

**As Introduced**

**132nd General Assembly**

**Regular Session**

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**H. B. No. 509**

**Representatives Hambley, Sweeney**

**Cosponsors: Representatives Stein, Becker, Young, Perales, Rezabek, Boggs, Kent, Scherer, Dever, West, Hill, Carfagna, Brenner, Henne, Thompson, Ingram, Kick, Howse, Reineke, Brinkman, Manning, Rogers, Cera, Celebrezze, Sheehy**

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**A BILL**

To amend sections 4301.62 and 4303.2010 and to 1  
enact sections 901.172 and 4303.2011 of the 2  
Revised Code to create the F-11 liquor permit to 3  
authorize the sale of beer under specified 4  
circumstances at a farmers market and to 5  
authorize the Department of Agriculture to 6  
promote the use of Ohio-produced agricultural 7  
goods grown for inclusion in beer or cider 8  
through a promotional program. 9

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

**Section 1.** That sections 4301.62 and 4303.2010 be amended 10  
and sections 901.172 and 4303.2011 of the Revised Code be 11  
enacted to read as follows: 12

**Sec. 901.172.** (A) As used in this section, "beer" and 13  
"cider" have the same meanings as in section 4301.01 of the 14  
Revised Code. 15

(B) The department of agriculture may promote the use of 16

Ohio-produced agricultural goods grown for inclusion in beer or 17  
cider through the issuance of logotypes to qualified producers 18  
and processors under a promotional certification program to be 19  
developed and administered by the division of markets. The 20  
program shall be entitled "Ohio Proud Craft Beer." 21

Pursuant to rules adopted under Chapter 119. of the 22  
Revised Code, the department may establish reasonable fees and 23  
criteria for participation in the program. All such fees shall 24  
be credited to the general revenue fund and used to finance the 25  
program. 26

**Sec. 4301.62.** (A) As used in this section: 27

(1) "Chauffeured limousine" means a vehicle registered 28  
under section 4503.24 of the Revised Code. 29

(2) "Street," "highway," and "motor vehicle" have the same 30  
meanings as in section 4511.01 of the Revised Code. 31

(B) No person shall have in the person's possession an 32  
opened container of beer or intoxicating liquor in any of the 33  
following circumstances: 34

(1) Except as provided in division (C) (1) ~~(e)~~ (h) of this 35  
section, in an agency store; 36

(2) Except as provided in division (C) of this section, on 37  
the premises of the holder of any permit issued by the division 38  
of liquor control; 39

(3) In any other public place; 40

(4) Except as provided in division (D) or (E) of this 41  
section, while operating or being a passenger in or on a motor 42  
vehicle on any street, highway, or other public or private 43  
property open to the public for purposes of vehicular travel or 44

parking; 45

(5) Except as provided in division (D) or (E) of this 46  
section, while being in or on a stationary motor vehicle on any 47  
street, highway, or other public or private property open to the 48  
public for purposes of vehicular travel or parking. 49

(C) (1) A person may have in the person's possession an 50  
opened container of any of the following: 51

(a) Beer or intoxicating liquor that has been lawfully 52  
purchased for consumption on the premises where bought from the 53  
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 54  
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 55  
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F- 56  
7, or F-8 permit; 57

(b) Beer, wine, or mixed beverages served for consumption 58  
on the premises by the holder of an F-3 permit, ~~wine;~~ 59

(c) Wine served as a tasting sample by an A-2 or A-2f 60  
permit holder or S permit holder for consumption on the premises 61  
of a farmers market for which an F-10 permit has been issued, ~~or~~ 62  
~~wine;~~ 63

(d) Beer served as a tasting sample by a brewer, as 64  
defined in section 4303.2011 of the Revised Code, for 65  
consumption on the premises of a farmers market for which an F- 66  
11 permit has been issued; 67

(e) Wine served for consumption on the premises by the 68  
holder of an F-4 or F-6 permit; 69

~~(e)-(f)~~ (f) Beer or intoxicating liquor consumed on the 70  
premises of a convention facility as provided in section 71  
4303.201 of the Revised Code; 72

~~(d)~~ (g) Beer or intoxicating liquor to be consumed during 73  
tastings and samplings approved by rule of the liquor control 74  
commission; 75

~~(e)~~ (h) Spirituous liquor to be consumed for purposes of a 76  
tasting sample, as defined in section 4301.171 of the Revised 77  
Code. 78

(2) A person may have in the person's possession on an F 79  
liquor permit premises an opened container of beer or 80  
intoxicating liquor that was not purchased from the holder of 81  
the F permit if the premises for which the F permit is issued is 82  
a music festival and the holder of the F permit grants 83  
permission for that possession on the premises during the period 84  
for which the F permit is issued. As used in this division, 85  
"music festival" means a series of outdoor live musical 86  
performances, extending for a period of at least three 87  
consecutive days and located on an area of land of at least 88  
forty acres. 89

(3) (a) A person may have in the person's possession on a 90  
D-2 liquor permit premises an opened or unopened container of 91  
wine that was not purchased from the holder of the D-2 permit if 92  
the premises for which the D-2 permit is issued is an outdoor 93  
performing arts center, the person is attending an orchestral 94  
performance, and the holder of the D-2 permit grants permission 95  
for the possession and consumption of wine in certain 96  
predesignated areas of the premises during the period for which 97  
the D-2 permit is issued. 98

(b) As used in division (C) (3) (a) of this section: 99

(i) "Orchestral performance" means a concert comprised of 100  
a group of not fewer than forty musicians playing various 101

musical instruments. 102

(ii) "Outdoor performing arts center" means an outdoor 103  
performing arts center that is located on not less than one 104  
hundred fifty acres of land and that is open for performances 105  
from the first day of April to the last day of October of each 106  
year. 107

(4) A person may have in the person's possession an opened 108  
or unopened container of beer or intoxicating liquor at an 109  
outdoor location at which the person is attending an orchestral 110  
performance as defined in division (C) (3) (b) (i) of this section 111  
if the person with supervision and control over the performance 112  
grants permission for the possession and consumption of beer or 113  
intoxicating liquor in certain predesignated areas of that 114  
outdoor location. 115

(5) A person may have in the person's possession on an F-9 116  
liquor permit premises an opened or unopened container of beer 117  
or intoxicating liquor that was not purchased from the holder of 118  
the F-9 permit if the person is attending either of the 119  
following: 120

(a) An orchestral performance and the F-9 permit holder 121  
grants permission for the possession and consumption of beer or 122  
intoxicating liquor in certain predesignated areas of the 123  
premises during the period for which the F-9 permit is issued; 124

(b) An outdoor performing arts event or orchestral 125  
performance that is free of charge and the F-9 permit holder 126  
annually hosts not less than twenty-five other events or 127  
performances that are free of charge on the permit premises. 128

As used in division (C) (5) of this section, "orchestral 129  
performance" has the same meaning as in division (C) (3) (b) of 130

this section. 131

(6) (a) A person may have in the person's possession on the 132  
property of an outdoor motorsports facility an opened or 133  
unopened container of beer or intoxicating liquor that was not 134  
purchased from the owner of the facility if both of the 135  
following apply: 136

(i) The person is attending a racing event at the 137  
facility; and 138

(ii) The owner of the facility grants permission for the 139  
possession and consumption of beer or intoxicating liquor on the 140  
property of the facility. 141

(b) As used in division (C) (6) (a) of this section: 142

(i) "Racing event" means a motor vehicle racing event 143  
sanctioned by one or more motor racing sanctioning 144  
organizations. 145

(ii) "Outdoor motorsports facility" means an outdoor 146  
racetrack to which all of the following apply: 147

(I) It is two and four-tenths miles or more in length. 148

(II) It is located on two hundred acres or more of land. 149

(III) The primary business of the owner of the facility is 150  
the hosting and promoting of racing events. 151

(IV) The holder of a D-1, D-2, or D-3 permit is located on 152  
the property of the facility. 153

(7) (a) A person may have in the person's possession an 154  
opened container of beer or intoxicating liquor at an outdoor 155  
location within an outdoor refreshment area created under 156  
section 4301.82 of the Revised Code if the opened container of 157

beer or intoxicating liquor was purchased from a qualified 158  
permit holder to which both of the following apply: 159

(i) The permit holder's premises is located within the 160  
outdoor refreshment area. 161

(ii) The permit held by the permit holder has an outdoor 162  
refreshment area designation. 163

(b) Division (C) (7) of this section does not authorize a 164  
person to do either of the following: 165

(i) Enter the premises of an establishment within an 166  
outdoor refreshment area while possessing an opened container of 167  
beer or intoxicating liquor acquired elsewhere; 168

(ii) Possess an opened container of beer or intoxicating 169  
liquor while being in or on a motor vehicle within an outdoor 170  
refreshment area, unless the motor vehicle is stationary and is 171  
not being operated in a lane of vehicular travel or unless the 172  
possession is otherwise authorized under division (D) or (E) of 173  
this section. 174

(8) (a) A person may have in the person's possession on the 175  
property of a market, within a defined F-8 permit premises, an 176  
opened container of beer or intoxicating liquor that was 177  
purchased from a D permit premises that is located immediately 178  
adjacent to the market if both of the following apply: 179

(i) The market grants permission for the possession and 180  
consumption of beer and intoxicating liquor within the defined 181  
F-8 permit premises; 182

(ii) The market is hosting an event pursuant to an F-8 183  
permit and the market has notified the division of liquor 184  
control about the event in accordance with division (A) (3) of 185

section 4303.208 of the Revised Code. 186

(b) As used in division (C) (8) of this section, "market" 187  
means a market, for which an F-8 permit is held, that has been 188  
in operation since 1860. 189

(D) This section does not apply to a person who pays all 190  
or a portion of the fee imposed for the use of a chauffeured 191  
limousine pursuant to a prearranged contract, or the guest of 192  
the person, when all of the following apply: 193

(1) The person or guest is a passenger in the limousine. 194

(2) The person or guest is located in the limousine, but 195  
is not occupying a seat in the front compartment of the 196  
limousine where the operator of the limousine is located. 197

(3) The limousine is located on any street, highway, or 198  
other public or private property open to the public for purposes 199  
of vehicular travel or parking. 200

(E) An opened bottle of wine that was purchased from the 201  
holder of a permit that authorizes the sale of wine for 202  
consumption on the premises where sold is not an opened 203  
container for the purposes of this section if both of the 204  
following apply: 205

(1) The opened bottle of wine is securely resealed by the 206  
permit holder or an employee of the permit holder before the 207  
bottle is removed from the premises. The bottle shall be secured 208  
in such a manner that it is visibly apparent if the bottle has 209  
been subsequently opened or tampered with. 210

(2) The opened bottle of wine that is resealed in 211  
accordance with division (E) (1) of this section is stored in the 212  
trunk of a motor vehicle or, if the motor vehicle does not have 213



a trunk, behind the last upright seat or in an area not normally 214  
occupied by the driver or passengers and not easily accessible 215  
by the driver. 216

(F) (1) Except if an ordinance or resolution is enacted or 217  
adopted under division (F) (2) of this section, this section does 218  
not apply to a person who, pursuant to a prearranged contract, 219  
is a passenger riding on a commercial quadricycle when all of 220  
the following apply: 221

(a) The person is not occupying a seat in the front of the 222  
commercial quadricycle where the operator is steering or 223  
braking. 224

(b) The commercial quadricycle is being operated on a 225  
street, highway, or other public or private property open to the 226  
public for purposes of vehicular travel or parking. 227

(c) The person has in their possession on the commercial 228  
quadricycle an opened container of beer or wine. 229

(d) The person has in their possession on the commercial 230  
quadricycle not more than either thirty-six ounces of beer or 231  
eighteen ounces of wine. 232

(2) The legislative authority of a municipal corporation 233  
or township may enact an ordinance or adopt a resolution, as 234  
applicable, that prohibits a passenger riding on a commercial 235  
quadricycle from possessing an opened container of beer or wine. 236

(3) As used in this section, "commercial quadricycle" 237  
means a vehicle that has fully-operative pedals for propulsion 238  
entirely by human power and that meets all of the following 239  
requirements: 240

(a) It has four wheels and is operated in a manner similar 241

to a bicycle. 242

(b) It has at least five seats for passengers. 243

(c) It is designed to be powered by the pedaling of the 244  
operator and the passengers. 245

(d) It is used for commercial purposes. 246

(e) It is operated by the vehicle owner or an employee of 247  
the owner. 248

(G) This section does not apply to a person that has in 249  
the person's possession an opened container of beer or 250  
intoxicating liquor on the premises of a market if the beer or 251  
intoxicating liquor has been purchased from a D liquor permit 252  
holder that is located in the market. 253

As used in division (G) of this section, "market" means an 254  
establishment that: 255

(1) Leases space in the market to individual vendors, not 256  
less than fifty per cent of which are retail food establishments 257  
or food service operations licensed under Chapter 3717. of the 258  
Revised Code; 259

(2) Has an indoor sales floor area of not less than 260  
twenty-two thousand square feet; 261

(3) Hosts a farmer's market on each Saturday from April 262  
through December. 263

**Sec. 4303.2010.** (A) As used in this section: 264

(1) "Farmers market" means a farmers market registered 265  
with the director of agriculture under section 3717.221 of the 266  
Revised Code. "Farmers market" does not include a for-profit 267  
farmers market, a farmers market located at a rest area within 268

the limits of the right-of-way of an interstate highway, a 269  
farmers market located at a service facility as defined in 270  
Chapter 5537. of the Revised Code that is along the Ohio 271  
turnpike, or a farmers market with fewer than five farmers 272  
market participants. 273

(2) "A-2 permit holder" means an A-2 or A-2f permit holder 274  
that produces less than two hundred and fifty thousand gallons 275  
of wine per year. 276

(B) The division of liquor control may issue an F-10 277  
permit to a person who organizes a farmers market. Pursuant to 278  
the permit, the F-10 permit holder may allow a farmers market 279  
participant that is an A-2 permit holder or S permit holder to 280  
do the following at the location of the farmers market: 281

(1) Sell tasting samples of wine manufactured by the A-2 282  
permit holder or S permit holder for consumption on the premises 283  
where the farmers market is located; 284

(2) Sell wine manufactured by the A-2 permit holder or S 285  
permit holder in sealed containers for consumption off the 286  
premises where the farmers market is located. 287

(C) An applicant for an F-10 permit shall submit an 288  
application for the permit to the division of liquor control. 289  
The application shall include the location of the farmers market 290  
that is the subject of the application. 291

(D) The premises of the farmers market for which the F-10 292  
permit is issued shall be clearly defined and sufficiently 293  
restricted to allow proper enforcement of the permit by state 294  
and local law enforcement officers. If an F-10 permit is issued 295  
for all or a portion of the same premises for which another 296  
class of permit is issued, the division of liquor control shall 297

suspend that permit holder's privileges in that portion of the 298  
premises in which the F-10 permit is in effect. However, an F-10 299  
permit and an F-11 permit may be valid concurrently if both 300  
permits are issued to the same person. 301

(E) No A-2 permit holder or S permit holder shall do any 302  
of the following at a farmers market for which an F-10 permit 303  
has been issued: 304

(1) Sell a tasting sample in an amount that exceeds one 305  
ounce; 306

(2) Sell more than one sample of each wine offered for 307  
sale to any one person; 308

(3) Sell more than five varieties of wine as tasting 309  
samples per day; 310

(4) Sell a variety of wine that is offered for 311  
distribution by a wholesale distributor in any state. Division 312  
(E) (4) of this section does not apply to a variety of wine 313  
solely distributed by the A-2 permit holder or S permit holder. 314

(5) Sell more than four and one-half liters of wine per 315  
household for off-premises consumption under division (B) (2) of 316  
this section; 317

(6) Allow any person other than the A-2 permit holder or S 318  
permit holder, a member of the applicable permit holder's 319  
family, or an employee of the applicable permit holder to sell 320  
wine. 321

(F) The F-10 permit is effective for nine months. The 322  
permit is not renewable. However, a person who organizes a 323  
farmers market may re-apply for a new permit. The fee for the F- 324  
10 permit is one hundred dollars. 325

(G) An A-2 permit holder or S permit holder shall not 326  
conduct the activities described in division (B) of this section 327  
unless the sale of wine for consumption on the premises and the 328  
sale of wine for consumption off the premises is authorized in 329  
the election precinct in which the farmers market that is the 330  
subject of the F-10 permit is located. 331

(H) No F-10 permit holder shall allow more than four A-2 332  
permit holders, four S permit holders, or a combination of four 333  
A-2 permit holders and S permit holders per day to conduct the 334  
activities described in division (B) of this section on the 335  
premises of the applicable farmers market. 336

Sec. 4303.2011. (A) As used in this section: 337

(1) "Farmers market" has the same meaning as in section 338  
4303.2010 of the Revised Code. 339

(2) "Brewer" means an S permit holder that produces not 340  
more than thirty-one million gallons of beer in a calendar year 341  
or an A-1c permit holder. 342

(B) The division of liquor control may issue an F-11 343  
permit to a person who organizes a farmers market. Pursuant to 344  
the permit, the F-11 permit holder may allow a farmers market 345  
participant that is a brewer to do the following at the location 346  
of the farmers market: 347

(1) Sell tasting samples of beer manufactured by the 348  
brewer for consumption on the premises where the farmers market 349  
is located; 350

(2) Sell beer manufactured by the brewer in sealed 351  
containers for consumption off the premises where the farmers 352  
market is located. 353

(C) An applicant for an F-11 permit shall submit an 354  
application for the permit to the division of liquor control. 355  
The application shall include the location of the farmers market 356  
that is the subject of the application. 357

(D) The premises of the farmers market for which the F-11 358  
permit is issued shall be clearly defined and sufficiently 359  
restricted to allow proper enforcement of the permit by state 360  
and local law enforcement officers. If an F-11 permit is issued 361  
for all or a portion of the same premises for which another 362  
class of permit is issued, the division of liquor control shall 363  
suspend that permit holder's privileges in that portion of the 364  
premises in which the F-11 permit is in effect. However, an F-11 365  
permit and an F-10 permit may be valid concurrently if both 366  
permits are issued to the same person. 367

(E) No brewer shall do any of the following at a farmers 368  
market for which an F-11 permit has been issued: 369

(1) Sell a tasting sample in an amount that exceeds one 370  
ounce; 371

(2) Sell more than one sample of each beer offered for 372  
sale to any one person; 373

(3) Sell more than five varieties of beer as tasting 374  
samples per day; 375

(4) Sell a variety of beer that the brewer is prohibited 376  
from selling under a contract with a wholesale distributor; 377

(5) Sell more than two hundred sixteen ounces of beer per 378  
household for off-premises consumption under division (B) (2) of 379  
this section; 380

(6) Allow any person other than the brewer, a member of 381

the applicable brewer's family, or an employee of the brewer to 382  
sell beer. 383

(F) The F-11 permit is effective for nine months. The 384  
permit is not renewable. However, a person who organizes a 385  
farmers market may reapply for a new permit. The fee for the F- 386  
11 permit is one hundred dollars. 387

(G) A brewer shall not conduct the activities described in 388  
division (B) of this section unless the sale of beer for 389  
consumption on the premises and the sale of beer for consumption 390  
off the premises is authorized in the election precinct in which 391  
the farmers market that is the subject of the F-11 permit is 392  
located. 393

(H) No F-11 permit holder shall allow more than four 394  
brewers per day to conduct the activities described in division 395  
(B) of this section on the premises of the applicable farmers 396  
market. 397

**Section 2.** That existing sections 4301.62 and 4303.2010 of 398  
the Revised Code are hereby repealed. 399

**Section 3.** This act is hereby entitled the "Ohio Proud 400  
Craft Beer Act." 401