

As Introduced

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

S. B. No. 138

Senator Brenner

A BILL

To amend section 1333.82 of the Revised Code to 1
revise the Alcohol Franchise Law. 2

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

Section 1. That section 1333.82 of the Revised Code be 3
amended to read as follows: 4

Sec. 1333.82. As used in sections 1333.82 to 1333.87 of 5
the Revised Code: 6

(A) "Alcoholic beverages" means beer and wine as defined 7
in section 4301.01 of the Revised Code. 8

(B) "Manufacturer" means a person, whether located in this 9
state or elsewhere, that manufactures or supplies alcoholic 10
beverages to distributors in this state. "Manufacturer" does not 11
include any person producing less than two hundred fifty 12
thousand barrels of beer a year. 13

(C) "Distributor" means a person that sells or distributes 14
alcoholic beverages to retail permit holders in this state, but 15
does not include the state or any of its political subdivisions. 16

(D) "Franchise" means a contract or any other legal device 17
used to establish a contractual relationship between a 18

manufacturer and a distributor. 19

(E) "Good faith" means the duty of any party to any 20
franchise, and all officers, employees, or agents of any party 21
to any franchise, to act in a fair and equitable manner toward 22
each other so as to guarantee each party freedom from coercion 23
or intimidation; except that recommendation, endorsement, 24
exposition, persuasion, urging, or argument shall not be 25
considered to constitute a lack of good faith or coercion. 26

(F) "Brand," as applied to wine, means a wine different 27
from any other wine in respect to type, brand, trade name, or 28
container size. 29

(G) "Sales area or territory" means an exclusive 30
geographic area or territory that is assigned to a particular A 31
or B permit holder and that either has one or more political 32
subdivisions as its boundaries or consists of an area of land 33
with readily identifiable geographic boundaries. "Sales area or 34
territory" does not include, however, any particular retail 35
location in an exclusive geographic area or territory that had 36
been assigned to another A or B permit holder before April 9, 37
2001. 38

Section 2. That existing section 1333.82 of the Revised 39
Code is hereby repealed. 40