	523
(7) (a) A person may have in the person's possession an	524
opened container of beer or intoxicating liquor at an outdoor	525
location within an outdoor refreshment area created under	526
section 4301.82 of the Revised Code if the opened container of	527
beer or intoxicating liquor was purchased from a qualified	528
permit holder to which both of the following apply:	529
(i) The permit holder's premises is located within the	530
outdoor refreshment area.	531
(ii) The permit held by the permit holder has an outdoor	532
refreshment area designation.	533
(b) Division (C) (7) of this section does not authorize a	534
person to do either of the following:	535
(i) Enter the premises of an establishment within an	536
outdoor refreshment area while possessing an opened container of	537
beer or intoxicating liquor acquired elsewhere;	538
(ii) Possess an opened container of beer or intoxicating	539
liquor while being in or on a motor vehicle within an outdoor	540
refreshment area, unless the motor vehicle is stationary and is	541
not being operated in a lane of vehicular travel or unless the	542
possession is otherwise authorized under division (D) or (E) of	543
this section.	544
(D) This section does not apply to a person who pays all	545
or a portion of the fee imposed for the use of a chauffeured	546
limousine pursuant to a prearranged contract, or the guest of	547
the person, when all of the following apply:	548
(1) The person or guest is a passenger in the limousine.	549

(2) The person or guest is located in the limousine, but 550
is not occupying a seat in the front compartment of the 551
limousine where the operator of the limousine is located. 552

(3) The limousine is located on any street, highway, or 553
other public or private property open to the public for purposes 554
of vehicular travel or parking. 555

(E) An opened bottle of wine that was purchased from the 556
holder of a permit that authorizes the sale of wine for 557
consumption on the premises where sold is not an opened 558
container for the purposes of this section if both of the 559
following apply: 560

(1) The opened bottle of wine is securely resealed by the 561
permit holder or an employee of the permit holder before the 562
bottle is removed from the premises. The bottle shall be secured 563
in such a manner that it is visibly apparent if the bottle has 564
been subsequently opened or tampered with. 565

(2) The opened bottle of wine that is resealed in 566
accordance with division (E) (1) of this section is stored in the 567
trunk of a motor vehicle or, if the motor vehicle does not have 568
a trunk, behind the last upright seat or in an area not normally 569
occupied by the driver or passengers and not easily accessible 570
by the driver. 571

(F) (1) Except if an ordinance or resolution is enacted or 572
adopted under division (F) (2) of this section, this section does 573
not apply to a person who, pursuant to a prearranged contract, 574
is a passenger riding on a commercial quadricycle when all of 575
the following apply: 576

(a) The person is not occupying a seat in the front of the 577
commercial quadricycle where the operator is steering or 578

braking.	579
(b) The commercial quadricycle is being operated on a street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.	580 581 582
(c) The person has in their possession on the commercial quadricycle an opened container of beer or wine.	583 584
(d) The person has in their possession on the commercial quadricycle not more than either thirty-six ounces of beer or eighteen ounces of wine.	585 586 587
(2) The legislative authority of a municipal corporation or township may enact an ordinance or adopt a resolution, as applicable, that prohibits a passenger riding on a commercial quadricycle from possessing an opened container of beer or wine.	588 589 590 591
(3) As used in this section, "commercial quadricycle" means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all of the following requirements:	592 593 594 595
(a) It has four wheels and is operated in a manner similar to a bicycle.	596 597
(b) It has at least five seats for passengers.	598
(c) It is designed to be powered by the pedaling of the operator and the passengers.	599 600
(d) It is used for commercial purposes.	601
(e) It is operated by the vehicle owner or an employee of the owner.	602 603
Sec. 4301.82. (A) As used in this section, "qualified permit holder" means the holder of an A-1, A-1-A, A-1c, A-2, <u>A-</u>	604 605

2f., or D permit issued under Chapter 4303. of the Revised Code. 606

(B) The executive officer of a municipal corporation or 607
the fiscal officer of a township may file an application with 608
the legislative authority of the municipal corporation or 609
township to have property within the municipal corporation or 610
township designated as an outdoor refreshment area or to expand 611
an existing outdoor refreshment area to include additional 612
property within the municipal corporation or township. The 613
executive officer or fiscal officer shall ensure that the 614
application contains all of the following: 615

(1) A map or survey of the proposed outdoor refreshment 616
area in sufficient detail to identify the boundaries of the 617
area, which shall not exceed either of the following, as 618
applicable: 619

(a) Three hundred twenty contiguous acres or one-half 620
square mile if the municipal corporation or township has a 621
population of more than thirty-five thousand as specified in 622
division (D) of this section; 623

(b) One hundred fifty contiguous acres if the municipal 624
corporation or township has a population of thirty-five thousand 625
or less as specified in division (D) of this section. 626

(2) A general statement of the nature and types of 627
establishments that will be located within the proposed outdoor 628
refreshment area; 629

(3) A statement that the proposed outdoor refreshment area 630
will encompass not fewer than four qualified permit holders; 631

(4) Evidence that the uses of land within the proposed 632
outdoor refreshment area are in accord with the master zoning 633
plan or map of the municipal corporation or township; 634

(5) Proposed requirements for the purpose of ensuring 635
public health and safety within the proposed outdoor refreshment 636
area. 637

(C) Within forty-five days after the date the application 638
is filed with the legislative authority of a municipal 639
corporation or township, the legislative authority shall publish 640
public notice of the application once a week for two consecutive 641
weeks in one newspaper of general circulation in the municipal 642
corporation or township or as provided in section 7.16 of the 643
Revised Code. The legislative authority shall ensure that the 644
notice states that the application is on file in the office of 645
the clerk of the municipal corporation or township and is 646
available for inspection by the public during regular business 647
hours. The legislative authority also shall indicate in the 648
notice the date and time of any public hearing to be held 649
regarding the application by the legislative authority. 650

Not earlier than thirty but not later than sixty days 651
after the initial publication of notice, the legislative 652
authority shall approve or disapprove the application by either 653
ordinance or resolution, as applicable. Approval of an 654
application requires an affirmative vote of a majority of the 655
legislative authority. Upon approval of the application by the 656
legislative authority, the territory described in the 657
application constitutes an outdoor refreshment area. The 658
legislative authority shall provide to the division of liquor 659
control and the investigative unit of the department of public 660
safety notice of the approval of the application and a 661
description of the area specified in the application. If the 662
legislative authority disapproves the application, the executive 663
officer of a municipal corporation or fiscal officer of a 664
township may make changes in the application to secure its 665

approval by the legislative authority. 666

(D) The creation of outdoor refreshment areas is limited 667
as follows: 668

(1) A municipal corporation or township with a population 669
of more than fifty thousand shall not create more than two 670
outdoor refreshment areas. 671

(2) A municipal corporation or township with a population 672
of more than thirty-five thousand but less than or equal to 673
fifty thousand shall not create more than one outdoor 674
refreshment area. 675

(3) (a) Except as provided in division (D) (3) (b) of this 676
section, a municipal corporation or township with a population 677
of thirty-five thousand or less shall not create an outdoor 678
refreshment area. 679

(b) A municipal corporation or township with a population 680
of thirty-five thousand or less may create one outdoor 681
refreshment area if the proposed area will include at least four 682
qualified permit holders and be composed of one hundred fifty or 683
fewer contiguous acres. 684

For purposes of this section, the population of a 685
municipal corporation or township is deemed to be the population 686
shown by the most recent regular federal decennial census. 687

(E) As soon as possible after receiving notice that an 688
outdoor refreshment area has been approved, the division of 689
liquor control, for purposes of section 4301.62 of the Revised 690
Code, shall issue an outdoor refreshment area designation to 691
each qualified permit holder located within the refreshment area 692
that is in compliance with all applicable requirements under 693
Chapters 4301. and 4303. of the Revised Code. The division shall 694

not charge any fee for the issuance of the designation. Any 695
permit holder that receives such a designation shall comply with 696
all laws, rules, and regulations that govern its license type, 697
and the applicable public health and safety requirements 698
established for the area under division (F) of this section. 699

(F) (1) At the time of the creation of an outdoor 700
refreshment area, the legislative authority of a municipal 701
corporation or township in which such an area is located shall 702
adopt an ordinance or resolution, as applicable, that 703
establishes requirements the legislative authority determines 704
necessary to ensure public health and safety within the area. 705
The legislative authority shall include in the ordinance or 706
resolution all of the following: 707

(a) The specific boundaries of the area, including street 708
addresses; 709

(b) The number, spacing, and type of signage designating 710
the area; 711

(c) The hours of operation for the area; 712

(d) The number of personnel needed to ensure public safety 713
in the area; 714

(e) A sanitation plan that will help maintain the 715
appearance and public health of the area; 716

(f) The number of personnel needed to execute the 717
sanitation plan; 718

(g) A requirement that beer and intoxicating liquor be 719
served solely in plastic bottles or other plastic containers in 720
the area. 721

The legislative authority may, but is not required to, 722

include in the ordinance or resolution any public health and 723
safety requirements proposed in an application under division 724
(B) of this section to designate or expand the outdoor 725
refreshment area. The legislative authority may subsequently 726
modify the public health and safety requirements as determined 727
necessary by the legislative authority. 728

(2) Prior to adopting an ordinance or resolution under 729
this division, the legislative authority shall give notice of 730
its proposed action by publication once a week for two 731
consecutive weeks in one newspaper of general circulation in the 732
municipal corporation or township or as provided in section 7.16 733
of the Revised Code. 734

(3) The legislative authority shall provide to the 735
division of liquor control and the investigative unit of the 736
department of public safety notice of the public health and 737
safety requirements established or modified under this division. 738

(G) Section 4399.18 of the Revised Code applies to a 739
liquor permit holder located within an outdoor refreshment area 740
in the same manner as if the liquor permit holder were not 741
located in an outdoor refreshment area. 742

(H) (1) Five years after the date of creation of an outdoor 743
refreshment area, the legislative authority of the municipal 744
corporation or township that created the area under this section 745
shall review the operation of the area and shall, by ordinance 746
or resolution, either approve the continued operation of the 747
area or dissolve the area. Prior to adopting the ordinance or 748
resolution, the legislative authority shall give notice of its 749
proposed action by publication once a week for two consecutive 750
weeks in one newspaper of general circulation in the municipal 751
corporation or township or as provided in section 7.16 of the 752

Revised Code. 753

If the legislative authority dissolves the outdoor 754
refreshment area, the outdoor refreshment area ceases to exist. 755
The legislative authority then shall provide notice of its 756
action to the division of liquor control and the investigative 757
unit of the department of public safety. Upon receipt of the 758
notice, the division shall revoke all outdoor refreshment area 759
designations issued to qualified permit holders within the 760
dissolved area. If the legislative authority approves the 761
continued operation of the outdoor refreshment area, the area 762
continues in operation. 763

(2) Five years after the approval of the continued 764
operation of an outdoor refreshment area under division (H) (1) 765
of this section, the legislative authority shall conduct a 766
review in the same manner as provided in division (H) (1) of this 767
section. The legislative authority also shall conduct such a 768
review five years after any subsequent approval of continued 769
operation under division (H) (2) of this section. 770

(I) At any time, the legislative authority of a municipal 771
corporation or township in which an outdoor refreshment area is 772
located may, by ordinance or resolution, dissolve all or a part 773
of the outdoor refreshment area. Prior to adopting the 774
resolution or ordinance, the legislative authority shall give 775
notice of its proposed action by publication once a week for two 776
consecutive weeks in one newspaper of general circulation in the 777
municipal corporation or township or as provided in section 7.16 778
of the Revised Code. If the legislative authority dissolves all 779
or part of an outdoor refreshment area, the area designated in 780
the ordinance or resolution no longer constitutes an outdoor 781
refreshment area. The legislative authority shall provide notice 782

of its actions to the division of liquor control and the 783
investigative unit of the department of public safety. Upon 784
receipt of the notice, the division shall revoke all outdoor 785
refreshment area designations issued to qualified permit holders 786
within the dissolved area or portion of the area. 787

Sec. 4301.83. (A) As used in this section: 788

(1) "Qualified permit holder" means a person to which both 789
of the following apply: 790

(a) The person is the holder of an A-1, A-1-A, A-1c, A-2, 791
A-2f, or D permit issued under Chapter 4303. of the Revised 792
Code. 793

(b) The location of the premises for which the person has 794
been issued a permit specified in division (A)(1)(a) of this 795
section is in a county in which a major event will occur or in a 796
county contiguous to the county in which a major event will 797
occur. 798

(2) "Major event" means an event that meets all of the 799
following conditions: 800

(a) It is scheduled to occur in a municipal corporation 801
with a population of three hundred fifty thousand or more on or 802
~~after the effective date of this section~~ September 29, 2015. 803

(b) It is expected to attract not less than three thousand 804
visitors. 805

(c) It is scheduled to have a duration of not less than 806
one day and not more than ten days. 807

(B) Notwithstanding any provision of law to the contrary 808
and upon issuance of a waiver by the division of liquor control 809
under this section, a qualified permit holder may serve beer, 810

intoxicating liquor, or both between five thirty a.m. and four 811
a.m. the following day during a major event. 812

(C) Not later than one hundred twenty days prior to the 813
commencement of a major event, a qualified permit holder may 814
file an application for a waiver with the chief executive 815
officer of the municipal corporation in which the permit 816
holder's premises is located or the fiscal officer of the 817
township in which the permit holder's premises is located. The 818
qualified permit holder shall include in the application both of 819
the following: 820

(1) The name and address of the qualified permit holder; 821

(2) The name and address of the premises that is the 822
subject of the application. 823

(D) (1) Not later than ninety days prior to the 824
commencement of the major event, the chief executive officer of 825
the municipal corporation or the fiscal officer of the township 826
that receives an application under division (C) of this section 827
shall review all applications received under division (C) of 828
this section and compile a list of the applicants. 829

(2) In compiling the list under division (D) (1) of this 830
section, the chief executive officer or fiscal officer shall 831
consult with the chief law enforcement officer of the municipal 832
corporation or township, as applicable, to determine whether to 833
retain each applicant on the list. 834

(E) (1) Not later than sixty days prior to the commencement 835
of the major event, the chief executive officer of the municipal 836
corporation or the fiscal officer of the township that compiles 837
a list of qualified permit holders under division (D) of this 838
section shall submit the list to the division. 839

(2) The division shall review the list and determine 840
whether to retain each qualified permit holder on the list. The 841
division may remove the name of a permit holder from the list 842
for good cause. After review, the division shall certify the 843
list. 844

(F) Not later than thirty days prior to the commencement 845
of the major event, the division shall do both of the following: 846

(1) Return the list certified under division (E) of this 847
section to the chief executive officer of the municipal 848
corporation or the fiscal officer of the township that submitted 849
the original list under division (E) of this section; 850

(2) Issue a waiver to each permit holder on the list that 851
allows the permit holder to serve beer, intoxicating liquor, or 852
both between five thirty a.m. and four a.m. the following day 853
during the major event. 854

(G) The division shall establish the form of the 855
application to be used under this section and shall make it 856
available for use by qualified permit holders. 857

Sec. 4303.021. (A) Permit A-1-A may be issued to the 858
holder of an A-1, A-1c, ~~or A-2,~~ or A-2f permit to sell beer and 859
any intoxicating liquor at retail, only by the individual drink 860
in glass or from a container, provided that one of the following 861
applies to the A-1-A permit premises: 862

(1) It is situated on the same parcel or tract of land as 863
the related A-1, A-1c, ~~or A-2,~~ or A-2f manufacturing permit 864
premises. 865

(2) It is separated from the parcel or tract of land on 866
which is located the A-1, A-1c, ~~or A-2,~~ or A-2f manufacturing 867
permit premises only by public streets or highways or by other 868

lands owned by the holder of the A-1, A-1c, ~~or A-2,~~ or A-2f 869
permit and used by the holder in connection with or in promotion 870
of the holder's A-1, A-1c, ~~or A-2,~~ or A-2f permit business. 871

(3) It is situated on a parcel or tract of land that is 872
not more than one-half mile from the A-1, A-1c, ~~or A-2,~~ or A-2f 873
manufacturing permit premises. 874

(B) The fee for this permit is three thousand nine hundred 875
six dollars. 876

(C) (1) The holder of an A-1-A permit may sell beer and any 877
intoxicating liquor during the same hours as the holders of D-5 878
permits under this chapter or Chapter 4301. of the Revised Code 879
or the rules of the liquor control commission and shall obtain a 880
license as a retail food establishment or a food service 881
operation pursuant to Chapter 3717. of the Revised Code and 882
operate as a restaurant for purposes of this chapter. 883

(2) If a permit A-1-A is issued to the holder of an A-1 or 884
A-1c permit, the A-1-A permit holder may sell beer at the A-1-A 885
permit premises dispensed in glass containers with a capacity 886
that does not exceed one gallon and not for consumption on the 887
premises where sold if all of the following apply: 888

(a) The A-1-A permit premises is situated in the same 889
municipal corporation or township as the related A-1 or A-1c 890
manufacturing permit premises. 891

(b) The containers are sealed, marked, and transported in 892
accordance with division (E) of section 4301.62 of the Revised 893
Code. 894

(c) The containers have been cleaned immediately before 895
being filled in accordance with rule 4301:1-1-28 of the 896
Administrative Code. 897

(D) Except as otherwise provided in this section, the
division of liquor control shall not issue a new A-1-A permit to
the holder of an A-1, A-1c, ~~or A-2,~~ or A-2f permit unless the
sale of beer and intoxicating liquor under class D permits is
permitted in the precinct in which the A-1, A-1c, ~~or A-2,~~ or A-
2f permit is located and, in the case of an A-2 or A-2f permit,
unless the holder of the A-2 or A-2f permit manufactures or has
a storage capacity of at least twenty-five thousand gallons of
wine per year. The immediately preceding sentence does not
prohibit the issuance of an A-1-A permit to an applicant for
such a permit who is the holder of an A-1 permit and whose
application was filed with the division of liquor control before
June 1, 1994. The liquor control commission shall not restrict
the number of A-1-A permits which may be located within a
precinct.

Sec. 4303.031. (A) Subject to divisions (B) and (C) of
this section, permit A-2f may be issued to a manufacturer to do
all of the following:

(1) Manufacture wine from grapes or other fruits;

(2) Import and purchase wine in bond for blending
purposes. The total amount of wine imported for blending
purposes during any year covered by the permit shall not exceed
forty per cent of all the wine manufactured and imported.

(3) Manufacture, purchase, and import brandy for
fortifying purposes;

(4) Sell products produced under divisions (A) (1) to (3)
of this section either in glass or container for consumption on
the premises where manufactured, in sealed containers for
consumption off the premises where manufactured, and to

wholesale permit holders under the rules adopted by the division 927
of liquor control. 928

(B) The division may issue permit A-2f to a manufacturer 929
only if both of the following apply: 930

(1) The manufacturer grows grapes or other fruits on 931
property owned by the manufacturer that is classified as land 932
devoted exclusively to agricultural use in accordance with 933
section 5713.31 of the Revised Code. 934

(2) The manufacturer processes the grapes or other fruits 935
specified in division (B) (1) of this section into wine and sells 936
the wine as authorized in this section. 937

(C) (1) The holder of an A-2f permit shall not sell 938
directly to a retailer. In order to make sales to a retailer, 939
the manufacturer shall obtain a B-2a permit or make the sale 940
directly to a B-2 or B-5 permit holder for subsequent resale to 941
a retailer. 942

(2) The holder of an A-2f permit shall not sell directly 943
to a consumer unless the product is sold on the premises in 944
accordance with division (A) of this section. In order to make 945
sales to a consumer off the premises where the wine is 946
manufactured, the manufacturer shall obtain an S permit. 947

(3) Nothing in this chapter prohibits an A-2f permit 948
holder from also holding a B-2a or S permit. 949

(D) The fee for this permit is seventy-six dollars for 950
each plant to which this permit is issued. 951

(E) The A-2f permit shall be known as the "Ohio Farm 952
Winery Permit." 953

Sec. 4303.07. Permit B-2 may be issued to a wholesale 954

distributor of wine to purchase from holders of A-2, A-2f, and 955
B-5 permits and distribute or sell that product, in the original 956
container in which it was placed by the B-5 permit holder or 957
manufacturer at the place where manufactured, to retail permit 958
holders and for home use. The fee for this permit is five 959
hundred dollars for each distributing plant or warehouse. 960

Sec. 4303.10. Permit B-5 may be issued to a wholesale 961
distributor of wine to purchase wine from the holders of A-2 and 962
A-2f permits, to purchase and import wine in bond or otherwise, 963
in bulk or in containers of any size, and to bottle wine for 964
distribution and sale to holders of wholesale or retail permits 965
and for home use in sealed containers. No wine shall be bottled 966
by a B-5 permit holder in containers supplied by any person who 967
intends the wine for home use. The fee for this permit is one 968
thousand five hundred sixty-three dollars. 969

Sec. 4303.182. (A) Except as otherwise provided in 970
divisions (B) to (J) of this section, permit D-6 shall be issued 971
to the holder of an A-1-A, A-2, A-2f, A-3a, C-2, D-2, D-3, D-3a, 972
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 973
D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow 974
sale under that permit as follows: 975

(1) Between the hours of ten a.m. and midnight on Sunday 976
if sale during those hours has been approved under question (C) 977
(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised 978
Code, under question (B) (2) of section 4301.355 of the Revised 979
Code, or under section 4301.356 of the Revised Code and has been 980
authorized under section 4301.361, 4301.364, 4301.365, or 981
4301.366 of the Revised Code, under the restrictions of that 982
authorization; 983

(2) Between the hours of eleven a.m. and midnight on 984

Sunday, if sale during those hours has been approved on or after 985
~~the effective date of this amendment~~ October 16, 2009, under 986
question (B) (1), (2), or (3) of section 4301.351 or 4301.354 of 987
the Revised Code, under question (B) (2) of section 4301.355 of 988
the Revised Code, or under section 4301.356 of the Revised Code 989
and has been authorized under section 4301.361, 4301.364, 990
4301.365, or 4301.366 of the Revised Code, under the 991
restrictions of that authorization; 992

(3) Between the hours of eleven a.m. and midnight on 993
Sunday if sale between the hours of one p.m. and midnight was 994
approved before ~~the effective date of this amendment~~ October 16, 995
2009, under question (B) (1), (2), or (3) of section 4301.351 or 996
4301.354 of the Revised Code, under question (B) (2) of section 997
4301.355 of the Revised Code, or under section 4301.356 of the 998
Revised Code and has been authorized under section 4301.361, 999
4301.364, 4301.365, or 4301.366 of the Revised Code, under the 1000
other restrictions of that authorization. 1001

(B) Permit D-6 shall be issued to the holder of any 1002
permit, including a D-4a and D-5d permit, authorizing the sale 1003
of intoxicating liquor issued for a premises located at any 1004
publicly owned airport, as defined in section 4563.01 of the 1005
Revised Code, at which commercial airline companies operate 1006
regularly scheduled flights on which space is available to the 1007
public, to allow sale under such permit between the hours of ten 1008
a.m. and midnight on Sunday, whether or not that sale has been 1009
authorized under section 4301.361, 4301.364, 4301.365, or 1010
4301.366 of the Revised Code. 1011

(C) Permit D-6 shall be issued to the holder of a D-5a 1012
permit, and to the holder of a D-3 or D-3a permit who is the 1013
owner or operator of a hotel or motel that is required to be 1014

licensed under section 3731.03 of the Revised Code, that 1015
contains at least fifty rooms for registered transient guests, 1016
and that has on its premises a retail food establishment or a 1017
food service operation licensed pursuant to Chapter 3717. of the 1018
Revised Code that operates as a restaurant for purposes of this 1019
chapter and is affiliated with the hotel or motel and within or 1020
contiguous to the hotel or motel and serving food within the 1021
hotel or motel, to allow sale under such permit between the 1022
hours of ten a.m. and midnight on Sunday, whether or not that 1023
sale has been authorized under section 4301.361, 4301.364, 1024
4301.365, or 4301.366 of the Revised Code. 1025

(D) The holder of a D-6 permit that is issued to a sports 1026
facility may make sales under the permit between the hours of 1027
eleven a.m. and midnight on any Sunday on which a professional 1028
baseball, basketball, football, hockey, or soccer game is being 1029
played at the sports facility. As used in this division, "sports 1030
facility" means a stadium or arena that has a seating capacity 1031
of at least four thousand and that is owned or leased by a 1032
professional baseball, basketball, football, hockey, or soccer 1033
franchise or any combination of those franchises. 1034

(E) Permit D-6 shall be issued to the holder of any permit 1035
that authorizes the sale of beer or intoxicating liquor and that 1036
is issued to a premises located in or at the Ohio historical 1037
society area or the state fairgrounds, as defined in division 1038
(B) of section 4301.40 of the Revised Code, to allow sale under 1039
that permit between the hours of ten a.m. and midnight on 1040
Sunday, whether or not that sale has been authorized under 1041
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 1042
Code. 1043

(F) Permit D-6 shall be issued to the holder of any permit 1044

that authorizes the sale of intoxicating liquor and that is 1045
issued to an outdoor performing arts center to allow sale under 1046
that permit between the hours of one p.m. and midnight on 1047
Sunday, whether or not that sale has been authorized under 1048
section 4301.361 of the Revised Code. A D-6 permit issued under 1049
this division is subject to the results of an election, held 1050
after the D-6 permit is issued, on question (B) (4) as set forth 1051
in section 4301.351 of the Revised Code. Following the end of 1052
the period during which an election may be held on question (B) 1053
(4) as set forth in that section, sales of intoxicating liquor 1054
may continue at an outdoor performing arts center under a D-6 1055
permit issued under this division, unless an election on that 1056
question is held during the permitted period and a majority of 1057
the voters voting in the precinct on that question vote "no." 1058

As used in this division, "outdoor performing arts center" 1059
means an outdoor performing arts center that is located on not 1060
less than eight hundred acres of land and that is open for 1061
performances from the first day of April to the last day of 1062
October of each year. 1063

(G) Permit D-6 shall be issued to the holder of any permit 1064
that authorizes the sale of beer or intoxicating liquor and that 1065
is issued to a golf course owned by the state, a conservancy 1066
district, a park district created under Chapter 1545. of the 1067
Revised Code, or another political subdivision to allow sale 1068
under that permit between the hours of ten a.m. and midnight on 1069
Sunday, whether or not that sale has been authorized under 1070
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 1071
Code. 1072

(H) Permit D-6 shall be issued to the holder of a D-5g 1073
permit to allow sale under that permit between the hours of ten 1074

a.m. and midnight on Sunday, whether or not that sale has been 1075
authorized under section 4301.361, 4301.364, 4301.365, or 1076
4301.366 of the Revised Code. 1077

(I) Permit D-6 shall be issued to the holder of any D 1078
permit for a premises that is licensed under Chapter 3717. of 1079
the Revised Code and that is located at a ski area to allow sale 1080
under the D-6 permit between the hours of ten a.m. and midnight 1081
on Sunday, whether or not that sale has been authorized under 1082
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 1083
Code. 1084

As used in this division, "ski area" means a ski area as 1085
defined in section 4169.01 of the Revised Code, provided that 1086
the passenger tramway operator at that area is registered under 1087
section 4169.03 of the Revised Code. 1088

(J) Permit D-6 shall be issued to the holder of any permit 1089
that is described in division (A) of this section for a permit 1090
premises that is located in a community entertainment district, 1091
as defined in section 4301.80 of the Revised Code, that was 1092
approved by the legislative authority of a municipal corporation 1093
under that section between October 1 and October 15, 2005, to 1094
allow sale under the permit between the hours of ten a.m. and 1095
midnight on Sunday, whether or not that sale has been authorized 1096
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 1097
Revised Code. 1098

(K) If the restriction to licensed premises where the sale 1099
of food and other goods and services exceeds fifty per cent of 1100
the total gross receipts of the permit holder at the premises is 1101
applicable, the division of liquor control may accept an 1102
affidavit from the permit holder to show the proportion of the 1103
permit holder's gross receipts derived from the sale of food and 1104

other goods and services. If the liquor control commission 1105
determines that affidavit to have been false, it shall revoke 1106
the permits of the permit holder at the premises concerned. 1107

(L) The fee for the D-6 permit is five hundred dollars 1108
when it is issued to the holder of an A-1-A, A-2, A-2f, A-3a, D- 1109
2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D- 1110
5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 1111
permit. The fee for the D-6 permit is four hundred dollars when 1112
it is issued to the holder of a C-2 permit. 1113

Sec. 4303.204. (A) The division of liquor control may 1114
issue an F-4 permit to an organization or corporation organized 1115
not-for-profit in this state to conduct an event that includes 1116
the introduction, showcasing, or promotion of Ohio wines, if the 1117
event has all of the following characteristics: 1118

(1) It is coordinated by that organization or corporation, 1119
and the organization or corporation is responsible for the 1120
activities at it. 1121

(2) It has as one of its purposes the intent to introduce, 1122
showcase, or promote Ohio wines to persons who attend it. 1123

(3) It includes the sale of food for consumption on the 1124
premises where sold. 1125

(4) It features any combination of at least three A-2 or 1126
A-2f permit holders who sell Ohio wine at it. 1127

(B) The holder of an F-4 permit may furnish, with or 1128
without charge, wine that it has obtained from the A-2 permit 1129
holders that are participating in the event for which the F-4 1130
permit is issued, in two-ounce samples for consumption on the 1131
premises where furnished and may sell such wine by the glass for 1132
consumption on the premises where sold. The holder of an A-2 1133

permit that is participating in the event for which the F-4 1134
permit is issued may sell wine that it has manufactured, in 1135
sealed containers for consumption off the premises where sold. 1136
Wine may be furnished or sold on the premises of the event for 1137
which the F-4 permit is issued only where and when the sale of 1138
wine is otherwise permitted by law. 1139

(C) The premises of the event for which the F-4 permit is 1140
issued shall be clearly defined and sufficiently restricted to 1141
allow proper enforcement of the permit by state and local law 1142
enforcement officers. If an F-4 permit is issued for all or a 1143
portion of the same premises for which another class of permit 1144
is issued, that permit holder's privileges will be suspended in 1145
that portion of the premises in which the F-4 permit is in 1146
effect. 1147

(D) No F-4 permit shall be effective for more than 1148
seventy-two consecutive hours. No sales or furnishing of wine 1149
shall take place under an F-4 permit after one a.m. 1150

(E) The division shall not issue more than six F-4 permits 1151
to the same not-for-profit organization or corporation in any 1152
one calendar year. 1153

(F) An applicant for an F-4 permit shall apply for the 1154
permit not later than thirty days prior to the first day of the 1155
event for which the permit is sought. The application for the 1156
permit shall list all of the A-2 permit holders that will 1157
participate in the event for which the F-4 permit is sought. The 1158
fee for the F-4 permit is sixty dollars per day. 1159

The division shall prepare and make available an F-4 1160
permit application form and may require applicants for and 1161
holders of the F-4 permit to provide information that is in 1162

addition to that required by this section and that is necessary 1163
for the administration of this section. 1164

(G) (1) The holder of an F-4 permit is responsible for, and 1165
is subject to penalties for, any violations of this chapter or 1166
Chapter 4301. of the Revised Code or the rules adopted under 1167
this and that chapter. 1168

(2) An F-4 permit holder shall not allow an A-2 permit 1169
holder to participate in the event for which the F-4 permit is 1170
issued if the A-2 or A-1-A permit of that A-2 permit holder is 1171
under suspension. 1172

(3) The division may refuse to issue an F-4 permit to an 1173
applicant who has violated any provision of this chapter or 1174
Chapter 4301. of the Revised Code during the applicant's 1175
previous operation under an F-4 permit, for a period of up to 1176
two years after the date of the violation. 1177

(H) (1) Notwithstanding division (D) of section 4301.22 of 1178
the Revised Code, an A-2 permit holder that participates in an 1179
event for which an F-4 permit is issued may donate wine that it 1180
has manufactured to the holder of that F-4 permit. The holder of 1181
an F-4 permit may return unused and sealed containers of wine to 1182
the A-2 permit holder that donated the wine at the conclusion of 1183
the event for which the F-4 permit was issued. 1184

(2) The participation by an A-2 permit holder or its 1185
employees in an event for which an F-4 permit is issued does not 1186
violate section 4301.24 of the Revised Code. 1187

Sec. 4303.33. (A) Every A-1 or A-1c permit holder in this 1188
state, every bottler, importer, wholesale dealer, broker, 1189
producer, or manufacturer of beer outside this state and within 1190
the United States, and every B-1 permit holder and importer 1191

importing beer from any manufacturer, bottler, person, or group 1192
of persons however organized outside the United States for sale 1193
or distribution for sale in this state, on or before the 1194
eighteenth day of each month, shall make and file with the tax 1195
commissioner upon a form prescribed by the tax commissioner an 1196
advance tax payment in an amount estimated to equal the 1197
taxpayer's tax liability for the month in which the advance tax 1198
payment is made. If the advance tax payment credits claimed on 1199
the report are for advance tax payments received by the tax 1200
commissioner on or before the eighteenth day of the month 1201
covered by the report, the taxpayer is entitled to an additional 1202
credit of three per cent of the advance tax payment and a 1203
discount of three per cent shall be allowed the taxpayer at the 1204
time of filing the report if filed as provided in division (B) 1205
of this section on any amount by which the tax liability 1206
reflected in the report exceeds the advance tax payment estimate 1207
by not more than ten per cent. The additional three per cent 1208
credit and three per cent discount shall be in consideration for 1209
advancing the payment of the tax and other services performed by 1210
the permit holder and other taxpayers in the collection of the 1211
tax. 1212

"Advance tax payment credit" means credit for payments 1213
made by an A-1, A-1c, or B-1 permit holder and any other persons 1214
during the period covered by a report which was made in 1215
anticipation of the tax liability required to be reported on 1216
that report. 1217

"Tax liability" as used in division (A) of this section 1218
means the total gross tax liability of an A-1, A-1c, or B-1 1219
permit holder and any other persons for the period covered by a 1220
report before any allowance for credits and discount. 1221

(B) Every A-1 or A-1c permit holder in this state, every
bottler, importer, wholesale dealer, broker, producer, or
manufacturer of beer outside this state and within the United
States, every B-1 permit holder importing beer from any
manufacturer, bottler, person, or group of persons however
organized outside the United States, and every S permit holder,
on or before the tenth day of each month, shall make and file a
report for the preceding month upon a form prescribed by the tax
commissioner which report shall show the amount of beer
produced, sold, and distributed for sale in this state by the A-
1 or A-1c permit holder, sold and distributed for sale in this
state by each manufacturer, bottler, importer, wholesale dealer,
or broker outside this state and within the United States, the
amount of beer imported into this state from outside the United
States and sold and distributed for sale in this state by the B-
1 permit holder or importer, and the amount of beer sold in this
state by the S permit holder.

The report shall be filed by mailing it to the tax
commissioner, together with payment of the tax levied by
sections 4301.42 and 4305.01 of the Revised Code shown to be due
on the report after deduction of advance payment credits and any
additional credits or discounts provided for under this section.

(C) (1) Every A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, and
S permit holder in this state, on or before the eighteenth day
of each month, shall make and file a report with the tax
commissioner upon a form prescribed by the tax commissioner
which report shall show, on the report of each A-2, A-2f, A-4,
B-2a, and S permit holder the amount of wine, cider, and mixed
beverages produced and sold, or sold in this state by each such
A-2, A-2f, A-4, B-2a, and S permit holder for the next preceding
calendar month and such other information as the tax

commissioner requires, and on the report of each such B-2, B-3, 1253
B-4, and B-5 permit holder the amount of wine, cider, and mixed 1254
beverages purchased from an importer, broker, wholesale dealer, 1255
producer, or manufacturer located outside this state and sold 1256
and distributed in this state by such B-2, B-3, B-4, and B-5 1257
permit holder, for the next preceding calendar month and such 1258
other information as the tax commissioner requires. 1259

(2) Every such A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, 1260
and S permit holder in this state shall remit with the report 1261
the tax levied by sections 4301.43 and, if applicable, 4301.432 1262
of the Revised Code less a discount thereon of three per cent of 1263
the total tax so levied and paid, provided the return is filed 1264
together with remittance of the amount of tax shown to be due 1265
thereon, within the time prescribed. Any permit holder or other 1266
persons who fail to file a report under this section, for each 1267
day the person so fails, may be required to forfeit and pay into 1268
the state treasury the sum of one dollar as revenue arising from 1269
the tax imposed by sections 4301.42, 4301.43, 4301.432, and 1270
4305.01 of the Revised Code, and that sum may be collected by 1271
assessment in the manner provided in section 4305.13 of the 1272
Revised Code. 1273

(3) If the tax commissioner determines that the quantity 1274
reported by a person does not warrant monthly reporting, the 1275
commissioner may authorize the filing of returns and the payment 1276
of the tax required by this section for periods longer than one 1277
month. 1278

(D) Every B-1 permit holder and importer in this state 1279
importing beer from any manufacturer, bottler, person, or group 1280
of persons however organized, outside the United States, if 1281
required by the tax commissioner shall post a bond payable to 1282

the state in such form and amount as the commissioner prescribes 1283
with surety to the satisfaction of the tax commissioner, 1284
conditioned upon the payment to the tax commissioner of taxes 1285
levied by sections 4301.42 and 4305.01 of the Revised Code. 1286

(E) No such wine, beer, cider, or mixed beverages sold or 1287
distributed in this state shall be taxed more than once under 1288
sections 4301.42, 4301.43, and 4305.01 of the Revised Code. 1289

(F) As used in this section: 1290

(1) "Cider" has the same meaning as in section 4301.01 of 1291
the Revised Code. 1292

(2) "Wine" has the same meaning as in section 4301.01 of 1293
the Revised Code, except that "wine" does not include cider. 1294

(G) All money collected by the tax commissioner under this 1295
section shall be paid to the treasurer of state as revenue 1296
arising from the taxes levied by sections 4301.42, 4301.43, 1297
4301.432, and 4305.01 of the Revised Code. 1298

Sec. 4303.333. (A) An A-2 or A-2f permit holder in this 1299
state whose total production of wine, wherever produced, which 1300
but for this exemption is taxable under section 4301.43 of the 1301
Revised Code does not exceed five hundred thousand gallons in a 1302
calendar year, shall be allowed an exemption from the taxes 1303
levied under section 4301.43 of the Revised Code on wine 1304
produced and sold or distributed in this state. The exemption 1305
may be claimed monthly against current taxes levied under such 1306
section as the reports required by section 4303.33 of the 1307
Revised Code are due. At the time the report for December is due 1308
for a calendar year during which a permit holder claimed an 1309
exemption under this section, if the permit holder has paid the 1310
tax levied under section 4301.43 of the Revised Code, the permit 1311

holder may claim a refund of such tax paid during the calendar 1312
year or shall remit any additional tax due because it did not 1313
qualify for the exemption on the December report. For the 1314
purpose of providing this refund, taxes previously paid under 1315
section 4303.33 of the Revised Code during the calendar year 1316
shall not be considered final until the December report is 1317
filed. 1318

(B) The tax commissioner shall prescribe forms for and 1319
allow the exemptions and refunds authorized by this section. 1320

Sec. 5709.55. Personal property used exclusively to 1321
transport, store, crush, press, process, ferment, or age grape 1322
agricultural products in the production of grape juice or grape 1323
wine, and grape juice or grape wine held in the course of 1324
business, but not held in labeled containers in which it will be 1325
sold, are exempt from personal property taxation if either of 1326
the following apply: 1327

(A) The property is used or held by the holder of a liquor 1328
permit issued under section 4303.03 or 4303.031 of the Revised 1329
Code whose primary business is the production of wine~~+~~. 1330

(B) The production is used or held by a person or 1331
enterprise engaged in agriculture that sells the grape 1332
agricultural products or juice or wine to a holder of a liquor 1333
permit issued under section 4303.03 or 4303.031 of the Revised 1334
Code if the primary business of the permittee is the production 1335
of wine. 1336

Section 2. That existing sections 4301.12, 4301.13, 1337
4301.24, 4301.30, 4301.355, 4301.43, 4301.432, 4301.47, 4301.62, 1338
4301.82, 4301.83, 4303.021, 4303.07, 4303.10, 4303.182, 1339
4303.204, 4303.33, 4303.333, and 5709.55 of the Revised Code are 1340

hereby repealed. 1341

Section 3. Section 4303.07 of the Revised Code is 1342
presented in this act as a composite of the section as amended 1343
by both Am. Sub. H.B. 306 and Am. Sub. S.B. 164 of the 125th 1344
General Assembly. The General Assembly, applying the principle 1345
stated in division (B) of section 1.52 of the Revised Code that 1346
amendments are to be harmonized if reasonably capable of 1347
simultaneous operation, finds that the composite is the 1348
resulting version of the section in effect prior to the 1349
effective date of the section as presented in this act. 1350