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Representative Ingram

Cosponsors: Representatives Crawley, Crossman, Galonski, Kent, Lepore-Hagan, Lipps, Miller, A., Patterson, Upchurch, Wiggam, Kelly, Hambley, Russo, Sobecki, Wilkin, Blessing, Callender, Denson, Miller, J., Miranda, Seitz, Strahorn, Weinstein

Senators Hoagland, O'Brien, Maharath, Huffman, S., Blessing, Burke, Coley, Hackett, Kunze, Manning, McColley, Schuring, Thomas, Yuko

A BILL

To amend sections 3717.22, 4301.17, 4301.82, 1
4303.041, 4303.051, and 4303.182 of the Revised 2
Code to revise certain provisions of the liquor 3
control laws and to declare an emergency. 4

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

Section 1. That sections 3717.22, 4301.17, 4301.82, 5
4303.041, 4303.051, and 4303.182 of the Revised Code be amended 6
to read as follows: 7

Sec. 3717.22. (A) The following are not retail food 8
establishments: 9

(1) A food service operation licensed under this chapter, 10
including a food service operation that provides the services of 11
a retail food establishment pursuant to an endorsement issued 12
under section 3717.44 of the Revised Code; 13

(2) An entity exempt under divisions (B) (1) to (9) or (11) 14

to (13) of section 3717.42 of the Revised Code from the 15
requirement to be licensed as a food service operation and an 16
entity exempt under division (B)(10) of that section if the 17
entity is regulated by the department of agriculture as a food 18
processing establishment under section 3715.021 of the Revised 19
Code; 20

(3) A business or that portion of a business that is 21
regulated by the federal government or the department of 22
agriculture as a food manufacturing or food processing business, 23
including a business or that portion of a business regulated by 24
the department of agriculture under Chapter 911., 913., 915., 25
917., 918., or 925. of the Revised Code. 26

(B) All of the following are exempt from the requirement 27
to be licensed as a retail food establishment: 28

(1) An establishment with commercially prepackaged foods 29
that are not potentially hazardous and contained in displays, 30
the total space of which equals less than two hundred cubic 31
feet; 32

(2) A person at a farmers market that is registered with 33
the director of agriculture pursuant to section 3717.221 of the 34
Revised Code that offers for sale only one or more of the 35
following: 36

(a) Fresh unprocessed fruits or vegetables; 37

(b) Products of a cottage food production operation; 38

(c) Tree syrup, sorghum, honey, apple syrup, or apple 39
butter that is produced by a tree syrup or sorghum producer, 40
beekeeper, or apple syrup or apple butter processor described in 41
division (A) of section 3715.021 of the Revised Code; 42

(d) Wine as authorized under section 4303.2010 of the Revised Code; 43
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(e) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farmers market. 45
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(3) A person who offers for sale at a roadside stand only fresh fruits and fresh vegetables that are unprocessed; 50
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(4) A nonprofit organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises funds by selling foods and that, if required to be licensed, would be classified as risk level one in accordance with rules establishing licensing categories for retail food establishments adopted under section 3717.33 of the Revised Code, if the sales occur inside a building and are for not more than seven consecutive days or more than fifty-two separate days during a licensing period. This exemption extends to any individual or group raising all of its funds during the time periods specified in division (B)(4) of this section for the benefit of the nonprofit organization by selling foods under the same conditions. 52
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(5) An establishment that offers food contained in displays of less than five hundred square feet, and if required to be licensed would be classified as risk level one pursuant to rules establishing licensing categories for retail food establishments adopted under section 3717.33 of the Revised Code, on the condition that the establishment offers the food for sale at retail not more than six months in each calendar 66
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| year; | 73 |
| (6) A cottage food production operation, on the condition | 74 |
| that the operation offers its products directly to the consumer | 75 |
| from the site where the products are produced; | 76 |
| (7) A tree syrup and sorghum processor, beekeeper, or | 77 |
| apple syrup and apple butter processor described in division (A) | 78 |
| of section 3715.021 of the Revised Code, on the condition that | 79 |
| the processor or beekeeper offers only tree syrup, sorghum, | 80 |
| honey, apple syrup, or apple butter directly to the consumer | 81 |
| from the site where those products are processed; | 82 |
| (8) A person who annually maintains five hundred or fewer | 83 |
| birds, on the condition that the person offers the eggs from | 84 |
| those birds directly to the consumer from the location where the | 85 |
| eggs are produced or at a farm product auction to which division | 86 |
| (B) (11) of this section applies; | 87 |
| (9) A person who annually raises and slaughters one | 88 |
| thousand or fewer chickens, on the condition that the person | 89 |
| offers dressed chickens directly to the consumer from the | 90 |
| location where the chickens are raised and slaughtered or at a | 91 |
| farm product auction to which division (B) (11) of this section | 92 |
| applies; | 93 |
| (10) A person who raises, slaughters, and processes the | 94 |
| meat of nonamenable species described in divisions (A) and (B) | 95 |
| of section 918.12 of the Revised Code, on the condition that the | 96 |
| person offers the meat directly to the consumer from the | 97 |
| location where the meat is processed or at a farm product | 98 |
| auction to which division (B) (11) of this section applies; | 99 |
| (11) A farm product auction, on the condition that it is | 100 |
| registered with the director pursuant to section 3717.221 of the | 101 |

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| Revised Code that offers for sale at the farm product auction | 102 |
| only one or more of the following: | 103 |
| (a) The products described in divisions (B) (8) to (10) of | 104 |
| this section that are produced, raised, slaughtered, or | 105 |
| processed, as appropriate, by persons described in divisions (B) | 106 |
| (8) to (10) of this section; | 107 |
| (b) Fresh unprocessed fruits or vegetables; | 108 |
| (c) Products of a cottage food production operation; | 109 |
| (d) Tree syrup, sorghum, honey, apple syrup, or apple | 110 |
| butter that is produced by a tree syrup or sorghum producer, | 111 |
| beekeeper, or apple syrup or apple butter processor described in | 112 |
| division (A) of section 3715.021 of the Revised Code. | 113 |
| (12) An establishment that, with respect to offering food | 114 |
| for sale, offers only alcoholic beverages or prepackaged | 115 |
| beverages that are not potentially hazardous; | 116 |
| (13) An establishment that, with respect to offering food | 117 |
| for sale, offers only alcoholic beverages, prepackaged beverages | 118 |
| that are not potentially hazardous, or commercially prepackaged | 119 |
| food that is not potentially hazardous, on the condition that | 120 |
| the commercially prepackaged food is contained in displays, the | 121 |
| total space of which equals less than two hundred cubic feet on | 122 |
| the premises of the establishment; | 123 |
| (14) An establishment that, with respect to offering food | 124 |
| for sale, offers only fountain beverages that are not | 125 |
| potentially hazardous; | 126 |
| (15) A person who offers for sale only one or more of the | 127 |
| following foods at a festival or celebration, on the condition | 128 |
| that the festival or celebration is organized by a political | 129 |

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| subdivision of the state and lasts for a period not longer than | 130 |
| seven consecutive days: | 131 |
| (a) Fresh unprocessed fruits or vegetables; | 132 |
| (b) Products of a cottage food production operation; | 133 |
| (c) Tree syrup, sorghum, honey, apple syrup, or apple | 134 |
| butter if produced by a tree syrup or sorghum processor, | 135 |
| beekeeper, or apple syrup or apple butter processor as described | 136 |
| in division (A) of section 3715.021 of the Revised Code; | 137 |
| (d) Commercially prepackaged food that is not potentially | 138 |
| hazardous, on the condition that the food is contained in | 139 |
| displays, the total space of which equals less than one hundred | 140 |
| cubic feet; | 141 |
| (e) Fruit butter produced at the festival or celebration | 142 |
| and sold from the production site. | 143 |
| (16) A farm market on the condition that it is registered | 144 |
| with the director pursuant to section 3717.221 of the Revised | 145 |
| Code that offers for sale at the farm market only one or more of | 146 |
| the following: | 147 |
| (a) Fresh unprocessed fruits or vegetables; | 148 |
| (b) Products of a cottage food production operation; | 149 |
| (c) Tree syrup, sorghum, honey, apple syrup, or apple | 150 |
| butter that is produced by a tree syrup or sorghum producer, | 151 |
| beekeeper, or apple syrup or apple butter processor described in | 152 |
| division (A) of section 3715.021 of the Revised Code; | 153 |
| (d) Commercially prepackaged food that is not potentially | 154 |
| hazardous, on the condition that the food is contained in | 155 |
| displays, the total space of which equals less than one hundred | 156 |

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| cubic feet on the premises where the person conducts business at the farm market; | 157 158 |
| (e) Cider and other juices manufactured on site at the farm market; | 159 160 |
| (f) The products or items described in divisions (B) (8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the person offering to sell them annually maintains five hundred or fewer birds, and with respect to dressed chickens offered, the person annually raises and slaughters one thousand or fewer chickens. | 161 162 163 164 165 166 167 168 |
| (17) (a) An establishment to which all of the following apply: | 169 170 |
| (i) <u>The establishment serves has been issued an A-2 permit under section 4303.03 of the Revised Code or an A-2f permit under section 4303.031 of the Revised Code, annually produces ten thousand gallons or less of wine, and sells that wine in accordance with Chapter 4303. of the Revised Code on the premises of the establishment.</u> | 171 172 173 174 175 176 |
| <u>(ii) The establishment serves unopened commercially prepackaged food in a form that prevents direct human contact prior to and during service;</u> | 177 178 179 |
| (ii) Sales of the prepackaged food do not exceed more than five per cent of the total gross receipts of the establishment, <u>and</u> other than wine. | 180 181 182 |
| (iii) The establishment has been issued an A-2 permit under section 4303.03 or an A-2f permit under section 4303.031 of the Revised Code and annually produces ten thousand gallons | 183 184 185 |

~~or less of wine;~~amount of the establishment's commercially 186
prepackaged food sales, other than wine sales, for the previous 187
calendar year did not exceed five per cent of the 188
establishment's total gross receipts. 189

(b) The owner or operator of the establishment shall 190
notify the director that it is exempt from licensure because it 191
qualifies under division (B) (17) (a) of this section. The owner 192
or operator also shall ~~disclose to customers that the~~ 193
~~establishment is exempt from licensure~~display a notice in a 194
place conspicuous to all of its guests informing them that the 195
establishment is not required to be licensed as a retail food 196
establishment. 197

Sec. 4301.17. (A) (1) Subject to local option as provided 198
in sections 4301.32 to 4301.40 of the Revised Code, five state 199
liquor stores or agencies may be established in each county. One 200
additional store may be established in any county for each 201
twenty thousand of population of that county or major fraction 202
thereof in excess of the first forty thousand, according to the 203
last preceding federal decennial census or according to the 204
population estimates certified by the department of development 205
between decennial censuses. A person engaged in a mercantile 206
business may act as the agent for the division of liquor control 207
for the sale of spirituous liquor in a municipal corporation, in 208
the unincorporated area of a township, or in an area designated 209
and approved as a resort area under section 4303.262 of the 210
Revised Code. The division shall fix the compensation for such 211
an agent in the manner it considers best, but the compensation 212
shall not exceed seven per cent of the gross sales made by the 213
agent in any one year. 214

(2) The division shall adopt rules in accordance with 215

Chapter 119. of the Revised Code governing the allocation and 216
equitable distribution of agency store contracts. The division 217
shall comply with the rules when awarding a contract under 218
division (A) (1) of this section. 219

~~(3) Except as otherwise provided in this section and 220
section 4301.171 of the Revised Code, an agency store shall not 221
sell spirituous liquor for consumption on the premises under a 222
permit issued by the division. An Pursuant to an agency store's 223
contract, an agency to which store may be issued a D-1 permit 224
has been issued may to sell beer, an agency to which a D-2 225
permit has been issued may to sell wine and mixed beverages, and 226
an agency to which a D-5 permit has been issued may to sell 227
beer, wine, and mixed beverages, and spirituous liquor. An- 228~~

(4) Pursuant to an agency store's contract, an agency 229
store may be issued a D-3 permit to sell spirituous liquor if 230
the agency store contains at least ten thousand square feet of 231
sales floor area. A D-3 permit issued to an agency store shall 232
not be transferred to a new location. The division shall revoke 233
any D-3 permit issued to an agency store under division (A) (4) 234
of this section if the agent no longer operates the agency 235
store. The division shall not issue a D-3a permit to an agency 236
store. 237

(5) An agency store to which a D-8 permit has been issued 238
may allow the sale of tasting samples of spirituous liquor in 239
accordance with section 4301.171 of the Revised Code. ~~General- 240
consumption of beer, wine, or mixed beverages shall not be 241
permitted in the area of the agency store in which spirituous- 242
liquor is sold. 243~~

(6) An agency store may sell beer, wine, mixed beverages, 244
and spirituous liquor only between the hours of nine a.m. and 245

eleven p.m. 246

(B) When an agency contract is proposed, when an existing 247
agency contract is assigned, when an existing agency proposes to 248
relocate, or when an existing agency is relocated and assigned, 249
before entering into any contract, consenting to any assignment, 250
or consenting to any relocation, the division shall notify the 251
legislative authority of the municipal corporation in which the 252
agency store is to be located, or the board of county 253
commissioners and the board of township trustees of the county 254
and the township in which the agency store is to be located if 255
the agency store is to be located outside the corporate limits 256
of a municipal corporation, of the proposed contract, 257
assignment, or relocation, and an opportunity shall be provided 258
officials or employees of the municipal corporation or county 259
and township for a complete hearing upon the advisability of 260
entering into the contract or consenting to the assignment or 261
relocation. When the division sends notice to the legislative 262
authority of the political subdivision, the division shall 263
notify, by certified mail or by personal service, the chief 264
peace officer of the political subdivision, who may appear and 265
testify, either in person or through a representative, at any 266
hearing held on the advisability of entering into the contract 267
or consenting to the assignment or relocation. 268

If the proposed agency store, the assignment of an agency 269
contract, or the relocation of an agency store would be located 270
within five hundred feet of a school, church, library, public 271
playground, or township park, the division shall not enter into 272
an agency contract until it has provided notice of the proposed 273
contract to the authorities in control of the school, church, 274
library, public playground, or township park and has provided 275
those authorities with an opportunity for a complete hearing 276

upon the advisability of entering into the contract. If an 277
agency store so located is operating under an agency contract, 278
the division may consent to relocation of the agency store or to 279
the assignment of that contract to operate an agency store at 280
the same location. The division may also consent to the 281
assignment of an existing agency contract simultaneously with 282
the relocation of the agency store. In any such assignment or 283
relocation, the assignee and the location shall be subject to 284
the same requirements that the existing location met at the time 285
that the contract was first entered into as well as any 286
additional requirements imposed by the division in rules adopted 287
by the superintendent of liquor control. The division shall not 288
consent to an assignment or relocation of an agency store until 289
it has notified the authorities in control of the school, 290
church, library, public playground, or township park and has 291
provided those authorities with an opportunity for a complete 292
hearing upon the advisability of consenting to the assignment or 293
relocation. 294

Any hearing provided for in this division shall be held in 295
the central office of the division, except that upon written 296
request of the legislative authority of the municipal 297
corporation, the board of county commissioners, the board of 298
township trustees, or the authorities in control of the school, 299
church, library, public playground, or township park, the 300
hearing shall be held in the county seat of the county where the 301
proposed agency store is to be located. 302

(C) All agency contracts entered into by the division 303
pursuant to this section shall be in writing and shall contain a 304
clause providing for the termination of the contract at will by 305
the division upon its giving ninety days' notice in writing to 306
the agent of its intention to do so. Any agency contract may 307

include a clause requiring the agent to report to the 308
appropriate law enforcement agency the name and address of any 309
individual under twenty-one years of age who attempts to make an 310
illegal purchase. 311

~~An agent may engage in the selling of beer, mixed 312
beverages, and wine pursuant to permits issued to the agent 313
under Chapter 4303. of the Revised Code. 314~~

The division shall issue a C-1 and C-2 permit to each 315
agent who prior to November 1, 1994, had not been issued both of 316
these permits, notwithstanding the population quota restrictions 317
contained in section 4303.29 of the Revised Code or in any rule 318
of the liquor control commission and notwithstanding the 319
requirements of section 4303.31 of the Revised Code. The 320
location of a C-1 or C-2 permit issued to such an agent shall 321
not be transferred. The division shall revoke any C-1 or C-2 322
permit issued to an agent under this paragraph if the agent no 323
longer operates an agency store. 324

The division may enter into agreements with the department 325
of development to implement a minority loan program to provide 326
low-interest loans to minority business enterprises, as defined 327
in section 122.71 of the Revised Code, that are awarded liquor 328
agency contracts or assignments. 329

(D) If the division closes a state liquor store and 330
replaces that store with an agency store, any employees of the 331
division employed at that state liquor store who lose their jobs 332
at that store as a result shall be given preference by the agent 333
who operates the agency store in filling any vacancies that 334
occur among the agent's employees, if that preference does not 335
conflict with the agent's obligations pursuant to a collective 336
bargaining agreement. 337

If the division closes a state liquor store and replaces 338
the store with an agency store, any employees of the division 339
employed at the state liquor store who lose their jobs at that 340
store as a result may displace other employees as provided in 341
sections 124.321 to 124.328 of the Revised Code. If an employee 342
cannot displace other employees and is laid off, the employee 343
shall be reinstated in another job as provided in sections 344
124.321 to 124.328 of the Revised Code, except that the 345
employee's rights of reinstatement in a job at a state liquor 346
store shall continue for a period of two years after the date of 347
the employee's layoff and shall apply to jobs at state liquor 348
stores located in the employee's layoff jurisdiction and any 349
layoff jurisdiction adjacent to the employee's layoff 350
jurisdiction. 351

(E) The division shall require every agent to give bond 352
with surety to the satisfaction of the division, in the amount 353
the division fixes, conditioned for the faithful performance of 354
the agent's duties as prescribed by the division. 355

Sec. 4301.82. (A) As used in this section: 356

(1) "Qualified permit holder" means the holder of an A-1, 357
A-1-A, A-1c, A-2, A-2f, or D class permit issued under Chapter 358
4303. of the Revised Code. 359

(2) "D class permit" does not include a D-6 or D-8 permit. 360

(B) The executive officer of a municipal corporation or 361
the fiscal officer of a township may file an application with 362
the legislative authority of the municipal corporation or 363
township to have property within the municipal corporation or 364
township designated as an outdoor refreshment area or to expand 365
an existing outdoor refreshment area to include additional 366

property within the municipal corporation or township. The 367
executive officer or fiscal officer shall ensure that the 368
application contains all of the following: 369

(1) A map or survey of the proposed outdoor refreshment 370
area in sufficient detail to identify the boundaries of the 371
area, which shall not exceed either of the following, as 372
applicable: 373

(a) Three hundred twenty contiguous acres or one-half 374
square mile if the municipal corporation or township has a 375
population of more than thirty-five thousand as specified in 376
division (D) of this section; 377

(b) One hundred fifty contiguous acres if the municipal 378
corporation or township has a population of thirty-five thousand 379
or less as specified in division (D) of this section. 380

(2) A general statement of the nature and types of 381
establishments that will be located within the proposed outdoor 382
refreshment area; 383

(3) A statement that the proposed outdoor refreshment area 384
will encompass not fewer than four qualified permit holders; 385

(4) Evidence that the uses of land within the proposed 386
outdoor refreshment area are in accord with the master zoning 387
plan or map of the municipal corporation or township; 388

(5) Proposed requirements for the purpose of ensuring 389
public health and safety within the proposed outdoor refreshment 390
area. 391

(C) Within forty-five days after the date the application 392
is filed with the legislative authority of a municipal 393
corporation or township, the legislative authority shall publish 394

public notice of the application ~~once a week for two consecutive~~ 395
~~weeks~~ in one newspaper of general circulation in the municipal 396
corporation or township or as provided in section 7.16 of the 397
Revised Code. The legislative authority shall ensure that the 398
notice states that the application is on file in the office of 399
the clerk of the municipal corporation or township and is 400
available for inspection by the public during regular business 401
hours. The legislative authority also shall indicate in the 402
notice the date and time of any public hearing to be held 403
regarding the application by the legislative authority. 404

Not earlier than thirty but not later than sixty days 405
after the initial publication of notice, the legislative 406
authority shall approve or disapprove the application by either 407
ordinance or resolution, as applicable. Approval of an 408
application requires an affirmative vote of a majority of the 409
legislative authority. Upon approval of the application by the 410
legislative authority, the territory described in the 411
application constitutes an outdoor refreshment area. The 412
legislative authority shall provide to the division of liquor 413
control and the investigative unit of the department of public 414
safety notice of the approval of the application and a 415
description of the area specified in the application. If the 416
legislative authority disapproves the application, the executive 417
officer of a municipal corporation or fiscal officer of a 418
township may make changes in the application to secure its 419
approval by the legislative authority. 420

(D) The creation of outdoor refreshment areas is limited 421
as follows: 422

(1) A municipal corporation or township with a population 423
of more than fifty thousand shall not create more than ~~two~~ four 424

outdoor refreshment areas. 425

(2) A municipal corporation or township with a population 426
of more than thirty-five thousand but less than or equal to 427
fifty thousand shall not create more than ~~one~~ two outdoor 428
refreshment ~~area~~ areas. 429

(3) (a) Except as provided in division (D) (3) (b) of this 430
section, a municipal corporation or township with a population 431
of thirty-five thousand or less shall not create an outdoor 432
refreshment area. 433

(b) A municipal corporation or township with a population 434
of thirty-five thousand or less may create one outdoor 435
refreshment area if the proposed area will include at least four 436
qualified permit holders and be composed of one hundred fifty or 437
fewer contiguous acres. 438

For purposes of this section, the population of a 439
municipal corporation or township is deemed to be the population 440
shown by the most recent regular federal decennial census. 441

(E) As soon as possible after receiving notice that an 442
outdoor refreshment area has been approved, the division of 443
liquor control, for purposes of section 4301.62 of the Revised 444
Code, shall issue an outdoor refreshment area designation to 445
each qualified permit holder located within the refreshment area 446
that is in compliance with all applicable requirements under 447
Chapters 4301. and 4303. of the Revised Code. The division shall 448
not charge any fee for the issuance of the designation. Any 449
permit holder that receives such a designation shall comply with 450
all laws, rules, and regulations that govern its license type, 451
and the applicable public health and safety requirements 452
established for the area under division (F) of this section. 453

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

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

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

(c) The hours of operation for the area;

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

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

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

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

The legislative authority may, but is not required to, include in the ordinance or resolution any public health and safety requirements proposed in an application under division (B) of this section to designate or expand the outdoor refreshment area. The legislative authority may subsequently modify the public health and safety requirements as determined

necessary by the legislative authority. 482

(2) Prior to adopting an ordinance or resolution under 483
this division, the legislative authority shall give notice of 484
its proposed action by publication ~~once a week for two~~ 485
~~consecutive weeks~~ in one newspaper of general circulation in the 486
municipal corporation or township or as provided in section 7.16 487
of the Revised Code. 488

(3) The legislative authority shall provide to the 489
division of liquor control and the investigative unit of the 490
department of public safety notice of the public health and 491
safety requirements established or modified under this division. 492

(G) If an outdoor refreshment area has been created in 493
accordance with this section, the holder of an F class permit 494
that sponsors an event located in the outdoor refreshment area 495
may apply to the division for issuance of an outdoor refreshment 496
area designation. The division shall issue such a designation if 497
the division determines that the permit holder is in compliance 498
with all applicable requirements established under this chapter 499
and Chapter 4303. of the Revised Code. An F class permit holder 500
that receives a designation under this division shall do both of 501
the following: 502

(1) Comply with all laws, rules, and regulations that 503
govern its type of permit, and the applicable public health and 504
safety requirements established for the outdoor refreshment area 505
under division (F) of this section; 506

(2) Not block ingress or egress to the outdoor refreshment 507
area or any other liquor permit premises located within the 508
area. 509

(H) Section 4399.18 of the Revised Code applies to a 510

liquor permit holder located within an outdoor refreshment area 511
in the same manner as if the liquor permit holder were not 512
located in an outdoor refreshment area. 513

(I) (1) Five years after the date of creation of an outdoor 514
refreshment area, the legislative authority of the municipal 515
corporation or township that created the area under this section 516
shall review the operation of the area and shall, by ordinance 517
or resolution, either approve the continued operation of the 518
area or dissolve the area. Prior to adopting the ordinance or 519
resolution, the legislative authority shall give notice of its 520
proposed action by publication ~~once a week for two consecutive~~ 521
~~weeks~~ in one newspaper of general circulation in the municipal 522
corporation or township or as provided in section 7.16 of the 523
Revised Code. 524

If the legislative authority dissolves the outdoor 525
refreshment area, the outdoor refreshment area ceases to exist. 526
The legislative authority then shall provide notice of its 527
action to the division of liquor control and the investigative 528
unit of the department of public safety. Upon receipt of the 529
notice, the division shall revoke all outdoor refreshment area 530
designations issued to qualified permit holders within the 531
dissolved area. If the legislative authority approves the 532
continued operation of the outdoor refreshment area, the area 533
continues in operation. 534

(2) Five years after the approval of the continued 535
operation of an outdoor refreshment area under division (I) (1) 536
of this section, the legislative authority shall conduct a 537
review in the same manner as provided in division (I) (1) of this 538
section. The legislative authority also shall conduct such a 539
review five years after any subsequent approval of continued 540

operation under division (I) (2) of this section. 541

(J) At any time, the legislative authority of a municipal 542
corporation or township in which an outdoor refreshment area is 543
located may, by ordinance or resolution, dissolve all or a part 544
of the outdoor refreshment area. Prior to adopting the 545
resolution or ordinance, the legislative authority shall give 546
notice of its proposed action by publication ~~once a week for two~~ 547
~~consecutive weeks~~ in one newspaper of general circulation in the 548
municipal corporation or township or as provided in section 7.16 549
of the Revised Code. If the legislative authority dissolves all 550
or part of an outdoor refreshment area, the area designated in 551
the ordinance or resolution no longer constitutes an outdoor 552
refreshment area. The legislative authority shall provide notice 553
of its actions to the division of liquor control and the 554
investigative unit of the department of public safety. Upon 555
receipt of the notice, the division shall revoke all outdoor 556
refreshment area designations issued to qualified permit holders 557
or the holder of an F class permit within the dissolved area or 558
portion of the area. 559

Sec. 4303.041. (A) An A-3a permit may be issued to a 560
distiller that manufactures less than one hundred thousand 561
gallons of spirituous liquor per year. An A-3a permit holder may 562
sell to a personal consumer, in sealed containers for 563
consumption off the premises where manufactured, spirituous 564
liquor that the permit holder manufactures, but sales to the 565
personal consumer may occur only by an in-person transaction at 566
the permit premises. The A-3a permit holder shall not ship, 567
send, or use an H permit holder to deliver spirituous liquor to 568
the personal consumer. 569

"Distiller" means a person in this state who mashes, 570

ferments, distills, and ages spirituous liquor. 571

(B) (1) Except as otherwise provided in this section, no A- 572
3a permit shall be issued unless the sale of spirituous liquor 573
by the glass for consumption on the premises or by the package 574
for consumption off the premises is authorized in the election 575
precinct in which the A-3a permit is proposed to be located. 576

(2) Division (B) (1) of this section does not prohibit the 577
issuance of an A-3a permit to an applicant for such a permit who 578
has filed an application with the division of liquor control 579
before March 22, 2012. 580

(C) (1) An A-3a permit holder may offer for sale tasting 581
samples of spirituous liquor. The A-3a permit holder shall not 582
serve more than four tasting samples of spirituous liquor per 583
person per day. A tasting sample shall not exceed a quarter 584
ounce. Tasting samples shall be only for the purpose of allowing 585
a purchaser to determine, by tasting only, the quality and 586
character of the spirituous liquor. The tasting samples shall be 587
offered for sale in accordance with rules adopted by the 588
division of liquor control. 589

(2) An A-3a permit holder shall sell not more than ~~one and~~ 590
~~one half~~ three liters of spirituous liquor per day from the 591
permit premises to the same personal consumer. 592

An A-3a permit holder may sell spirituous liquor in sealed 593
containers for consumption off the premises where manufactured 594
as an independent contractor under agreement, by virtue of the 595
permit, with the division of liquor control. The price at which 596
the A-3a permit holder shall sell each spirituous liquor product 597
to a personal consumer is to be determined by the division of 598
liquor control. For an A-3a permit holder to purchase and then 599

offer spirituous liquor for retail sale, the spirituous liquor 600
need not first leave the physical possession of the A-3a permit 601
holder to be so registered. The spirituous liquor that the A-3a 602
permit holder buys from the division of liquor control shall be 603
maintained in a separate area of the permit premises for sale to 604
personal consumers. The A-3a permit holder shall sell such 605
spirituous liquor in sealed containers for consumption off the 606
premises where manufactured as an independent contractor by 607
virtue of the permit issued by the division of liquor control, 608
but the permit holder shall not be compensated as provided in 609
division (A) (1) of section 4301.17 of the Revised Code. Each A- 610
3a permit holder shall be subject to audit by the division of 611
liquor control. 612

(D) The fee for the A-3a permit is two dollars per fifty- 613
gallon barrel. 614

(E) The holder of an A-3a permit may also exercise the 615
same privileges as the holder of an A-3 permit. 616

Sec. 4303.051. (A) Permit A-5 may be issued to a 617
manufacturer of ice cream to manufacture ice cream that contains 618
not less than one-half of one per cent of alcohol by volume and 619
not more than six per cent of alcohol by volume, ~~provided that~~ 620
~~the sale of beer or intoxicating liquor for on- and off-premises~~ 621
~~consumption is authorized in the election precinct in which the~~ 622
~~manufacturer is located and to sell that ice cream to either of~~ 623
the following: 624

(1) A personal consumer for consumption on the premises 625
where manufactured or in sealed containers for consumption off 626
the premises where manufactured; 627

(2) A retail permit holder that is authorized to sell beer 628

or intoxicating liquor. 629

~~(B) An A-5 permit holder may sell ice cream under this~~ 630
~~section only for consumption on the premises where manufactured~~ 631
~~or in sealed containers for consumption off the premises where~~ 632
~~manufactured. An A-5 permit holder may sell ice cream under this~~ 633
~~section only by in-person transaction at the permit premises. An~~ 634
~~A-5 permit holder shall not ship, send, or use an H permit~~ 635
~~holder to deliver ice cream to a personal consumer. An A-5~~ 636
~~permit holder shall not sell more than four pints of ice cream~~ 637
~~for off-premises consumption to a personal consumer in any~~ 638
~~calendar day. No A-5 permit shall be issued unless the sale of~~ 639
beer or intoxicating liquor for on- and off-premises consumption 640
is authorized in the election precinct in which the manufacturer 641
applying for the permit is located. 642

(C) An A-5 permit holder may ship ice cream the permit 643
holder has manufactured under this section to a personal 644
consumer via the holder of an H permit, subject to all of the 645
following: 646

(1) The package in which the ice cream is being shipped is 647
clearly marked with the words "alcohol enclosed" in bold print. 648

(2) Prior to sending a shipment of ice cream, the A-5 649
permit holder, or an employee of the permit holder, makes a bona 650
fide effort to ensure that the personal consumer is at least 651
twenty-one years of age. 652

(3) Upon delivering a shipment of ice cream, the H permit 653
holder, or an employee of the permit holder, verifies that the 654
personal consumer is at least twenty-one years of age by 655
checking the personal consumer's driver's license, commercial 656
driver's license, identification card issued under sections 657

4507.50 to 4507.52 of the Revised Code, military identification 658
card issued by the United States department of defense, or 659
United States or foreign passport. 660

(D) An A-5 permit holder shall keep a record of each 661
shipment of ice cream that the permit holder sends to a personal 662
consumer under division (C) of this section. The A-5 permit 663
holder shall annually provide to the division of liquor control 664
by electronic means a report that includes all of the following: 665

(1) The name and address of each personal consumer that 666
purchased ice cream from the A-5 permit holder via shipment 667
under this section; 668

(2) The quantity of ice cream purchased by each personal 669
consumer; 670

(3) Any other information requested by the division. 671

The division shall prescribe and provide an electronic 672
form for the report and shall determine the specific electronic 673
means that the A-5 permit holder must use to submit the report . 674

~~(C)~~-(E) A retail permit holder that is authorized to sell 675
beer or intoxicating liquor may sell ice cream that contains not 676
less than one-half of one per cent of alcohol by volume and not 677
more than six per cent of alcohol by volume and that is 678
manufactured by an A-5 permit holder or by an equivalent 679
manufacturer in another state. Such a manufacturer in another 680
state may sell such ice cream to a retail permit holder in this 681
state. 682

(F) An A-5 permit holder shall include the surgeon 683
general's warning specified under 27 U.S.C. 215 on each 684
container of ice cream manufactured under the authority of this 685
section. This division applies only to ice cream manufactured 686

under the authority of this section that is sold in a retail 687
food establishment or food service operation licensed pursuant 688
to Chapter 3717. of the Revised Code that operates as a grocery 689
store or convenience store. 690

(G) The fee for an A-5 permit is one thousand dollars for 691
each plant. 692

Sec. 4303.182. (A) Except as otherwise provided in 693
divisions (B) to (K) of this section, permit D-6 shall be issued 694
to the holder of an A-1-A, A-2, A-2f, A-3a, A-5, C-2, D-2, D-3, 695
D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 696
D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to 697
allow sale under that permit as follows: 698

(1) Between the hours of ten a.m. and midnight on Sunday 699
if sale during those hours has been approved under question (C) 700
(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised 701
Code, under question (B) (2) of section 4301.355 of the Revised 702
Code, or under section 4301.356 of the Revised Code and has been 703
authorized under section 4301.361, 4301.364, 4301.365, or 704
4301.366 of the Revised Code, under the restrictions of that 705
authorization; 706

(2) Between the hours of eleven a.m. and midnight on 707
Sunday, if sale during those hours has been approved on or after 708
October 16, 2009, under question (B) (1), (2), or (3) of section 709
4301.351 or 4301.354 of the Revised Code, under question (B) (2) 710
of section 4301.355 of the Revised Code, or under section 711
4301.356 of the Revised Code and has been authorized under 712
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 713
Code, under the restrictions of that authorization; 714

(3) Between the hours of eleven a.m. and midnight on 715

Sunday if sale between the hours of one p.m. and midnight was 716
approved before October 16, 2009, under question (B) (1), (2), or 717
(3) of section 4301.351 or 4301.354 of the Revised Code, under 718
question (B) (2) of section 4301.355 of the Revised Code, or 719
under section 4301.356 of the Revised Code and has been 720
authorized under section 4301.361, 4301.364, 4301.365, or 721
4301.366 of the Revised Code, under the other restrictions of 722
that authorization. 723

(B) Permit D-6 shall be issued to the holder of any 724
permit, including a D-4a and D-5d permit, authorizing the sale 725
of intoxicating liquor issued for a premises located at any 726
publicly owned airport, as defined in section 4563.01 of the 727
Revised Code, at which commercial airline companies operate 728
regularly scheduled flights on which space is available to the 729
public, to allow sale under such permit between the hours of ten 730
a.m. and midnight on Sunday, whether or not that sale has been 731
authorized under section 4301.361, 4301.364, 4301.365, or 732
4301.366 of the Revised Code. 733

(C) Permit D-6 shall be issued to the holder of a D-5a 734
permit, and to the holder of a D-3 or D-3a permit who is the 735
owner or operator of a hotel or motel that is required to be 736
licensed under section 3731.03 of the Revised Code, that 737
contains at least fifty rooms for registered transient guests, 738
and that has on its premises a retail food establishment or a 739
food service operation licensed pursuant to Chapter 3717. of the 740
Revised Code that operates as a restaurant for purposes of this 741
chapter and is affiliated with the hotel or motel and within or 742
contiguous to the hotel or motel and serving food within the 743
hotel or motel, to allow sale under such permit between the 744
hours of ten a.m. and midnight on Sunday, whether or not that 745
sale has been authorized under section 4301.361, 4301.364, 746

4301.365, or 4301.366 of the Revised Code. 747

(D) The holder of a D-6 permit that is issued to a sports 748
facility may make sales under the permit between the hours of 749
eleven a.m. and midnight on any Sunday on which a professional 750
baseball, basketball, football, hockey, or soccer game is being 751
played at the sports facility. As used in this division, "sports 752
facility" means a stadium or arena that has a seating capacity 753
of at least four thousand and that is owned or leased by a 754
professional baseball, basketball, football, hockey, or soccer 755
franchise or any combination of those franchises. 756

(E) Permit D-6 shall be issued to the holder of any permit 757
that authorizes the sale of beer or intoxicating liquor and that 758
is issued to a premises located in or at the Ohio history 759
connection area or the state fairgrounds, as defined in division 760
(B) of section 4301.40 of the Revised Code, to allow sale under 761
that permit between the hours of ten a.m. and midnight on 762
Sunday, whether or not that sale has been authorized under 763
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 764
Code. 765

(F) Permit D-6 shall be issued to the holder of any permit 766
that authorizes the sale of intoxicating liquor and that is 767
issued to an outdoor performing arts center to allow sale under 768
that permit between the hours of one p.m. and midnight on 769
Sunday, whether or not that sale has been authorized under 770
section 4301.361 of the Revised Code. A D-6 permit issued under 771
this division is subject to the results of an election, held 772
after the D-6 permit is issued, on question (B) (4) as set forth 773
in section 4301.351 of the Revised Code. Following the end of 774
the period during which an election may be held on question (B) 775
(4) as set forth in that section, sales of intoxicating liquor 776

may continue at an outdoor performing arts center under a D-6 777
permit issued under this division, unless an election on that 778
question is held during the permitted period and a majority of 779
the voters voting in the precinct on that question vote "no." 780

As used in this division, "outdoor performing arts center" 781
means an outdoor performing arts center that is located on not 782
less than eight hundred acres of land and that is open for 783
performances from the first day of April to the last day of 784
October of each year. 785

(G) Permit D-6 shall be issued to the holder of any permit 786
that authorizes the sale of beer or intoxicating liquor and that 787
is issued to a golf course owned by the state, a conservancy 788
district, a park district created under Chapter 1545. of the 789
Revised Code, or another political subdivision to allow sale 790
under that permit between the hours of ten a.m. and midnight on 791
Sunday, whether or not that sale has been authorized under 792
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 793
Code. 794

(H) Permit D-6 shall be issued to the holder of a D-5g 795
permit to allow sale under that permit between the hours of ten 796
a.m. and midnight on Sunday, whether or not that sale has been 797
authorized under section 4301.361, 4301.364, 4301.365, or 798
4301.366 of the Revised Code. 799

(I) Permit D-6 shall be issued to the holder of any D 800
permit for a premises that is licensed under Chapter 3717. of 801
the Revised Code and that is located at a ski area to allow sale 802
under the D-6 permit between the hours of ten a.m. and midnight 803
on Sunday, whether or not that sale has been authorized under 804
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 805
Code. 806

As used in this division, "ski area" means a ski area as 807
defined in section 4169.01 of the Revised Code, provided that 808
the passenger tramway operator at that area is registered under 809
section 4169.03 of the Revised Code. 810

(J) Permit D-6 shall be issued to the holder of any permit 811
that is described in division (A) of this section for a permit 812
premises that is located in a community entertainment district, 813
as defined in section 4301.80 of the Revised Code, that was 814
approved by the legislative authority of a municipal corporation 815
under that section between October 1 and October 15, 2005, to 816
allow sale under the permit between the hours of ten a.m. and 817
midnight on Sunday, whether or not that sale has been authorized 818
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 819
Revised Code. 820

(K) A D-6 permit shall be issued to the holder of any D 821
permit for a premises that is licensed under Chapter 3717. of 822
the Revised Code and that is located in a state park to allow 823
sales under the D-6 permit between the hours of ten a.m. and 824
midnight on Sunday, whether or not those sales have been 825
authorized under section 4301.361, 4301.364, 4301.365, or 826
4301.366 of the Revised Code. 827

As used in this division, "state park" means a state park 828
that is established or dedicated under Chapter 1546. of the 829
Revised Code and that has a working farm on its property. 830

(L) If the restriction to licensed premises where the sale 831
of food and other goods and services exceeds fifty per cent of 832
the total gross receipts of the permit holder at the premises is 833
applicable, the division of liquor control may accept an 834
affidavit from the permit holder to show the proportion of the 835
permit holder's gross receipts derived from the sale of food and 836

other goods and services. If the liquor control commission 837
determines that affidavit to have been false, it shall revoke 838
the permits of the permit holder at the premises concerned. 839

(M) The fee for the D-6 permit is five hundred dollars 840
when it is issued to the holder of an A-1-A, A-2, A-2f, A-3a, A- 841
5, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, 842
D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or 843
D-7 permit. The fee for the D-6 permit is four hundred dollars 844
when it is issued to the holder of a C-2 permit. 845

Section 2. That existing sections 3717.22, 4301.17, 846
4301.82, 4303.041, 4303.051, and 4303.182 of the Revised Code 847
are hereby repealed. 848

Section 3. (A) As used in this section: 849

(1) "Alcoholic beverage" means beer, wine, mixed 850
beverages, or spirituous liquor as those terms are defined in 851
section 4301.01 of the Revised Code. 852

(2) "Personal consumer" means an individual who is at 853
least twenty-one years of age and intends to use a purchased 854
alcoholic beverage for personal consumption only and not for 855
resale or other commercial purposes. 856

(3) "Qualified permit holder" has the same meaning as in 857
section 4301.82 of the Revised Code and also includes an A-3 and 858
an A-3a permit holder under Chapter 4303. of the Revised Code. 859

(B) (1) Notwithstanding any other provision of law to the 860
contrary and in addition to areas in which a qualified permit 861
holder is authorized to sell alcoholic beverages under the 862
qualified permit holder's permit, a qualified permit holder may 863
sell alcoholic beverages by the individual drink for consumption 864
as follows: 865

(a) In any area of the qualified permit holder's property 866
in which sales are not currently authorized and that is 867
outdoors, including the qualified permit holder's parking area; 868

(b) In any outdoor area of public property that is 869
immediately adjacent to the qualified permit holder's premises, 870
provided that the permit holder obtains written consent in 871
accordance with division (C) of this section; 872

(c) In any outdoor area of private property that is 873
immediately adjacent to the qualified permit holder's premises, 874
provided that the permit holder obtains the written consent of 875
the owner of the private property. 876

(2) If a qualified permit holder sells alcoholic beverages 877
in an outdoor area, the qualified permit holder shall clearly 878
delineate the area where personal consumers may consume 879
alcoholic beverages. 880

(C) For purposes of division (B) (1) (b) of this section, a 881
qualified permit holder shall obtain the written consent of 882
either of the following: 883

(1) If the public property is located in a municipal 884
corporation, the executive officer of the municipal corporation 885
or the executive officer's designee. If the executive officer or 886
the executive officer's designee denies consent, the qualified 887
permit holder may appeal the denial to the legislative authority 888
of the municipal corporation. The legislative authority may 889
adopt a resolution requesting the executive officer to 890
reconsider the executive officer's denial. 891

(2) If the public property is located in the 892
unincorporated area of a township, the fiscal officer of the 893
township or the fiscal officer's designee. If the fiscal officer 894

or the fiscal officer's designee denies consent, the qualified 895
permit holder may appeal the denial to the legislative authority 896
of the township. The legislative authority may adopt a 897
resolution consenting to the sale of alcoholic beverages. 898

(D) Section 4301.62 of the Revised Code does not apply to 899
the consumption of an alcoholic beverage in an outdoor area 900
described in division (B) (1) of this section. 901

(E) A qualified permit holder that sells alcoholic 902
beverages by the individual drink in an outdoor area under 903
division (B) (1) of this section shall notify the Division of 904
Liquor Control of the areas that the qualified permit holder 905
intends to sell the alcoholic beverages. The qualified permit 906
holder shall provide the notice not later than ten days prior to 907
the commencement of such sales. 908

(F) This section shall be operative during the period of 909
the emergency declared by Executive Order 2020-01D, issued on 910
March 9, 2020, but not beyond December 1, 2020, if the period of 911
the emergency continues beyond that date. 912

Section 4. This act is hereby declared to be an emergency 913
measure necessary for the immediate preservation of the public 914
peace, health, and safety. The reason for such necessity is to 915
provide economic relief to liquor permit holders as a result of 916
the COVID-19 outbreak. Therefore, this act shall go into 917
immediate effect. 918