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131st General Assembly

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Sub. H. B. No. 342

Representative Young

Cosponsors: Representatives Becker, Grossman, Hackett, Schaffer, Vitale, Brown, Blessing, Anielski, Antonio, Arndt, Baker, Boose, Brenner, Buchy, Celebrezze, Cera, Clyde, Dovilla, Fedor, Hambley, Hill, Lepore-Hagan, Manning, O'Brien, S., Patterson, Phillips, Ramos, Retherford, Rogers, Romanchuk, Sears, Sheehy, Sprague, Strahorn, Thompson

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, 4303.03, 3
4303.07, 4303.10, 4303.182, 4303.204, 4303.33, 4
4303.333, and 5709.55 and to enact section 5
4303.031 of the Revised Code to create the Ohio 6
Farm Winery 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, 4303.03, 4303.07, 4303.10, 4303.182, 10
4303.204, 4303.33, 4303.333, and 5709.55 be amended and section 11
4303.031 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, the division shall 27
deposit all moneys collected under Chapters 4301. and 4303. of 28
the Revised Code into the state treasury to the credit of the 29
state liquor regulatory fund created in section 4301.30 of the 30
Revised Code. In addition, revenue resulting from any contracts 31
with the department of commerce pertaining to the 32
responsibilities and operations described in this chapter may be 33
credited to the fund. 34

Whenever, in the judgment of the director of budget and 35
management, the amount in the liquor control fund is in excess 36
of that needed to meet the maturing obligations of the division, 37
as working capital for its further operations, to pay the 38
operating expenses of the commission, and for the alcohol 39
testing program under section 3701.143 of the Revised Code, the 40
director shall transfer the excess to the credit of the general 41
revenue fund. If the director determines that the amount in the 42
liquor control fund is insufficient, the director may transfer 43
money from the general revenue fund to the liquor control fund. 44

Sec. 4301.13. The liquor control commission may adopt, 45

promulgate, repeal, rescind, and amend rules to regulate the 46
manner of dealing in and distributing and selling bottled wine 47
within the state. The commission may require out-of-state 48
producers, shippers, bottlers, and holders of federal importers' 49
permits shipping bottled wine into Ohio and holders of A-2, A- 50
2f, B-5, B-3, and B-2 permits issued by the division of liquor 51
control, engaged in distributing and selling bottled wine in 52
Ohio, to file with the division a schedule of prices in which 53
minimum prices are set forth for the sale of bottled wine at 54
wholesale or retail, or both, in Ohio. Any amendments, 55
additions, alterations, or revisions to the schedule of prices 56
as originally filed with the division shall be filed in the same 57
manner as the original schedule of prices required to be filed 58
with the division. 59

The commission may determine and fix the minimum mark-ups 60
at wholesale or retail, or both, for bottled wine, and fix the 61
minimum prices at which the various classes of bottled wine 62
shall be distributed and sold in Ohio either at wholesale or 63
retail, or both. 64

Sec. 4301.24. (A) Except as provided in section 4301.242 65
of the Revised Code, no manufacturer shall aid or assist the 66
holder of any permit for sale at wholesale, and no manufacturer 67
or wholesale distributor shall aid or assist the holder of any 68
permit for sale at retail, by gift or loan of any money or 69
property of any description or other valuable thing, or by 70
giving premiums or rebates. Except as provided in section 71
4301.242 of the Revised Code, no holder of any such permit shall 72
accept the same, provided that the manufacturer or wholesale 73
distributor may furnish to a retail permittee the inside signs 74
or advertising and the tap signs or devices authorized by 75
divisions (E) and (F) of section 4301.22 of the Revised Code. 76

(B) No manufacturer shall have any financial interest, 77
directly or indirectly, by stock ownership, or through 78
interlocking directors in a corporation, or otherwise, in the 79
establishment, maintenance, or promotion in the business of any 80
wholesale distributor. No retail permit holder shall have any 81
interest, directly or indirectly, in the operation of, or any 82
ownership in, the business of any wholesale distributor or 83
manufacturer. 84

(C) (1) No manufacturer shall, except as authorized by 85
section 4303.021 of the Revised Code, have any financial 86
interest, directly or indirectly, by stock ownership, or through 87
interlocking directors in a corporation, or otherwise, in the 88
establishment, maintenance, or promotion of the business of any 89
retail dealer. No wholesale distributor or employee of a 90
wholesale distributor shall have any financial interest, 91
directly or indirectly, by stock ownership, interlocking 92
directors in a corporation, or otherwise, in the establishment, 93
maintenance, or promotion of the business of any retail dealer. 94
No manufacturer or wholesale distributor or any stockholder of a 95
manufacturer or wholesale distributor shall acquire, by 96
ownership in fee, leasehold, mortgage, or otherwise, directly or 97
indirectly, any interest in the premises on which the business 98
of any other person engaged in the business of trafficking in 99
beer or intoxicating liquor is conducted. 100

(2) All contracts, covenants, conditions, and limitations 101
whereby any person engaged or proposing to engage in the sale of 102
beer or intoxicating liquors promises to confine the person's 103
sales of a particular kind or quality of beer or intoxicating 104
liquor to one or more products, or the products of a specified 105
manufacturer or wholesale distributor, or to give preference to 106
those products, shall to the extent of that promise be void. The 107

making of a promise in any such form shall be cause for the 108
revocation or suspension of any permit issued to any party. 109

(D) No manufacturer shall sell or offer to sell to any 110
wholesale distributor or retail permit holder, no wholesale 111
distributor shall sell or offer to sell to any retail permit 112
holder, and no wholesale distributor or retail permit holder 113
shall purchase or receive from any manufacturer or wholesale 114
distributor, any beer, brewed beverages, or wine manufactured in 115
the United States except for cash. No right of action shall 116
exist to collect any claims for credit extended contrary to this 117
section. 118

This section does not prohibit a licensee from crediting 119
to a purchaser the actual prices charged for packages or 120
containers returned by the original purchaser as a credit on any 121
sale or from refunding to any purchaser the amount paid by that 122
purchaser for containers or as a deposit on containers when 123
title is retained by the vendor, if those containers or packages 124
have been returned to the manufacturer or distributor. This 125
section does not prohibit a manufacturer from extending usual 126
and customary credit for beer, brewed beverages, or wine 127
manufactured in the United States and sold to customers who live 128
or maintain places of business outside this state when the 129
beverages so sold are actually transported and delivered to 130
points outside this state. 131

No wholesale or retail permit shall be issued to an 132
applicant unless the applicant has paid in full all accounts for 133
beer or wine, manufactured in the United States, outstanding as 134
of September 6, 1939. No beer or wine manufactured in the United 135
States shall be imported into the state unless the beer or wine 136
has been paid for in cash, and no supplier registration for any 137

such beer or wine manufactured in the United States shall be 138
issued by the division of liquor control until the A-2, A-2f, B- 139
1, or B-5 permit holder establishes to the satisfaction of the 140
division that the beer or wine has been paid for in cash. 141

(E) This section does not prevent a manufacturer from 142
securing and holding any financial interest, directly or 143
indirectly, by stock ownership or through interlocking directors 144
in a corporation, or otherwise, in the establishment, 145
maintenance, or promotion of the business or premises of any C 146
or D permit holder, provided that the following conditions are 147
met: 148

(1) Either the manufacturer or one of its parent companies 149
is listed on a national securities exchange. 150

(2) All purchases of alcoholic beverages by the C or D 151
permit holder are made from wholesale distributors in this state 152
or agency stores licensed by the division of liquor control. 153

(3) If the C or D permit holder sells brands of alcoholic 154
beverages that are produced or distributed by the manufacturer 155
that holds the financial interest, the C or D permit holder also 156
sells other competing brands of alcoholic beverages produced by 157
other manufacturers, no preference is given to the products of 158
the manufacturer, and there is no exclusion, in whole or in 159
part, of products sold or offered for sale by other 160
manufacturers, suppliers, or importers of alcoholic beverages 161
that constitutes a substantial impairment of commerce. 162

(4) The primary purpose of the C or D permit premises is a 163
purpose other than to sell alcoholic beverages, and the sale of 164
other goods and services exceeds fifty per cent of the total 165
gross receipts of the C or D permit holder at its premises. 166

(F) (1) This section does not prevent a manufacturer from 167
giving financial assistance to the holder of a B permit for the 168
purpose of the holder purchasing an ownership interest in the 169
business, existing inventory and equipment, or property of 170
another B permit holder, including, but not limited to, 171
participation in a limited liability partnership, limited 172
liability company, or any other legal entity authorized to do 173
business in this state. 174

(2) This section does not permit a manufacturer to give 175
financial assistance to the holder of a B permit to purchase 176
inventory or equipment used in the daily operation of a B permit 177
holder. 178

(G) This section does not prohibit a manufacturer or 179
subsidiary of a manufacturer from continuing to operate a 180
wholesale distribution franchise or distribute beer or wine 181
within a designated territory if prior to the effective date of 182
this amendment the manufacturer either acquired the distribution 183
franchise or territory, or awarded the franchise or territory to 184
itself or a subsidiary. 185

(H) This section shall not prevent a manufacturer from 186
securing and holding an A-1c or B-2a permit or permits and 187
operating as a wholesale distributor pursuant to such permits. 188

Sec. 4301.30. (A) All fees collected by the division of 189
liquor control shall be deposited in the state treasury to the 190
credit of the undivided liquor permit fund, which is hereby 191
created, at the time prescribed under section 4301.12 of the 192
Revised Code. Each payment shall be accompanied by a statement 193
showing separately the amount collected for each class of 194
permits in each municipal corporation and in each township 195
outside the limits of any municipal corporation in such 196

township. 197

(B) (1) An amount equal to forty-five per cent of the fund 198
shall be paid from the fund into the state liquor regulatory 199
fund, which is hereby created in the state treasury. The state 200
liquor regulatory fund shall be used to pay the operating 201
expenses of the division of liquor control in administering and 202
enforcing Title XLIII of the Revised Code and the operating 203
expenses of the liquor control commission. Investment earnings 204
of the fund shall be credited to the fund. 205

(2) Whenever, in the judgment of the director of budget 206
and management, the amount of money that is in the state liquor 207
regulatory fund is in excess of the amount that is needed to pay 208
the operating expenses of the division in administering and 209
enforcing Title XLIII of the Revised Code and the operating 210
expenses of the commission, the director shall credit the excess 211
amount to the general revenue fund. 212

(C) Twenty per cent of the undivided liquor permit fund 213
shall be paid into the statewide treatment and prevention fund, 214
which is hereby created in the state treasury. This amount shall 215
be appropriated by the general assembly, together with an amount 216
equal to one and one-half per cent of the gross profit of the 217
division of liquor control derived under division (B) (4) of 218
section 4301.10 of the Revised Code, to the department of mental 219
health and addiction services. In planning for the allocation of 220
and in allocating these amounts for the purposes of Chapter 221
5119. of the Revised Code, the department shall comply with the 222
nondiscrimination provisions of Title VI of the Civil Rights Act 223
of 1964, and any rules adopted under that act. 224

(D) Thirty-five per cent of the undivided liquor permit 225
fund shall be distributed by the superintendent of liquor 226

control at quarterly calendar periods as follows:	227
(1) To each municipal corporation, the aggregate amount	228
shown by the statements to have been collected from permits in	229
the municipal corporation, for the use of the general fund of	230
the municipal corporation;	231
(2) To each township, the aggregate amount shown by the	232
statements to have been collected from permits in its territory,	233
outside the limits of any municipal corporation located in the	234
township, for the use of the general fund of the township, or	235
for fire protection purposes, including buildings and equipment	236
in the township or in an established fire district within the	237
township, to the extent that the funds are derived from liquor	238
permits within the territory comprising such fire district.	239
(E) For the purpose of the distribution required by this	240
section, E, H, and D permits covering boats or vessels are	241
deemed to have been issued in the municipal corporation or	242
township wherein the owner or operator of the vehicle, boat,	243
vessel, or dining car equipment to which the permit relates has	244
the owner's or operator's principal office or place of business	245
within the state.	246
(F) If the liquor control commission determines that the	247
police or other officers of any municipal corporation or	248
township entitled to share in distributions under this section	249
are refusing or culpably neglecting to enforce this chapter and	250
Chapter 4303. of the Revised Code, or the penal laws of this	251
state relating to the manufacture, importation, transportation,	252
distribution, and sale of beer and intoxicating liquors, or if	253
the prosecuting officer of a municipal corporation or a	254
municipal court fails to comply with the request of the	255
commission authorized by division (A) (4) of section 4301.10 of	256

the Revised Code, the commission, by certified mail, may notify 257
the chief executive officer of the municipal corporation or the 258
board of township trustees of the township of the failure and 259
require the immediate cooperation of the responsible officers of 260
the municipal corporation or township with the division of 261
liquor control in the enforcement of those chapters and penal 262
laws. Within thirty days after the notice is served, the 263
commission shall determine whether the requirement has been 264
complied with. If the commission determines that the requirement 265
has not been complied with, it may issue an order to the 266
superintendent to withhold the distributive share of the 267
municipal corporation or township until further order of the 268
commission. This action of the commission is reviewable within 269
thirty days thereafter in the court of common pleas of Franklin 270
county. 271

(G) All fees collected by the division of liquor control 272
from the issuance or renewal of B-2a and S permits, and paid by 273
B-2a and S permit holders who do not also hold A-2 or A-2f 274
permits, shall be deposited in the state treasury to the credit 275
of the state liquor regulatory fund. Once during each fiscal 276
year, an amount equal to fifty per cent of the fees collected 277
shall be paid from the state liquor regulatory fund into the 278
general revenue fund. 279

Sec. 4301.355. (A) If a petition is filed under section 280
4301.333 of the Revised Code for the submission of the question 281
or questions set forth in this section, it shall be held in the 282
precinct as ordered by the board of elections under that 283
section. The expense of holding the election shall be charged to 284
the municipal corporation or township of which the precinct is a 285
part. 286

(B) At the election, one or more of the following 287
questions, as designated in a valid petition, shall be submitted 288
to the electors of the precinct: 289

(1) "Shall the sale of (insert beer, wine and 290
mixed beverages, or spirituous liquor) be permitted 291
by (insert name of applicant, liquor permit holder, 292
or liquor agency store, including trade or fictitious name under 293
which applicant for, or holder of, liquor permit or liquor 294
agency store either intends to do, or does, business at the 295
particular location), an (insert "applicant for" or 296
"holder of" or "operator of") a (insert class name of 297
liquor permit or permits followed by the words "liquor 298
permit(s)" or, if appropriate, the words "liquor agency store 299
for the State of Ohio"), who is engaged in the business 300
of (insert general nature of the business in which 301
applicant or liquor permit holder is engaged or will be engaged 302
in at the particular location, as described in the petition) 303
at (insert address of the particular location within 304
the precinct as set forth in the petition) in this precinct?" 305

(2) "Shall the sale of (insert beer, wine and 306
mixed beverages, or spirituous liquor) be permitted for sale on 307
Sunday between the hours of (insert "ten a.m. and 308
midnight" or "eleven a.m. and midnight") by (insert 309
name of applicant, liquor permit holder, or liquor agency store, 310
including trade or fictitious name under which applicant for, or 311
holder of, liquor permit or liquor agency store either intends 312
to do, or does, business at the particular location), an 313
(insert "applicant for a D-6 liquor permit," "holder of a D-6 314
liquor permit," "applicant for or holder of an A-1-A, A-2, A-2f, 315
A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D- 316
5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, 317

or D-7 liquor permit," if only the approval of beer sales is 318
sought, or "liquor agency store") who is engaged in the business 319
of (insert general nature of the business in which 320
applicant or liquor permit holder is engaged or will be engaged 321
in at the particular location, as described in the petition) 322
at (insert address of the particular location within 323
the precinct) in this precinct?" 324

(C) The board of elections shall furnish printed ballots 325
at the election as provided under section 3505.06 of the Revised 326
Code, except that a separate ballot shall be used for the 327
election under this section. The question set forth in this 328
section shall be printed on each ballot, and the board shall 329
insert in the question appropriate words to complete it. Votes 330
shall be cast as provided under section 3505.06 of the Revised 331
Code. 332

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 333
of the Revised Code: 334

(1) "Gallon" or "wine gallon" means one hundred twenty- 335
eight fluid ounces. 336

(2) "Sale" or "sell" includes exchange, barter, gift, 337
distribution, and, except with respect to A-4 permit holders, 338
offer for sale. 339

(B) For the purposes of providing revenues for the support 340
of the state and encouraging the grape industries in the state, 341
a tax is hereby levied on the sale or distribution of wine in 342
Ohio, except for known sacramental purposes, at the rate of 343
thirty cents per wine gallon for wine containing not less than 344
four per cent of alcohol by volume and not more than fourteen 345
per cent of alcohol by volume, ninety-eight cents per wine 346

gallon for wine containing more than fourteen per cent but not 347
more than twenty-one per cent of alcohol by volume, one dollar 348
and eight cents per wine gallon for vermouth, and one dollar and 349
forty-eight cents per wine gallon for sparkling and carbonated 350
wine and champagne, the tax to be paid by the holders of A-2, A- 351
2f, and B-5 permits or by any other person selling or 352
distributing wine upon which no tax has been paid. From the tax 353
paid under this section on wine, vermouth, and sparkling and 354
carbonated wine and champagne, the treasurer of state shall 355
credit to the Ohio grape industries fund created under section 356
924.54 of the Revised Code a sum equal to one cent per gallon 357
for each gallon upon which the tax is paid. 358

(C) For the purpose of providing revenues for the support 359
of the state, there is hereby levied a tax on prepared and 360
bottled highballs, cocktails, cordials, and other mixed 361
beverages at the rate of one dollar and twenty cents per wine 362
gallon to be paid by holders of A-4 permits or by any other 363
person selling or distributing those products upon which no tax 364
has been paid. Only one sale of the same article shall be used 365
in computing the amount of tax due. The tax on mixed beverages 366
to be paid by holders of A-4 permits under this section shall 367
not attach until the ownership of the mixed beverage is 368
transferred for valuable consideration to a wholesaler or 369
retailer, and no payment of the tax shall be required prior to 370
that time. 371

(D) During the period of July 1, 2015, through June 30, 372
2017, from the tax paid under this section on wine, vermouth, 373
and sparkling and carbonated wine and champagne, the treasurer 374
of state shall credit to the Ohio grape industries fund created 375
under section 924.54 of the Revised Code a sum equal to two 376
cents per gallon upon which the tax is paid. The amount credited 377

under this division is in addition to the amount credited to the 378
Ohio grape industries fund under division (B) of this section. 379

(E) For the purpose of providing revenues for the support 380
of the state, there is hereby levied a tax on cider at the rate 381
of twenty-four cents per wine gallon to be paid by the holders 382
of A-2, A-2f, and B-5 permits or by any other person selling or 383
distributing cider upon which no tax has been paid. Only one 384
sale of the same article shall be used in computing the amount 385
of the tax due. 386

Sec. 4301.432. For the purpose of encouraging the grape 387
industries of the state, a tax is hereby levied on the sale or 388
distribution of vermouth, sparkling and carbonated wine and 389
champagne, and other wine, except for known sacramental 390
purposes, at the rate of two cents per wine gallon, the tax to 391
be paid by the holders of A-2, A-2f, B-2a, B-5, and S permits or 392
by any other person selling or distributing wine upon which no 393
such tax has been paid. The treasurer of state shall credit to 394
the Ohio grape industries fund created under section 924.54 of 395
the Revised Code the moneys the treasurer of state receives from 396
this tax. 397

Sec. 4301.47. Every class A-1, A-1c, A-2, A-2f, and A-4 398
permit holder and each class B or S permit holder shall maintain 399
and keep for a period of three years a record of the beer, wine, 400
and mixed beverages purchased, distributed, or sold within this 401
state by the permit holder, together with invoices, records, 402
receipts, bills of lading, and other pertinent papers required 403
by the tax commissioner and, upon demand by the tax 404
commissioner, shall produce these records for a three-year 405
period prior to the demand unless upon satisfactory proof it is 406
shown that the nonproduction is due to causes beyond the permit 407

holder's control.	408
Sec. 4301.62. (A) As used in this section:	409
(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code.	410 411
(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code.	412 413
(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:	414 415 416
(1) Except as provided in division (C) (1) (e) of this section, in an agency store;	417 418
(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;	419 420 421
(3) In any other public place;	422
(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;	423 424 425 426 427
(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.	428 429 430 431
(C) (1) A person may have in the person's possession an opened container of any of the following:	432 433
(a) Beer or intoxicating liquor that has been lawfully	434

purchased for consumption on the premises where bought from the 435
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 436
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 437
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F- 438
7, or F-8 permit; 439

(b) Beer, wine, or mixed beverages served for consumption 440
on the premises by the holder of an F-3 permit or wine served 441
for consumption on the premises by the holder of an F-4 or F-6 442
permit; 443

(c) Beer or intoxicating liquor consumed on the premises 444
of a convention facility as provided in section 4303.201 of the 445
Revised Code; 446

(d) Beer or intoxicating liquor to be consumed during 447
tastings and samplings approved by rule of the liquor control 448
commission; 449

(e) Spirituous liquor to be consumed for purposes of a 450
tasting sample, as defined in section 4301.171 of the Revised 451
Code. 452

(2) A person may have in the person's possession on an F 453
liquor permit premises an opened container of beer or 454
intoxicating liquor that was not purchased from the holder of 455
the F permit if the premises for which the F permit is issued is 456
a music festival and the holder of the F permit grants 457
permission for that possession on the premises during the period 458
for which the F permit is issued. As used in this division, 459
"music festival" means a series of outdoor live musical 460
performances, extending for a period of at least three 461
consecutive days and located on an area of land of at least 462
forty acres. 463

(3) (a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.

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

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

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

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

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

the F-9 permit if the person is attending an orchestral 493
performance and the holder of the F-9 permit grants permission 494
for the possession and consumption of beer or intoxicating 495
liquor in certain predesignated areas of the premises during the 496
period for which the F-9 permit is issued. 497

As used in division (C) (5) of this section, "orchestral 498
performance" has the same meaning as in division (C) (3) (b) of 499
this section. 500

(6) (a) A person may have in the person's possession on the 501
property of an outdoor motorsports facility an opened or 502
unopened container of beer or intoxicating liquor that was not 503
purchased from the owner of the facility if both of the 504
following apply: 505

(i) The person is attending a racing event at the 506
facility; and 507

(ii) The owner of the facility grants permission for the 508
possession and consumption of beer or intoxicating liquor on the 509
property of the facility. 510

(b) As used in division (C) (6) (a) of this section: 511

(i) "Racing event" means a motor vehicle racing event 512
sanctioned by one or more motor racing sanctioning 513
organizations. 514

(ii) "Outdoor motorsports facility" means an outdoor 515
racetrack to which all of the following apply: 516

(I) It is two and four-tenths miles or more in length. 517

(II) It is located on two hundred acres or more of land. 518

(III) The primary business of the owner of the facility is 519

the hosting and promoting of racing events. 520

(IV) The holder of a D-1, D-2, or D-3 permit is located on 521
the property of the facility. 522

(7) (a) A person may have in the person's possession an 523
opened container of beer or intoxicating liquor at an outdoor 524
location within an outdoor refreshment area created under 525
section 4301.82 of the Revised Code if the opened container of 526
beer or intoxicating liquor was purchased from a qualified 527
permit holder to which both of the following apply: 528

(i) The permit holder's premises is located within the 529
outdoor refreshment area. 530

(ii) The permit held by the permit holder has an outdoor 531
refreshment area designation. 532

(b) Division (C) (7) of this section does not authorize a 533
person to do either of the following: 534

(i) Enter the premises of an establishment within an 535
outdoor refreshment area while possessing an opened container of 536
beer or intoxicating liquor acquired elsewhere; 537

(ii) Possess an opened container of beer or intoxicating 538
liquor while being in or on a motor vehicle within an outdoor 539
refreshment area, unless the motor vehicle is stationary and is 540
not being operated in a lane of vehicular travel or unless the 541
possession is otherwise authorized under division (D) or (E) of 542
this section. 543

(D) This section does not apply to a person who pays all 544
or a portion of the fee imposed for the use of a chauffeured 545
limousine pursuant to a prearranged contract, or the guest of 546
the person, when all of the following apply: 547

- (1) The person or guest is a passenger in the limousine. 548
- (2) The person or guest is located in the limousine, but 549
is not occupying a seat in the front compartment of the 550
limousine where the operator of the limousine is located. 551
- (3) The limousine is located on any street, highway, or 552
other public or private property open to the public for purposes 553
of vehicular travel or parking. 554
- (E) An opened bottle of wine that was purchased from the 555
holder of a permit that authorizes the sale of wine for 556
consumption on the premises where sold is not an opened 557
container for the purposes of this section if both of the 558
following apply: 559
- (1) The opened bottle of wine is securely resealed by the 560
permit holder or an employee of the permit holder before the 561
bottle is removed from the premises. The bottle shall be secured 562
in such a manner that it is visibly apparent if the bottle has 563
been subsequently opened or tampered with. 564
- (2) The opened bottle of wine that is resealed in 565
accordance with division (E) (1) of this section is stored in the 566
trunk of a motor vehicle or, if the motor vehicle does not have 567
a trunk, behind the last upright seat or in an area not normally 568
occupied by the driver or passengers and not easily accessible 569
by the driver. 570
- (F) (1) Except if an ordinance or resolution is enacted or 571
adopted under division (F) (2) of this section, this section does 572
not apply to a person who, pursuant to a prearranged contract, 573
is a passenger riding on a commercial quadricycle when all of 574
the following apply: 575
- (a) The person is not occupying a seat in the front of the 576

commercial quadricycle where the operator is steering or braking.	577 578
(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.	579 580 581
(c) The person has in their possession on the commercial quadricycle an opened container of beer or wine.	582 583
(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.	584 585 586
(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.	587 588 589 590
(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:	591 592 593 594
(a) It has four wheels and is operated in a manner similar to a bicycle.	595 596
(b) It has at least five seats for passengers.	597
(c) It is designed to be powered by the pedaling of the operator and the passengers.	598 599
(d) It is used for commercial purposes.	600
(e) It is operated by the vehicle owner or an employee of the owner.	601 602
Sec. 4301.82. (A) As used in this section, "qualified	603

permit holder" means the holder of an A-1, A-1-A, A-1c, A-2, A-2f, or D permit issued under Chapter 4303. of the Revised Code. 604
605

(B) The executive officer of a municipal corporation or 606
the fiscal officer of a township may file an application with 607
the legislative authority of the municipal corporation or 608
township to have property within the municipal corporation or 609
township designated as an outdoor refreshment area or to expand 610
an existing outdoor refreshment area to include additional 611
property within the municipal corporation or township. The 612
executive officer or fiscal officer shall ensure that the 613
application contains all of the following: 614

(1) A map or survey of the proposed outdoor refreshment 615
area in sufficient detail to identify the boundaries of the 616
area, which shall not exceed either of the following, as 617
applicable: 618

(a) Three hundred twenty contiguous acres or one-half 619
square mile if the municipal corporation or township has a 620
population of more than thirty-five thousand as specified in 621
division (D) of this section; 622

(b) One hundred fifty contiguous acres if the municipal 623
corporation or township has a population of thirty-five thousand 624
or less as specified in division (D) of this section. 625

(2) A general statement of the nature and types of 626
establishments that will be located within the proposed outdoor 627
refreshment area; 628

(3) A statement that the proposed outdoor refreshment area 629
will encompass not fewer than four qualified permit holders; 630

(4) Evidence that the uses of land within the proposed 631
outdoor refreshment area are in accord with the master zoning 632

plan or map of the municipal corporation or township; 633

(5) Proposed requirements for the purpose of ensuring 634
public health and safety within the proposed outdoor refreshment 635
area. 636

(C) Within forty-five days after the date the application 637
is filed with the legislative authority of a municipal 638
corporation or township, the legislative authority shall publish 639
public notice of the application once a week for two consecutive 640
weeks in one newspaper of general circulation in the municipal 641
corporation or township or as provided in section 7.16 of the 642
Revised Code. The legislative authority shall ensure that the 643
notice states that the application is on file in the office of 644
the clerk of the municipal corporation or township and is 645
available for inspection by the public during regular business 646
hours. The legislative authority also shall indicate in the 647
notice the date and time of any public hearing to be held 648
regarding the application by the legislative authority. 649

Not earlier than thirty but not later than sixty days 650
after the initial publication of notice, the legislative 651
authority shall approve or disapprove the application by either 652
ordinance or resolution, as applicable. Approval of an 653
application requires an affirmative vote of a majority of the 654
legislative authority. Upon approval of the application by the 655
legislative authority, the territory described in the 656
application constitutes an outdoor refreshment area. The 657
legislative authority shall provide to the division of liquor 658
control and the investigative unit of the department of public 659
safety notice of the approval of the application and a 660
description of the area specified in the application. If the 661
legislative authority disapproves the application, the executive 662

officer of a municipal corporation or fiscal officer of a township may make changes in the application to secure its approval by the legislative authority.

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

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

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

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

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

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

(E) As soon as possible after receiving notice that an outdoor refreshment area has been approved, the division of liquor control, for purposes of section 4301.62 of the Revised Code, shall issue an outdoor refreshment area designation to each qualified permit holder located within the refreshment area

that is in compliance with all applicable requirements under 692
Chapters 4301. and 4303. of the Revised Code. The division shall 693
not charge any fee for the issuance of the designation. Any 694
permit holder that receives such a designation shall comply with 695
all laws, rules, and regulations that govern its license type, 696
and the applicable public health and safety requirements 697
established for the area under division (F) of this section. 698

(F) (1) At the time of the creation of an outdoor 699
refreshment area, the legislative authority of a municipal 700
corporation or township in which such an area is located shall 701
adopt an ordinance or resolution, as applicable, that 702
establishes requirements the legislative authority determines 703
necessary to ensure public health and safety within the area. 704
The legislative authority shall include in the ordinance or 705
resolution all of the following: 706

(a) The specific boundaries of the area, including street 707
addresses; 708

(b) The number, spacing, and type of signage designating 709
the area; 710

(c) The hours of operation for the area; 711

(d) The number of personnel needed to ensure public safety 712
in the area; 713

(e) A sanitation plan that will help maintain the 714
appearance and public health of the area; 715

(f) The number of personnel needed to execute the 716
sanitation plan; 717

(g) A requirement that beer and intoxicating liquor be 718
served solely in plastic bottles or other plastic containers in 719

the area. 720

The legislative authority may, but is not required to, 721
include in the ordinance or resolution any public health and 722
safety requirements proposed in an application under division 723
(B) of this section to designate or expand the outdoor 724
refreshment area. The legislative authority may subsequently 725
modify the public health and safety requirements as determined 726
necessary by the legislative authority. 727

(2) Prior to adopting an ordinance or resolution under 728
this division, the legislative authority shall give notice of 729
its proposed action by publication once a week for two 730
consecutive weeks in one newspaper of general circulation in the 731
municipal corporation or township or as provided in section 7.16 732
of the Revised Code. 733

(3) The legislative authority shall provide to the 734
division of liquor control and the investigative unit of the 735
department of public safety notice of the public health and 736
safety requirements established or modified under this division. 737

(G) Section 4399.18 of the Revised Code applies to a 738
liquor permit holder located within an outdoor refreshment area 739
in the same manner as if the liquor permit holder were not 740
located in an outdoor refreshment area. 741

(H) (1) Five years after the date of creation of an outdoor 742
refreshment area, the legislative authority of the municipal 743
corporation or township that created the area under this section 744
shall review the operation of the area and shall, by ordinance 745
or resolution, either approve the continued operation of the 746
area or dissolve the area. Prior to adopting the ordinance or 747
resolution, the legislative authority shall give notice of its 748

proposed action by publication once a week for two consecutive 749
weeks in one newspaper of general circulation in the municipal 750
corporation or township or as provided in section 7.16 of the 751
Revised Code. 752

If the legislative authority dissolves the outdoor 753
refreshment area, the outdoor refreshment area ceases to exist. 754
The legislative authority then shall provide notice of its 755
action to the division of liquor control and the investigative 756
unit of the department of public safety. Upon receipt of the 757
notice, the division shall revoke all outdoor refreshment area 758
designations issued to qualified permit holders within the 759
dissolved area. If the legislative authority approves the 760
continued operation of the outdoor refreshment area, the area 761
continues in operation. 762

(2) Five years after the approval of the continued 763
operation of an outdoor refreshment area under division (H) (1) 764
of this section, the legislative authority shall conduct a 765
review in the same manner as provided in division (H) (1) of this 766
section. The legislative authority also shall conduct such a 767
review five years after any subsequent approval of continued 768
operation under division (H) (2) of this section. 769

(I) At any time, the legislative authority of a municipal 770
corporation or township in which an outdoor refreshment area is 771
located may, by ordinance or resolution, dissolve all or a part 772
of the outdoor refreshment area. Prior to adopting the 773
resolution or ordinance, the legislative authority shall give 774
notice of its proposed action by publication once a week for two 775
consecutive weeks in one newspaper of general circulation in the 776
municipal corporation or township or as provided in section 7.16 777
of the Revised Code. If the legislative authority dissolves all 778

or part of an outdoor refreshment area, the area designated in 779
the ordinance or resolution no longer constitutes an outdoor 780
refreshment area. The legislative authority shall provide notice 781
of its actions to the division of liquor control and the 782
investigative unit of the department of public safety. Upon 783
receipt of the notice, the division shall revoke all outdoor 784
refreshment area designations issued to qualified permit holders 785
within the dissolved area or portion of the area. 786

Sec. 4301.83. (A) As used in this section: 787

(1) "Qualified permit holder" means a person to which both 788
of the following apply: 789

(a) The person is the holder of an A-1, A-1-A, A-1c, A-2, 790
A-2f, or D permit issued under Chapter 4303. of the Revised 791
Code. 792

(b) The location of the premises for which the person has 793
been issued a permit specified in division (A)(1)(a) of this 794
section is in a county in which a major event will occur or in a 795
county contiguous to the county in which a major event will 796
occur. 797

(2) "Major event" means an event that meets all of the 798
following conditions: 799

(a) It is scheduled to occur in a municipal corporation 800
with a population of three hundred fifty thousand or more on or 801
~~after the effective date of this section~~ September 29, 2015. 802

(b) It is expected to attract not less than three thousand 803
visitors. 804

(c) It is scheduled to have a duration of not less than 805
one day and not more than ten days. 806

(B) Notwithstanding any provision of law to the contrary 807
and upon issuance of a waiver by the division of liquor control 808
under this section, a qualified permit holder may serve beer, 809
intoxicating liquor, or both between five thirty a.m. and four 810
a.m. the following day during a major event. 811

(C) Not later than one hundred twenty days prior to the 812
commencement of a major event, a qualified permit holder may 813
file an application for a waiver with the chief executive 814
officer of the municipal corporation in which the permit 815
holder's premises is located or the fiscal officer of the 816
township in which the permit holder's premises is located. The 817
qualified permit holder shall include in the application both of 818
the following: 819

(1) The name and address of the qualified permit holder; 820

(2) The name and address of the premises that is the 821
subject of the application. 822

(D) (1) Not later than ninety days prior to the 823
commencement of the major event, the chief executive officer of 824
the municipal corporation or the fiscal officer of the township 825
that receives an application under division (C) of this section 826
shall review all applications received under division (C) of 827
this section and compile a list of the applicants. 828

(2) In compiling the list under division (D) (1) of this 829
section, the chief executive officer or fiscal officer shall 830
consult with the chief law enforcement officer of the municipal 831
corporation or township, as applicable, to determine whether to 832
retain each applicant on the list. 833

(E) (1) Not later than sixty days prior to the commencement 834
of the major event, the chief executive officer of the municipal 835

corporation or the fiscal officer of the township that compiles 836
a list of qualified permit holders under division (D) of this 837
section shall submit the list to the division. 838

(2) The division shall review the list and determine 839
whether to retain each qualified permit holder on the list. The 840
division may remove the name of a permit holder from the list 841
for good cause. After review, the division shall certify the 842
list. 843

(F) Not later than thirty days prior to the commencement 844
of the major event, the division shall do both of the following: 845

(1) Return the list certified under division (E) of this 846
section to the chief executive officer of the municipal 847
corporation or the fiscal officer of the township that submitted 848
the original list under division (E) of this section; 849

(2) Issue a waiver to each permit holder on the list that 850
allows the permit holder to serve beer, intoxicating liquor, or 851
both between five thirty a.m. and four a.m. the following day 852
during the major event. 853

(G) The division shall establish the form of the 854
application to be used under this section and shall make it 855
available for use by qualified permit holders. 856

Sec. 4303.021. (A) Permit A-1-A may be issued to the 857
holder of an A-1, A-1c, ~~or A-2,~~ or A-2f permit to sell beer and 858
any intoxicating liquor at retail, only by the individual drink 859
in glass or from a container, provided that one of the following 860
applies to the A-1-A permit premises: 861

(1) It is situated on the same parcel or tract of land as 862
the related A-1, A-1c, ~~or A-2,~~ or A-2f manufacturing permit 863
premises. 864

(2) It is separated from the parcel or tract of land on 865
which is located the A-1, A-1c, ~~or A-2,~~ or A-2f manufacturing 866
permit premises only by public streets or highways or by other 867
lands owned by the holder of the A-1, A-1c, ~~or A-2,~~ or A-2f 868
permit and used by the holder in connection with or in promotion 869
of the holder's A-1, A-1c, ~~or A-2,~~ or A-2f permit business. 870

(3) It is situated on a parcel or tract of land that is 871
not more than one-half mile from the A-1, A-1c, ~~or A-2,~~ or A-2f 872
manufacturing permit premises. 873

(B) The fee for this permit is three thousand nine hundred 874
six dollars. 875

(C) (1) The holder of an A-1-A permit may sell beer and any 876
intoxicating liquor during the same hours as the holders of D-5 877
permits under this chapter or Chapter 4301. of the Revised Code 878
or the rules of the liquor control commission and shall obtain a 879
license as a retail food establishment or a food service 880
operation pursuant to Chapter 3717. of the Revised Code and 881
operate as a restaurant for purposes of this chapter. 882

(2) If a permit A-1-A is issued to the holder of an A-1 or 883
A-1c permit, the A-1-A permit holder may sell beer at the A-1-A 884
permit premises dispensed in glass containers with a capacity 885
that does not exceed one gallon and not for consumption on the 886
premises where sold if all of the following apply: 887

(a) The A-1-A permit premises is situated in the same 888
municipal corporation or township as the related A-1 or A-1c 889
manufacturing permit premises. 890

(b) The containers are sealed, marked, and transported in 891
accordance with division (E) of section 4301.62 of the Revised 892
Code. 893

(c) The containers have been cleaned immediately before 894
being filled in accordance with rule 4301:1-1-28 of the 895
Administrative Code. 896

(D) Except as otherwise provided in this section, the 897
division of liquor control shall not issue a new A-1-A permit to 898
the holder of an A-1, A-1c, ~~or A-2,~~ or A-2f permit unless the 899
sale of beer and intoxicating liquor under class D permits is 900
permitted in the precinct in which the A-1, A-1c, ~~or A-2,~~ or A- 901
2f permit is located and, in the case of an A-2 or A-2f permit, 902
unless the holder of the A-2 or A-2f permit manufactures or has 903
a storage capacity of at least twenty-five thousand gallons of 904
wine per year. The immediately preceding sentence does not 905
prohibit the issuance of an A-1-A permit to an applicant for 906
such a permit who is the holder of an A-1 permit and whose 907
application was filed with the division of liquor control before 908
June 1, 1994. The liquor control commission shall not restrict 909
the number of A-1-A permits which may be located within a 910
precinct. 911

Sec. 4303.03. (A) Subject to division (B) of this section, 912
permit A-2 may be issued to a manufacturer to manufacture wine 913
from grapes ~~or other~~, fruits, or other agricultural products; 914
to import and purchase wine in bond for blending purposes, the 915
total amount of wine so imported during the year covered by the 916
permit not to exceed forty per cent of all the wine manufactured 917
and imported; to manufacture, purchase, and import brandy for 918
fortifying purposes; and to sell those products either in glass 919
or container for consumption on the premises where manufactured, 920
in sealed containers for consumption off the premises where 921
manufactured, and to wholesale permit holders under the rules 922
adopted by the division of liquor control. 923

(B) (1) The holder of an A-2 permit shall not sell directly 924
to a retailer. In order to make sales to a retailer, the 925
manufacturer shall obtain a B-2a permit or make the sale 926
directly to a B-2 or B-5 permit holder for subsequent resale to 927
a retailer. 928

(2) The holder of an A-2 permit shall not sell directly to 929
a consumer unless the product is sold on the premises in 930
accordance with division (A) of this section. In order to make 931
sales to a consumer off the premises where the wine is 932
manufactured, the manufacturer shall obtain an S permit. 933

(3) Nothing in this chapter prohibits an A-2 permit holder 934
also holding a B-2a or S permit. 935

(C) The fee for this permit is seventy-six dollars for 936
each plant to which this permit is issued. 937

Sec. 4303.031. (A) Subject to divisions (B) and (C) of 938
this section, permit A-2f may be issued to a manufacturer to do 939
all of the following: 940

(1) Manufacture wine from grapes, fruits, or other 941
agricultural products; 942

(2) Import and purchase wine in bond for blending 943
purposes. The total amount of wine imported for blending 944
purposes during any year covered by the permit shall not exceed 945
forty per cent of all the wine manufactured and imported. 946

(3) Manufacture, purchase, and import brandy for 947
fortifying purposes; 948

(4) Sell products produced under divisions (A) (1) to (3) 949
of this section either in glass or container for consumption on 950
the premises where manufactured, in sealed containers for 951

consumption off the premises where manufactured, and to 952
wholesale permit holders under the rules adopted by the division 953
of liquor control. 954

(B) The division may issue permit A-2f to a manufacturer 955
only if both of the following apply: 956

(1) The manufacturer grows grapes, fruits, or other 957
agricultural products on property owned by the manufacturer that 958
is classified as land devoted exclusively to agricultural use in 959
accordance with section 5713.31 of the Revised Code. 960

(2) The manufacturer processes the grapes, fruits, or 961
other agricultural products specified in division (B) (1) of this 962
section into wine and sells the wine as authorized in this 963
section. 964

(C) (1) The holder of an A-2f permit shall not sell 965
directly to a retailer. In order to make sales to a retailer, 966
the manufacturer shall obtain a B-2a permit or make the sale 967
directly to a B-2 or B-5 permit holder for subsequent resale to 968
a retailer. 969

(2) The holder of an A-2f permit shall not sell directly 970
to a consumer unless the product is sold on the premises in 971
accordance with division (A) of this section. In order to make 972
sales to a consumer off the premises where the wine is 973
manufactured, the manufacturer shall obtain an S permit. 974

(3) Nothing in this chapter prohibits an A-2f permit 975
holder from also holding a B-2a or S permit. 976

(D) The fee for this permit is seventy-six dollars for 977
each plant to which this permit is issued. 978

(E) The A-2f permit shall be known as the "Ohio Farm 979

<u>Winery Permit."</u>	980
Sec. 4303.07. Permit B-2 may be issued to a wholesale distributor of wine to purchase from holders of A-2, <u>A-2f</u> , and B-5 permits and distribute or sell that product, in the original container in which it was placed by the B-5 permit holder or manufacturer at the place where manufactured, to retail permit holders and for home use. The fee for this permit is five hundred dollars for each distributing plant or warehouse.	981 982 983 984 985 986 987
Sec. 4303.10. Permit B-5 may be issued to a wholesale distributor of wine to purchase wine from the holders of A-2 <u>and</u> <u>A-2f</u> permits, to purchase and import wine in bond or otherwise, in bulk or in containers of any size, and to bottle wine for distribution and sale to holders of wholesale or retail permits and for home use in sealed containers. No wine shall be bottled by a B-5 permit holder in containers supplied by any person who intends the wine for home use. The fee for this permit is one thousand five hundred sixty-three dollars.	988 989 990 991 992 993 994 995 996
Sec. 4303.182. (A) Except as otherwise provided in divisions (B) to (K) of this section, permit D`-6 shall be issued to the holder of an A-1-A, A-2, <u>A-2f</u> , A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under that permit as follows:	997 998 999 1000 1001 1002
(1) Between the hours of ten a.m. and midnight on Sunday if sale during those hours has been approved under question (C) (1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B) (2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, under the restrictions of that	1003 1004 1005 1006 1007 1008 1009

authorization; 1010

(2) Between the hours of eleven a.m. and midnight on 1011
Sunday, if sale during those hours has been approved on or after 1012
October 16, 2009, under question (B)(1), (2), or (3) of section 1013
4301.351 or 4301.354 of the Revised Code, under question (B)(2) 1014
of section 4301.355 of the Revised Code, or under section 1015
4301.356 of the Revised Code and has been authorized under 1016
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 1017
Code, under the restrictions of that authorization; 1018

(3) Between the hours of eleven a.m. and midnight on 1019
Sunday if sale between the hours of one p.m. and midnight was 1020
approved before October 16, 2009, under question (B)(1), (2), or 1021
(3) of section 4301.351 or 4301.354 of the Revised Code, under 1022
question (B)(2) of section 4301.355 of the Revised Code, or 1023
under section 4301.356 of the Revised Code and has been 1024
authorized under section 4301.361, 4301.364, 4301.365, or 1025
4301.366 of the Revised Code, under the other restrictions of 1026
that authorization. 1027

(B) Permit D-6 shall be issued to the holder of any 1028
permit, including a D-4a and D-5d permit, authorizing the sale 1029
of intoxicating liquor issued for a premises located at any 1030
publicly owned airport, as defined in section 4563.01 of the 1031
Revised Code, at which commercial airline companies operate 1032
regularly scheduled flights on which space is available to the 1033
public, to allow sale under such permit between the hours of ten 1034
a.m. and midnight on Sunday, whether or not that sale has been 1035
authorized under section 4301.361, 4301.364, 4301.365, or 1036
4301.366 of the Revised Code. 1037

(C) Permit D-6 shall be issued to the holder of a D-5a 1038
permit, and to the holder of a D-3 or D-3a permit who is the 1039

owner or operator of a hotel or motel that is required to be 1040
licensed under section 3731.03 of the Revised Code, that 1041
contains at least fifty rooms for registered transient guests, 1042
and that has on its premises a retail food establishment or a 1043
food service operation licensed pursuant to Chapter 3717. of the 1044
Revised Code that operates as a restaurant for purposes of this 1045
chapter and is affiliated with the hotel or motel and within or 1046
contiguous to the hotel or motel and serving food within the 1047
hotel or motel, to allow sale under such permit between the 1048
hours of ten a.m. and midnight on Sunday, whether or not that 1049
sale has been authorized under section 4301.361, 4301.364, 1050
4301.365, or 4301.366 of the Revised Code. 1051

(D) The holder of a D-6 permit that is issued to a sports 1052
facility may make sales under the permit between the hours of 1053
eleven a.m. and midnight on any Sunday on which a professional 1054
baseball, basketball, football, hockey, or soccer game is being 1055
played at the sports facility. As used in this division, "sports 1056
facility" means a stadium or arena that has a seating capacity 1057
of at least four thousand and that is owned or leased by a 1058
professional baseball, basketball, football, hockey, or soccer 1059
franchise or any combination of those franchises. 1060

(E) Permit D-6 shall be issued to the holder of any permit 1061
that authorizes the sale of beer or intoxicating liquor and that 1062
is issued to a premises located in or at the Ohio history 1063
connection area or the state fairgrounds, as defined in division 1064
(B) of section 4301.40 of the Revised Code, to allow sale under 1065
that permit between the hours of ten a.m. and midnight on 1066
Sunday, whether or not that sale has been authorized under 1067
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 1068
Code. 1069

(F) Permit D-6 shall be issued to the holder of any permit 1070
that authorizes the sale of intoxicating liquor and that is 1071
issued to an outdoor performing arts center to allow sale under 1072
that permit between the hours of one p.m. and midnight on 1073
Sunday, whether or not that sale has been authorized under 1074
section 4301.361 of the Revised Code. A D-6 permit issued under 1075
this division is subject to the results of an election, held 1076
after the D-6 permit is issued, on question (B) (4) as set forth 1077
in section 4301.351 of the Revised Code. Following the end of 1078
the period during which an election may be held on question (B) 1079
(4) as set forth in that section, sales of intoxicating liquor 1080
may continue at an outdoor performing arts center under a D-6 1081
permit issued under this division, unless an election on that 1082
question is held during the permitted period and a majority of 1083
the voters voting in the precinct on that question vote "no." 1084

As used in this division, "outdoor performing arts center" 1085
means an outdoor performing arts center that is located on not 1086
less than eight hundred acres of land and that is open for 1087
performances from the first day of April to the last day of 1088
October of each year. 1089

(G) Permit D-6 shall be issued to the holder of any permit 1090
that authorizes the sale of beer or intoxicating liquor and that 1091
is issued to a golf course owned by the state, a conservancy 1092
district, a park district created under Chapter 1545. of the 1093
Revised Code, or another political subdivision to allow sale 1094
under that permit between the hours of ten a.m. and midnight on 1095
Sunday, whether or not that sale has been authorized under 1096
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 1097
Code. 1098

(H) Permit D-6 shall be issued to the holder of a D-5g 1099

permit to allow sale under that permit between the hours of ten 1100
a.m. and midnight on Sunday, whether or not that sale has been 1101
authorized under section 4301.361, 4301.364, 4301.365, or 1102
4301.366 of the Revised Code. 1103

(I) Permit D-6 shall be issued to the holder of any D 1104
permit for a premises that is licensed under Chapter 3717. of 1105
the Revised Code and that is located at a ski area to allow sale 1106
under the D-6 permit between the hours of ten a.m. and midnight 1107
on Sunday, whether or not that sale has been authorized under 1108
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 1109
Code. 1110

As used in this division, "ski area" means a ski area as 1111
defined in section 4169.01 of the Revised Code, provided that 1112
the passenger tramway operator at that area is registered under 1113
section 4169.03 of the Revised Code. 1114

(J) Permit D-6 shall be issued to the holder of any 1115
permit that is described in division (A) of this section for a 1116
permit premises that is located in a community entertainment 1117
district, as defined in section 4301.80 of the Revised Code, 1118
that was approved by the legislative authority of a municipal 1119
corporation under that section between October 1 and October 15, 1120
2005, to allow sale under the permit between the hours of ten 1121
a.m. and midnight on Sunday, whether or not that sale has been 1122
authorized under section 4301.361, 4301.364, 4301.365, or 1123
4301.366 of the Revised Code. 1124

(K) A D-6 permit shall be issued to the holder of any D 1125
permit for a premises that is licensed under Chapter 3717. of 1126
the Revised Code and that is located in a state park to allow 1127
sales under the D-6 permit between the hours of ten a.m. and 1128
midnight on Sunday, whether or not those sales have been 1129

authorized under section 4301.361, 4301.364, 4301.365, or 1130
4301.366 of the Revised Code. 1131

As used in this division, "state park" means a state park 1132
that is established or dedicated under Chapter 1541. of the 1133
Revised Code and that has a working farm on its property. 1134

(L) If the restriction to licensed premises where the sale 1135
of food and other goods and services exceeds fifty per cent of 1136
the total gross receipts of the permit holder at the premises is 1137
applicable, the division of liquor control may accept an 1138
affidavit from the permit holder to show the proportion of the 1139
permit holder's gross receipts derived from the sale of food and 1140
other goods and services. If the liquor control commission 1141
determines that affidavit to have been false, it shall revoke 1142
the permits of the permit holder at the premises concerned. 1143

(M) The fee for the D-6 permit is five hundred dollars 1144
when it is issued to the holder of an A-1-A, A-2, A-2f, A-3a, D- 1145
2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D- 1146
5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 1147
permit. The fee for the D-6 permit is four hundred dollars when 1148
it is issued to the holder of a C-2 permit. 1149

Sec. 4303.204. (A) The division of liquor control may 1150
issue an F-4 permit to an organization or corporation organized 1151
not-for-profit in this state to conduct an event that includes 1152
the introduction, showcasing, or promotion of Ohio wines, if the 1153
event has all of the following characteristics: 1154

(1) It is coordinated by that organization or corporation, 1155
and the organization or corporation is responsible for the 1156
activities at it. 1157

(2) It has as one of its purposes the intent to introduce, 1158

showcase, or promote Ohio wines to persons who attend it. 1159

(3) It includes the sale of food for consumption on the 1160
premises where sold. 1161

(4) It features any combination of at least three A-2 or 1162
A-2f permit holders who sell Ohio wine at it. 1163

(B) The holder of an F-4 permit may furnish, with or 1164
without charge, wine that it has obtained from the A-2 or A-2f 1165
permit holders that are participating in the event for which the 1166
F-4 permit is issued, in two-ounce samples for consumption on 1167
the premises where furnished and may sell such wine by the glass 1168
for consumption on the premises where sold. The holder of an A-2 1169
or A-2f permit that is participating in the event for which the 1170
F-4 permit is issued may sell wine that it has manufactured, in 1171
sealed containers for consumption off the premises where sold. 1172
Wine may be furnished or sold on the premises of the event for 1173
which the F-4 permit is issued only where and when the sale of 1174
wine is otherwise permitted by law. 1175

(C) The premises of the event for which the F-4 permit is 1176
issued shall be clearly defined and sufficiently restricted to 1177
allow proper enforcement of the permit by state and local law 1178
enforcement officers. If an F-4 permit is issued for all or a 1179
portion of the same premises for which another class of permit 1180
is issued, that permit holder's privileges will be suspended in 1181
that portion of the premises in which the F-4 permit is in 1182
effect. 1183

(D) No F-4 permit shall be effective for more than 1184
seventy-two consecutive hours. No sales or furnishing of wine 1185
shall take place under an F-4 permit after one a.m. 1186

(E) The division shall not issue more than six F-4 permits 1187

to the same not-for-profit organization or corporation in any 1188
one calendar year. 1189

(F) An applicant for an F-4 permit shall apply for the 1190
permit not later than thirty days prior to the first day of the 1191
event for which the permit is sought. The application for the 1192
permit shall list all of the A-2 and A-2f permit holders that 1193
will participate in the event for which the F-4 permit is 1194
sought. The fee for the F-4 permit is sixty dollars per day. 1195

The division shall prepare and make available an F-4 1196
permit application form and may require applicants for and 1197
holders of the F-4 permit to provide information that is in 1198
addition to that required by this section and that is necessary 1199
for the administration of this section. 1200

(G) (1) The holder of an F-4 permit is responsible for, and 1201
is subject to penalties for, any violations of this chapter or 1202
Chapter 4301. of the Revised Code or the rules adopted under 1203
this and that chapter. 1204

(2) An F-4 permit holder shall not allow an A-2 or A-2f 1205
permit holder to participate in the event for which the F-4 1206
permit is issued if the A-2 or A-2f or the A-1-A permit of that 1207
A-2 or A-2f permit holder is under suspension. 1208

(3) The division may refuse to issue an F-4 permit to an 1209
applicant who has violated any provision of this chapter or 1210
Chapter 4301. of the Revised Code during the applicant's 1211
previous operation under an F-4 permit, for a period of up to 1212
two years after the date of the violation. 1213

(H) (1) Notwithstanding division (D) of section 4301.22 of 1214
the Revised Code, an A-2 or A-2f permit holder that participates 1215
in an event for which an F-4 permit is issued may donate wine 1216

that it has manufactured to the holder of that F-4 permit. The 1217
holder of an F-4 permit may return unused and sealed containers 1218
of wine to the A-2 or A-2f permit holder that donated the wine 1219
at the conclusion of the event for which the F-4 permit was 1220
issued. 1221

(2) The participation by an A-2 or A-2f permit holder or 1222
its employees in an event for which an F-4 permit is issued does 1223
not violate section 4301.24 of the Revised Code. 1224

Sec. 4303.33. (A) Every A-1 or A-1c permit holder in this 1225
state, every bottler, importer, wholesale dealer, broker, 1226
producer, or manufacturer of beer outside this state and within 1227
the United States, and every B-1 permit holder and importer 1228
importing beer from any manufacturer, bottler, person, or group 1229
of persons however organized outside the United States for sale 1230
or distribution for sale in this state, on or before the 1231
eighteenth day of each month, shall make and file with the tax 1232
commissioner upon a form prescribed by the tax commissioner an 1233
advance tax payment in an amount estimated to equal the 1234
taxpayer's tax liability for the month in which the advance tax 1235
payment is made. If the advance tax payment credits claimed on 1236
the report are for advance tax payments received by the tax 1237
commissioner on or before the eighteenth day of the month 1238
covered by the report, the taxpayer is entitled to an additional 1239
credit of three per cent of the advance tax payment and a 1240
discount of three per cent shall be allowed the taxpayer at the 1241
time of filing the report if filed as provided in division (B) 1242
of this section on any amount by which the tax liability 1243
reflected in the report exceeds the advance tax payment estimate 1244
by not more than ten per cent. The additional three per cent 1245
credit and three per cent discount shall be in consideration for 1246
advancing the payment of the tax and other services performed by 1247

the permit holder and other taxpayers in the collection of the 1248
tax. 1249

"Advance tax payment credit" means credit for payments 1250
made by an A-1, A-1c, or B-1 permit holder and any other persons 1251
during the period covered by a report which was made in 1252
anticipation of the tax liability required to be reported on 1253
that report. 1254

"Tax liability" as used in division (A) of this section 1255
means the total gross tax liability of an A-1, A-1c, or B-1 1256
permit holder and any other persons for the period covered by a 1257
report before any allowance for credits and discount. 1258

(B) Every A-1 or A-1c permit holder in this state, every 1259
bottler, importer, wholesale dealer, broker, producer, or 1260
manufacturer of beer outside this state and within the United 1261
States, every B-1 permit holder importing beer from any 1262
manufacturer, bottler, person, or group of persons however 1263
organized outside the United States, and every S permit holder, 1264
on or before the tenth day of each month, shall make and file a 1265
report for the preceding month upon a form prescribed by the tax 1266
commissioner which report shall show the amount of beer 1267
produced, sold, and distributed for sale in this state by the A- 1268
1 or A-1c permit holder, sold and distributed for sale in this 1269
state by each manufacturer, bottler, importer, wholesale dealer, 1270
or broker outside this state and within the United States, the 1271
amount of beer imported into this state from outside the United 1272
States and sold and distributed for sale in this state by the B- 1273
1 permit holder or importer, and the amount of beer sold in this 1274
state by the S permit holder. 1275

The report shall be filed by mailing it to the tax 1276
commissioner, together with payment of the tax levied by 1277

sections 4301.42 and 4305.01 of the Revised Code shown to be due 1278
on the report after deduction of advance payment credits and any 1279
additional credits or discounts provided for under this section. 1280

(C) (1) Every A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, and 1281
S permit holder in this state, on or before the eighteenth day 1282
of each month, shall make and file a report with the tax 1283
commissioner upon a form prescribed by the tax commissioner 1284
which report shall show, on the report of each A-2, A-2f, A-4, 1285
B-2a, and S permit holder the amount of wine, cider, and mixed 1286
beverages produced and sold, or sold in this state by each such 1287
A-2, A-2f, A-4, B-2a, and S permit holder for the next preceding 1288
calendar month and such other information as the tax 1289
commissioner requires, and on the report of each such B-2, B-3, 1290
B-4, and B-5 permit holder the amount of wine, cider, and mixed 1291
beverages purchased from an importer, broker, wholesale dealer, 1292
producer, or manufacturer located outside this state and sold 1293
and distributed in this state by such B-2, B-3, B-4, and B-5 1294
permit holder, for the next preceding calendar month and such 1295
other information as the tax commissioner requires. 1296

(2) Every such A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, 1297
and S permit holder in this state shall remit with the report 1298
the tax levied by sections 4301.43 and, if applicable, 4301.432 1299
of the Revised Code less a discount thereon of three per cent of 1300
the total tax so levied and paid, provided the return is filed 1301
together with remittance of the amount of tax shown to be due 1302
thereon, within the time prescribed. Any permit holder or other 1303
persons who fail to file a report under this section, for each 1304
day the person so fails, may be required to forfeit and pay into 1305
the state treasury the sum of one dollar as revenue arising from 1306
the tax imposed by sections 4301.42, 4301.43, 4301.432, and 1307
4305.01 of the Revised Code, and that sum may be collected by 1308

assessment in the manner provided in section 4305.13 of the Revised Code.

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

(D) Every B-1 permit holder and importer in this state importing beer from any manufacturer, bottler, person, or group of persons however organized, outside the United States, if required by the tax commissioner shall post a bond payable to the state in such form and amount as the commissioner prescribes with surety to the satisfaction of the tax commissioner, conditioned upon the payment to the tax commissioner of taxes levied by sections 4301.42 and 4305.01 of the Revised Code.

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

(F) As used in this section:

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

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

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

Sec. 4303.333. (A) An A-2 or A-2f permit holder in this

state whose total production of wine, wherever produced, which 1337
but for this exemption is taxable under section 4301.43 of the 1338
Revised Code does not exceed five hundred thousand gallons in a 1339
calendar year, shall be allowed an exemption from the taxes 1340
levied under section 4301.43 of the Revised Code on wine 1341
produced and sold or distributed in this state. The exemption 1342
may be claimed monthly against current taxes levied under such 1343
section as the reports required by section 4303.33 of the 1344
Revised Code are due. At the time the report for December is due 1345
for a calendar year during which a permit holder claimed an 1346
exemption under this section, if the permit holder has paid the 1347
tax levied under section 4301.43 of the Revised Code, the permit 1348
holder may claim a refund of such tax paid during the calendar 1349
year or shall remit any additional tax due because it did not 1350
qualify for the exemption on the December report. For the 1351
purpose of providing this refund, taxes previously paid under 1352
section 4303.33 of the Revised Code during the calendar year 1353
shall not be considered final until the December report is 1354
filed. 1355

(B) The tax commissioner shall prescribe forms for and 1356
allow the exemptions and refunds authorized by this section. 1357

Sec. 5709.55. Personal property used exclusively to 1358
transport, store, crush, press, process, ferment, or age grape 1359
agricultural products in the production of grape juice or grape 1360
wine, and grape juice or grape wine held in the course of 1361
business, but not held in labeled containers in which it will be 1362
sold, are exempt from personal property taxation if either of 1363
the following apply: 1364

(A) The property is used or held by the holder of a liquor 1365
permit issued under section 4303.03 or 4303.031 of the Revised 1366

Code whose primary business is the production of wine~~+~~. 1367

(B) The production is used or held by a person or 1368
enterprise engaged in agriculture that sells the grape 1369
agricultural products or juice or wine to a holder of a liquor 1370
permit issued under section 4303.03 or 4303.031 of the Revised 1371
Code if the primary business of the permittee is the production 1372
of wine. 1373

Section 2. That existing sections 4301.12, 4301.13, 1374
4301.24, 4301.30, 4301.355, 4301.43, 4301.432, 4301.47, 4301.62, 1375
4301.82, 4301.83, 4303.021, 4303.03, 4303.07, 4303.10, 4303.182, 1376
4303.204, 4303.33, 4303.333, and 5709.55 of the Revised Code are 1377
hereby repealed. 1378

Section 3. Section 4303.07 of the Revised Code is 1379
presented in this act as a composite of the section as amended 1380
by both Am. Sub. H.B. 306 and Am. Sub. S.B. 164 of the 125th 1381
General Assembly. The General Assembly, applying the principle 1382
stated in division (B) of section 1.52 of the Revised Code that 1383
amendments are to be harmonized if reasonably capable of 1384
simultaneous operation, finds that the composite is the 1385
resulting version of the section in effect prior to the 1386
effective date of the section as presented in this act. 1387

Section 4303.182 of the Revised Code is presented in this 1388
act as a composite of the section as amended by both Am. Sub. 1389
H.B. 64 and Am. H.B. 141 of the 131st General Assembly. The 1390
General Assembly, applying the principle stated in division (B) 1391
of section 1.52 of the Revised Code that amendments are to be 1392
harmonized if reasonably capable of simultaneous operation, 1393
finds that the composite is the resulting version of the section 1394
in effect prior to the effective date of the section as 1395
presented in this act. 1396