

**As Reported by the House Commerce and Labor Committee**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Sub. H. B. No. 669**

**Representatives Swearingen, LaRe**

**Cosponsors: Representatives Romanchuk, Jordan, Reineke, Seitz, Becker,  
Abrams, Jones, Carfagna, Cross, Hambley, Lang, Antani, Weinstein, Sheehy**

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**A BILL**

To amend sections 4301.10, 4301.62, and 4303.041 1  
and to enact sections 4303.185 and 4303.186 of 2  
the Revised Code to enact provisions of law 3  
relative to the sale and delivery of alcoholic 4  
beverages by liquor permit holders and to 5  
declare an emergency. 6

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

**Section 1.** That sections 4301.10, 4301.62, and 4303.041 be 7  
amended and sections 4303.185 and 4303.186 of the Revised Code 8  
be enacted to read as follows: 9

**Sec. 4301.10.** (A) The division of liquor control shall do 10  
all of the following: 11

(1) Control the traffic in beer and intoxicating liquor in 12  
this state, including the manufacture, importation, and sale of 13  
beer and intoxicating liquor; 14

(2) Grant or refuse permits for the manufacture, 15  
distribution, transportation, and sale of beer and intoxicating 16  
liquor and the sale of alcohol, as authorized or required by 17

this chapter and Chapter 4303. of the Revised Code. A 18  
certificate, signed by the superintendent of liquor control and 19  
to which is affixed the official seal of the division, stating 20  
that it appears from the records of the division that no permit 21  
has been issued to the person specified in the certificate, or 22  
that a permit, if issued, has been revoked, canceled, or 23  
suspended, shall be received as prima-facie evidence of the 24  
facts recited in the certificate in any court or before any 25  
officer of this state. 26

(3) Put into operation, manage, and control a system of 27  
state liquor stores for the sale of spirituous liquor at retail 28  
and to holders of permits authorizing the sale of spirituous 29  
liquor; however, the division shall not establish any drive-in 30  
state liquor stores; and by means of those types of stores, and 31  
any manufacturing plants, distributing and bottling plants, 32  
warehouses, and other facilities that it considers expedient, 33  
establish and maintain a state monopoly of the distribution of 34  
spirituous liquor and its sale in packages or containers; and 35  
for that purpose, manufacture, buy, import, possess, and sell 36  
spirituous liquors as provided in this chapter and Chapter 4303. 37  
of the Revised Code, and in the rules promulgated by the 38  
superintendent of liquor control pursuant to those chapters; 39  
lease or in any manner acquire the use of any land or building 40  
required for any of those purposes; purchase any equipment that 41  
is required; and borrow money to carry on its business, and 42  
issue, sign, endorse, and accept notes, checks, and bills of 43  
exchange; but all obligations of the division created under 44  
authority of this division shall be a charge only upon the 45  
moneys received by the division from the sale of spirituous 46  
liquor and its other business transactions in connection with 47  
the sale of spirituous liquor, and shall not be general 48

obligations of the state; 49

(4) Enforce the administrative provisions of this chapter 50  
and Chapter 4303. of the Revised Code, and the rules and orders 51  
of the liquor control commission and the superintendent relating 52  
to the manufacture, importation, transportation, distribution, 53  
and sale of beer or intoxicating liquor. The attorney general, 54  
any prosecuting attorney, and any prosecuting officer of a 55  
municipal corporation or a municipal court shall, at the request 56  
of the division of liquor control or the department of public 57  
safety, prosecute any person charged with the violation of any 58  
provision in those chapters or of any section of the Revised 59  
Code relating to the manufacture, importation, transportation, 60  
distribution, and sale of beer or intoxicating liquor. 61

(5) Determine the locations of all state liquor stores and 62  
manufacturing, distributing, and bottling plants required in 63  
connection with those stores, subject to this chapter and 64  
Chapter 4303. of the Revised Code; 65

(6) Conduct inspections of liquor permit premises to 66  
determine compliance with the administrative provisions of this 67  
chapter and Chapter 4303. of the Revised Code and the rules 68  
adopted under those provisions by the liquor control commission. 69

Except as otherwise provided in division (A)(6) of this 70  
section, those inspections may be conducted only during those 71  
hours in which the permit holder is open for business and only 72  
by authorized agents or employees of the division or by any 73  
peace officer, as defined in section 2935.01 of the Revised 74  
Code. Inspections may be conducted at other hours only to 75  
determine compliance with laws or commission rules that regulate 76  
the hours of sale of beer or intoxicating liquor and only if the 77  
investigator has reasonable cause to believe that those laws or 78

rules are being violated. Any inspection conducted pursuant to 79  
division (A) (6) of this section is subject to all of the 80  
following requirements: 81

(a) The only property that may be confiscated is 82  
contraband, as defined in section 2901.01 of the Revised Code, 83  
or property that is otherwise necessary for evidentiary 84  
purposes. 85

(b) A complete inventory of all property confiscated from 86  
the premises shall be given to the permit holder or the permit 87  
holder's agent or employee by the confiscating agent or officer 88  
at the conclusion of the inspection. At that time, the inventory 89  
shall be signed by the confiscating agent or officer, and the 90  
agent or officer shall give the permit holder or the permit 91  
holder's agent or employee the opportunity to sign the 92  
inventory. 93

(c) Inspections conducted pursuant to division (A) (6) of 94  
this section shall be conducted in a reasonable manner. A 95  
finding by any court of competent jurisdiction that an 96  
inspection was not conducted in a reasonable manner in 97  
accordance with this section or any rules adopted by the 98  
commission may be considered grounds for suppression of 99  
evidence. A finding by the commission that an inspection was not 100  
conducted in a reasonable manner in accordance with this section 101  
or any rules adopted by it may be considered grounds for 102  
dismissal of the commission case. 103

If any court of competent jurisdiction finds that property 104  
confiscated as the result of an administrative inspection is not 105  
necessary for evidentiary purposes and is not contraband, as 106  
defined in section 2901.01 of the Revised Code, the court shall 107  
order the immediate return of the confiscated property, provided 108

that property is not otherwise subject to forfeiture, to the 109  
permit holder. However, the return of this property is not 110  
grounds for dismissal of the case. The commission likewise may 111  
order the return of confiscated property if no criminal 112  
prosecution is pending or anticipated. 113

(7) Delegate to any of its agents or employees any power 114  
of investigation that the division possesses with respect to the 115  
enforcement of any of the administrative laws relating to beer 116  
or intoxicating liquor, provided that this division does not 117  
authorize the division to designate any agent or employee to 118  
serve as an enforcement agent. The employment and designation of 119  
enforcement agents shall be within the exclusive authority of 120  
the director of public safety pursuant to sections 5502.13 to 121  
5502.19 of the Revised Code. 122

(8) Collect the following fees: 123

(a) A biennial fifty-dollar registration fee for each 124  
agent, solicitor, trade marketing professional, or salesperson, 125  
registered pursuant to section 4303.25 of the Revised Code, of a 126  
beer or intoxicating liquor manufacturer, supplier, broker, 127  
trade marketing company, or wholesale distributor doing business 128  
in this state; 129

(b) A fifty-dollar product registration fee for each new 130  
beer or intoxicating liquor product sold in this state. The 131  
product registration fee also applies to products sold in this 132  
state by B-2a and S permit holders. The product registration fee 133  
shall be accompanied by a copy of the federal label and product 134  
approval for the new product. 135

(c) An annual three-hundred-dollar supplier registration 136  
fee from each manufacturer or supplier that produces and ships 137

into this state, or ships into this state, intoxicating liquor 138  
or beer, in addition to an initial application fee of one 139  
hundred dollars. A manufacturer that produces and ships beer or 140  
wine into this state and that holds only an S permit is exempt 141  
from the supplier registration fee. A manufacturer that produces 142  
and ships wine into this state and that holds a B-2a permit 143  
shall pay an annual seventy-six-dollar supplier registration 144  
fee. A manufacturer that produces and ships wine into this state 145  
and that does not hold either an S or a B-2a permit, but that 146  
produces less than two hundred fifty thousand gallons of wine 147  
per year and that is entitled to a tax credit under 27 C.F.R. 148  
24.278 shall pay an annual seventy-six-dollar supplier 149  
registration fee. A B-2a or S permit holder that does not sell 150  
its wine to wholesale distributors of wine in this state and an 151  
S permit holder that does not sell its beer to wholesale 152  
distributors of beer in this state shall not be required to 153  
submit to the division territory designation forms. 154

Each supplier, agent, solicitor, trade marketing 155  
professional, or salesperson registration issued under this 156  
division shall authorize the person named to carry on the 157  
activity specified in the registration. Each agent, solicitor, 158  
trade marketing professional, or salesperson registration is 159  
valid for two years or for the unexpired portion of a two-year 160  
registration period. Each supplier registration is valid for one 161  
year or for the unexpired portion of a one-year registration 162  
period. Registrations shall end on their respective uniform 163  
expiration date, which shall be designated by the division, and 164  
are subject to suspension, revocation, cancellation, or fine as 165  
authorized by this chapter and Chapter 4303. of the Revised 166  
Code. 167

As used in this division, "trade marketing company" and 168

"trade marketing professional" have the same meanings as in 169  
section 4301.171 of the Revised Code. 170

(9) Establish a system of electronic data interchange 171  
within the division and regulate the electronic transfer of 172  
information and funds among persons and governmental entities 173  
engaged in the manufacture, distribution, and retail sale of 174  
alcoholic beverages; 175

(10) Notify all holders of retail permits of the forms of 176  
permissible identification for purposes of division (A) of 177  
section 4301.639 of the Revised Code; 178

(11) Deliver spirituous liquor in original containers to 179  
permit holders authorized to sell spirituous liquor and to 180  
personal consumers; 181

(12) Exercise all other powers expressly or by necessary 182  
implication conferred upon the division by this chapter and 183  
Chapter 4303. of the Revised Code, and all powers necessary for 184  
the exercise or discharge of any power, duty, or function 185  
expressly conferred or imposed upon the division by those 186  
chapters. 187

(B) The division may do all of the following: 188

(1) Sue, but may be sued only in connection with the 189  
execution of leases of real estate and the purchases and 190  
contracts necessary for the operation of the state liquor stores 191  
that are made under this chapter and Chapter 4303. of the 192  
Revised Code; 193

(2) Enter into leases and contracts of all descriptions 194  
and acquire and transfer title to personal property with regard 195  
to the sale, distribution, and storage of spirituous liquor 196  
within the state; 197

(3) Terminate at will any lease entered into pursuant to 198  
division (B) (2) of this section upon first giving ninety days' 199  
notice in writing to the lessor of its intention to do so; 200

(4) Fix the wholesale and retail prices at which the 201  
various classes, varieties, and brands of spirituous liquor 202  
shall be sold by the division. Those retail prices shall be the 203  
same at all state liquor stores, except to the extent that a 204  
price differential is required to collect a county sales tax 205  
levied pursuant to section 5739.021 of the Revised Code and for 206  
which tax the tax commissioner has authorized prepayment 207  
pursuant to section 5739.05 of the Revised Code. In fixing 208  
selling prices, the division shall compute an anticipated gross 209  
profit at least sufficient to provide in each calendar year all 210  
costs and expenses of the division and also an adequate working 211  
capital reserve for the division. The gross profit shall not 212  
exceed forty per cent of the retail selling price based on costs 213  
of the division, and in addition the sum required by section 214  
4301.12 of the Revised Code to be paid into the state treasury. 215  
An amount equal to one and one-half per cent of that gross 216  
profit shall be paid into the statewide treatment and prevention 217  
fund created by section 4301.30 of the Revised Code and be 218  
appropriated by the general assembly from the fund to the 219  
department of mental health and addiction services as provided 220  
in section 4301.30 of the Revised Code. 221

On spirituous liquor manufactured in this state from the 222  
juice of grapes or fruits grown in this state, the division 223  
shall compute an anticipated gross profit of not to exceed ten 224  
per cent. 225

The wholesale prices fixed under this division shall be at 226  
a discount of not less than six per cent of the retail selling 227



prices as determined by the division in accordance with this 228  
section. 229

(C) ~~The~~ Except for an expansion governed by section 230  
4303.185 of the Revised Code, the division may approve the 231  
expansion or diminution of a premises to which a liquor permit 232  
has been issued and may adopt standards governing such an 233  
expansion or diminution. 234

**Sec. 4301.62.** (A) As used in this section: 235

(1) "Chauffeured limousine" means a vehicle registered 236  
under section 4503.24 of the Revised Code. 237

(2) "Street," "highway," and "motor vehicle" have the same 238  
meanings as in section 4511.01 of the Revised Code. 239

(B) No person shall have in the person's possession an 240  
opened container of beer or intoxicating liquor in any of the 241  
following circumstances: 242

(1) Except as provided in division (C) (1) (e) of this 243  
section, in an agency store; 244

(2) Except as provided in division (C) of this section, on 245  
the premises of the holder of any permit issued by the division 246  
of liquor control; 247

(3) In any other public place; 248

(4) Except as provided in division (D) or (E) of this 249  
section, while operating or being a passenger in or on a motor 250  
vehicle on any street, highway, or other public or private 251  
property open to the public for purposes of vehicular travel or 252  
parking; 253

(5) Except as provided in division (D) or (E) of this 254

section, while being in or on a stationary motor vehicle on any 255  
street, highway, or other public or private property open to the 256  
public for purposes of vehicular travel or parking. 257

(C) (1) A person may have in the person's possession an 258  
opened container of any of the following: 259

(a) Beer or intoxicating liquor that has been lawfully 260  
purchased for consumption on the premises where bought from the 261  
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 262  
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 263  
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F- 264  
7, or F-8 permit; 265

(b) Beer, wine, or mixed beverages served for consumption 266  
on the premises by the holder of an F-3 permit, wine served as a 267  
tasting sample by an A-2 permit holder or S permit holder for 268  
consumption on the premises of a farmers market for which an F- 269  
10 permit has been issued, or wine served for consumption on the 270  
premises by the holder of an F-4 or F-6 permit; 271

(c) Beer or intoxicating liquor consumed on the premises 272  
of a convention facility as provided in section 4303.201 of the 273  
Revised Code; 274

(d) Beer or intoxicating liquor to be consumed during 275  
tastings and samplings approved by rule of the liquor control 276  
commission; 277

(e) Spirituous liquor to be consumed for purposes of a 278  
tasting sample, as defined in section 4301.171 of the Revised 279  
Code; 280

(f) Beer or intoxicating liquor to be consumed in an area 281  
established in accordance with section 4303.186 of the Revised 282  
Code. 283

(2) A person may have in the person's possession on an F 284  
liquor permit premises an opened container of beer or 285  
intoxicating liquor that was not purchased from the holder of 286  
the F permit if the premises for which the F permit is issued is 287  
a music festival and the holder of the F permit grants 288  
permission for that possession on the premises during the period 289  
for which the F permit is issued. As used in this division, 290  
"music festival" means a series of outdoor live musical 291  
performances, extending for a period of at least three 292  
consecutive days and located on an area of land of at least 293  
forty acres. 294

(3) (a) A person may have in the person's possession on a 295  
D-2 liquor permit premises an opened or unopened container of 296  
wine that was not purchased from the holder of the D-2 permit if 297  
the premises for which the D-2 permit is issued is an outdoor 298  
performing arts center, the person is attending an orchestral 299  
performance, and the holder of the D-2 permit grants permission 300  
for the possession and consumption of wine in certain 301  
predesignated areas of the premises during the period for which 302  
the D-2 permit is issued. 303

(b) As used in division (C) (3) (a) of this section: 304

(i) "Orchestral performance" means a concert comprised of 305  
a group of not fewer than forty musicians playing various 306  
musical instruments. 307

(ii) "Outdoor performing arts center" means an outdoor 308  
performing arts center that is located on not less than one 309  
hundred fifty acres of land and that is open for performances 310  
from the first day of April to the last day of October of each 311  
year. 312

(4) A person may have in the person's possession an opened 313  
or unopened container of beer or intoxicating liquor at an 314  
outdoor location at which the person is attending an orchestral 315  
performance as defined in division (C) (3) (b) (i) of this section 316  
if the person with supervision and control over the performance 317  
grants permission for the possession and consumption of beer or 318  
intoxicating liquor in certain predesignated areas of that 319  
outdoor location. 320

(5) A person may have in the person's possession on an F-9 321  
liquor permit premises an opened or unopened container of beer 322  
or intoxicating liquor that was not purchased from the holder of 323  
the F-9 permit if the person is attending either of the 324  
following: 325

(a) An orchestral performance and the F-9 permit holder 326  
grants permission for the possession and consumption of beer or 327  
intoxicating liquor in certain predesignated areas of the 328  
premises during the period for which the F-9 permit is issued; 329

(b) An outdoor performing arts event or orchestral 330  
performance that is free of charge and the F-9 permit holder 331  
annually hosts not less than twenty-five other events or 332  
performances that are free of charge on the permit premises. 333

As used in division (C) (5) of this section, "orchestral 334  
performance" has the same meaning as in division (C) (3) (b) of 335  
this section. 336

(6) (a) A person may have in the person's possession on the 337  
property of an outdoor motorsports facility an opened or 338  
unopened container of beer or intoxicating liquor that was not 339  
purchased from the owner of the facility if both of the 340  
following apply: 341

- (i) The person is attending a racing event at the 342  
facility; and 343
- (ii) The owner of the facility grants permission for the 344  
possession and consumption of beer or intoxicating liquor on the 345  
property of the facility. 346
- (b) As used in division (C) (6) (a) of this section: 347
- (i) "Racing event" means a motor vehicle racing event 348  
sanctioned by one or more motor racing sanctioning 349  
organizations. 350
- (ii) "Outdoor motorsports facility" means an outdoor 351  
racetrack to which all of the following apply: 352
- (I) It is two and four-tenths miles or more in length. 353
- (II) It is located on two hundred acres or more of land. 354
- (III) The primary business of the owner of the facility is 355  
the hosting and promoting of racing events. 356
- (IV) The holder of a D-1, D-2, or D-3 permit is located on 357  
the property of the facility. 358
- (7) (a) A person may have in the person's possession an 359  
opened container of beer or intoxicating liquor at an outdoor 360  
location within an outdoor refreshment area created under 361  
section 4301.82 of the Revised Code if the opened container of 362  
beer or intoxicating liquor was purchased from an A-1, A-1-A, A- 363  
1c, A-2, A-2f, D class, or F class permit holder to which both 364  
of the following apply: 365
- (i) The permit holder's premises is located within the 366  
outdoor refreshment area. 367
- (ii) The permit held by the permit holder has an outdoor 368

refreshment area designation. 369

(b) Division (C) (7) of this section does not authorize a 370  
person to do either of the following: 371

(i) Enter the premises of an establishment within an 372  
outdoor refreshment area while possessing an opened container of 373  
beer or intoxicating liquor acquired elsewhere; 374

(ii) Possess an opened container of beer or intoxicating 375  
liquor while being in or on a motor vehicle within an outdoor 376  
refreshment area, unless the possession is otherwise authorized 377  
under division (D) or (E) of this section. 378

(c) As used in division (C) (7) of this section, "D class 379  
permit holder" does not include a D-6 or D-8 permit holder. 380

(8) (a) A person may have in the person's possession on the 381  
property of a market, within a defined F-8 permit premises, an 382  
opened container of beer or intoxicating liquor that was 383  
purchased from a D permit premises that is located immediately 384  
adjacent to the market if both of the following apply: 385

(i) The market grants permission for the possession and 386  
consumption of beer and intoxicating liquor within the defined 387  
F-8 permit premises; 388

(ii) The market is hosting an event pursuant to an F-8 389  
permit and the market has notified the division of liquor 390  
control about the event in accordance with division (A) (3) of 391  
section 4303.208 of the Revised Code. 392

(b) As used in division (C) (8) of this section, "market" 393  
means a market, for which an F-8 permit is held, that has been 394  
in operation since 1860. 395

(D) This section does not apply to a person who pays all 396

or a portion of the fee imposed for the use of a chauffeured 397  
limousine pursuant to a prearranged contract, or the guest of 398  
the person, when all of the following apply: 399

(1) The person or guest is a passenger in the limousine. 400

(2) The person or guest is located in the limousine, but 401  
is not occupying a seat in the front compartment of the 402  
limousine where the operator of the limousine is located. 403

(3) The limousine is located on any street, highway, or 404  
other public or private property open to the public for purposes 405  
of vehicular travel or parking. 406

(E) An opened bottle of wine that was purchased from the 407  
holder of a permit that authorizes the sale of wine for 408  
consumption on the premises where sold is not an opened 409  
container for the purposes of this section if both of the 410  
following apply: 411

(1) The opened bottle of wine is securely resealed by the 412  
permit holder or an employee of the permit holder before the 413  
bottle is removed from the premises. The bottle shall be secured 414  
in such a manner that it is visibly apparent if the bottle has 415  
been subsequently opened or tampered with. 416

(2) The opened bottle of wine that is resealed in 417  
accordance with division (E) (1) of this section is stored in the 418  
trunk of a motor vehicle or, if the motor vehicle does not have 419  
a trunk, behind the last upright seat or in an area not normally 420  
occupied by the driver or passengers and not easily accessible 421  
by the driver. 422

(F) (1) Except if an ordinance or resolution is enacted or 423  
adopted under division (F) (2) of this section, this section does 424  
not apply to a person who, pursuant to a prearranged contract, 425

is a passenger riding on a commercial quadricycle when all of 426  
the following apply: 427

(a) The person is not occupying a seat in the front of the 428  
commercial quadricycle where the operator is steering or 429  
braking. 430

(b) The commercial quadricycle is being operated on a 431  
street, highway, or other public or private property open to the 432  
public for purposes of vehicular travel or parking. 433

(c) The person has in their possession on the commercial 434  
quadricycle an opened container of beer or wine. 435

(d) The person has in their possession on the commercial 436  
quadricycle not more than either thirty-six ounces of beer or 437  
eighteen ounces of wine. 438

(2) The legislative authority of a municipal corporation 439  
or township may enact an ordinance or adopt a resolution, as 440  
applicable, that prohibits a passenger riding on a commercial 441  
quadricycle from possessing an opened container of beer or wine. 442

(3) As used in this section, "commercial quadricycle" 443  
means a vehicle that has fully-operative pedals for propulsion 444  
entirely by human power and that meets all of the following 445  
requirements: 446

(a) It has four wheels and is operated in a manner similar 447  
to a bicycle. 448

(b) It has at least five seats for passengers. 449

(c) It is designed to be powered by the pedaling of the 450  
operator and the passengers. 451

(d) It is used for commercial purposes. 452



(e) It is operated by the vehicle owner or an employee of 453  
the owner. 454

(G) This section does not apply to a person that has in 455  
the person's possession an opened container of beer or 456  
intoxicating liquor on the premises of a market if the beer or 457  
intoxicating liquor has been purchased from a D liquor permit 458  
holder that is located in the market. 459

As used in division (G) of this section, "market" means an 460  
establishment that: 461

(1) Leases space in the market to individual vendors, not 462  
less than fifty per cent of which are retail food establishments 463  
or food service operations licensed under Chapter 3717. of the 464  
Revised Code; 465

(2) Has an indoor sales floor area of not less than 466  
twenty-two thousand square feet; 467

(3) Hosts a farmer's market on each Saturday from April 468  
through December. 469

(H) (1) As used in this section, "alcoholic beverage" has 470  
the same meaning as in section 4303.185 of the Revised Code. 471

(2) An alcoholic beverage in a closed container being 472  
transported under section 4303.185 of the Revised Code to its 473  
final destination is not an opened container for the purposes of 474  
this section if the closed container is securely sealed in such 475  
a manner that it is visibly apparent if the closed container has 476  
been subsequently opened or tampered with after sealing. 477

**Sec. 4303.041.** (A) As used in this section, "distiller" 478  
means a person in this state who mashes, ferments, distills, and 479  
ages spirituous liquor. 480

(B) An A-3a permit may be issued to a distiller that 481  
manufactures less than one hundred thousand gallons of 482  
spirituous liquor per year. An A-3a permit holder may sell 483  
spirituous liquor to a personal consumer, only as follows: 484

(1) By offering tasting samples in accordance with 485  
division (D) of this section; 486

(2) By an in-person transaction at the permit premises in 487  
sealed containers for consumption off the premises where 488  
manufactured, ~~spirituous liquor that the permit holder~~ 489  
~~manufactures, but sales to the personal consumer may occur only~~ 490  
~~by an in-person transaction at the permit premises;~~ 491

(3) In sealed containers via delivery off the premises 492  
where manufactured pursuant to an agency contract. Such a 493  
contract shall be limited in scope to the sale of spirituous 494  
liquor manufactured by the A-3a permit holder. The agency 495  
contract is not subject to the limitations specified in division 496  
(A) (1) of section 4301.17 of the Revised Code. The A-3a permit 497  
~~holder shall not ship, send, or use an H permit holder to~~ 498  
~~deliver spirituous liquor to the personal consumer.~~ 499

~~"Distiller" means a person in this state who mashes,~~ 500  
~~ferments, distills, and ages spirituous liquor.~~ 501

~~(B) (1)~~ (C) (1) Except as otherwise provided in this 502  
section, no A-3a permit shall be issued unless the sale of 503  
spirituous liquor by the glass for consumption on the premises 504  
or by the package for consumption off the premises is authorized 505  
in the election precinct in which the A-3a permit is proposed to 506  
be located. 507

(2) Division ~~(B) (1)~~ (C) (1) of this section does not 508  
prohibit the issuance of an A-3a permit to an applicant for such 509

a permit who has filed an application with the division of 510  
liquor control before March 22, 2012. 511

~~(C)(1)~~ (D) An A-3a permit holder may offer for sale 512  
tasting samples of spirituous liquor. The A-3a permit holder 513  
shall not serve more than four tasting samples of spirituous 514  
liquor per person per day. A tasting sample shall not exceed a 515  
quarter ounce. Tasting samples shall be only for the purpose of 516  
allowing a purchaser to determine, by tasting only, the quality 517  
and character of the spirituous liquor. The tasting samples 518  
shall be offered for sale in accordance with rules adopted by 519  
the division of liquor control. 520

~~(2)~~ (E) An A-3a permit holder shall sell not more than one 521  
and one-half liters of spirituous liquor per day from the permit 522  
premises to the same personal consumer. 523

An A-3a permit holder may sell spirituous liquor in sealed 524  
containers for consumption off the premises where manufactured 525  
as an independent contractor under agreement, by virtue of the 526  
permit, with the division of liquor control. The price at which 527  
the A-3a permit holder shall sell each spirituous liquor product 528  
to a personal consumer is to be determined by the division of 529  
liquor control. For an A-3a permit holder to purchase and then 530  
offer spirituous liquor for retail sale, the spirituous liquor 531  
need not first leave the physical possession of the A-3a permit 532  
holder to be so registered. The spirituous liquor that the A-3a 533  
permit holder buys from the division of liquor control shall be 534  
maintained in a separate area of the permit premises for sale to 535  
personal consumers. The A-3a permit holder shall sell such 536  
spirituous liquor in sealed containers for consumption off the 537  
premises where manufactured as an independent contractor by 538  
virtue of the permit issued by the division of liquor control, 539

but the permit holder shall not be compensated as provided in 540  
division (A) (1) of section 4301.17 of the Revised Code. Each A- 541  
3a permit holder shall be subject to audit by the division of 542  
liquor control. 543

~~(D)~~ (F) The fee for the A-3a permit is two dollars per 544  
fifty-gallon barrel. 545

~~(E)~~ (G) The holder of an A-3a permit may also exercise the 546  
same privileges as the holder of an A-3 permit. 547

**Sec. 4303.185.** (A) As used in this section: 548

(1) "Alcoholic beverage" means beer, wine, mixed 549  
beverages, or spirituous liquor. 550

(2) "Personal consumer" means an individual who is at 551  
least twenty-one years of age and intends to use a purchased 552  
alcoholic beverage for personal consumption only and not for 553  
resale or other commercial purposes. 554

(3) "Qualified permit holder" has the same meaning as in 555  
section 4301.82 of the Revised Code and also includes an A-3a 556  
permit holder. 557

(B) In addition to any other sales authorized by a 558  
qualified permit holder's permit, a qualified permit holder may 559  
sell alcoholic beverages by the individual drink in sealed, 560  
closed containers to a personal consumer for off-premises 561  
consumption, including via delivery to the location of the 562  
personal consumer. 563

(C) (1) A qualified permit holder may only sell types of 564  
alcoholic beverages under division (B) of this section that the 565  
qualified permit holder is otherwise authorized to sell under 566  
the qualified permit holder's permit. 567

(2) Prior to delivering an alcoholic beverage to a 568  
personal consumer under this section, a qualified permit holder, 569  
or an employee of the qualified permit holder, shall make a bona 570  
fide effort to ensure that the personal consumer is at least 571  
twenty-one years of age. 572

(3) A qualified permit holder may use an H permit holder 573  
to make deliveries authorized under this section. 574

**Sec. 4303.186. (A) As used in this section:** 575

(1) "Alcoholic beverage" means beer, wine, mixed 576  
beverages, or spirituous liquor. 577

(2) "Personal consumer" means an individual who is at 578  
least twenty-one years of age and intends to use a purchased 579  
alcoholic beverage for personal consumption only and not for 580  
resale or other commercial purposes. 581

(3) "Qualified permit holder" has the same meaning as in 582  
section 4301.82 of the Revised Code and also includes an A-3a 583  
permit holder. 584

(B) (1) In addition to areas in which a qualified permit 585  
holder is authorized to sell alcoholic beverages under the 586  
qualified permit holder's permit, a qualified permit holder may 587  
sell alcoholic beverages by the individual drink for consumption 588  
as follows: 589

(a) In any area of the qualified permit holder's property 590  
in which sales are not currently authorized and that is 591  
outdoors, including the qualified permit holder's parking area; 592

(b) In any outdoor area of public property that is 593  
immediately adjacent to the qualified permit holder's premises, 594  
provided that the permit holder obtains written consent in 595

accordance with division (C) of this section; 596

(c) In any outdoor area of private property that is 597  
immediately adjacent to the qualified permit holder's premises, 598  
provided that the permit holder obtains the written consent of 599  
the owner of the private property. 600

(2) If a qualified permit holder sells alcoholic beverages 601  
in an outdoor area, the qualified permit holder shall clearly 602  
delineate the area where personal consumers may consume 603  
alcoholic beverages. 604

(C) For purposes of division (B) (1) (b) of this section, a 605  
qualified permit holder shall obtain the written consent of 606  
either of the following: 607

(1) If the public property is located in a municipal 608  
corporation, the executive officer of the municipal corporation 609  
or the executive officer's designee. If the executive officer or 610  
the executive officer's designee denies consent, the qualified 611  
permit holder may appeal the denial to the legislative authority 612  
of the municipal corporation. The legislative authority may 613  
adopt a resolution requesting the executive officer to 614  
reconsider the executive officer's denial. 615

(2) If the public property is located in the 616  
unincorporated area of a township, the legislative authority of 617  
the township by the adoption of a resolution consenting to the 618  
sale of alcoholic beverages. 619

(D) Not later than one business day prior to selling 620  
alcoholic beverages by the individual drink in an outdoor area 621  
under division (B) (1) of this section, a qualified permit holder 622  
shall notify the division of liquor control and the 623  
investigative unit of the department of public safety of the 624

areas that the qualified permit holder intends to sell the 625  
alcoholic beverages. 626

**Section 2.** That existing sections 4301.10, 4301.62, and 627  
4303.041 of the Revised Code are hereby repealed. 628

**Section 3.** Section 4301.62 of the Revised Code is 629  
presented in this act as a composite of the section as amended 630  
by both H.B. 522 of the 132nd General Assembly and H.B. 62 of 631  
the 133rd General Assembly. The General Assembly, applying the 632  
principle stated in division (B) of section 1.52 of the Revised 633  
Code that amendments are to be harmonized if reasonably capable 634  
of simultaneous operation, finds that the composite is the 635  
resulting version of the section in effect prior to the 636  
effective date of the section as presented in this act. 637

**Section 4.** This act is hereby declared to be an emergency 638  
measure necessary for the immediate preservation of the public 639  
peace, health, and safety. The reason for such necessity is to 640  
provide economic relief to liquor permit holders as a result of 641  
the COVID-19 outbreak. Therefore, this act shall go into 642  
immediate effect. 643