

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 674

Representative Hillyer

A BILL

To amend sections 3717.22, 3717.42, 4301.03, 1
4301.171, 4301.22, 4301.24, 4301.32, 4301.322, 2
4301.33, 4301.332, 4301.333, 4301.334, 4301.35, 3
4301.353, 4301.355, 4301.356, 4301.36, 4301.362, 4
4301.365, 4301.366, 4301.37, 4301.39, 4301.403, 5
4301.404, 4301.82, 4301.99, 4303.021, 4303.15, 6
4303.171, 4303.181, 4303.184, 4303.19, 4303.202, 7
4303.203, 4303.204, 4303.205, 4303.30, and 8
4303.99; to enact new section 4303.182 and 9
sections 4301.011, 4301.245, 4301.246, 10
4303.2011, 4303.221, and 4303.222; and to repeal 11
sections 4301.351, 4301.354, 4301.361, 4301.364, 12
and 4303.182 of the Revised Code to revise 13
specified provisions of the liquor control law 14
and to declare an emergency. 15

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

Section 1. That sections 3717.22, 3717.42, 4301.03, 16
4301.171, 4301.22, 4301.24, 4301.32, 4301.322, 4301.33, 17
4301.332, 4301.333, 4301.334, 4301.35, 4301.353, 4301.355, 18
4301.356, 4301.36, 4301.362, 4301.365, 4301.366, 4301.37, 19
4301.39, 4301.403, 4301.404, 4301.82, 4301.99, 4303.021, 20

4303.15, 4303.171, 4303.181, 4303.184, 4303.19, 4303.202, 21
4303.203, 4303.204, 4303.205, 4303.30, and 4303.99 be amended 22
and new section 4303.182 and sections 4301.011, 4301.245, 23
4301.246, 4303.2011, 4303.221, and 4303.222 of the Revised Code 24
be enacted to read as follows: 25

Sec. 3717.22. (A) The following are not retail food 26
establishments: 27

(1) A food service operation licensed under this chapter, 28
including a food service operation that provides the services of 29
a retail food establishment pursuant to an endorsement issued 30
under section 3717.44 of the Revised Code; 31

(2) An entity exempt under divisions (B)(1) to (9)~~or,~~ 32
(11) to (13), or (15) of section 3717.42 of the Revised Code 33
from the requirement to be licensed as a food service operation 34
and an entity exempt under division (B)(10) of that section if 35
the entity is regulated by the department of agriculture as a 36
food processing establishment under section 3715.021 of the 37
Revised Code; 38

(3) A business or that portion of a business that is 39
regulated by the federal government or the department of 40
agriculture as a food manufacturing or food processing business, 41
including a business or that portion of a business regulated by 42
the department of agriculture under Chapter 911., 913., 915., 43
917., 918., or 925. of the Revised Code. 44

(B) All of the following are exempt from the requirement 45
to be licensed as a retail food establishment: 46

(1) An establishment with commercially prepackaged foods 47
that are not potentially hazardous and contained in displays, 48
the total space of which equals less than two hundred cubic 49

feet; 50

(2) A person at a farmers market that is registered with 51
the director of agriculture pursuant to section 3717.221 of the 52
Revised Code that offers for sale only one or more of the 53
following: 54

(a) Fresh unprocessed fruits or vegetables; 55

(b) Products of a cottage food production operation; 56

(c) Tree syrup, sorghum, honey, apple syrup, or apple 57
butter that is produced by a tree syrup or sorghum producer, 58
beekeeper, or apple syrup or apple butter processor described in 59
division (A) of section 3715.021 of the Revised Code; 60

(d) Wine as authorized under section 4303.2010 of the 61
Revised Code; 62

(e) Commercially prepackaged food that is not potentially 63
hazardous, on the condition that the food is contained in 64
displays, the total space of which equals less than one hundred 65
cubic feet on the premises where the person conducts business at 66
the farmers market. 67

(3) A person who offers for sale at a roadside stand only 68
fresh fruits and fresh vegetables that are unprocessed; 69

(4) A nonprofit organization exempt from federal income 70
taxation under section 501(c)(3) of the "Internal Revenue Code 71
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises 72
funds by selling foods and that, if required to be licensed, 73
would be classified as risk level one in accordance with rules 74
establishing licensing categories for retail food establishments 75
adopted under section 3717.33 of the Revised Code, if the sales 76
occur inside a building and are for not more than seven 77

consecutive days or more than fifty-two separate days during a 78
licensing period. This exemption extends to any individual or 79
group raising all of its funds during the time periods specified 80
in division (B) (4) of this section for the benefit of the 81
nonprofit organization by selling foods under the same 82
conditions. 83

(5) An establishment that offers food contained in 84
displays of less than five hundred square feet, and if required 85
to be licensed would be classified as risk level one pursuant to 86
rules establishing licensing categories for retail food 87
establishments adopted under section 3717.33 of the Revised 88
Code, on the condition that the establishment offers the food 89
for sale at retail not more than six months in each calendar 90
year; 91

(6) A cottage food production operation, on the condition 92
that the operation offers its products directly to the consumer 93
from the site where the products are produced; 94

(7) A tree syrup and sorghum processor, beekeeper, or 95
apple syrup and apple butter processor described in division (A) 96
of section 3715.021 of the Revised Code, on the condition that 97
the processor or beekeeper offers only tree syrup, sorghum, 98
honey, apple syrup, or apple butter directly to the consumer 99
from the site where those products are processed; 100

(8) A person who annually maintains five hundred or fewer 101
birds, on the condition that the person offers the eggs from 102
those birds directly to the consumer from the location where the 103
eggs are produced or at a farm product auction to which division 104
(B) (11) of this section applies; 105

(9) A person who annually raises and slaughters one 106

thousand or fewer chickens, on the condition that the person 107
offers dressed chickens directly to the consumer from the 108
location where the chickens are raised and slaughtered or at a 109
farm product auction to which division (B) (11) of this section 110
applies; 111

(10) A person who raises, slaughters, and processes the 112
meat of nonamenable species described in divisions (A) and (B) 113
of section 918.12 of the Revised Code, on the condition that the 114
person offers the meat directly to the consumer from the 115
location where the meat is processed or at a farm product 116
auction to which division (B) (11) of this section applies; 117

(11) A farm product auction, on the condition that it is 118
registered with the director pursuant to section 3717.221 of the 119
Revised Code that offers for sale at the farm product auction 120
only one or more of the following: 121

(a) The products described in divisions (B) (8) to (10) of 122
this section that are produced, raised, slaughtered, or 123
processed, as appropriate, by persons described in divisions (B) 124
(8) to (10) of this section; 125

(b) Fresh unprocessed fruits or vegetables; 126

(c) Products of a cottage food production operation; 127

(d) Tree syrup, sorghum, honey, apple syrup, or apple 128
butter that is produced by a tree syrup or sorghum producer, 129
beekeeper, or apple syrup or apple butter processor described in 130
division (A) of section 3715.021 of the Revised Code. 131

(12) An establishment that, with respect to offering food 132
for sale, offers only alcoholic beverages or prepackaged 133
beverages that are not potentially hazardous; 134

(13) An establishment that, with respect to offering food 135
for sale, offers only alcoholic beverages, prepackaged beverages 136
that are not potentially hazardous, or commercially prepackaged 137
food that is not potentially hazardous, on the condition that 138
the commercially prepackaged food is contained in displays, the 139
total space of which equals less than two hundred cubic feet on 140
the premises of the establishment; 141

(14) An establishment that, with respect to offering food 142
for sale, offers only fountain beverages that are not 143
potentially hazardous; 144

(15) A person who offers for sale only one or more of the 145
following foods at a festival or celebration, on the condition 146
that the festival or celebration is organized by a political 147
subdivision of the state and lasts for a period not longer than 148
seven consecutive days: 149

(a) Fresh unprocessed fruits or vegetables; 150

(b) Products of a cottage food production operation; 151

(c) Tree syrup, sorghum, honey, apple syrup, or apple 152
butter if produced by a tree syrup or sorghum processor, 153
beekeeper, or apple syrup or apple butter processor as described 154
in division (A) of section 3715.021 of the Revised Code; 155

(d) Commercially prepackaged food that is not potentially 156
hazardous, on the condition that the food is contained in 157
displays, the total space of which equals less than one hundred 158
cubic feet; 159

(e) Fruit butter produced at the festival or celebration 160
and sold from the production site. 161

(16) A farm market on the condition that it is registered 162

with the director pursuant to section 3717.221 of the Revised 163
Code that offers for sale at the farm market only one or more of 164
the following: 165

(a) Fresh unprocessed fruits or vegetables; 166

(b) Products of a cottage food production operation; 167

(c) Tree syrup, sorghum, honey, apple syrup, or apple 168
butter that is produced by a tree syrup or sorghum producer, 169
beekeeper, or apple syrup or apple butter processor described in 170
division (A) of section 3715.021 of the Revised Code; 171

(d) Commercially prepackaged food that is not potentially 172
hazardous, on the condition that the food is contained in 173
displays, the total space of which equals less than one hundred 174
cubic feet on the premises where the person conducts business at 175
the farm market; 176

(e) Cider and other juices manufactured on site at the 177
farm market; 178

(f) The products or items described in divisions (B) (8) to 179
(10) of this section, on the condition that those products or 180
items were produced by the person offering to sell them, and 181
further conditioned that, with respect to eggs offered, the 182
person offering to sell them annually maintains five hundred or 183
fewer birds, and with respect to dressed chickens offered, the 184
person annually raises and slaughters one thousand or fewer 185
chickens. 186

(17) (a) An establishment to which all of the following 187
apply: 188

(i) The establishment serves commercially prepackaged food 189
in a form that prevents direct human contact prior to and during 190

service; 191

(ii) Sales of the prepackaged food do not exceed more than 192
five per cent of the total gross receipts of the establishment; 193

(iii) The establishment has been issued an A-2 permit 194
under section 4303.03 or an A-2f permit under section 4303.031 195
of the Revised Code and annually produces ten thousand gallons 196
or less of wine; 197

(b) The owner or operator of the establishment shall 198
notify the director that it is exempt from licensure because it 199
qualifies under division (B) (17) (a) of this section. The owner 200
or operator also shall disclose to customers that the 201
establishment is exempt from licensure. 202

Sec. 3717.42. (A) The following are not food service 203
operations: 204

(1) A retail food establishment licensed under this 205
chapter, including a retail food establishment that provides the 206
services of a food service operation pursuant to an endorsement 207
issued under section 3717.24 of the Revised Code; 208

(2) An entity exempt from the requirement to be licensed 209
as a retail food establishment under division (B) of section 210
3717.22 of the Revised Code; 211

(3) A business or that portion of a business that is 212
regulated by the federal government or the department of 213
agriculture as a food manufacturing or food processing business, 214
including a business or that portion of a business regulated by 215
the department of agriculture under Chapter 911., 913., 915., 216
917., 918., or 925. of the Revised Code. 217

(B) All of the following are exempt from the requirement 218

to be licensed as a food service operation: 219

(1) A private home in which individuals related by blood, 220
marriage, or law reside and in which the food that is prepared 221
or served is intended only for those individuals and their 222
nonpaying guests; 223

(2) A private home operated as a bed-and-breakfast that 224
prepares and offers food to guests, if the home is owner- 225
occupied, the number of available guest bedrooms does not exceed 226
six, breakfast is the only meal offered, and the number of 227
guests served does not exceed sixteen; 228

(3) A stand operated on the premises of a private home by 229
one or more children under the age of twelve, if the food served 230
is not potentially hazardous; 231

(4) A residential facility that accommodates not more than 232
sixteen residents; is licensed, certified, registered, or 233
otherwise regulated by the federal government or by the state or 234
a political subdivision of the state; and prepares food for or 235
serves food to only the residents of the facility, the staff of 236
the facility, and any nonpaying guests of residents or staff; 237

(5) A church, school, fraternal or veterans' organization, 238
volunteer fire organization, or volunteer emergency medical 239
service organization preparing or serving food intended for 240
individual portion service on its premises for not more than 241
seven consecutive days or not more than fifty-two separate days 242
during a licensing period. This exemption extends to any 243
individual or group raising all of its funds during the time 244
periods specified in division (B) (5) of this section for the 245
benefit of the church, school, or organization by preparing or 246
serving food intended for individual portion service under the 247

same conditions.	248
(6) A common carrier that prepares or serves food, if the	249
carrier is regulated by the federal government;	250
(7) A food service operation serving thirteen or fewer	251
individuals daily;	252
(8) A type A or type B family day-care home, as defined in	253
section 5104.01 of the Revised Code, that prepares or serves	254
food for the children receiving day-care;	255
(9) A vending machine location where the only foods	256
dispensed are foods from one or both of the following	257
categories:	258
(a) Prepackaged foods that are not potentially hazardous;	259
(b) Nuts, panned or wrapped bulk chewing gum, or panned or	260
wrapped bulk candies.	261
(10) A place servicing the vending machines at a vending	262
machine location described in division (B)(9) of this section;	263
(11) A commissary servicing vending machines that dispense	264
only milk, milk products, or frozen desserts that are under a	265
state or federal inspection and analysis program;	266
(12) A "controlled location vending machine location,"	267
which means a vending machine location at which all of the	268
following apply:	269
(a) The vending machines dispense only foods that are not	270
potentially hazardous;	271
(b) The machines are designed to be filled and maintained	272
in a sanitary manner by untrained persons;	273
(c) Minimal protection is necessary to ensure against	274

contamination of food and equipment. 275

(13) A private home that prepares and offers food to 276
guests, if the home is owner-occupied, meals are served on the 277
premises of that home, the number of meals served does not 278
exceed one hundred fifteen per week, and the home displays a 279
notice in a place conspicuous to all of its guests informing 280
them that the home is not required to be licensed as a food 281
service operation; 282

(14) An individual who prepares full meals or meal 283
components, such as pies or baked goods, in the individual's 284
home to be served off the premises of that home, if the number 285
of meals or meal components prepared for that purpose does not 286
exceed twenty in a seven-day period. 287

(15) The holder of an A-1-A permit issued under section 288
4303.021 of the Revised Code to which both of the following 289
apply: 290

(a) The A-1-A permit holder has also been issued an A-1c 291
permit under section 4303.022 of the Revised Code; 292

(b) The A-1-A permit holder serves only prepackaged meals 293
and nonalcoholic beverages, as well as beer and intoxicating 294
liquor. 295

Sec. 4301.011. The general assembly hereby finds that the 296
Twenty-first Amendment to the United States Constitution confers 297
upon the state of Ohio sole and exclusive authority to regulate 298
the sale and distribution of beer and intoxicating liquor in 299
this state. That authority, so conferred, has rested with the 300
state of Ohio since the ratification of the Twenty-first 301
Amendment to the United States Constitution. 302

The general assembly also finds that its authority to so 303

regulate is exercised through Title XLIII of the Revised Code 304
and other relevant provisions of the Revised Code. Title XLIII 305
of the Revised Code and the other relevant provisions of the 306
Revised Code reflect the intent of the general assembly to do 307
all of the following: 308

(A) Promote temperance by preventing consumption by 309
underage persons and by discouraging abusive consumption; 310

(B) Promote orderly markets by requiring transparent, 311
accountable, and stable distribution of beer and intoxicating 312
liquor and preventing unfair competition; 313

(C) Facilitate the collection of taxes related to the sale 314
and consumption of beer and intoxicating liquor. 315

Sec. 4301.03. The liquor control commission may adopt and 316
promulgate, repeal, rescind, and amend, in the manner required 317
by this section, rules, standards, requirements, and orders 318
necessary to carry out this chapter and Chapter 4303. of the 319
Revised Code, but all rules of the board of liquor control that 320
were in effect immediately prior to April 17, 1963, shall remain 321
in full force and effect as rules of the liquor control 322
commission until and unless amended or repealed by the liquor 323
control commission. The rules of the commission may include the 324
following: 325

(A) Rules with reference to applications for and the 326
issuance of permits for the manufacture, distribution, 327
transportation, and sale of beer and intoxicating liquor, and 328
the sale of alcohol; and rules governing the procedure of the 329
division of liquor control in the suspension, revocation, and 330
cancellation of those permits; 331

(B) Rules and orders providing in detail for the conduct 332

of any retail business authorized under permits issued pursuant 333
to this chapter and Chapter 4303. of the Revised Code, with a 334
view to ensuring compliance with those chapters and laws 335
relative to them, and the maintenance of public decency, 336
sobriety, and good order in any place licensed under the 337
permits. No rule or order shall prohibit the operation of video 338
lottery terminal games at a commercial race track where live 339
horse racing and simulcasting are conducted in accordance with 340
Chapter 3769. of the Revised Code or the sale of lottery tickets 341
issued pursuant to Chapter 3770. of the Revised Code by any 342
retail business authorized under permits issued pursuant to that 343
chapter. 344

No rule or order shall prohibit pari-mutuel wagering on 345
simulcast horse races at a satellite facility that has been 346
issued a D liquor permit under Chapter 4303. of the Revised 347
Code. No rule or order shall prohibit a charitable organization 348
that holds a D-4 permit from selling or serving beer or 349
intoxicating liquor under its permit in a portion of its 350
premises merely because that portion of its premises is used at 351
other times for the conduct of a bingo game, as described in 352
division (O) of section 2915.01 of the Revised Code. However, 353
such an organization shall not sell or serve beer or 354
intoxicating liquor or permit beer or intoxicating liquor to be 355
consumed or seen in the same location in its premises where a 356
bingo game, as described in division (O)(1) of section 2915.01 357
of the Revised Code, is being conducted while the game is being 358
conducted. As used in this division, "charitable organization" 359
has the same meaning as in division (H) of section 2915.01 of 360
the Revised Code. No rule or order pertaining to visibility into 361
the premises of a permit holder after the legal hours of sale 362
shall be adopted or maintained by the commission. 363

(C) Standards, not in conflict with those prescribed by 364
any law of this state or the United States, to secure the use of 365
proper ingredients and methods in the manufacture of beer, mixed 366
beverages, and wine to be sold within this state; 367

(D) Rules determining the nature, form, and capacity of 368
all packages and bottles to be used for containing beer or 369
intoxicating liquor, except for spirituous liquor to be kept or 370
sold, and governing the form of all seals and labels to be used 371
on those packages and bottles; 372

(E) Rules requiring the label on every package, bottle, 373
and container to state all of the following, as applicable: 374

(1) The ingredients in the contents; 375

(2) Except for beer, the terms of weight, volume, or proof 376
spirits; 377

(3) Except for spirituous liquor, whether the product is 378
beer, wine, alcohol, or any intoxicating liquor; 379

(4) Regarding beer that contains more than twelve per cent 380
of alcohol by volume, the percentage of alcohol by volume and 381
that the beer is a "high alcohol beer." 382

(F) Uniform rules governing all advertising with reference 383
to the sale of beer and intoxicating liquor throughout the state 384
and advertising upon and in the premises licensed for the sale 385
of beer or intoxicating liquor; 386

(G) Rules restricting and placing conditions upon the 387
transfer of permits; 388

(H) Rules and orders limiting the number of permits of any 389
class within the state or within any political subdivision of 390
the state; and, for that purpose, adopting reasonable 391

classifications of persons or establishments to which any 392
authorized class of permits may be issued within any political 393
subdivision; 394

(I) Rules and orders ~~with reference to sales of beer and~~ 395
~~intoxicating liquor on Sundays and holidays and~~ with reference 396
to the hours of the day during which and the persons to whom 397
intoxicating liquor of any class may be sold, and rules with 398
reference to the manner of sale; 399

(J) Rules requiring permit holders buying beer to pay and 400
permit holders selling beer to collect minimum cash deposits for 401
kegs, cases, bottles, or other returnable containers of the 402
beer; requiring the repayment, or credit, of the minimum cash 403
deposit charges upon the return of the empty containers; and 404
requiring the posting of such form of indemnity or such other 405
conditions with respect to the charging, collection, and 406
repayment of minimum cash deposit charges for returnable 407
containers of beer as are necessary to ensure the return of the 408
empty containers or the repayment upon that return of the 409
minimum cash deposits paid; 410

(K) Rules establishing the method by which alcohol 411
products may be imported for sale by wholesale distributors and 412
the method by which manufacturers and suppliers may sell alcohol 413
products to wholesale distributors. 414

Every rule, standard, requirement, or order of the 415
commission and every repeal, amendment, or rescission of them 416
shall be posted for public inspection in the principal office of 417
the commission and the principal office of the division of 418
liquor control, and a certified copy of them shall be filed in 419
the office of the secretary of state. An order applying only to 420
persons named in it shall be served on the persons affected by 421

personal delivery of a certified copy, or by mailing a certified 422
copy to each person affected by it or, in the case of a 423
corporation, to any officer or agent of the corporation upon 424
whom a service of summons may be served in a civil action. The 425
posting and filing required by this section constitutes 426
sufficient notice to all persons affected by such rule or order 427
which is not required to be served. General rules of the 428
commission promulgated pursuant to this section shall be 429
published in the manner the commission determines. 430

Sec. 4301.171. (A) As used in this section: 431

(1) "Broker" and "solicitor" have the same meanings as in 432
rules adopted by the superintendent of liquor control under 433
section 4303.25 of the Revised Code. 434

(2) "Tasting sample" means a small amount of spirituous 435
liquor that is provided in a serving of not more than a quarter 436
ounce of spirituous liquor and, if provided, not more than one 437
ounce of nonalcoholic mixer to an authorized purchaser and that 438
allows the purchaser to determine, by tasting only, the quality 439
and character of the beverage. 440

(3) "Trade marketing company" means a company that 441
solicits the purchase of beer and intoxicating liquor and 442
educates the public about beer and intoxicating liquor. 443

(4) "Trade marketing professional" means an individual who 444
is an employee of, or is under contract with, a trade marketing 445
company and who has successfully completed a training program 446
described in section 4301.253 of the Revised Code. 447

(B) Notwithstanding section 4301.24 of the Revised Code, 448
an agency store to which a D-8 permit has been issued may allow 449
a trade marketing professional, broker, or solicitor to offer 450

for sale tasting samples of spirituous liquor when conducted in 451
accordance with this section. A tasting sample shall not be sold 452
for the purpose of general consumption. 453

(C) Tasting samples of spirituous liquor may be offered 454
for sale at an agency store by a trade marketing professional, 455
broker, or solicitor if all of the following apply: 456

(1) The tasting samples are sold only in the area of the 457
agency store in which spirituous liquor is sold and that area is 458
open to the public. 459

(2) The tasting samples are sold only by the trade 460
marketing professional, broker, or solicitor. 461

(3) The spirituous liquor is registered under division (A) 462
(8) of section 4301.10 of the Revised Code. 463

(4) Not less than ten business days prior to the sale, the 464
trade marketing professional, broker, or solicitor has provided 465
written notice to the division of liquor control of the date and 466
time of the sampling, and of the type and brand of spirituous 467
liquor to be sampled at the agency store. 468

(D) A sale of tasting samples of spirituous liquor is 469
subject to rules adopted by the superintendent of liquor control 470
or the liquor control commission. 471

(E) An offering for sale of tasting samples of spirituous 472
liquor shall be limited to a period of not more than two hours. 473

(F) For purposes of offering for sale tasting samples of 474
spirituous liquor, a trade marketing professional, broker, or 475
solicitor shall purchase the spirituous liquor from the agency 476
store at the current retail price. An authorized purchaser shall 477
be charged not less than fifty cents for each tasting sample of 478

spirituous liquor. When the sale of tasting samples of 479
spirituous liquor at an agency store is completed, any bottles 480
of spirituous liquor used to provide tasting samples that are 481
not empty shall be marked as "sample" and removed from the 482
agency store by the trade marketing professional, broker, or 483
solicitor, as applicable. 484

(G) No trade marketing professional, broker, or solicitor 485
shall do any of the following: 486

(1) Advertise the offering for sale of tasting samples of 487
spirituous liquor other than at the agency store where the 488
tasting samples will be offered or as provided in section 489
4301.245 of the Revised Code; 490

(2) Solicit orders or make sales of tasting samples of 491
spirituous liquor for quantities greater than those specified in 492
division (G)(3) of this section; 493

(3) Allow any authorized purchaser to consume more than 494
four tasting samples of spirituous liquor per day. 495

(H) The purchase of a tasting sample of spirituous liquor 496
shall not be contingent upon the purchase of any other product 497
from an agency store. 498

(I) No employee of an agency store that allows the sale of 499
tasting samples of spirituous liquor shall purchase or consume a 500
tasting sample while on duty. 501

(J) If an employee of an agency store that allows the sale 502
of tasting samples of spirituous liquor consumes a tasting 503
sample of spirituous liquor, the employee shall not perform the 504
employee's duties and responsibilities at the agency store on 505
the day the tasting sample is consumed. 506

(K) No person under twenty-one years of age shall consume 507
a tasting sample of spirituous liquor. 508

(L) Not more than ten events at which the sale of tasting 509
samples of spirituous liquor are offered shall occur at an 510
agency store in a calendar month provided that: 511

(1) Not more than two events shall occur in the same day; 512
and 513

(2) There is not less than one hour between the end of one 514
event and the beginning of the next event. 515

(M) No trade marketing professional, trade marketing 516
company, broker, solicitor, owner or operator of an agency 517
store, or an agent or employee of the owner or operator shall 518
violate this section or any rules adopted by the superintendent 519
or the commission for the purposes of this section. 520

Sec. 4301.22. Sales of beer and intoxicating liquor under 521
all classes of permits and from state liquor stores are subject 522
to the following restrictions, in addition to those imposed by 523
the rules or orders of the division of liquor control: 524

(A) (1) Except as otherwise provided in this chapter, no 525
beer or intoxicating liquor shall be sold to any person under 526
twenty-one years of age. 527

(2) No low-alcohol beverage shall be sold to any person 528
under eighteen years of age. No permit issued by the division 529
shall be suspended, revoked, or canceled because of a violation 530
of division (A) (2) of this section. 531

(3) No intoxicating liquor shall be handled by any person 532
under twenty-one years of age, except that a person eighteen 533
years of age or older employed by a permit holder may handle or 534

sell beer or intoxicating liquor in sealed containers in 535
connection with wholesale or retail sales, and any person 536
nineteen years of age or older employed by a permit holder may 537
handle intoxicating liquor in open containers when acting in the 538
capacity of a server in a hotel, restaurant, club, or night 539
club, as defined in division (B) of section 4301.01 of the 540
Revised Code, or in the premises of a D-7 permit holder. This 541
section does not authorize persons under twenty-one years of age 542
to sell intoxicating liquor across a bar. Any person employed by 543
a permit holder may handle beer or intoxicating liquor in sealed 544
containers in connection with manufacturing, storage, 545
warehousing, placement, stocking, bagging, loading, or 546
unloading, and may handle beer or intoxicating liquor in open 547
containers in connection with cleaning tables or handling empty 548
bottles or glasses. 549

(B) No permit holder and no agent or employee of a permit 550
holder shall sell or furnish beer or intoxicating liquor to an 551
intoxicated person. 552

~~(C) No sales of intoxicating liquor shall be made after~~ 553
~~two-thirty a.m. on Sunday except under either of the following~~ 554
~~circumstances:~~ 555

~~(1) Intoxicating liquor may be sold on Sunday under~~ 556
~~authority of a permit that authorizes Sunday sale.~~ 557

~~(2) Spirituous liquor may be sold on Sunday by any person~~ 558
~~awarded an agency contract under section 4301.17 of the Revised~~ 559
~~Code if the sale of spirituous liquor is authorized in the~~ 560
~~applicable precinct as the result of an election on question (B)~~ 561
~~(1) or (2) of section 4301.351 of the Revised Code and if the~~ 562
~~agency contract authorizes the sale of spirituous liquor on~~ 563
~~Sunday.~~ 564

~~This section does not prevent a municipal corporation from~~ 565
~~adopting a closing hour for the sale of intoxicating liquor~~ 566
~~earlier than two thirty a.m. on Sunday or to provide that no~~ 567
~~intoxicating liquor may be sold prior to that hour on Sunday.~~ 568

~~(D)~~ No holder of a permit shall give away any beer or 569
intoxicating liquor of any kind at any time in connection with 570
the permit holder's business. However, with the exception of an 571
A-1-A permit holder that also has been issued an A-2 or A-2f 572
permit, an A-1-A, A-1c, or D permit holder may provide to a 573
paying customer not more than a total of four tasting samples of 574
beer, wine, or spirituous liquor, as authorized by the 575
applicable permit, in any twenty-four-hour period. The permit 576
holder shall provide the tasting samples free of charge, at the 577
permit holder's expense, only to a person who is twenty-one 578
years of age or older. The person shall consume the tasting 579
samples on the premises of the permit holder. A distributor is 580
not responsible for the costs of providing tasting samples 581
authorized under division ~~(D)~~ (C) of this section. 582

As used in division ~~(D)~~ (C) of this section: 583

(1) "Tasting sample" means one of the following, as 584
applicable: 585

(a) An amount not to exceed two ounces of beer; 586

(b) An amount not to exceed two ounces of wine; 587

(c) An amount not to exceed a quarter ounce of spirituous 588
liquor. 589

(2) "D permit holder" means a person that has been issued 590
a D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, D-5c, D-5d, 591
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D- 592
5o, ~~D-6~~, or D-7 permit. 593

~~(E)~~ (D) Except as otherwise provided in this division, no
retail permit holder shall display or permit the display on the
outside of any licensed retail premises, or on any lot of ground
on which the licensed premises are situated, or on the exterior
of any building of which the licensed premises are a part, any
sign, illustration, or advertisement bearing the name, brand
name, trade name, trade-mark, designation, or other emblem of or
indicating the manufacturer, producer, distributor, place of
manufacture, production, or distribution of any beer or
intoxicating liquor. Signs, illustrations, or advertisements
bearing the name, brand name, trade name, trade-mark,
designation, or other emblem of or indicating the manufacturer,
producer, distributor, place of manufacture, production, or
distribution of beer or intoxicating liquor may be displayed and
permitted to be displayed on the interior or in the show windows
of any licensed premises, if the particular brand or type of
product so advertised is actually available for sale on the
premises at the time of that display. The liquor control
commission shall determine by rule the size and character of
those signs, illustrations, or advertisements.

~~(F)~~ (E) No retail permit holder shall possess on the
licensed premises any barrel or other container from which beer
is drawn, unless there is attached to the spigot or other
dispensing apparatus the name of the manufacturer of the product
contained in the barrel or other container, provided that, if
the beer is served at a bar, the manufacturer's name or brand
shall appear in full view of the purchaser. The commission shall
regulate the size and character of the devices provided for in
this section.

~~(G)~~ (F) Except as otherwise provided in this division, no
sale of any gift certificate shall be permitted whereby beer or

intoxicating liquor of any kind is to be exchanged for the 625
certificate, unless the gift certificate can be exchanged only 626
for food, and beer or intoxicating liquor, for on-premises 627
consumption and the value of the beer or intoxicating liquor for 628
which the certificate can be exchanged does not exceed more than 629
thirty per cent of the total value of the gift certificate. The 630
sale of gift certificates for the purchase of beer, wine, or 631
mixed beverages shall be permitted for the purchase of beer, 632
wine, or mixed beverages for off-premises consumption. 633
Limitations on the use of a gift certificate for the purchase of 634
beer, wine, or mixed beverages for off-premises consumption may 635
be expressed by clearly stamping or typing on the face of the 636
certificate that the certificate may not be used for the 637
purchase of beer, wine, or mixed beverages. 638

Sec. 4301.24. (A) Except as provided in ~~section~~ sections 639
4301.242, 4301.245, and 4301.246 of the Revised Code, no 640
manufacturer shall aid or assist the holder of any permit for 641
sale at wholesale, and no manufacturer or wholesale distributor 642
shall aid or assist the holder of any permit for sale at retail, 643
by gift or loan of any money or property of any description or 644
other valuable thing, or by giving premiums or rebates. Except 645
as provided in ~~section~~ sections 4301.242, 4301.245, and 4301.246 646
of the Revised Code, no holder of any such permit shall accept 647
the same, provided that the manufacturer or wholesale 648
distributor may furnish to a retail permittee the inside signs 649
or advertising and the tap signs or devices authorized by 650
divisions ~~(E)~~ (D) and ~~(F)~~ (E) of section 4301.22 of the Revised 651
Code. 652

(B) No manufacturer shall have any financial interest, 653
directly or indirectly, by stock ownership, or through 654
interlocking directors in a corporation, or otherwise, in the 655

establishment, maintenance, or promotion in the business of any 656
wholesale distributor. No retail permit holder shall have any 657
interest, directly or indirectly, in the operation of, or any 658
ownership in, the business of any wholesale distributor or 659
manufacturer. 660

(C) (1) No manufacturer shall, except as authorized by 661
section 4303.021 of the Revised Code, have any financial 662
interest, directly or indirectly, by stock ownership, or through 663
interlocking directors in a corporation, or otherwise, in the 664
establishment, maintenance, or promotion of the business of any 665
retail dealer. No wholesale distributor or employee of a 666
wholesale distributor shall have any financial interest, 667
directly or indirectly, by stock ownership, interlocking 668
directors in a corporation, or otherwise, in the establishment, 669
maintenance, or promotion of the business of any retail dealer. 670
No manufacturer or wholesale distributor or any stockholder of a 671
manufacturer or wholesale distributor shall acquire, by 672
ownership in fee, leasehold, mortgage, or otherwise, directly or 673
indirectly, any interest in the premises on which the business 674
of any other person engaged in the business of trafficking in 675
beer or intoxicating liquor is conducted. 676

(2) All contracts, covenants, conditions, and limitations 677
whereby any person engaged or proposing to engage in the sale of 678
beer or intoxicating liquors promises to confine the person's 679
sales of a particular kind or quality of beer or intoxicating 680
liquor to one or more products, or the products of a specified 681
manufacturer or wholesale distributor, or to give preference to 682
those products, shall to the extent of that promise be void. The 683
making of a promise in any such form shall be cause for the 684
revocation or suspension of any permit issued to any party. 685

(D) No manufacturer shall sell or offer to sell to any 686
wholesale distributor or retail permit holder, no wholesale 687
distributor shall sell or offer to sell to any retail permit 688
holder, and no wholesale distributor or retail permit holder 689
shall purchase or receive from any manufacturer or wholesale 690
distributor, any beer, brewed beverages, or wine manufactured in 691
the United States except for cash. No right of action shall 692
exist to collect any claims for credit extended contrary to this 693
section. 694

This section does not prohibit a licensee from crediting 695
to a purchaser the actual prices charged for packages or 696
containers returned by the original purchaser as a credit on any 697
sale or from refunding to any purchaser the amount paid by that 698
purchaser for containers or as a deposit on containers when 699
title is retained by the vendor, if those containers or packages 700
have been returned to the manufacturer or distributor. This 701
section does not prohibit a manufacturer from extending usual 702
and customary credit for beer, brewed beverages, or wine 703
manufactured in the United States and sold to customers who live 704
or maintain places of business outside this state when the 705
beverages so sold are actually transported and delivered to 706
points outside this state. 707

No wholesale or retail permit shall be issued to an 708
applicant unless the applicant has paid in full all accounts for 709
beer or wine, manufactured in the United States, outstanding as 710
of September 6, 1939. No beer or wine manufactured in the United 711
States shall be imported into the state unless the beer or wine 712
has been paid for in cash, and no supplier registration for any 713
such beer or wine manufactured in the United States shall be 714
issued by the division of liquor control until the A-2, A-2f, B- 715
1, or B-5 permit holder establishes to the satisfaction of the 716

division that the beer or wine has been paid for in cash. 717

(E) This section does not ~~prevent a~~ prohibit any of the 718
following: 719

(1) A manufacturer from securing and holding any financial 720
interest, directly or indirectly, by stock ownership or through 721
interlocking directors in a corporation, or otherwise, in the 722
establishment, maintenance, or promotion of the business or 723
premises of any C or D permit holder, provided that the 724
following conditions are met: 725

~~(1)~~ (a) Either the manufacturer or one of its parent 726
companies is listed on a national securities exchange. 727

~~(2)~~ (b) All purchases of alcoholic beverages by the C or D 728
permit holder are made from wholesale distributors in this state 729
or agency stores licensed by the division of liquor control. 730

~~(3)~~ (c) If the C or D permit holder sells brands of 731
alcoholic beverages that are produced or distributed by the 732
manufacturer that holds the financial interest, the C or D 733
permit holder also sells other competing brands of alcoholic 734
beverages produced by other manufacturers, no preference is 735
given to the products of the manufacturer, and there is no 736
exclusion, in whole or in part, of products sold or offered for 737
sale by other manufacturers, suppliers, or importers of 738
alcoholic beverages that constitutes a substantial impairment of 739
commerce. 740

~~(4)~~ (d) The primary purpose of the C or D permit premises 741
is a purpose other than to sell alcoholic beverages, and the 742
sale of other goods and services exceeds fifty per cent of the 743
total gross receipts of the C or D permit holder at its 744
premises. 745

~~(F) (1) This section does not prevent a~~ (2) A manufacturer 746
from giving financial assistance to the holder of a B permit for 747
the purpose of the holder purchasing an ownership interest in 748
the business, existing inventory and equipment, or property of 749
another B permit holder, including, but not limited to, 750
participation in a limited liability partnership, limited 751
liability company, or any other legal entity authorized to do 752
business in this state. However, this 753

~~(2) This section does not permit a manufacturer to give~~ 754
financial assistance to the holder of a B permit to purchase 755
inventory or equipment used in the daily operation of a B permit 756
holder. 757

~~(G) This section does not prohibit a~~ (3) A manufacturer or 758
subsidiary of a manufacturer from continuing to operate a 759
wholesale distribution franchise or distribute beer or wine 760
within a designated territory if prior to ~~the effective date of~~ 761
~~this amendment~~ July 30, 2013, the manufacturer either acquired 762
the distribution franchise or territory, or awarded the 763
franchise or territory to itself or a subsidiary. 764

~~(H) This section shall not prevent a~~ (4) A manufacturer 765
from securing and holding an A-1c or B-2a permit or permits and 766
operating as a wholesale distributor pursuant to such permits. 767

(5) A manufacturer from renting or leasing property to the 768
holder of an F class permit for purposes of an event for which 769
the F class permit has been issued. 770

Sec. 4301.245. (A) As used in this section: 771

(1) "Broker" and "solicitor" have the same meanings as in 772
rules adopted by the superintendent of liquor control under 773
section 4303.25 of the Revised Code. 774

(2) "On-premises brand promotion" means a promotion of a 775
brand of beer or intoxicating liquor by a distributor, 776
manufacturer, trade marketing professional, solicitor, or broker 777
of that brand at a retail permit premises. 778

(3) "Product location communication" means a listing or 779
program that allows an individual to determine the availability 780
of a specific brand of beer or intoxicating liquor at retail 781
permit holders or agency stores in a certain geographic area. 782

(4) "Social media" means a service, platform, or web site 783
where users communicate with one another free of charge and 784
share media such as pictures, videos, music, and blogs. "Social 785
media" includes the web site of a distributor, manufacturer, 786
trade marketing professional, solicitor, or broker. 787

(5) "Trade marketing professional" has the same meaning as 788
in section 4301.171 of the Revised Code. 789

(B) Notwithstanding section 4301.24 of the Revised Code, a 790
distributor, manufacturer, trade marketing professional, 791
solicitor, or broker may use free services provided by social 792
media to advertise any of the following: 793

(1) An on-premises brand promotion; 794

(2) Beer, wine, or spirituous liquor tastings sold in 795
accordance with this chapter or Chapter 4303. of the Revised 796
Code; 797

(3) A product location communication. 798

Sec. 4301.246. (A) As used in this section: 799

(1) "Case" means twenty-four individual pieces of 800
glassware. 801

(2) "Glassware" means a glass container to which all of 802
the following apply: 803

(a) It has the brand name of a beer or the name of the 804
manufacturer or supplier of the beer permanently affixed, 805
embossed, or engraved on the container; 806

(b) It has the brand name of the beer or the name of the 807
manufacturer or supplier of the beer prominently displayed on 808
the container; 809

(c) It holds not more than twenty-four ounces of liquid. 810

(3) "Receipt" means a record, either in paper or digital 811
format, that contains all of the following information: 812

(a) The name and address of the permit holder authorized 813
to sell beer for on-premises consumption that receives glassware 814
from a manufacturer or supplier; 815

(b) The name and address of the manufacturer or supplier 816
that provides glassware to the permit holder; 817

(c) The name of the employee or agent of the permit holder 818
that receives the glassware; 819

(d) The date that the glassware is provided to the permit 820
holder; 821

(e) The amount, if any, that the manufacturer or supplier 822
charged the permit holder for the glassware; 823

(f) The permit holder's permit number; 824

(g) A description and the amount of glassware provided to 825
the permit holder; 826

(h) The amount that the manufacturer or supplier paid to 827
have the glassware manufactured. 828

(B) Notwithstanding section 4301.24 of the Revised Code, a 829
manufacturer or supplier may provide glassware intended for the 830
serving of beer to a permit holder authorized to sell beer for 831
on-premises consumption if the manufacturer or supplier provides 832
a receipt to the permit holder. However, the manufacturer or 833
supplier shall not annually provide more than four cases of such 834
glassware to the permit holder. 835

(C) A permit holder authorized to sell for on-premises 836
consumption may receive glassware intended for the serving of 837
beer from a manufacturer or supplier. 838

(D) A permit holder that receives glassware from a 839
manufacturer or supplier shall maintain a copy of the receipt 840
provided by the manufacturer or supplier under division (B) of 841
this section. The permit holder shall retain the receipt for a 842
period of three years and make the receipt available for 843
inspection during normal business hours. 844

Sec. 4301.32. The privilege of local option as to the sale 845
of intoxicating liquors is hereby conferred upon the electors of 846
an election precinct named by the petition authorized by section 847
4301.33 of the Revised Code. 848

Upon the request of an elector, a board of elections of a 849
county that encompasses an election precinct shall furnish to 850
the elector a copy of the instructions prepared by the secretary 851
of state under division (P) of section 3501.05 of the Revised 852
Code and, within fifteen days after the request, with a 853
certificate indicating the number of valid signatures that will 854
be required upon a petition to hold a special election in that 855
precinct on a question specified in section 4301.35 ~~or 4301.351~~ 856
of the Revised Code. 857

Sec. 4301.322. The electors of an election precinct may 858
exercise the privilege of local option under ~~sections~~ section 859
4301.353 ~~and 4301.354~~ of the Revised Code on the sale of beer, 860
the sale of wine and mixed beverages, or the sale of spirituous 861
liquor, ~~on Sunday or on other days of the week,~~ in a portion of 862
the precinct in which the status of such sales as allowed or 863
prohibited is inconsistent with the status of such sales in the 864
remainder of the precinct because of a change in precinct 865
boundaries by the board of elections or an annexation of 866
territory to a municipal corporation. The privilege conferred by 867
this section is in addition to the privilege conferred on the 868
electors of an election precinct as specified in section 869
4301.32, 4301.321, 4303.29, or 4305.14 of the Revised Code. 870

Sec. 4301.33. (A) The board of elections shall provide to 871
a petitioner circulating a petition for an election for the 872
submission of one or more of the questions specified in 873
~~divisions (A) to (D) of section 4301.35 or section 4301.351~~ of 874
the Revised Code, at the time of taking out the petition, the 875
names of the streets and, if appropriate, the address numbers of 876
residences and business establishments within the precinct in 877
which the election is sought, and a form prescribed by the 878
secretary of state for notifying affected permit holders and 879
liquor agency stores of the circulation of a petition for an 880
election for the submission of one or more of the questions 881
specified in ~~divisions (A) to (D) of section 4301.35 or section~~ 882
~~4301.351~~ of the Revised Code. The petitioner shall, not less 883
than fifty-five days before the petition-filing deadline for the 884
election, as provided in this section, file with the division of 885
liquor control the information regarding names of streets and, 886
if appropriate, address numbers of residences and business 887
establishments provided by the board of elections, and specify 888

to the division the precinct that is concerned and that would be 889
affected by the results of the election and the filing deadline. 890
The division shall, within a reasonable period of time and not 891
later than twenty-five days before the filing deadline, supply 892
the petitioner with a list of the names and addresses of permit 893
holders and liquor agency stores, if any, that would be affected 894
by the election. The list shall contain a heading with the 895
following words: "Liquor permit holders and liquor agency stores 896
that would be affected by the question(s) set forth on petition 897
for a local option election." 898

Within five days after a petitioner has received from the 899
division the list of liquor permit holders and liquor agency 900
stores, if any, that would be affected by the question or 901
questions set forth on a petition for local option election, the 902
petitioner shall, using the form provided by the board of 903
elections, notify by certified mail each permit holder and 904
liquor agency store whose name appears on that list. The form 905
for notifying affected permit holders and liquor agency stores 906
shall require the petitioner to state the petitioner's name and 907
street address and shall contain a statement that a petition is 908
being circulated for an election for the submission of the 909
question or questions specified in ~~divisions (A) to (D) of~~ 910
~~section 4301.35 or section 4301.351~~ of the Revised Code. The 911
form shall require the petitioner to state the question or 912
questions to be submitted as they appear on the petition. 913

The petitioner shall attach a copy of the list provided by 914
the division to each petition paper. A part petition paper 915
circulated at any time without the list of affected permit 916
holders and liquor agency stores attached to it is invalid. 917

At the time the petitioner files the petition with the 918

board of elections, the petitioner shall provide to the board 919
the list supplied by the division and an affidavit certifying 920
that the petitioner notified all affected permit holders and 921
liquor agency stores, if any, on the list in the manner and 922
within the time required in this section and that, at the time 923
each signer of the petition affixed the signer's signature to 924
the petition, the petition paper contained a copy of the list of 925
affected permit holders and liquor agency stores. 926

Within five days after receiving a petition calling for an 927
election for the submission of one or more of the questions 928
specified in ~~divisions (A) to (D) of section 4301.35 or section~~ 929
~~4301.351~~ of the Revised Code, the board shall give notice by 930
certified mail that it has received the petition to all liquor 931
permit holders and liquor agency stores, if any, whose names 932
appear on the list of affected permit holders and liquor agency 933
stores filed by the petitioner. Failure of the petitioner to 934
supply the affidavit required by this section and a complete and 935
accurate list of liquor permit holders and liquor agency stores, 936
if any, invalidates the entire petition. The board of elections 937
shall provide to a permit holder or liquor agency store that 938
would be affected by a proposed local option election, on the 939
permit holder's or liquor agency store's request, the names of 940
the streets, and, if appropriate, the address numbers of 941
residences and business establishments within the precinct in 942
which the election is sought that would be affected by the 943
results of the election. The board may charge a reasonable fee 944
for this information when provided to the petitioner and the 945
permit holder or liquor agency store. 946

(B) Upon the presentation of a petition, not later than 947
four p.m. of the ninetieth day before the day of a general or 948
primary election, to the board of elections of the county where 949

the precinct is located, ~~designating whether it is a petition~~ 950
~~for an election for the submission of one or more of the~~ 951
~~questions specified in section 4301.35 of the Revised Code, or a~~ 952
~~petition for the submission of one or more of the questions~~ 953
~~specified in section 4301.351 of the Revised Code,~~ designating 954
the particular question or questions specified in section 955
4301.35 ~~or 4301.351~~ of the Revised Code that are to be 956
submitted, and signed by the qualified electors of the precinct 957
concerned, equal in number to thirty-five per cent of the total 958
number of votes cast in the precinct concerned for the office of 959
governor at the preceding general election for that office, the 960
board shall submit the question or questions specified in the 961
petition to the electors of the precinct concerned, on the day 962
of the next general or primary election, whichever occurs first 963
and shall proceed as follows: 964

(1) Such board shall, not later than the seventy-eighth 965
day before the day of the election for which the question or 966
questions on the petition would qualify for submission to the 967
electors of the precinct, examine and determine the sufficiency 968
of the signatures and review, examine, and determine the 969
validity of the petition and, in case of overlapping precinct 970
petitions presented within that period, determine which of the 971
petitions shall govern the further proceedings of the board. In 972
the case where the board determines that two or more overlapping 973
petitions are valid, the earlier filed petition shall govern. 974
The board shall certify the sufficiency and validity of any 975
petition determined to be valid. The board shall determine the 976
validity of the petition as of the time of certification as 977
described in this division. 978

(2) If a petition is sufficient, and, in case of 979
overlapping precinct petitions, after the board has determined 980

the governing petition, the board to which the petition has been 981
presented shall order the holding of a special election in the 982
precinct for the submission of whichever of the questions 983
specified in section 4301.35 ~~or 4301.351~~ of the Revised Code are 984
designated in the petition, on the day of the next general or 985
primary election, whichever occurs first. 986

(3) All petitions filed with a board of elections under 987
this section shall be open to public inspection under rules 988
adopted by the board. 989

(4) Protest against local option petitions may be filed by 990
any elector eligible to vote on the question or questions 991
described in the petitions or by a permit holder or liquor 992
agency store in the precinct as described in the petitions, not 993
later than four p.m. of the seventy-fourth day before the day of 994
the general or primary election for which the petition 995
qualified. The protest shall be in writing and shall be filed 996
with the election officials with whom the petition was filed. 997
Upon filing of the protest, the election officials with whom it 998
is filed shall promptly fix the time for hearing it, and shall 999
mail notice of the filing of the protest and the time and place 1000
for hearing it to the person who filed the petition and to the 1001
person who filed the protest. At the time and place fixed, the 1002
election officials shall hear the protest and determine the 1003
validity of the petition. 1004

Sec. 4301.332. (A) The board of elections shall provide to 1005
a petitioner circulating a petition for an election for the 1006
submission of one or more of the questions specified in section 1007
4301.353 ~~or 4301.354~~ of the Revised Code, at the time of taking 1008
out the petition, the names of the streets and, if appropriate, 1009
the address numbers of residences and business establishments 1010

within the precinct that would be affected by the results of the 1011
election, and a form prescribed by the secretary of state for 1012
notifying affected permit holders of the circulation of a 1013
petition for an election for the submission of one or more of 1014
the questions specified in section 4301.353 ~~or 4301.354~~ of the 1015
Revised Code. The petitioner shall, not less than fifty-five 1016
days before the petition-filing deadline for the election, as 1017
provided in this section, file with the division of liquor 1018
control the information regarding names of streets and, if 1019
appropriate, address numbers of residences and business 1020
establishments provided by the board of elections, and specify 1021
to the division the portion of the precinct that would be 1022
affected by the results of the election and the filing deadline. 1023
The division shall, within a reasonable period of time and not 1024
later than twenty-five days before the filing deadline, supply 1025
the petitioner with a list of the names and addresses of permit 1026
holders, if any, who would be affected by the election. The list 1027
shall contain a heading with the following words: "Liquor permit 1028
holders who would be affected by the question(s) set forth on 1029
petition for a local option election." 1030

Within five days after a petitioner has received from the 1031
division the list of liquor permit holders, if any, who would be 1032
affected by the question or questions set forth on a petition 1033
for local option election, the petitioner, using the form 1034
provided by the board of elections, shall notify by certified 1035
mail each permit holder whose name appears on that list. The 1036
form for notifying affected permit holders shall require the 1037
petitioner to state the petitioner's name and street address and 1038
shall contain a statement that a petition is being circulated 1039
for an election for the submission of the question or questions 1040
specified in section 4301.353 ~~or 4301.354~~ of the Revised Code. 1041

The form shall require the petitioner to state the question or 1042
questions to be submitted as they appear on the petition. 1043

The petitioner shall attach a copy of the list provided by 1044
the division to each petition paper. A part petition paper 1045
circulated at any time without the list of affected permit 1046
holders attached to it is invalid. 1047

At the time the petitioner files the petition with the 1048
board of elections, the petitioner shall provide to the board 1049
the list supplied by the division and an affidavit certifying 1050
that the petitioner notified all affected permit holders, if 1051
any, on the list in the manner and within the time required in 1052
this section and that, at the time each signer of the petition 1053
affixed the signer's signature to the petition, the petition 1054
paper contained a copy of the list of affected permit holders. 1055

Within five days after receiving a petition calling for an 1056
election for the submission of one or more of the questions 1057
specified in section 4301.353 ~~or 4301.354~~ of the Revised Code, 1058
the board shall give notice by certified mail that it has 1059
received the petition to all liquor permit holders, if any, 1060
whose names appear on the list of affected permit holders filed 1061
by the petitioner as furnished by the division. Failure of the 1062
petitioner to supply the affidavit required by this section and 1063
a complete and accurate list of liquor permit holders as 1064
furnished by the division invalidates the entire petition. The 1065
board of elections shall provide to a permit holder who would be 1066
affected by a proposed local option election, on the permit 1067
holder's request, the names of the streets, and, if appropriate, 1068
the address numbers of residences and business establishments 1069
within the portion of the precinct that would be affected by the 1070
results of the election. The board may charge a reasonable fee 1071

for this information when provided to the petitioner and the 1072
permit holder. 1073

This division does not apply to an election held under 1074
section 4301.353 ~~or 4301.354~~ of the Revised Code if the results 1075
of the election would not affect any permit holder. 1076

(B) Upon the presentation of a petition, not later than 1077
four p.m. of the ninetieth day before the day of a general 1078
election or special election held on the day of a primary 1079
election, to the board of elections of the county where the 1080
precinct is located, ~~designating whether it is a petition for an~~ 1081
~~election for the submission of one or both of the questions~~ 1082
~~specified in section 4301.353 of the Revised Code, or a petition~~ 1083
~~for the submission of one or more of the questions specified in~~ 1084
~~section 4301.354 of the Revised Code,~~ designating the particular 1085
question or questions specified in section 4301.353 ~~or 4301.354~~ 1086
of the Revised Code that are to be submitted, and signed by the 1087
qualified electors of the precinct concerned, equal in number to 1088
thirty-five per cent of the total number of votes cast in the 1089
precinct concerned for the office of governor at the preceding 1090
general election for that office, the board shall submit the 1091
question or questions specified in the petition to the electors 1092
of the precinct concerned, on the day of the next general 1093
election or special election held on the day of the next primary 1094
election, whichever occurs first and shall proceed as follows: 1095

(1) Such board shall, not later than the seventy-eighth 1096
day before the day of the election for which the question or 1097
questions on the petition would qualify for submission to the 1098
electors of the precinct, examine and determine the sufficiency 1099
of the signatures and review, examine, and determine the 1100
validity of the petition and, in case of overlapping precinct 1101

petitions presented within that period, determine which of the 1102
petitions shall govern the further proceedings of the board. In 1103
the case where the board determines that two or more overlapping 1104
petitions are valid, the earlier filed petition shall govern. 1105
The board shall certify the sufficiency and validity of any 1106
petition determined to be valid. The board shall determine the 1107
validity of the petition as of the time of certification as 1108
described in this division. 1109

(2) If a petition is sufficient, and, in case of 1110
overlapping precinct petitions, after the board has determined 1111
the governing petition, the board to which the petition has been 1112
presented shall order the holding of a special election in the 1113
precinct for the submission of whichever of the questions 1114
specified in section 4301.353 ~~or 4301.354~~ of the Revised Code 1115
are designated in the petition, on the day of the next general 1116
election or special election held on the day of the next primary 1117
election, whichever occurs first. 1118

(C) All petitions filed with a board of elections under 1119
this section shall be open to public inspection under rules 1120
adopted by the board. 1121

(D) Protest against local option petitions may be filed by 1122
any elector eligible to vote on the question or questions 1123
described in the petitions or by a permit holder in the precinct 1124
as described in the petitions, not later than four p.m. of the 1125
seventy-fourth day before the day of the general election or 1126
special election held on the day of the primary election for 1127
which the petition qualified. The protest shall be in writing 1128
and shall be filed with the election officials with whom the 1129
petition was filed. Upon filing of the protest, the election 1130
officials with whom it is filed shall promptly fix the time for 1131

hearing it, and shall mail notice of the filing of the protest 1132
and the time and place for hearing it to the person who filed 1133
the petition and to the person who filed the protest. At the 1134
time and place fixed, the election officials shall hear the 1135
protest and determine the validity of the petition. 1136

Sec. 4301.333. (A) The privilege of local option conferred 1137
by section 4301.323 of the Revised Code may be exercised if, not 1138
later than four p.m. of the ninetieth day before the day of a 1139
general election or special election held on the day of a 1140
primary election, a petition is presented to the board of 1141
elections of the county in which the precinct is situated by a 1142
petitioner who is one of the following: 1143

(1) An applicant for the issuance or transfer of a liquor 1144
permit at, or to, a particular location within the precinct; 1145

(2) The holder of a liquor permit at a particular location 1146
within the precinct; 1147

(3) A person who operates or seeks to operate a liquor 1148
agency store at a particular location within the precinct; 1149

(4) The designated agent for an applicant, liquor permit 1150
holder, or liquor agency store described in division (A) (1), 1151
(2), or (3) of this section. 1152

(B) The petition shall be signed by the electors of the 1153
precinct equal in number to at least thirty-five per cent of the 1154
total number of votes cast in the precinct for the office of 1155
governor at the preceding general election for that office and 1156
shall contain all of the following: 1157

(1) A notice that the petition is for the submission of 1158
the question ~~or questions~~ set forth in section 4301.355 of the 1159
Revised Code; 1160

(2) The name of the applicant for the issuance or 1161
transfer, or the holder, of the liquor permit or, if applicable, 1162
the name of the liquor agency store, including any trade or 1163
fictitious names under which the applicant, holder, or liquor 1164
agency store either intends to do or does business at the 1165
particular location; 1166

(3) The address and proposed use of the particular 1167
location within the election precinct to which the results of 1168
the question ~~or questions~~ specified in section 4301.355 of the 1169
Revised Code shall apply. For purposes of this division, "use" 1170
means all of the following: 1171

(a) The type of each liquor permit applied for by the 1172
applicant or held by the liquor permit holder as described in 1173
sections 4303.11 to 4303.183 of the Revised Code, including a 1174
description of the type of beer or intoxicating liquor sales 1175
authorized by each permit as provided in those sections; 1176

(b) If a liquor agency store, the fact that the business 1177
operated as a liquor agency store authorized to operate by this 1178
state; 1179

(c) A description of the general nature of the business of 1180
the applicant, liquor permit holder, or liquor agency store. 1181

~~(4) If the petition seeks approval of Sunday sales under~~ 1182
~~question (B) (2) as set forth in section 4301.355 of the Revised~~ 1183
~~Code, a statement indicating whether the hours of sale sought~~ 1184
~~are between ten a.m. and midnight or between eleven a.m. and~~ 1185
~~midnight.~~ 1186

(C) (1) At the time the petitioner files the petition with 1187
the board of elections, the petitioner shall provide to the 1188
board both of the following: 1189

(a) An affidavit that is signed by the petitioner and that 1190
states the proposed use of the location following the election 1191
held to authorize the sale of beer or intoxicating liquor 1192
authorized by each permit as provided in sections 4303.11 to 1193
4303.183 of the Revised Code; 1194

(b) Written evidence of the designation of an agent by the 1195
applicant, liquor permit holder, or liquor agency store 1196
described in division (A)(1), (2), or (3) of this section for 1197
the purpose of petitioning for the local option election, if the 1198
petitioner is the designated agent of the applicant, liquor 1199
permit holder, or liquor agency store. 1200

(2) Failure to supply the affidavit, or the written 1201
evidence of the designation of the agent if the petitioner for 1202
the local option election is the agent of the applicant, liquor 1203
permit holder, or liquor agency store described in division (A) 1204
(1), (2), or (3) of this section, at the time the petition is 1205
filed invalidates the entire petition. 1206

(D) Not later than the seventy-eighth day before the day 1207
of the next general election or special election held on the day 1208
of the next primary election, whichever occurs first, the board 1209
shall examine and determine the sufficiency of the signatures 1210
and the validity of the petition. If the board finds that the 1211
petition contains sufficient signatures and in other respects is 1212
valid, it shall order the holding of an election in the precinct 1213
on the day of the next general election or special election held 1214
on the day of the next primary election, whichever occurs first, 1215
for the submission of the question ~~or questions~~ set forth in 1216
section 4301.355 of the Revised Code. 1217

(E) A petition filed with the board of elections under 1218
this section shall be open to public inspection under rules 1219

adopted by the board. 1220

(F) An elector who is eligible to vote on the question ~~or~~ 1221
~~questions~~ set forth in section 4301.355 of the Revised Code may 1222
file, not later than four p.m. of the seventy-fourth day before 1223
the day of the election at which the question ~~or questions~~ will 1224
be submitted to the electors, a protest against a local option 1225
petition circulated and filed pursuant to this section. The 1226
protest shall be in writing and shall be filed with the election 1227
officials with whom the petition was filed. Upon the filing of 1228
the protest, the election officials with whom it is filed shall 1229
promptly establish a time and place for hearing the protest and 1230
shall mail notice of the time and place for the hearing to the 1231
applicant for, or the holder of, the liquor permit who is 1232
specified in the petition and to the elector who filed the 1233
protest. At the time and place established in the notice, the 1234
election officials shall hear the protest and determine the 1235
validity of the petition. 1236

Sec. 4301.334. (A) The privilege of local option conferred 1237
by section 4301.324 of the Revised Code may be exercised if, not 1238
later than four p.m. of the ninetieth day before the day of a 1239
general election or special election held on the day of a 1240
primary election, a petition and other information required by 1241
division (B) of this section are presented to the board of 1242
elections of the county in which the community facility named in 1243
the petition is located. The petition shall be signed by 1244
electors of the municipal corporation or unincorporated area of 1245
the township in which the community facility is located equal in 1246
number to at least ten per cent of the total number of votes 1247
cast in the municipal corporation or unincorporated area of the 1248
township in which the community facility is located for the 1249
office of governor at the most recent general election for that 1250

office and shall contain both of the following: 1251

(1) A notice that the petition is for the submission of 1252
the question set forth in section 4301.356 of the Revised Code 1253
~~and a statement indicating whether the hours of Sunday sales~~ 1254
~~sought in the local option election are between ten a.m. and~~ 1255
~~midnight or between eleven a.m. and midnight;~~ 1256

(2) The name and address of the community facility for 1257
which the local option election is sought and, if the community 1258
facility is a community entertainment district, the boundaries 1259
of the district. 1260

(B) Upon the request of a petitioner, a board of elections 1261
of a county shall furnish to the petitioner a copy of the 1262
instructions prepared by the secretary of state under division 1263
(P) of section 3501.05 of the Revised Code and, within fifteen 1264
days after the request, a certificate indicating the number of 1265
valid signatures that will be required on a petition to hold an 1266
election in the municipal corporation or unincorporated area of 1267
the township in which the community facility is located on the 1268
question specified in section 4301.356 of the Revised Code. 1269

The petitioner shall, not less than thirty days before the 1270
petition-filing deadline for an election on the question 1271
specified in section 4301.356 of the Revised Code, specify to 1272
the division of liquor control the name and address of the 1273
community facility for which the election is sought and, if the 1274
community facility is a community entertainment district, the 1275
boundaries of the district, the municipal corporation or 1276
unincorporated area of a township in which the election is 1277
sought, and the filing deadline. The division shall, within a 1278
reasonable period of time and not later than ten days before the 1279
filing deadline, supply the petitioner with the name and address 1280

of any permit holder for or within the community facility. 1281

The petitioner shall file the name and address of any 1282
permit holder who would be affected by the election at the time 1283
the petitioner files the petition with the board of elections. 1284
Within five days after receiving the petition, the board shall 1285
give notice by certified mail to any permit holder within the 1286
community facility that it has received the petition. Failure of 1287
the petitioner to supply the name and address of any permit 1288
holder for or within the community facility as furnished to the 1289
petitioner by the division invalidates the petition. 1290

(C) Not later than the seventy-eighth day before the day 1291
of the next general election or special election held on the day 1292
of the next primary election, whichever occurs first, the board 1293
shall examine and determine the sufficiency of the signatures on 1294
the petition. If the board finds that the petition is valid, it 1295
shall order the holding of an election in the municipal 1296
corporation or unincorporated area of a township on the day of 1297
the next general election or special election held on the day of 1298
the next primary election, whichever occurs first, for the 1299
submission of the question set forth in section 4301.356 of the 1300
Revised Code. 1301

(D) A petition filed with a board of elections under this 1302
section shall be open to public inspection under rules adopted 1303
by the board. 1304

(E) An elector who is eligible to vote on the question set 1305
forth in section 4301.356 of the Revised Code or any permit 1306
holder for or within the community facility may, not later than 1307
four p.m. of the seventy-fourth day before the day of the 1308
election at which the question will be submitted to the 1309
electors, file a written protest against the local option 1310

petition with the board of elections with which the petition was 1311
filed. Upon the filing of the protest, the board shall promptly 1312
fix a time and place for hearing the protest and shall mail 1313
notice of the time and place to the person who filed the 1314
petition and to the person who filed the protest. At the time 1315
and place fixed, the board shall hear the protest and determine 1316
the validity of the petition. 1317

Sec. 4301.35. If a petition is for submission of one or 1318
more of the questions specified under this section, a special 1319
election shall be held in the precinct at the time fixed as 1320
provided in section 4301.33 of the Revised Code. The expenses of 1321
holding the election shall be charged to the municipal 1322
corporation or township of which the precinct is a part. 1323

At the election any one or more of the following 1324
questions, as designated in a valid petition, shall be submitted 1325
to the electors of the precinct: 1326

(A) "Shall the sale of wine and mixed beverages by the 1327
package, under permits which authorize sale for off-premise 1328
consumption only, be permitted in _____?" 1329

(B) "Shall the sale of wine and mixed beverages, under 1330
permits which authorize sale for on-premise consumption only, 1331
and under permits which authorize sale for both on-premise and 1332
off-premise consumption, be permitted in _____?" 1333

(C) "Shall the sale of spirituous liquors by the glass be 1334
permitted in _____?" 1335

(D) "Shall state liquor stores or liquor agency stores for 1336
the sale of spirituous liquor by the package, for consumption 1337
off the premises where sold, be permitted in _____?" 1338

(E) "Shall the sale of beer, wine, mixed beverages, or 1339

spirituous liquor, as applicable, under permits that authorize 1340
sale for on-premise consumption only, and the sale of beer, 1341
wine, or mixed beverages, as applicable, under permits that 1342
authorize sale for both on-premise and off-premise consumption, 1343
be permitted twenty-four hours a day Monday through Sunday in 1344
_____?" 1345

(F) "Shall the sale of beer and intoxicating liquor, of 1346
the same types as may be legally sold under permits in this 1347
precinct, be allowed twenty-four hours a day Monday through 1348
Sunday in _____?" 1349

The board of elections to which a petition is presented 1350
shall furnish printed ballots at the election in accordance with 1351
section 3505.06 of the Revised Code, and separate ballots shall 1352
be used for the special election. All the questions designated 1353
in a valid petition or overlapping petitions containing one or 1354
more questions to be set forth on the ballot shall be set forth 1355
on each ballot and the board shall insert in each question the 1356
name or an accurate description of the precinct in which the 1357
election is to be held. Votes shall be cast as provided in 1358
section 3505.06 of the Revised Code. 1359

Sec. 4301.353. If a petition is filed under section 1360
4301.332 of the Revised Code for the submission of the one or 1361
more questions set forth in this section, a special election 1362
shall be held in the precinct as ordered by the board of 1363
elections under that section. The expense of holding the special 1364
election shall be charged to the municipal corporation or 1365
township of which the precinct is a part. 1366

At the election, one or both of the following questions as 1367
designated in a valid petition shall be submitted to the 1368
electors of the precinct ~~concerning sales on days of the week~~ 1369

~~other than Sunday:~~ 1370

(A) "Shall the sales of (insert one or both of the 1371
following: beer, or wine and mixed beverages) by the package, 1372
under permits that authorize sale for off-premises consumption 1373
only, be permitted in a portion of this precinct in which the 1374
status of the sale of (insert one or both of the following: 1375
beer, or wine and mixed beverages) as allowed or prohibited is 1376
inconsistent with the status of such sale in the remainder of 1377
the precinct?" 1378

(B) "Shall the sale of (insert one or more of the 1379
following: beer, wine and mixed beverages, or spirituous 1380
liquor), under permits that authorize sale for on-premises 1381
consumption only, and under permits that authorize sale for both 1382
on-premises and off-premises consumption, be permitted in a 1383
portion of this precinct in which the status of the sale of 1384
(insert one or more of the following: beer, wine and mixed 1385
beverages, or spirituous liquor) as allowed or prohibited is 1386
inconsistent with the status of such sale in the remainder of 1387
the precinct?" 1388

The board of elections shall furnish printed ballots at 1389
the special election as provided under section 3505.06 of the 1390
Revised Code, except that a separate ballot shall be used for 1391
the special election. One or both of the questions set forth in 1392
this section shall be printed on each ballot and the board shall 1393
insert in the question and statement appropriate words to 1394
complete each and a description of the portion of the precinct 1395
that would be affected by the results of the election. 1396

The description of the portion of the precinct shall 1397
include either the complete listing of street addresses in that 1398
portion or a condensed text that accurately describes the 1399

boundaries of the portion of the precinct by street name or by 1400
another name generally known by the residents of the portion of 1401
the precinct. If other than a full street listing is used, the 1402
full street listing also shall be posted in each polling place 1403
in a location that is easily accessible to all voters. Failure 1404
of the board of elections to completely and accurately list all 1405
street addresses in the affected area of the precinct does not 1406
affect the validity of the election at which the failure 1407
occurred and is not grounds for contesting an election under 1408
section 3515.08 of the Revised Code. Votes shall be cast as 1409
provided under section 3505.06 of the Revised Code. 1410

Sec. 4301.355. (A) If a petition is filed under section 1411
4301.333 of the Revised Code for the submission of the question 1412
~~or questions~~ set forth in this section, it shall be held in the 1413
precinct as ordered by the board of elections under that 1414
section. The expense of holding the election shall be charged to 1415
the municipal corporation or township of which the precinct is a 1416
part. 1417

(B) At the election, ~~one or more of the following~~ 1418
~~questions~~ question, as designated in a valid petition, shall be 1419
submitted to the electors of the precinct: 1420

~~(1)~~ "Shall the sale of _____ (insert beer, wine and 1421
mixed beverages, or spirituous liquor) be permitted by 1422
_____ (insert name of applicant, liquor permit holder, or 1423
liquor agency store, including trade or fictitious name under 1424
which applicant for, or holder of, liquor permit or liquor 1425
agency store either intends to do, or does, business at the 1426
particular location), an _____ (insert "applicant for" or 1427
"holder of" or "operator of") a _____ (insert class name of 1428
liquor permit or permits followed by the words "liquor 1429

permit(s)" or, if appropriate, the words "liquor agency store 1430
for the State of Ohio"), who is engaged in the business of 1431
_____ (insert general nature of the business in which 1432
applicant or liquor permit holder is engaged or will be engaged 1433
in at the particular location, as described in the petition) at 1434
_____ (insert address of the particular location within the 1435
precinct as set forth in the petition) in this precinct?" 1436

~~(2) "Shall the sale of _____ (insert beer, wine and 1437
mixed beverages, or spirituous liquor) be permitted for sale on 1438
Sunday between the hours of _____ (insert "ten a.m. and 1439
midnight" or "eleven a.m. and midnight") by _____ (insert 1440
name of applicant, liquor permit holder, or liquor agency store, 1441
including trade or fictitious name under which applicant for, or 1442
holder of, liquor permit or liquor agency store either intends 1443
to do, or does, business at the particular location), an _____ 1444
(insert "applicant for a D-6 liquor permit," "holder of a D-6 1445
liquor permit," "applicant for or holder of an A-1-A, A-2, A-2f, 1446
A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D- 1447
5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, 1448
or D-7 liquor permit," if only the approval of beer sales is 1449
sought, or "liquor agency store") who is engaged in the business 1450
of _____ (insert general nature of the business in which 1451
applicant or liquor permit holder is engaged or will be engaged 1452
in at the particular location, as described in the petition) at 1453
_____ (insert address of the particular location within the 1454
precinct) in this precinct?" 1455~~

(C) The board of elections shall furnish printed ballots 1456
at the election as provided under section 3505.06 of the Revised 1457
Code, except that a separate ballot shall be used for the 1458
election under this section. The question set forth in this 1459
section shall be printed on each ballot, and the board shall 1460

insert in the question appropriate words to complete it. Votes 1461
shall be cast as provided under section 3505.06 of the Revised 1462
Code. 1463

Sec. 4301.356. If a petition is filed under section 1464
4301.334 of the Revised Code for the submission of the question 1465
set forth in this section, an election shall be held in the 1466
municipal corporation or unincorporated area of a township as 1467
ordered by the board of elections under that section. 1468

Except as otherwise provided in this section, if the 1469
legislative authority of a municipal corporation in whose 1470
territory, or the board of township trustees of a township in 1471
whose unincorporated area, a community facility is located 1472
submits, not later than four p.m. of the ninetieth day before 1473
the day of a special election held on the day of a primary 1474
election or general election, to the board of elections of the 1475
county in which the community facility is located an ordinance 1476
or resolution requesting the submission of the question set 1477
forth in this section to the electors of the municipal 1478
corporation or unincorporated area of the township, the board of 1479
elections shall order that an election be held on that question 1480
in the municipal corporation or the unincorporated area of the 1481
township on the day of the next special election held on the day 1482
of a primary election or next general election, whichever occurs 1483
first. The legislative authority or board of township trustees 1484
shall submit the name and address of any permit holder who would 1485
be affected by the results of the election to the board of 1486
elections at the same time it submits the ordinance or 1487
resolution. The board of elections, within five days after 1488
receiving the name and address, shall give notice by certified 1489
mail to each permit holder that it has received the ordinance or 1490
resolution. Failure of the legislative authority or board of 1491

township trustees to supply the name and address of each permit 1492
holder to the board of elections invalidates the effect of the 1493
ordinance or resolution. 1494

At the election, the following question shall be submitted 1495
to the electors of the municipal corporation or unincorporated 1496
area of a township: 1497

"Shall the sale of beer and intoxicating liquor be 1498
permitted ~~on days of the week other than Sunday and between the~~ 1499
~~hours of _____ (insert "ten a.m." or "eleven a.m.") and~~ 1500
~~midnight on Sunday, at _____ (insert name of community~~ 1501
facility), a community facility as defined by section 4301.01 of 1502
the Revised Code, and located at _____ (insert the address of 1503
the community facility and, if the community facility is a 1504
community entertainment district, the boundaries of the 1505
district, as set forth in the petition)?" 1506

The board of elections shall furnish printed ballots at 1507
the election as provided under section 3505.06 of the Revised 1508
Code, except that a separate ballot shall be used for the 1509
election under this section. The question set forth in this 1510
section shall be printed on each ballot, and the board shall 1511
insert in the question appropriate words to complete it, subject 1512
to the approval of the secretary of state. Votes shall be cast 1513
as provided under section 3505.06 of the Revised Code. 1514

Sec. 4301.36. (A)(1) If a majority of the electors voting 1515
in a precinct vote "yes" on question (A), (B), or (C) as set 1516
forth in section 4301.35 of the Revised Code, the sales 1517
specified in such one or more of the questions on which a 1518
majority of the electors voting in such precinct voted "yes" 1519
shall be subject in the precinct only to Chapters 4301. and 1520
4303. of the Revised Code. 1521

(2) If a majority of the electors voting in such precinct 1522
vote "no" on question (A), (B), or (C) set forth in section 1523
4301.35 of the Revised Code, no C or D permit holder shall sell 1524
intoxicating liquor of the kind or in the manner specified in 1525
such one or more of the questions on which a majority of the 1526
electors voting in the precinct voted "no," within the precinct 1527
concerned, during the period such election is in effect as 1528
defined in section 4301.37 of the Revised Code. 1529

(B) If a majority of the electors voting in such precinct 1530
vote "no" on question (D) as set forth in section 4301.35 of the 1531
Revised Code, all state liquor stores in the precinct shall be 1532
forthwith closed and, during the period the vote is in effect, 1533
as defined in section 4301.37 of the Revised Code, no state 1534
liquor store shall be opened in that precinct. 1535

(C) (1) If a majority of the electors voting in a precinct 1536
vote "yes" on question (E) as set forth in section 4301.35 of 1537
the Revised Code, the sales specified in that question shall be 1538
allowed in the precinct and subject only to this chapter and 1539
Chapter 4303. of the Revised Code. 1540

(2) If a majority of the electors voting in a precinct 1541
vote "no" on question (E) set forth in section 4301.35 of the 1542
Revised Code, no A-1-A, A-1c, A-2, A-2f, A-3a, class C, or class 1543
D permit holder shall sell beer or intoxicating liquor of the 1544
kind or in the manner specified in that question within the 1545
precinct concerned, during the period such election is in effect 1546
as defined in section 4301.37 of the Revised Code. 1547

(D) (1) If a majority of the electors voting in a precinct 1548
vote "yes" on question (F) as set forth in section 4301.35 of 1549
the Revised Code, the sales specified in that question shall be 1550
allowed in the precinct and subject only to this chapter and 1551

Chapter 4303. of the Revised Code. In addition, sales shall 1552
continue in the precinct under the authority of any previous 1553
election in effect in the precinct in which the electors 1554
approved a question or questions under this chapter or Chapter 1555
4305. of the Revised Code. 1556

(2) If a majority of the electors voting in a precinct 1557
vote "no" on question (F) set forth in section 4301.35 of the 1558
Revised Code, the sales specified in that question shall not be 1559
allowed in the precinct. However, sales shall continue in the 1560
precinct under the authority of any previous election in effect 1561
in the precinct in which the electors approved a question or 1562
questions under this chapter or Chapter 4305. of the Revised 1563
Code. 1564

Sec. 4301.362. If a majority of the electors voting on the 1565
question set forth in section 4301.352 of the Revised Code vote 1566
"yes," the sale of beer or intoxicating liquor by a class C or D 1567
permit holder at the specified premises shall only be subject to 1568
Chapters 4301. and 4303. of the Revised Code. 1569

If a majority of the electors voting on the question set 1570
forth in section 4301.352 of the Revised Code vote "no," the 1571
board of elections shall notify the division of liquor control 1572
of the final result of the election by certified mail. When the 1573
division receives notice of the final result of the election, it 1574
shall cancel and pick up the permit holder's permit within seven 1575
days. 1576

The results of a local option election that is held in a 1577
precinct pursuant to section 4301.352 of the Revised Code shall 1578
not affect the results of a local option election that is held 1579
in the same precinct under section 4301.35, ~~4301.351,~~ 4301.353, 1580
~~4301.354,~~ 4303.29, or 4305.14 of the Revised Code. 1581

Sec. 4301.365. (A) If a majority of the electors in a 1582
precinct vote "yes" on ~~questions (B) (1) and (2) as the question~~ 1583
set forth in section 4301.355 of the Revised Code, the sale of 1584
beer, wine and mixed beverages, or spirituous liquor, whichever 1585
was the subject of the election, shall be allowed at the 1586
particular location and for the use specified in the ~~questions-~~ 1587
~~question~~ under each permit applied for by the petitioner or at 1588
the address listed for the liquor agency store, ~~and, in relation-~~ 1589
~~to question (B) (2), during the hours on Sunday specified in-~~ 1590
~~division (A) of section 4303.182 of the Revised Code,~~ subject 1591
only to this chapter and Chapter 4303. of the Revised Code. 1592
Failure to continue to use the particular location for any 1593
proposed or stated use set forth in the petition is grounds for 1594
the denial of a renewal of the liquor permit under division (A) 1595
of section 4303.271 of the Revised Code or is grounds for the 1596
nonrenewal or cancellation of the liquor agency store contract 1597
by the division of liquor control, ~~except in the case where the~~ 1598
~~liquor permit holder or liquor agency store decides to cease the~~ 1599
~~sale of beer, wine and mixed beverages, or spirituous liquor,~~ 1600
~~whichever was the subject of the election, on Sundays.~~ 1601

(B) ~~Except as otherwise provided in division (H) of this~~ 1602
~~section, if a majority of the electors in a precinct vote "yes"~~ 1603
~~on question (B) (1) and "no" on question (B) (2) as set forth in~~ 1604
~~section 4301.355 of the Revised Code, the sale of beer, wine and~~ 1605
~~mixed beverages, or spirituous liquor, whichever was the subject~~ 1606
~~of the election, shall be allowed at the particular location for~~ 1607
~~the use specified in question (B) (1) of section 4301.355 of the~~ 1608
~~Revised Code and under each permit applied for by the~~ 1609
~~petitioner, except for a D-6 permit, subject only to this~~ 1610
~~chapter and Chapter 4303. of the Revised Code.~~ 1611

~~(C) If a majority of the electors in a precinct vote "no"~~ 1612

on the question ~~(B) (1)~~ as set forth in section 4301.355 of the 1613
Revised Code, no sales of beer, wine and mixed beverages, or 1614
spirituous liquor, whichever was the subject of the election, 1615
shall be allowed at the particular location for the use 1616
specified in the petition during the period the election is in 1617
effect as defined in section 4301.37 of the Revised Code. 1618

~~(D) If a majority of the electors in a precinct vote only~~ 1619
~~on question (B) (2) as set forth in section 4301.355 of the~~ 1620
~~Revised Code and that vote results in a majority "yes" vote,~~ 1621
~~sales of beer, wine and mixed beverages, or spirituous liquor,~~ 1622
~~whichever was the subject of the election, shall be allowed at~~ 1623
~~the particular location for the use specified in the petition on~~ 1624
~~Sunday during the hours specified in division (A) of section~~ 1625
~~4303.182 of the Revised Code and during the period the election~~ 1626
~~is in effect as defined in section 4301.37 of the Revised Code.~~ 1627

~~(E) Except as otherwise provided in division (H) of this~~ 1628
~~section, if a majority of the electors in a precinct vote only~~ 1629
~~on question (B) (2) as set forth in section 4301.355 of the~~ 1630
~~Revised Code and that vote results in a majority "no" vote, no~~ 1631
~~sales of beer, wine and mixed beverages, or spirituous liquor,~~ 1632
~~whichever was the subject of the election, shall be allowed at~~ 1633
~~the particular location for the use and during the hours~~ 1634
~~specified in the petition on Sunday during the period the~~ 1635
~~election is in effect as defined in section 4301.37 of the~~ 1636
~~Revised Code.~~ 1637

~~(F)~~ (C) In case of elections in the same precinct for the 1638
question ~~or questions~~ set forth in section 4301.355 of the 1639
Revised Code and for a question or questions set forth in 1640
section 4301.35, ~~4301.351, 4301.353, 4301.354,~~ 4303.29, or 1641
4305.14 of the Revised Code, the results of the election held on 1642

the question ~~or questions~~ set forth in section 4301.355 of the 1643
Revised Code shall apply to the particular location 1644
notwithstanding the results of the election held on the question 1645
or questions set forth in section 4301.35, ~~4301.351,~~ 4301.353, 1646
~~4301.354,~~ 4303.29, or 4305.14 of the Revised Code. 1647

~~(G)~~ (D) Sections 4301.32 to 4301.41 of the Revised Code do 1648
not prohibit the transfer of ownership of a permit that was 1649
issued to a particular location as the result of an election 1650
held on sales of beer, wine and mixed beverages, spirituous 1651
liquor, or intoxicating liquor at that particular location as 1652
long as the general nature of the business at that particular 1653
location described in the petition for that election remains the 1654
same after the transfer. 1655

~~(H) If question (B) (2) as set forth in section 4301.355 of~~ 1656
~~the Revised Code is submitted to the electors of a precinct~~ 1657
~~proposing to authorize the sale of beer, wine and mixed~~ 1658
~~beverages, or spirituous liquor between the hours of ten a.m.~~ 1659
~~and midnight at a particular location at which the sale of beer,~~ 1660
~~wine and mixed beverages, spirituous liquor, or intoxicating~~ 1661
~~liquor is already allowed between the hours of eleven a.m. and~~ 1662
~~midnight or one p.m. and midnight and the question submitted is~~ 1663
~~defeated, the sale of beer, wine and mixed beverages, spirituous~~ 1664
~~liquor, or intoxicating liquor between the hours of eleven a.m.~~ 1665
~~and midnight or one p.m. and midnight, as applicable, shall~~ 1666
~~continue at that particular location.~~ 1667

Sec. 4301.366. If a majority of the electors voting on the 1668
question specified in section 4301.356 of the Revised Code vote 1669
"yes," the sale of beer and intoxicating liquor shall be allowed 1670
at the community facility ~~on days of the week other than Sunday~~ 1671
~~and during the hours on Sunday specified in division (A) of~~ 1672

~~section 4303.182 of the Revised Code,~~ for the use specified in 1673
the question, subject only to this chapter and Chapter 4303. of 1674
the Revised Code. Failure to continue to use the location as a 1675
community facility constitutes good cause for rejection of the 1676
renewal of the liquor permit under division (A) of section 1677
4303.271 of the Revised Code. 1678

If a majority of the electors voting on the question 1679
specified in section 4301.356 of the Revised Code vote "no," no 1680
sales of beer or intoxicating liquor shall be made at or within 1681
the community facility during the period the election is in 1682
effect as defined in section 4301.37 of the Revised Code. 1683

Sec. 4301.37. (A) When a local option election, other than 1684
an election under section ~~4301.351,~~ 4301.352, 4301.353, 1685
~~4301.354,~~ 4301.355, or 4301.356 of the Revised Code, is held in 1686
any precinct, except as provided in divisions (G) and (H) of 1687
section 4301.39 of the Revised Code, the result of the election 1688
shall be effective in the precinct until another election is 1689
called and held pursuant to sections 4301.32 to 4301.36 of the 1690
Revised Code, but no such election shall be held in the precinct 1691
on the same question more than once in each four years. 1692

~~(B) When a local option election under section 4301.351 of~~ 1693
~~the Revised Code is held in any precinct, except as provided in~~ 1694
~~divisions (G) and (H) of section 4301.39 of the Revised Code,~~ 1695
~~the result of the election shall be effective in the precinct~~ 1696
~~until another election is called and held pursuant to sections~~ 1697
~~4301.32 to 4301.361 of the Revised Code, but no such election~~ 1698
~~shall be held under section 4301.351 of the Revised Code in the~~ 1699
~~precinct on the same question more than once in each four years.~~ 1700

~~(C)~~ When a local option election is held in a precinct 1701
under section 4301.352 of the Revised Code and a majority of the 1702

electors voting on the question vote "yes," no subsequent local
option election shall be held in the precinct upon the sale of
beer or intoxicating liquor by the class C or D permit holder at
the specified premises for a period of at least four years from
the date of the most recent local option election, except that
this division shall not be construed to prohibit the holding or
affect the results of a local option election under section
4301.35, ~~4301.351~~, 4301.353, ~~4301.354~~, 4303.29, or 4305.14 of
the Revised Code.

~~(D)~~ (C) When a local option election is held in a precinct
under section 4301.353 ~~or 4301.354~~ of the Revised Code, except
as provided in divisions (G) and (H) of section 4301.39 of the
Revised Code, the results of the election shall be effective
until another election is held under that section on the same
question, but no such election shall be held in a precinct under
that section on the same question for a period of at least four
years from the date of the most recent election on that
question. This division shall not be construed to prohibit the
future holding of, or affect the future results of, a local
option election held under section 4301.35, ~~4301.351~~, 4301.355,
4303.29, or 4305.14 of the Revised Code.

~~(E)~~ (D) When a local option election is held in a precinct
under section 4301.355 of the Revised Code, the results of that
election shall be effective at the particular location
designated in the petition until another election is held
pursuant to section 4301.355 of the Revised Code or until such
time as an election is held pursuant to section 4301.352 of the
Revised Code, but no election shall be held under section
4301.355 of the Revised Code regarding the same use at that
particular location for a period of at least four years from the
date of the most recent election on that question. The results

of a local option election held in a precinct under section 1734
4301.355 of the Revised Code shall not prohibit the holding of, 1735
and shall be affected by the results of, a local option election 1736
held under section 4301.35, ~~4301.351,~~4301.353, ~~4301.354,~~ 1737
4303.29, or 4305.14 of the Revised Code. 1738

~~(F)~~ (E) When a local option election is held in a 1739
municipal corporation or unincorporated area of a township under 1740
section 4301.356 of the Revised Code, the results of the 1741
election shall be effective at the community facility that was 1742
the subject of the election until another such election is held 1743
regarding that community facility, but no such election shall be 1744
held for a period of at least four years from the date of the 1745
election. The results of a local option election held in a 1746
municipal corporation or unincorporated area of a township under 1747
section 4301.356 of the Revised Code shall not prohibit the 1748
holding of, or affect or be affected by the results of, a local 1749
option election held under section 4301.35, ~~4301.351,~~4301.353, 1750
~~4301.354,~~4303.29, or 4305.14 of the Revised Code. 1751

~~(G)~~ (F) If a community facility is located in an election 1752
precinct in which a previous local option election in the 1753
precinct resulted in approval of the sale of beer or 1754
intoxicating liquor in the precinct, the community facility 1755
shall sell beer or intoxicating liquor only to the extent 1756
permitted by the previous local option election until an 1757
election is held pursuant to section 4301.356 of the Revised 1758
Code. 1759

~~(H)~~ (G) A community facility shall not be affected by a 1760
local option election held on or after March 30, 1999, unless 1761
the election is held under section 4301.356 of the Revised Code. 1762

Sec. 4301.39. (A) When the board of elections of any 1763

county determines that a petition for a local option election 1764
presented pursuant to section 4301.33, 4301.331, 4301.332, 1765
4301.333, 4303.29, or 4305.14 of the Revised Code is sufficient, 1766
it shall forthwith, by mail, notify the division of liquor 1767
control of the fact that the petition has been filed and 1768
approved by it. Upon the determination of the results of any 1769
such election, the board shall forthwith notify the division by 1770
mail of the result and shall forward with the notice a plat of 1771
the precinct in which the election was held and, if applicable, 1772
shall separately identify the portion of the precinct affected 1773
by the election. 1774

(B) On the plat of a precinct forwarded with the results 1775
of an election that was held under section 4301.35, ~~4301.351,~~ 1776
4301.353, ~~4301.354,~~ or 4303.29 of the Revised Code, the board 1777
shall show and designate all of the streets and highways in the 1778
precinct or relevant portion of the precinct. 1779

(C) On the plat of a precinct forwarded with the results 1780
of an election that was held under section 4301.352 of the 1781
Revised Code, the board shall show and designate all of the 1782
following: 1783

(1) All of the streets and highways in the precinct; 1784

(2) The permit premises designated in the petition that 1785
was filed under section 4301.331 of the Revised Code; 1786

(3) A class C or D permit holder's personal or corporate 1787
name and, if it is different from the permit holder's personal 1788
or corporate name, the name of the business conducted by the 1789
permit holder on the designated premises; 1790

(4) The address of the designated premises. 1791

(D) On the plat of a precinct forwarded with the results 1792

of an election that was held under section 4301.355 of the 1793
Revised Code, the board shall show and designate all of the 1794
following: 1795

(1) All streets and highways in the precinct; 1796

(2) The address of the particular location within the 1797
precinct to which the election results will apply as designated 1798
in the petition that was filed under section 4301.333 of the 1799
Revised Code; 1800

(3) The name of the applicant for the issuance or transfer 1801
of the liquor permit, of the holder of the liquor permit, or of 1802
the liquor agency store, including any trade or fictitious names 1803
under which the applicant, holder, or operator intends to, or 1804
does, do business at the particular location, as designated in 1805
the petition that was filed under section 4301.333 of the 1806
Revised Code. 1807

(E) With the results of an election that was held under 1808
section 4301.356 of the Revised Code, the board shall designate 1809
both of the following: 1810

(1) Each permit premises designated in the petition; 1811

(2) Each class C or D permit holder's personal or 1812
corporate name and, if it is different from the personal or 1813
corporate name, the name of the business conducted by the permit 1814
holder on the designated premises. 1815

(F) If an application for recount is filed with the board 1816
pursuant to section 3515.02 of the Revised Code or if an 1817
election contest is commenced pursuant to section 3515.09 of the 1818
Revised Code, the board shall send written notice of the recount 1819
or contest to the superintendent of liquor control within two 1820
days from the date of the filing of the application for recount 1821

or the commencement of an election contest either by certified 1822
mail or, if the board has record of an internet identifier of 1823
record associated with the superintendent, by ordinary mail and 1824
by that internet identifier of record. Upon the final 1825
determination of an election recount or contest, the board shall 1826
send notice of the final determination to the superintendent and 1827
the liquor control commission either by certified mail or, if 1828
the board has record of an internet identifier of record 1829
associated with the superintendent or commission, by ordinary 1830
mail and an internet identifier of record associated with the 1831
superintendent or commission. 1832

(G) If, as the result of a local option election held 1833
pursuant to section 4301.35, ~~4301.351~~, 4301.353, ~~4301.354~~, 1834
4303.29, or 4305.14 of the Revised Code, the use of a permit is 1835
made partially unlawful, the division shall, within thirty days 1836
after receipt of the final notice of the result of the election, 1837
pick up the permit, amend it by inserting appropriate 1838
restrictions on it, and forthwith reissue it without charge or 1839
refund to the permit holder, unless, prior to thirty days after 1840
receipt of the final notice of the result of the election, both 1841
of the following occur: 1842

(1) A petition is filed with the board pursuant to section 1843
4301.333 of the Revised Code; 1844

(2) A copy of the petition filed with the board pursuant 1845
to section 4301.333 of the Revised Code, bearing the file stamp 1846
of the board, is filed with the superintendent of liquor 1847
control. 1848

If both of those conditions are met, the results of the 1849
election held pursuant to section 4301.35, ~~4301.351~~, 4301.353, 1850
~~4301.354~~, 4303.29, or 4305.14 of the Revised Code shall not take 1851

effect as to the liquor permit holder specified in the petition 1852
filed pursuant to section 4301.333 of the Revised Code until the 1853
earlier of a determination by the board and receipt of 1854
notification by the superintendent of liquor control of notice 1855
that the petition is invalid or receipt by the superintendent of 1856
final notice of the result of an election held pursuant to 1857
section 4301.355 of the Revised Code concerning the holder of 1858
the liquor permit that resulted in a majority "no" vote. 1859

(H) If, as the result of a local option election, except a 1860
local option election held pursuant to section 4301.352 of the 1861
Revised Code, the use of a permit is made wholly unlawful, the 1862
permit holder may, within thirty days after the certification of 1863
that final result by the board to the division, deliver the 1864
permit holder's permit to the division for safekeeping as 1865
provided in section 4303.272 of the Revised Code, or the permit 1866
holder may avail itself of the remedy set forth in divisions (G) 1867
(1) and (2) of this section. In such event, the results of the 1868
election shall not take effect as to the liquor permit holder 1869
specified in the petition pursuant to section 4301.333 of the 1870
Revised Code until the earlier of a determination by the board 1871
and receipt by the superintendent of liquor control of notice 1872
that the petition is invalid or receipt by the superintendent of 1873
the final notice of the result of an election held pursuant to 1874
section 4301.355 of the Revised Code concerning the holder of 1875
the liquor permit that resulted in a majority "no" vote. 1876

(I) As used in this section, "internet identifier of 1877
record" has the same meaning as in section 9.312 of the Revised 1878
Code. 1879

Sec. 4301.403. (A) As used in this section, "exhibition 1880
premises" means a premises at the site where an exhibition 1881

sanctioned by the U.S. Christopher Columbus quincentenary 1882
jubilee commission is being or has been held, if the exhibition 1883
is or was sponsored by an organization that also is sponsoring 1884
or has sponsored an exhibition sanctioned by the international 1885
association of horticulture producers. 1886

(B) Sections 4301.32 to 4301.391 and 4305.14 of the 1887
Revised Code and the provisions for local option elections and 1888
the election on the question of the repeal of Section 9 of 1889
Article XV, Ohio Constitution, in section 4303.29 of the Revised 1890
Code do not affect or prohibit the sale of beer or intoxicating 1891
liquor at an exhibition premises if the permit holder for the 1892
premises operates pursuant to the authority of a D liquor permit 1893
issued pursuant to Chapter 4303. of the Revised Code. 1894

~~Permit D-6 shall be issued to the holder of any D permit 1895
that authorizes the sale of intoxicating liquor and that is 1896
issued for an exhibition premises to allow the sale of 1897
intoxicating liquor under the permit at the premises between the 1898
hours of one p.m. and midnight on Sunday, whether or not such 1899
sale has been authorized in an election held under section 1900
4301.351 of the Revised Code. Notwithstanding section 4301.351- 1901
of the revised code, the holder of a D permit issued for an 1902
exhibition premises may sell beer on Sunday whether or not the 1903
sale of intoxicating liquor has been authorized in an election 1904
held under that section. 1905~~

(C) Nothing in section 4303.29 of the Revised Code shall 1906
be construed to restrict the issuance of a D permit for an 1907
exhibition premises. An application for a D permit for an 1908
exhibition premises is exempt from the population quota 1909
restrictions contained in section 4303.29 of the Revised Code 1910
and from the population quota restrictions contained in any rule 1911

of the liquor control commission. The location of a D permit 1912
issued for an exhibition premises shall not be transferred. An 1913
applicant applying for a D-1, D-2, D-3, D-4, or D-5 permit for 1914
an exhibition premises is not subject to section 4303.31 of the 1915
Revised Code. 1916

Sec. 4301.404. (A) As used in this section, "center for 1917
the preservation of wild animals" means a conservation center 1918
located on not less than five thousand acres of land that 1919
provides scientific, educational, and recreational resources to 1920
advance the conservation of animal populations and habitats. 1921

(B) Sections 4301.32 to 4301.391 and 4305.14 of the 1922
Revised Code and the provisions for local option elections and 1923
the election on the repeal of Ohio Constitution, Article XV, 1924
Section 9 in section 4303.29 of the Revised Code do not affect 1925
or prohibit the sale of beer or intoxicating liquor at a center 1926
for the preservation of wild animals if any permit holder for 1927
the premises operates pursuant to the authority of a D liquor 1928
permit issued pursuant to Chapter 4303. of the Revised Code. 1929

~~(C) Permit D-6 shall be issued to the holder of any D- 1930
permit that authorizes the sale of intoxicating liquor and that 1931
is issued for a center for the preservation of wild animals to 1932
allow the sale of intoxicating liquor under the permit at the 1933
premises between the hours of one p.m. and midnight on Sunday, 1934
whether or not such sale has been authorized in an election held 1935
under section 4301.351 of the Revised Code. Notwithstanding 1936
section 4301.351 of the Revised Code, the holder of a D permit 1937
issued for a center for the preservation of wild animals may 1938
sell beer on Sunday whether or not the sale of intoxicating 1939
liquor has been authorized in an election held under that 1940
section. 1941~~

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

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

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

(B) ~~The executive officer of a~~ A municipal corporation or ~~the fiscal officer of a township may file an application with the legislative authority of the municipal corporation or township to have property within the municipal corporation or township designated as~~ create an outdoor refreshment area or ~~to~~ expand an existing outdoor refreshment area to include additional property within the municipal corporation or township. ~~The~~ To create an outdoor refreshment area, the executive officer of the municipal corporation or the fiscal officer of the township shall ensure that the application ~~contains all of the following~~ do all of the following:

(1) ~~A~~ Ensure that a map or survey of the proposed outdoor refreshment area is made in sufficient detail to identify the boundaries of the area, ~~which shall not exceed either of the following, as applicable:~~

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

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

(2) ~~A~~ Create a general statement of the nature and types of establishments that will be located within the proposed

outdoor refreshment area; 1971

(3) ~~A statement~~ Ensure that the proposed outdoor 1972
refreshment area will encompass not fewer than ~~four~~ two 1973
qualified permit holders; 1974

(4) ~~Evidence~~ Ensure that the uses of land within the 1975
proposed outdoor refreshment area are in accord with the master 1976
zoning plan or map of the municipal corporation or township; 1977

(5) ~~Proposed requirements for the purpose of ensuring~~ 1978
~~public health and safety within the proposed outdoor refreshment~~ 1979
~~area~~ Ensure that the ordinance or resolution required under 1980
division (E) of this section has been adopted. 1981

(C) ~~Within forty-five days after the date the application~~ 1982
~~is filed with the legislative authority of a municipal~~ 1983
~~corporation or township, the legislative authority shall publish~~ 1984
~~public notice of the application once a week for two consecutive~~ 1985
~~weeks in one newspaper of general circulation in the municipal~~ 1986
~~corporation or township or as provided in section 7.16 of the~~ 1987
~~Revised Code. The legislative authority shall ensure that the~~ 1988
~~notice states that the application is on file in the office of~~ 1989
~~the clerk of the municipal corporation or township and is~~ 1990
~~available for inspection by the public during regular business~~ 1991
~~hours. The legislative authority also shall indicate in the~~ 1992
~~notice the date and time of any public hearing to be held~~ 1993
~~regarding the application by the legislative authority.~~ 1994

~~Not earlier than thirty but not later than sixty days~~ 1995
~~after the initial publication of notice, the legislative~~ 1996
~~authority shall approve or disapprove the application by either~~ 1997
~~ordinance or resolution, as applicable. Approval of an~~ 1998
~~application requires an affirmative vote of a majority of the~~ 1999

~~legislative authority. Upon approval of the application by the~~ 2000
~~legislative authority~~ After the executive officer of a municipal 2001
corporation or the fiscal officer of a township completes the 2002
tasks in division (B) of this section, the territory described 2003
~~in the application that division~~ constitutes an outdoor 2004
refreshment area. The ~~legislative authority~~ municipal 2005
corporation or township shall provide notice to the division of 2006
liquor control and the investigative unit of the department of 2007
public safety ~~notice of the approval of the application~~ creation 2008
of an outdoor refreshment area and a description of the area 2009
~~specified in the application. If the legislative authority~~ 2010
~~disapproves the application, the executive officer of a~~ 2011
~~municipal corporation or fiscal officer of a township may make~~ 2012
~~changes in the application to secure its approval by the~~ 2013
~~legislative authority.~~ 2014

(D) ~~The creation of outdoor refreshment areas is limited~~ 2015
~~as follows:~~ 2016

~~(1) A municipal corporation or township with a population~~ 2017
~~of more than fifty thousand shall not create more than two~~ 2018
~~outdoor refreshment areas.~~ 2019

~~(2) A municipal corporation or township with a population~~ 2020
~~of more than thirty five thousand but less than or equal to~~ 2021
~~fifty thousand shall not create more than one outdoor~~ 2022
~~refreshment area.~~ 2023

~~(3) (a) Except as provided in division (D) (3) (b) of this~~ 2024
~~section, a municipal corporation or township with a population~~ 2025
~~of thirty five thousand or less shall not create an outdoor~~ 2026
~~refreshment area.~~ 2027

~~(b) A municipal corporation or township with a population~~ 2028

~~of thirty five thousand or less may create one outdoor~~ 2029
~~refreshment area if the proposed area will include at least four~~ 2030
~~qualified permit holders and be composed of one hundred fifty or~~ 2031
~~fewer contiguous acres.~~ 2032

~~For purposes of this section, the population of a~~ 2033
~~municipal corporation or township is deemed to be the population~~ 2034
~~shown by the most recent regular federal decennial census.~~ 2035

~~(E)~~ As soon as possible after receiving notice that an 2036
outdoor refreshment area has been ~~approved~~created, the division 2037
of liquor control, for purposes of section 4301.62 of the 2038
Revised Code, shall issue an outdoor refreshment area 2039
designation to each qualified permit holder located within the 2040
refreshment area that is in compliance with all applicable 2041
requirements under Chapters 4301. and 4303. of the Revised Code. 2042
The division shall not charge any fee for the issuance of the 2043
designation. Any permit holder that receives such a designation 2044
shall comply with all laws, rules, and regulations that govern 2045
its license type, and the applicable public health and safety 2046
requirements established for the area under division ~~(F)~~(E) of 2047
this section. 2048

~~(F) (1) At the time of the creation of an outdoor~~ 2049
~~refreshment area, the~~ (E) (1) The legislative authority of a 2050
municipal corporation or township in which such an area is 2051
located shall adopt an ordinance or resolution, as applicable, 2052
that establishes requirements the legislative authority 2053
determines necessary to ensure public health and safety within 2054
the area. The legislative authority shall include in the 2055
ordinance or resolution all of the following: 2056

(a) The specific boundaries of the area, including street 2057
addresses; 2058

- (b) The number, spacing, and type of signage designating the area; 2059
2060
- (c) The hours of operation for the area; 2061
- (d) The number of personnel needed to ensure public safety in the area; 2062
2063
- (e) A sanitation plan that will help maintain the appearance and public health of the area; 2064
2065
- (f) The number of personnel needed to execute the sanitation plan; 2066
2067
- (g) A requirement that beer and intoxicating liquor be served solely in plastic bottles or other plastic containers in the area. 2068
2069
2070
- ~~The legislative authority may, but is not required to, include in the ordinance or resolution any public health and safety requirements proposed in an application under division (B) of this section to designate or expand the outdoor refreshment area. The legislative authority may subsequently modify the public health and safety requirements as determined necessary by the legislative authority.~~ 2071
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- (2) Prior to adopting an ordinance or resolution under this division, the legislative authority shall give notice of its proposed action by publication ~~once a week for two consecutive weeks~~ in one newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code. 2078
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- (3) The legislative authority shall provide to the division of liquor control and the investigative unit of the department of public safety notice of the public health and 2084
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2086

safety requirements established or modified under this division.

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

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

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

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

~~(I) (1)~~ (H) (1) Five years after the date of creation of an outdoor refreshment area, the legislative authority of the municipal corporation or township ~~that~~ in which the area was created ~~the area~~ under this section shall review the operation of the area and shall, by ordinance or resolution, either approve the continued operation of the area or dissolve the area. Prior to adopting the ordinance or resolution, the

legislative authority shall give notice of its proposed action 2116
to the permit holders in the outdoor refreshment area and by 2117
publication once a week for two consecutive weeks in one 2118
newspaper of general circulation in the municipal corporation or 2119
township or as provided in section 7.16 of the Revised Code. 2120

If the legislative authority dissolves the outdoor 2121
refreshment area, the outdoor refreshment area ceases to exist. 2122
The legislative authority then shall provide notice of its 2123
action to the division ~~of liquor control~~ and the investigative 2124
unit of the department of public safety. Upon receipt of the 2125
notice, the division shall revoke all outdoor refreshment area 2126
designations issued to qualified permit holders within the 2127
dissolved area. If the legislative authority approves the 2128
continued operation of the outdoor refreshment area, the area 2129
continues in operation. 2130

(2) Five years after the approval of the continued 2131
operation of an outdoor refreshment area under division ~~(I)(1)~~ 2132
(H)(1) of this section, the legislative authority shall conduct 2133
a review in the same manner as provided in division ~~(I)(1)~~ (H) 2134
(1) of this section. The legislative authority also shall 2135
conduct such a review five years after any subsequent approval 2136
of continued operation under division ~~(I)(2)~~ (H)(2) of this 2137
section. 2138

~~(J)~~ (I) At any time, the legislative authority of a 2139
municipal corporation or township in which an outdoor 2140
refreshment area is located may, by ordinance or resolution, 2141
dissolve all or a part of the outdoor refreshment area. Prior to 2142
adopting the resolution or ordinance, the legislative authority 2143
shall give notice of its proposed action to the permit holders 2144
in the outdoor refreshment area and by publication once a week 2145

for two consecutive weeks in one newspaper of general 2146
circulation in the municipal corporation or township or as 2147
provided in section 7.16 of the Revised Code. If the legislative 2148
authority dissolves all or part of an outdoor refreshment area, 2149
~~the area designated in the ordinance or resolution that area no~~ 2150
longer constitutes an outdoor refreshment area. The legislative 2151
authority shall provide notice of its actions to the division ~~of~~ 2152
~~liquor control~~ and the investigative unit of the department of 2153
public safety. Upon receipt of the notice, the division shall 2154
revoke all outdoor refreshment area designations issued to 2155
qualified permit holders or the holder of an F class permit 2156
within the dissolved area or portion of the area. 2157

Sec. 4301.99. (A) Whoever violates section 4301.47, 2158
4301.48, 4301.49, 4301.62, or 4301.70 or division (C) of section 2159
4301.65 or division (B) of section 4301.691 of the Revised Code 2160
is guilty of a minor misdemeanor. 2161

(B) Whoever violates section 4301.15, division (A) (2) ~~or~~ 2162
~~(C)~~ of section 4301.22, division (C), (D), (E), (F), (G), (H), 2163
or (I) of section 4301.631, or section 4301.64 or 4301.67 of the 2164
Revised Code is guilty of a misdemeanor of the fourth degree. 2165

If an offender who violates section 4301.64 of the Revised 2166
Code was under the age of eighteen years at the time of the 2167
offense, the court, in addition to any other penalties it 2168
imposes upon the offender, may suspend the offender's temporary 2169
instruction permit, probationary driver's license, or driver's 2170
license for a period of not less than six months and not more 2171
than one year. In lieu of suspending the offender's temporary 2172
instruction permit, probationary driver's license, or driver's 2173
license, the court instead may require the offender to perform 2174
community service for a number of hours determined by the court. 2175

If the offender is fifteen years and six months of age or older 2176
and has not been issued a temporary instruction permit or 2177
probationary driver's license, the offender shall not be 2178
eligible to be issued such a license or permit for a period of 2179
six months. If the offender has not attained the age of fifteen 2180
years and six months, the offender shall not be eligible to be 2181
issued a temporary instruction permit until the offender attains 2182
the age of sixteen years. 2183

(C) Whoever violates division (D) of section 4301.21, 2184
section 4301.251, 4301.58, 4301.59, 4301.60, 4301.633, 4301.66, 2185
4301.68, or 4301.74, division (B), (C), (D), (E)(1), or (F) of 2186
section 4301.69, or division (C), (D), (E), (F), (G), or (I) of 2187
section 4301.691 of the Revised Code is guilty of a misdemeanor 2188
of the first degree. 2189

If an offender who violates division (E)(1) of section 2190
4301.69 of the Revised Code was under the age of eighteen years 2191
at the time of the offense and the offense occurred while the 2192
offender was the operator of or a passenger in a motor vehicle, 2193
the court, in addition to any other penalties it imposes upon 2194
the offender, shall suspend the offender's temporary instruction 2195
permit or probationary driver's license for a period of not less 2196
than six months and not more than one year. If the offender is 2197
fifteen years and six months of age or older and has not been 2198
issued a temporary instruction permit or probationary driver's 2199
license, the offender shall not be eligible to be issued such a 2200
license or permit for a period of six months. If the offender 2201
has not attained the age of fifteen years and six months, the 2202
offender shall not be eligible to be issued a temporary 2203
instruction permit until the offender attains the age of sixteen 2204
years. 2205

(D) Whoever violates division (B) of section 4301.14, or 2206
division (A) (1) or (3) or (B) of section 4301.22 of the Revised 2207
Code is guilty of a misdemeanor of the third degree. 2208

(E) Whoever violates section 4301.63 or division (B) of 2209
section 4301.631 of the Revised Code shall be fined not less 2210
than twenty-five nor more than one hundred dollars. The court 2211
imposing a fine for a violation of section 4301.63 or division 2212
(B) of section 4301.631 of the Revised Code may order that the 2213
fine be paid by the performance of public work at a reasonable 2214
hourly rate established by the court. The court shall designate 2215
the time within which the public work shall be completed. 2216

(F) (1) Whoever violates section 4301.634 of the Revised 2217
Code is guilty of a misdemeanor of the first degree. If, in 2218
committing a first violation of that section, the offender 2219
presented to the permit holder or the permit holder's employee 2220
or agent a false, fictitious, or altered identification card, a 2221
false or fictitious driver's license purportedly issued by any 2222
state, or a driver's license issued by any state that has been 2223
altered, the offender is guilty of a misdemeanor of the first 2224
degree and shall be fined not less than two hundred fifty and 2225
not more than one thousand dollars, and may be sentenced to a 2226
term of imprisonment of not more than six months. 2227

(2) On a second violation in which, for the second time, 2228
the offender presented to the permit holder or the permit 2229
holder's employee or agent a false, fictitious, or altered 2230
identification card, a false or fictitious driver's license 2231
purportedly issued by any state, or a driver's license issued by 2232
any state that has been altered, the offender is guilty of a 2233
misdemeanor of the first degree and shall be fined not less than 2234
five hundred nor more than one thousand dollars, and may be 2235

sentenced to a term of imprisonment of not more than six months. 2236
The court also may impose a class seven suspension of the 2237
offender's driver's or commercial driver's license or permit or 2238
nonresident operating privilege from the range specified in 2239
division (A) (7) of section 4510.02 of the Revised Code. 2240

(3) On a third or subsequent violation in which, for the 2241
third or subsequent time, the offender presented to the permit 2242
holder or the permit holder's employee or agent a false, 2243
fictitious, or altered identification card, a false or 2244
fictitious driver's license purportedly issued by any state, or 2245
a driver's license issued by any state that has been altered, 2246
the offender is guilty of a misdemeanor of the first degree and 2247
shall be fined not less than five hundred nor more than one 2248
thousand dollars, and may be sentenced to a term of imprisonment 2249
of not more than six months. Except as provided in this 2250
division, the court also may impose a class six suspension of 2251
the offender's driver's or commercial driver's license or permit 2252
or nonresident operating privilege from the range specified in 2253
division (A) (6) of section 4510.02 of the Revised Code, and the 2254
court may order that the suspension or denial remain in effect 2255
until the offender attains the age of twenty-one years. The 2256
court, in lieu of suspending the offender's temporary 2257
instruction permit, probationary driver's license, or driver's 2258
license, instead may order the offender to perform a determinate 2259
number of hours of community service, with the court determining 2260
the actual number of hours and the nature of the community 2261
service the offender shall perform. 2262

(G) Whoever violates section 4301.636 of the Revised Code 2263
is guilty of a felony of the fifth degree. 2264

(H) Whoever violates division (A) (1) of section 4301.22 of 2265

the Revised Code is guilty of a misdemeanor, shall be fined not 2266
less than five hundred and not more than one thousand dollars, 2267
and, in addition to the fine, may be imprisoned for a definite 2268
term of not more than sixty days. 2269

(I) Whoever violates division (A) of section 4301.69 or 2270
division (H) of section 4301.691 of the Revised Code is guilty 2271
of a misdemeanor, shall be fined not less than five hundred and 2272
not more than one thousand dollars, and, in addition to the 2273
fine, may be imprisoned for a definite term of not more than six 2274
months. 2275

(J) Whoever violates division (B) of section 4301.65 of 2276
the Revised Code is guilty of a misdemeanor of the third degree. 2277
For a second or subsequent violation occurring within a period 2278
of five consecutive years after the first violation, a person is 2279
guilty of a misdemeanor of the first degree. 2280

Sec. 4303.021. (A) Permit A-1-A may be issued to the 2281
holder of an A-1, A-1c, A-2, A-2f, or A-3a permit to sell beer 2282
and any intoxicating liquor at retail, only by the individual 2283
drink in glass or from a container, provided that one of the 2284
following applies to the A-1-A permit premises: 2285

(1) It is situated on the same parcel or tract of land as 2286
the related A-1, A-1c, A-2, A-2f, or A-3a manufacturing permit 2287
premises. 2288

(2) It is separated from the parcel or tract of land on 2289
which is located the A-1, A-1c, A-2, A-2f, or A-3a manufacturing 2290
permit premises only by public streets or highways or by other 2291
lands owned by the holder of the A-1, A-1c, A-2, A-2f, or A-3a 2292
permit and used by the holder in connection with or in promotion 2293
of the holder's A-1, A-1c, A-2, A-2f, or A-3a permit business. 2294

(3) In the case of an A-1, A-1c, A-2, or A-2f permit holder, it is situated on a parcel or tract of land that is not more than one-half mile from the A-1, A-1c, A-2, or A-2f manufacturing permit premises.

(4) In the case of an A-3a permit holder, it is situated on a parcel or tract of land that is not more than two hundred feet from the A-3a manufacturing permit premises.

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

(C) (1) The holder of an A-1-A permit may sell beer and any intoxicating liquor during the same hours as the holders of D-5 permits under this chapter or Chapter 4301. of the Revised Code or the rules of the liquor control commission~~and~~. Except as provided in division (C) (2) of this section, the permit holder shall obtain a license as a retail food establishment or a food service operation pursuant to Chapter 3717. of the Revised Code and operate as a restaurant for purposes of this chapter.

(2) In lieu of obtaining a license as a retail food establishment or food service operation, an A-1c permit holder may do either of the following:

(a) Serve prepackaged meals and nonalcoholic beverages, as well as beer and intoxicating liquor, under the exemption provided for under sections 3717.22 and 3717.42 of the Revised Code;

(b) Maintain a schedule with the owner or operator of a mobile retail food establishment or a mobile food service operation licensed under Chapter 3717. of the Revised Code to serve food to the A-1-A permit holder's customers. The schedule shall be in writing and agreed upon a week in advance. In

addition, the A-1-A permit holder shall maintain the schedule 2324
for a minimum of one month. 2325

~~(2)~~ 2326

(3) If a permit A-1-A is issued to the holder of an A-1 or 2327
A-1c permit, the A-1-A permit holder may sell beer at the A-1-A 2328
permit premises dispensed in ~~glass~~ containers with a capacity 2329
that does not exceed one gallon and not for consumption on the 2330
premises where sold if all of the following apply: 2331

(a) The A-1-A permit premises is situated in the same 2332
municipal corporation or township as the related A-1 or A-1c 2333
manufacturing permit premises. 2334

(b) The containers are sealed, marked, and transported in 2335
accordance with division (E) of section 4301.62 of the Revised 2336
Code. 2337

(c) The containers have been cleaned immediately before 2338
being filled in accordance with rule 4301:1-1-28 of the 2339
Administrative Code. 2340

(D) Except as otherwise provided in this section, the 2341
division of liquor control shall not issue a new A-1-A permit to 2342
the holder of an A-1, A-1c, A-2, A-2f, or A-3a permit unless the 2343
sale of beer and intoxicating liquor under class D permits is 2344
permitted in the precinct in which the A-1, A-1c, A-2, A-2f, or 2345
A-3a permit is located and, in the case of an A-2 or A-2f 2346
permit, unless the holder of the A-2 or A-2f permit manufactures 2347
or has a storage capacity of at least twenty-five thousand 2348
gallons of wine per year. The immediately preceding sentence 2349
does not prohibit the issuance of an A-1-A permit to an 2350
applicant for such a permit who is the holder of an A-1 permit 2351
and whose application was filed with the division of liquor 2352

control before June 1, 1994. The liquor control commission shall 2353
not restrict the number of A-1-A permits which may be located 2354
within a precinct. 2355

Sec. 4303.15. Permit D-3 may be issued to the owner or 2356
operator of a hotel, of a retail food establishment or a food 2357
service operation licensed pursuant to Chapter 3717. of the 2358
Revised Code that operates as a restaurant for purposes of this 2359
chapter, or of a club, boat, or vessel, to sell spirituous 2360
liquor at retail, only by the individual drink in glass or from 2361
the container, for consumption on the premises where sold. ~~No~~ 2362
Except as authorized under section 4303.221 or 4303.222 of the 2363
Revised Code, no sales of intoxicating liquor shall be made by a 2364
holder of a D-3 permit after one a.m. The fee for this permit is 2365
seven hundred fifty dollars for each location, boat, or vessel. 2366

Sec. 4303.171. Permit D-4a may be issued to an airline 2367
company that leases and operates a premises exclusively for the 2368
benefit of the members and their guests of a private club 2369
sponsored by the airline company, at a publicly owned airport, 2370
as defined in section 4563.01 of the Revised Code, at which 2371
commercial airline companies operate regularly scheduled flights 2372
on which space is available to the public, to sell beer and any 2373
intoxicating liquor to members of the private club and their 2374
guests, only by the individual drink in glass and from the 2375
container, for consumption on the premises where sold. In 2376
addition to the privileges authorized in this section, the 2377
holder of a D-4a permit may exercise the same privileges as a 2378
holder of a D-4 permit. ~~The~~ Except as authorized under section 2379
4303.221 or 4303.222 of the Revised Code, the holder of a D-4a 2380
permit shall make no sales of beer or intoxicating liquor after 2381
two-thirty a.m. 2382

A D-4a permit shall not be transferred to another 2383
location. No quota restriction shall be placed upon the number 2384
of such permits which may be issued. 2385

The fee for this permit is seven hundred fifty dollars. 2386

Sec. 4303.181. (A) Permit D-5a may be issued either to the 2387
owner or operator of a hotel or motel that is required to be 2388
licensed under section 3731.03 of the Revised Code, that 2389
contains at least fifty rooms for registered transient guests or 2390
is owned by a state institution of higher education as defined 2391
in section 3345.011 of the Revised Code or a private college or 2392
university, and that qualifies under the other requirements of 2393
this section, or to the owner or operator of a restaurant 2394
specified under this section, to sell beer and any intoxicating 2395
liquor at retail, only by the individual drink in glass and from 2396
the container, for consumption on the premises where sold, and 2397
to registered guests in their rooms, which may be sold by means 2398
of a controlled access alcohol and beverage cabinet in 2399
accordance with division (B) of section 4301.21 of the Revised 2400
Code; and to sell the same products in the same manner and 2401
amounts not for consumption on the premises as may be sold by 2402
holders of D-1 and D-2 permits. The premises of the hotel or 2403
motel shall include a retail food establishment or a food 2404
service operation licensed pursuant to Chapter 3717. of the 2405
Revised Code that operates as a restaurant for purposes of this 2406
chapter and that is affiliated with the hotel or motel and 2407
within or contiguous to the hotel or motel, and that serves food 2408
within the hotel or motel, but the principal business of the 2409
owner or operator of the hotel or motel shall be the 2410
accommodation of transient guests. In addition to the privileges 2411
authorized in this division, the holder of a D-5a permit may 2412
exercise the same privileges as the holder of a D-5 permit. 2413

The owner or operator of a hotel, motel, or restaurant who 2414
qualified for and held a D-5a permit on August 4, 1976, may, if 2415
the owner or operator held another permit before holding a D-5a 2416
permit, either retain a D-5a permit or apply for the permit 2417
formerly held, and the division of liquor control shall issue 2418
the permit for which the owner or operator applies and formerly 2419
held, notwithstanding any quota. 2420

A D-5a permit shall not be transferred to another 2421
location. No quota restriction shall be placed on the number of 2422
D-5a permits that may be issued. 2423

The fee for this permit is two thousand three hundred 2424
forty-four dollars. 2425

(B) Permit D-5b may be issued to the owner, operator, 2426
tenant, lessee, or occupant of an enclosed shopping center to 2427
sell beer and intoxicating liquor at retail, only by the 2428
individual drink in glass and from the container, for 2429
consumption on the premises where sold; and to sell the same 2430
products in the same manner and amount not for consumption on 2431
the premises as may be sold by holders of D-1 and D-2 permits. 2432
In addition to the privileges authorized in this division, the 2433
holder of a D-5b permit may exercise the same privileges as a 2434
holder of a D-5 permit. 2435

A D-5b permit shall not be transferred to another 2436
location. 2437

One D-5b permit may be issued at an enclosed shopping 2438
center containing at least two hundred twenty-five thousand, but 2439
less than four hundred thousand, square feet of floor area. 2440

Two D-5b permits may be issued at an enclosed shopping 2441
center containing at least four hundred thousand square feet of 2442

floor area. No more than one D-5b permit may be issued at an 2443
enclosed shopping center for each additional two hundred 2444
thousand square feet of floor area or fraction of that floor 2445
area, up to a maximum of five D-5b permits for each enclosed 2446
shopping center. The number of D-5b permits that may be issued 2447
at an enclosed shopping center shall be determined by 2448
subtracting the number of D-3 and D-5 permits issued in the 2449
enclosed shopping center from the number of D-5b permits that 2450
otherwise may be issued at the enclosed shopping center under 2451
the formulas provided in this division. Except as provided in 2452
this section, no quota shall be placed on the number of D-5b 2453
permits that may be issued. Notwithstanding any quota provided 2454
in this section, the holder of any D-5b permit first issued in 2455
accordance with this section is entitled to its renewal in 2456
accordance with section 4303.271 of the Revised Code. 2457

The holder of a D-5b permit issued before April 4, 1984, 2458
whose tenancy is terminated for a cause other than nonpayment of 2459
rent, may return the D-5b permit to the division of liquor 2460
control, and the division shall cancel that permit. Upon 2461
cancellation of that permit and upon the permit holder's payment 2462
of taxes, contributions, premiums, assessments, and other debts 2463
owing or accrued upon the date of cancellation to this state and 2464
its political subdivisions and a filing with the division of a 2465
certification of that payment, the division shall issue to that 2466
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, 2467
as that person requests. The division shall issue the D-5 2468
permit, or the D-1, D-2, and D-3 permits, even if the number of 2469
D-1, D-2, D-3, or D-5 permits currently issued in the municipal 2470
corporation or in the unincorporated area of the township where 2471
that person's proposed premises is located equals or exceeds the 2472
maximum number of such permits that can be issued in that 2473

municipal corporation or in the unincorporated area of that 2474
township under the population quota restrictions contained in 2475
section 4303.29 of the Revised Code. Any D-1, D-2, D-3, or D-5 2476
permit so issued shall not be transferred to another location. 2477
If a D-5b permit is canceled under the provisions of this 2478
paragraph, the number of D-5b permits that may be issued at the 2479
enclosed shopping center for which the D-5b permit was issued, 2480
under the formula provided in this division, shall be reduced by 2481
one if the enclosed shopping center was entitled to more than 2482
one D-5b permit under the formula. 2483

The fee for this permit is two thousand three hundred 2484
forty-four dollars. 2485

(C) Permit D-5c may be issued to the owner or operator of 2486
a retail food establishment or a food service operation licensed 2487
pursuant to Chapter 3717. of the Revised Code that operates as a 2488
restaurant for purposes of this chapter and that qualifies under 2489
the other requirements of this section to sell beer and any 2490
intoxicating liquor at retail, only by the individual drink in 2491
glass and from the container, for consumption on the premises 2492
where sold, and to sell the same products in the same manner and 2493
amounts not for consumption on the premises as may be sold by 2494
holders of D-1 and D-2 permits. In addition to the privileges 2495
authorized in this division, the holder of a D-5c permit may 2496
exercise the same privileges as the holder of a D-5 permit. 2497

To qualify for a D-5c permit, the owner or operator of a 2498
retail food establishment or a food service operation licensed 2499
pursuant to Chapter 3717. of the Revised Code that operates as a 2500
restaurant for purposes of this chapter, shall have operated the 2501
restaurant at the proposed premises for not less than twenty- 2502
four consecutive months immediately preceding the filing of the 2503

application for the permit, have applied for a D-5 permit no 2504
later than December 31, 1988, and appear on the division's quota 2505
waiting list for not less than six months immediately preceding 2506
the filing of the application for the permit. In addition to 2507
these requirements, the proposed D-5c permit premises shall be 2508
located within a municipal corporation and further within an 2509
election precinct that, at the time of the application, has no 2510
more than twenty-five per cent of its total land area zoned for 2511
residential use. 2512

A D-5c permit shall not be transferred to another 2513
location. No quota restriction shall be placed on the number of 2514
such permits that may be issued. 2515

Any person who has held a D-5c permit for at least two 2516
years may apply for a D-5 permit, and the division of liquor 2517
control shall issue the D-5 permit notwithstanding the quota 2518
restrictions contained in section 4303.29 of the Revised Code or 2519
in any rule of the liquor control commission. 2520

The fee for this permit is one thousand five hundred 2521
sixty-three dollars. 2522

(D) Permit D-5d may be issued to the owner or operator of 2523
a retail food establishment or a food service operation licensed 2524
pursuant to Chapter 3717. of the Revised Code that operates as a 2525
restaurant for purposes of this chapter and that is located at 2526
an airport operated by a board of county commissioners pursuant 2527
to section 307.20 of the Revised Code, at an airport operated by 2528
a port authority pursuant to Chapter 4582. of the Revised Code, 2529
or at an airport operated by a regional airport authority 2530
pursuant to Chapter 308. of the Revised Code. The holder of a D- 2531
5d permit may sell beer and any intoxicating liquor at retail, 2532
only by the individual drink in glass and from the container, 2533

for consumption on the premises where sold, and may sell the 2534
same products in the same manner and amounts not for consumption 2535
on the premises where sold as may be sold by the holders of D-1 2536
and D-2 permits. In addition to the privileges authorized in 2537
this division, the holder of a D-5d permit may exercise the same 2538
privileges as the holder of a D-5 permit. 2539

A D-5d permit shall not be transferred to another 2540
location. No quota restrictions shall be placed on the number of 2541
such permits that may be issued. 2542

The fee for this permit is two thousand three hundred 2543
forty-four dollars. 2544

(E) Permit D-5e may be issued to any nonprofit 2545
organization that is exempt from federal income taxation under 2546
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 2547
501(c)(3), as amended, or that is a charitable organization 2548
under any chapter of the Revised Code, and that owns or operates 2549
a riverboat that meets all of the following: 2550

(1) Is permanently docked at one location; 2551

(2) Is designated as an historical riverboat by the Ohio 2552
history connection; 2553

(3) Contains not less than fifteen hundred square feet of 2554
floor area; 2555

(4) Has a seating capacity of fifty or more persons. 2556

The holder of a D-5e permit may sell beer and intoxicating 2557
liquor at retail, only by the individual drink in glass and from 2558
the container, for consumption on the premises where sold. 2559

A D-5e permit shall not be transferred to another 2560
location. No quota restriction shall be placed on the number of 2561

such permits that may be issued. The population quota 2562
restrictions contained in section 4303.29 of the Revised Code or 2563
in any rule of the liquor control commission shall not apply to 2564
this division, and the division shall issue a D-5e permit to any 2565
applicant who meets the requirements of this division. However, 2566
the division shall not issue a D-5e permit if the permit 2567
premises or proposed permit premises are located within an area 2568
in which the sale of spirituous liquor by the glass is 2569
prohibited. 2570

The fee for this permit is one thousand two hundred 2571
nineteen dollars. 2572

(F) Permit D-5f may be issued to the owner or operator of 2573
a retail food establishment or a food service operation licensed 2574
under Chapter 3717. of the Revised Code that operates as a 2575
restaurant for purposes of this chapter and that meets all of 2576
the following: 2577

(1) It contains not less than twenty-five hundred square 2578
feet of floor area. 2579

(2) It is located on or in, or immediately adjacent to, 2580
the shoreline of, a navigable river. 2581

(3) It provides docking space for twenty-five boats. 2582

(4) It provides entertainment and recreation, provided 2583
that not less than fifty per cent of the business on the permit 2584
premises shall be preparing and serving meals for a 2585
consideration. 2586

In addition, each application for a D-5f permit shall be 2587
accompanied by a certification from the local legislative 2588
authority that the issuance of the D-5f permit is not 2589
inconsistent with that political subdivision's comprehensive 2590

development plan or other economic development goal as 2591
officially established by the local legislative authority. 2592

The holder of a D-5f permit may sell beer and intoxicating 2593
liquor at retail, only by the individual drink in glass and from 2594
the container, for consumption on the premises where sold. 2595

A D-5f permit shall not be transferred to another 2596
location. 2597

The division of liquor control shall not issue a D-5f 2598
permit if the permit premises or proposed permit premises are 2599
located within an area in which the sale of spirituous liquor by 2600
the glass is prohibited. 2601

A fee for this permit is two thousand three hundred forty- 2602
four dollars. 2603

As used in this division, "navigable river" means a river 2604
that is also a "navigable water" as defined in the "Federal 2605
Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 2606

(G) Permit D-5g may be issued to a nonprofit corporation 2607
that is either the owner or the operator of a national 2608
professional sports museum. The holder of a D-5g permit may sell 2609
beer and any intoxicating liquor at retail, only by the 2610
individual drink in glass and from the container, for 2611
consumption on the premises where sold. The Except as authorized 2612
under section 4303.221 or 4303.222 of the Revised Code, the 2613
holder of a D-5g permit shall sell no beer or intoxicating 2614
liquor for consumption on the premises where sold after two- 2615
thirty a.m. A D-5g permit shall not be transferred to another 2616
location. No quota restrictions shall be placed on the number of 2617
D-5g permits that may be issued. The fee for this permit is one 2618
thousand eight hundred seventy-five dollars. 2619

(H) (1) Permit D-5h may be issued to any nonprofit 2620
organization that is exempt from federal income taxation under 2621
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 2622
501(c) (3), as amended, that owns or operates any of the 2623
following: 2624

(a) A fine arts museum, provided that the nonprofit 2625
organization has no less than one thousand five hundred bona 2626
fide members possessing full membership privileges; 2627

(b) A community arts center. As used in division (H) (1) (b) 2628
of this section, "community arts center" means a facility that 2629
provides arts programming to the community in more than one arts 2630
discipline, including, but not limited to, exhibits of works of 2631
art and performances by both professional and amateur artists. 2632

(c) A community theater, provided that the nonprofit 2633
organization is a member of the Ohio arts council and the 2634
American community theatre association and has been in existence 2635
for not less than ten years. As used in division (H) (1) (c) of 2636
this section, "community theater" means a facility that contains 2637
at least one hundred fifty seats and has a primary function of 2638
presenting live theatrical performances and providing 2639
recreational opportunities to the community. 2640

(2) The holder of a D-5h permit may sell beer and any 2641
intoxicating liquor at retail, only by the individual drink in 2642
glass and from the container, for consumption on the premises 2643
where sold. The Except as authorized under section 4303.221 or 2644
4303.222 of the Revised Code, the holder of a D-5h permit shall 2645
sell no beer or intoxicating liquor for consumption on the 2646
premises where sold after one a.m. A D-5h permit shall not be 2647
transferred to another location. No quota restrictions shall be 2648
placed on the number of D-5h permits that may be issued. 2649

(3) The fee for a D-5h permit is one thousand eight 2650
hundred seventy-five dollars. 2651

(I) Permit D-5i may be issued to the owner or operator of 2652
a retail food establishment or a food service operation licensed 2653
under Chapter 3717. of the Revised Code that operates as a 2654
restaurant for purposes of this chapter and that meets all of 2655
the following requirements: 2656

(1) It is located in a municipal corporation or a township 2657
with a population of one hundred thousand or less. 2658

(2) It has inside seating capacity for at least one 2659
hundred forty persons. 2660

(3) It has at least four thousand square feet of floor 2661
area. 2662

(4) It offers full-course meals, appetizers, and 2663
sandwiches. 2664

(5) Its receipts from beer and liquor sales, excluding 2665
wine sales, do not exceed twenty-five per cent of its total 2666
gross receipts. 2667

(6) It has at least one of the following characteristics: 2668

(a) The value of its real and personal property exceeds 2669
seven hundred twenty-five thousand dollars. 2670

(b) It is located on property that is owned or leased by 2671
the state or a state agency, and its owner or operator has 2672
authorization from the state or the state agency that owns or 2673
leases the property to obtain a D-5i permit. 2674

The holder of a D-5i permit may sell beer and any 2675
intoxicating liquor at retail, only by the individual drink in 2676

glass and from the container, for consumption on the premises 2677
where sold, and may sell the same products in the same manner 2678
and amounts not for consumption on the premises where sold as 2679
may be sold by the holders of D-1 and D-2 permits. ~~The~~ Except as 2680
authorized under section 4303.221 or 4303.222 of the Revised 2681
Code, the holder of a D-5i permit shall sell no beer or 2682
intoxicating liquor for consumption on the premises where sold 2683
after two-thirty a.m. In addition to the privileges authorized 2684
in this division, the holder of a D-5i permit may exercise the 2685
same privileges as the holder of a D-5 permit. 2686

A D-5i permit shall not be transferred to another 2687
location. The division of liquor control shall not renew a D-5i 2688
permit unless the retail food establishment or food service 2689
operation for which it is issued continues to meet the 2690
requirements described in divisions (I) (1) to (6) of this 2691
section. No quota restrictions shall be placed on the number of 2692
D-5i permits that may be issued. The fee for the D-5i permit is 2693
two thousand three hundred forty-four dollars. 2694

(J) Permit D-5j may be issued to the owner or the operator 2695
of a retail food establishment or a food service operation 2696
licensed under Chapter 3717. of the Revised Code to sell beer 2697
and intoxicating liquor at retail, only by the individual drink 2698
in glass and from the container, for consumption on the premises 2699
where sold and to sell beer and intoxicating liquor in the same 2700
manner and amounts not for consumption on the premises where 2701
sold as may be sold by the holders of D-1 and D-2 permits. The 2702
holder of a D-5j permit may exercise the same privileges, and 2703
shall observe the same hours of operation, as the holder of a D- 2704
5 permit. 2705

The D-5j permit shall be issued only within a community 2706

entertainment district that is designated under section 4301.80 2707
of the Revised Code. The permit shall not be issued to a 2708
community entertainment district that is designated under 2709
divisions (B) and (C) of section 4301.80 of the Revised Code if 2710
the district does not meet one of the following qualifications: 2711

(1) It is located in a municipal corporation with a 2712
population of at least one hundred thousand. 2713

(2) It is located in a municipal corporation with a 2714
population of at least twenty thousand, and either of the 2715
following applies: 2716

(a) It contains an amusement park the rides of which have 2717
been issued a permit by the department of agriculture under 2718
Chapter 1711. of the Revised Code. 2719

(b) Not less than fifty million dollars will be invested 2720
in development and construction in the community entertainment 2721
district's area located in the municipal corporation. 2722

(3) It is located in a township with a population of at 2723
least forty thousand. 2724

(4) It is located in a township with a population of at 2725
least twenty thousand, and not less than seventy million dollars 2726
will be invested in development and construction in the 2727
community entertainment district's area located in the township. 2728

(5) It is located in a municipal corporation with a 2729
population between seven thousand and twenty thousand, and both 2730
of the following apply: 2731

(a) The municipal corporation was incorporated as a 2732
village prior to calendar year 1880 and currently has a historic 2733
downtown business district. 2734

(b) The municipal corporation is located in the same 2735
county as another municipal corporation with at least one 2736
community entertainment district. 2737

(6) It is located in a municipal corporation with a 2738
population of at least ten thousand, and not less than seventy 2739
million dollars will be invested in development and construction 2740
in the community entertainment district's area located in the 2741
municipal corporation. 2742

(7) It is located in a municipal corporation with a 2743
population of at least three thousand, and not less than one 2744
hundred fifty million dollars will be invested in development 2745
and construction in the community entertainment district's area 2746
located in the municipal corporation. 2747

The location of a D-5j permit may be transferred only 2748
within the geographic boundaries of the community entertainment 2749
district in which it was issued and shall not be transferred 2750
outside the geographic boundaries of that district. 2751

Not more than one D-5j permit shall be issued within each 2752
community entertainment district for each five acres of land 2753
located within the district. Not more than fifteen D-5j permits 2754
may be issued within a single community entertainment district. 2755
Except as otherwise provided in division (J)(4) of this section, 2756
no quota restrictions shall be placed upon the number of D-5j 2757
permits that may be issued. 2758

The fee for a D-5j permit is two thousand three hundred 2759
forty-four dollars. 2760

(K)(1) Permit D-5k may be issued to any nonprofit 2761
organization that is exempt from federal income taxation under 2762
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 2763

501(c)(3), as amended, that is the owner or operator of a 2764
botanical garden recognized by the American association of 2765
botanical gardens and arboreta, and that has not less than 2766
twenty-five hundred bona fide members. 2767

(2) The holder of a D-5k permit may sell beer and any 2768
intoxicating liquor at retail, only by the individual drink in 2769
glass and from the container, on the premises where sold. 2770

(3) ~~The~~ Except as authorized under section 4303.221 or 2771
4303.222 of the Revised Code, the holder of a D-5k permit shall 2772
sell no beer or intoxicating liquor for consumption on the 2773
premises where sold after one a.m. 2774

(4) A D-5k permit shall not be transferred to another 2775
location. 2776

(5) No quota restrictions shall be placed on the number of 2777
D-5k permits that may be issued. 2778

(6) The fee for the D-5k permit is one thousand eight 2779
hundred seventy-five dollars. 2780

(L)(1) Permit D-5l may be issued to the owner or the 2781
operator of a retail food establishment or a food service 2782
operation licensed under Chapter 3717. of the Revised Code to 2783
sell beer and intoxicating liquor at retail, only by the 2784
individual drink in glass and from the container, for 2785
consumption on the premises where sold and to sell beer and 2786
intoxicating liquor in the same manner and amounts not for 2787
consumption on the premises where sold as may be sold by the 2788
holders of D-1 and D-2 permits. The holder of a D-5l permit may 2789
exercise the same privileges, and shall observe the same hours 2790
of operation, as the holder of a D-5 permit. 2791

(2) The D-5l permit shall be issued only to a premises to 2792

which all of the following apply: 2793

(a) The premises has gross annual receipts from the sale 2794
of food and meals that constitute not less than seventy-five per 2795
cent of its total gross annual receipts. 2796

(b) The premises is located within a revitalization 2797
district that is designated under section 4301.81 of the Revised 2798
Code. 2799

(c) The premises is located in a municipal corporation or 2800
township in which the number of D-5 permits issued equals or 2801
exceeds the number of those permits that may be issued in that 2802
municipal corporation or township under section 4303.29 of the 2803
Revised Code. 2804

(d) The premises meets any of the following 2805
qualifications: 2806

(i) It is located in a county with a population of one 2807
hundred twenty-five thousand or less according to the population 2808
estimates certified by the development services agency for 2809
calendar year 2006. 2810

(ii) It is located in the municipal corporation that has 2811
the largest population in a county when the county has a 2812
population between two hundred fifteen thousand and two hundred 2813
twenty-five thousand according to the population estimates 2814
certified by the development services agency for calendar year 2815
2006. Division (L) (2) (d) (ii) of this section applies only to a 2816
municipal corporation that is wholly located in a county. 2817

(iii) It is located in the municipal corporation that has 2818
the largest population in a county when the county has a 2819
population between one hundred forty thousand and one hundred 2820
forty-one thousand according to the population estimates 2821

certified by the development services agency for calendar year 2822
2006. Division (L) (2) (d) (iii) of this section applies only to a 2823
municipal corporation that is wholly located in a county. 2824

(iv) It is located in a township with a population density 2825
of less than four hundred fifty people per square mile. For 2826
purposes of division (L) (2) (d) (iv) of this section, the 2827
population of a township is considered to be the population 2828
shown by the most recent regular federal decennial census. 2829

(v) It is located in a municipal corporation that is 2830
wholly located within the geographic boundaries of a township, 2831
provided that the municipal corporation and the unincorporated 2832
portion of the township have a combined population density of 2833
less than four hundred fifty people per square mile. For 2834
purposes of division (L) (2) (d) (v) of this section, the 2835
population of a municipal corporation and unincorporated portion 2836
of a township is the population shown by the most recent federal 2837
decennial census. 2838

(vi) It is located in a county with a population of not 2839
less than one hundred seventy-two thousand and not more than one 2840
hundred ninety-five thousand. For purposes of division (L) (2) (d) 2841
(vi) of this section, the population of a county is the 2842
population shown by the most recent decennial census. 2843

(vii) It is located in a municipal corporation with a 2844
population of less than ten thousand and the municipal 2845
corporation is located in a county with a population of more 2846
than one million. For purposes of division (L) (2) (d) (vii) of 2847
this section, the population of a municipal corporation and a 2848
county is the population shown by the most recent decennial 2849
census. 2850

(3) The location of a D-5l permit may be transferred only 2851
within the geographic boundaries of the revitalization district 2852
in which it was issued and shall not be transferred outside the 2853
geographic boundaries of that district. 2854

(4) Not more than one D-5l permit shall be issued within 2855
each revitalization district for each five acres of land located 2856
within the district. Not more than fifteen D-5l permits may be 2857
issued within a single revitalization district. Except as 2858
otherwise provided in division (L) (4) of this section, no quota 2859
restrictions shall be placed upon the number of D-5l permits 2860
that may be issued. 2861

(5) No D-5l permit shall be issued to an adult 2862
entertainment establishment as defined in section 2907.39 of the 2863
Revised Code. 2864

(6) The fee for a D-5l permit is two thousand three 2865
hundred forty-four dollars. 2866

(M) Permit D-5m may be issued to either the owner or the 2867
operator of a retail food establishment or food service 2868
operation licensed under Chapter 3717. of the Revised Code that 2869
operates as a restaurant for purposes of this chapter and that 2870
is located in, or affiliated with, a center for the preservation 2871
of wild animals as defined in section 4301.404 of the Revised 2872
Code, to sell beer and any intoxicating liquor at retail, only 2873
by the glass and from the container, for consumption on the 2874
premises where sold, and to sell the same products in the same 2875
manner and amounts not for consumption on the premises as may be 2876
sold by the holders of D-1 and D-2 permits. In addition to the 2877
privileges authorized by this division, the holder of a D-5m 2878
permit may exercise the same privileges as the holder of a D-5 2879
permit. 2880

A D-5m permit shall not be transferred to another 2881
location. No quota restrictions shall be placed on the number of 2882
D-5m permits that may be issued. The fee for a permit D-5m is 2883
two thousand three hundred forty-four dollars. 2884

(N) Permit D-5n shall be issued to either a casino 2885
operator or a casino management company licensed under Chapter 2886
3772. of the Revised Code that operates a casino facility under 2887
that chapter, to sell beer and any intoxicating liquor at 2888
retail, only by the individual drink in glass and from the 2889
container, for consumption on the premises where sold, and to 2890
sell the same products in the same manner and amounts not for 2891
consumption on the premises as may be sold by the holders of D-1 2892
and D-2 permits. In addition to the privileges authorized by 2893
this division, the holder of a D-5n permit may exercise the same 2894
privileges as the holder of a D-5 permit. A D-5n permit shall 2895
not be transferred to another location. Only one D-5n permit may 2896
be issued per casino facility and not more than four D-5n 2897
permits shall be issued in this state. The fee for a permit D-5n 2898
shall be twenty thousand dollars. The holder of a D-5n permit 2899
may conduct casino gaming on the permit premises notwithstanding 2900
any provision of the Revised Code or Administrative Code. 2901

(O) Permit D-5o may be issued to the owner or operator of 2902
a retail food establishment or a food service operation licensed 2903
under Chapter 3717. of the Revised Code that operates as a 2904
restaurant for purposes of this chapter and that is located 2905
within a casino facility for which a D-5n permit has been 2906
issued. The holder of a D-5o permit may sell beer and any 2907
intoxicating liquor at retail, only by the individual drink in 2908
glass and from the container, for consumption on the premises 2909
where sold, and may sell the same products in the same manner 2910
and amounts not for consumption on the premises where sold as 2911

may be sold by the holders of D-1 and D-2 permits. In addition 2912
to the privileges authorized by this division, the holder of a 2913
D-5o permit may exercise the same privileges as the holder of a 2914
D-5 permit. A D-5o permit shall not be transferred to another 2915
location. No quota restrictions shall be placed on the number of 2916
such permits that may be issued. The fee for this permit is two 2917
thousand three hundred forty-four dollars. 2918

Sec. 4303.182. (A) As used in this section, "retail permit 2919
holder" means an A-1, A-1-A, A-1c, A-2, A-2f, A-3a, E, or class 2920
C, D, or F permit. 2921

(B) A retail permit holder or an agency store may sell 2922
beer, wine, mixed beverages, or spirituous liquor, as 2923
applicable, on Sunday during the same hours that the permit 2924
holder or contract holder may sell those products on Monday 2925
through Saturday. 2926

Sec. 4303.184. (A) Subject to division (B) of this 2927
section, a D-8 permit may be issued to any of the following: 2928

(1) An agency store; 2929

(2) The holder of a C-1, C-2, or C-2x permit issued to a 2930
retail store that has any of the following characteristics: 2931

(a) The store has at least five thousand five hundred 2932
square feet of floor area, and it generates more than sixty per 2933
cent of its sales in general merchandise items and food for 2934
consumption off the premises where sold. 2935

(b) The store is located in a municipal corporation or 2936
township with a population of five thousand or less, has at 2937
least four thousand five hundred square feet of floor area, and 2938
generates more than sixty per cent of its sales in general 2939
merchandise items and food for consumption off the premises 2940

where sold. 2941

(c) Wine constitutes at least sixty per cent of the value 2942
of the store's inventory. 2943

(3) The holder of both a C-1 and C-2 permit, or the holder 2944
of a C-2x permit, issued to a retail store that is located 2945
within a municipal corporation or township with a population of 2946
fifteen thousand or less. 2947

(B) A D-8 permit may be issued to the holder of a C-1, C- 2948
2, or C-2x permit only if the premises of the permit holder are 2949
located in a precinct, or at a particular location in a 2950
precinct, in which the sale of beer, wine, or mixed beverages is 2951
permitted for consumption off the premises where sold. Sales 2952
under a D-8 permit are not affected by whether sales for 2953
consumption on the premises where sold are permitted in the 2954
precinct or at the particular location where the D-8 premises 2955
are located. 2956

(C) (1) The holder of a D-8 permit described in division 2957
(A) (2) or (3) of this section may sell tasting samples of beer, 2958
wine, and mixed beverages, but not spirituous liquor, at retail, 2959
for consumption on the premises where sold in an amount not to 2960
exceed two ounces or another amount designated by rule of the 2961
liquor control commission. A tasting sample shall not be sold 2962
for general consumption. 2963

(2) The holder of a D-8 permit described in division (A) 2964
(1) of this section may allow the sale of tasting samples of 2965
spirituous liquor in accordance with section 4301.171 of the 2966
Revised Code. 2967

(3) No D-8 permit holder described in division (A) (2) or 2968
(3) of this section shall allow any authorized purchaser to 2969

consume more than four tasting samples of beer, wine, or mixed 2970
beverages, or any combination of beer, wine, or mixed beverages, 2971
per day. 2972

(D) (1) Notwithstanding sections 4303.11 and 4303.121 of 2973
the Revised Code, the holder of a D-8 permit described in 2974
division (A) (2) or (3) of this section may sell beer that is 2975
dispensed from containers that have a capacity equal to or 2976
greater than five and one-sixth gallons if all of the following 2977
conditions are met: 2978

(a) A product registration fee for the beer has been paid 2979
as required in division (A) (8) (b) of section 4301.10 of the 2980
Revised Code. 2981

(b) The beer is dispensed only in glass containers whose 2982
capacity does not exceed one gallon and not for consumption on 2983
the premises where sold. 2984

(c) The containers are sealed, marked, and transported in 2985
accordance with division (E) of section 4301.62 of the Revised 2986
Code. 2987

(d) The containers have been cleaned immediately before 2988
being filled in accordance with rule 4301:1-1-28 of the 2989
Administrative Code. 2990

(2) Beer that is sold and dispensed under division (D) (1) 2991
of this section is subject to both of the following: 2992

(a) All applicable rules adopted by the liquor control 2993
commission, including, but not limited to, rule 4301:1-1-27 and 2994
rule 4301:1-1-72 of the Administrative Code; 2995

(b) All applicable federal laws and regulations. 2996

(E) The privileges authorized for the holder of a D-8 2997

permit described in division (A) (2) or (3) of this section may 2998
only be exercised in conjunction with and during the hours of 2999
operation authorized by a C-1, C-2, or C-2x, ~~or D-6~~ permit. 3000

(F) A D-8 permit shall not be transferred to another 3001
location. 3002

(G) The fee for the D-8 permit is five hundred dollars. 3003

Sec. 4303.19. Permit E may be issued to the owner or 3004
operator of any railroad, a sleeping car company operating 3005
dining cars, buffet cars, club cars, lounge cars, or similar 3006
equipment, or an airline providing charter or regularly 3007
scheduled aircraft transportation service with dining, buffet, 3008
club, lounge, or similar facilities, to sell beer or any 3009
intoxicating liquor in any such car or aircraft to bona fide 3010
passengers at retail in glass and from the container for 3011
consumption in such car or aircraft, ~~including sale on Sunday~~ 3012
~~between the hours of one p.m. and midnight.~~ The fee for this 3013
permit is five hundred dollars. 3014

Sec. 4303.202. (A) The division of liquor control may 3015
issue an F-2 permit to an association or corporation, or to a 3016
recognized subordinate lodge, chapter, or other local unit of an 3017
association or corporation, to sell beer or intoxicating liquor 3018
by the individual drink at an event to be held on premises 3019
located in a political subdivision or part thereof where the 3020
sale of beer or intoxicating liquor, but not spirituous liquor, 3021
on that day is otherwise permitted by law. However, the division 3022
may issue the F-2 permit only if the association, corporation, 3023
or recognized subordinate lodge, chapter, or other local unit of 3024
an association or corporation meets all of the following: 3025

(1) It is organized not for profit; 3026

(2) It is operated for a charitable, cultural, 3027
educational, fraternal, or political purpose; 3028

(3) It is not affiliated with the holder of any class of 3029
liquor permit, other than a D-4 permit. 3030

~~(B) Sales under an F-2 permit on Sundays are not affected 3031
by whether Sunday sales of beer or intoxicating liquor for 3032
consumption on the premises where sold are allowed to be made by 3033
persons holding another type of permit in the precinct or at the 3034
particular location where the event is to be held, provided that 3035
the F-2 permit is issued for other days of the week in addition 3036
to Sunday. 3037~~

~~(C)~~ The premises on which the permit is to be used shall 3038
be clearly defined and sufficiently restricted to allow proper 3039
supervision of the permit use by state and local law enforcement 3040
personnel. An F-2 permit may be issued for the same premises for 3041
which another class of permit is issued. 3042

~~(D)~~ (C) (1) No F-2 permit shall be effective for more than 3043
four consecutive days, and sales shall be confined to the same 3044
hours permitted to the holder of a D-3 permit. The division 3045
shall not issue more than one F-2 permit in a thirty-day period 3046
to the same association, corporation, or local unit of an 3047
association or corporation. The fee for an F-2 permit is one 3048
hundred fifty dollars. 3049

(2) No association, corporation, local unit of an 3050
association or corporation, or D-permit holder who holds an F-2 3051
permit shall sell beer or intoxicating liquor beyond the hours 3052
of sale allowed by the permit. Division ~~(D)~~ (2) ~~(C)~~ of this 3053
section imposes strict liability on the holder of such permit 3054
and on any officer, agent, or employee of such permit holder. 3055

~~(E)~~-(D) If an applicant wishes the holder of a D permit 3056
issued under sections 4303.13 to 4303.181 of the Revised Code to 3057
conduct the sale of beer and intoxicating liquor at the event, 3058
the applicant may request that the F-2 permit be issued jointly 3059
to the association, corporation, or local unit and the D-permit 3060
holder. If a permit is issued jointly, the association, 3061
corporation, or local unit and the D-permit holder shall both be 3062
held responsible for any conduct that violates laws pertaining 3063
to the sale of alcoholic beverages, including sales by the D- 3064
permit holder; otherwise, the association, corporation, or local 3065
unit shall be held responsible. In addition to the permit fee 3066
paid by the association, corporation, or local unit, the D- 3067
permit holder shall pay a fee of ten dollars. A D-permit holder 3068
may receive an unlimited number of joint F-2 permits. 3069

~~(F)~~-(E) (1) Any association, corporation, or local unit 3070
applying for an F-2 permit shall file with the application a 3071
statement of the organizational purpose of the association, 3072
corporation, or local unit, the location and purpose of the 3073
event, and a list of its officers. The application form shall 3074
contain a notice that a person who knowingly makes a false 3075
statement on the application or statement is guilty of the crime 3076
of falsification, a misdemeanor of the first degree. In ruling 3077
on an application, the division shall consider, among other 3078
things, the past activities of the association, corporation, or 3079
local unit and any D-permit holder while operating under other 3080
F-2 permits, the location of the event for which the current 3081
application is made, and any objections of local residents or 3082
law enforcement authorities. If the division approves the 3083
application, it shall send copies of the approved application to 3084
the proper law enforcement authorities prior to the scheduled 3085
event. 3086

(2) Notwithstanding section 1711.09 of the Revised Code, 3087
this section applies to any association or corporation or a 3088
recognized subordinate lodge, chapter, or other local unit of an 3089
association or corporation. 3090

~~(G)~~ (F) Using the procedures of Chapter 119. of the 3091
Revised Code, the liquor control commission may adopt such rules 3092
as are necessary to administer this section. 3093

Sec. 4303.203. (A) As used in this section: 3094

(1) "Convention facility" and "nonprofit corporation" have 3095
the same meanings as in section 4303.201 of the Revised Code. 3096

(2) "Hotel" means a hotel described in section 3731.01 of 3097
the Revised Code that has at least fifty rooms for registered 3098
transient guests and that is required to be licensed pursuant to 3099
section 3731.03 of the Revised Code. 3100

(B) An F-3 permit may be issued to an organization whose 3101
primary purpose is to support, promote, and educate members of 3102
the beer, wine, or mixed beverage industries, to allow the 3103
organization to bring beer, wine, or mixed beverages in their 3104
original packages or containers into a convention facility or 3105
hotel for consumption in the facility or hotel, if all of the 3106
following requirements are met: 3107

(1) The superintendent of liquor control is satisfied that 3108
the organization is a nonprofit organization and that the 3109
organization's membership is in excess of two hundred fifty 3110
persons. 3111

(2) The general manager or the equivalent officer of the 3112
convention facility or hotel provides a written consent for the 3113
use of a portion of the facility or hotel by the organization 3114
and a written statement that the facility's or hotel's permit 3115

privileges will be suspended in the portion of the facility or 3116
hotel in which the F-3 permit is in force. 3117

(3) The organization provides a written description that 3118
clearly sets forth the portion of the convention facility or 3119
hotel in which the F-3 permit will be used. 3120

(4) The organization provides a written statement as to 3121
its primary purpose and the purpose of its event at the 3122
convention facility or hotel. 3123

(5) Division (C) of this section does not apply. 3124

(C) No F-3 permit shall be issued to any nonprofit 3125
organization that is created by or for a specific manufacturer, 3126
supplier, distributor, or retailer of beer, wine, or mixed 3127
beverages. 3128

(D) Notwithstanding division ~~(D)~~ (C) of section 4301.22 of 3129
the Revised Code, a holder of an F-3 permit may obtain by 3130
donation beer, wine, or mixed beverages from any manufacturer or 3131
producer of beer, wine, or mixed beverages. 3132

(E) Nothing in this chapter prohibits the holder of an F-3 3133
permit from bringing into the portion of the convention facility 3134
or hotel covered by the permit beer, wine, or mixed beverages 3135
otherwise not approved for sale in this state. 3136

(F) Notwithstanding division ~~(D)~~ (C) of section 4301.22 of 3137
the Revised Code, no holder of an F-3 permit shall make any 3138
charge for any beer, wine, or mixed beverage served by the 3139
drink, or in its original package or container, in connection 3140
with the use of the portion of the convention facility or hotel 3141
covered by the permit. 3142

(G) The division of liquor control shall prepare and make 3143

available an F-3 permit application form and may require 3144
applicants for the permit to provide information, in addition to 3145
that required by this section, that is necessary for the 3146
administration of this section. 3147

(H) An F-3 permit shall be effective for a period not to 3148
exceed five consecutive days. The division of liquor control 3149
shall not issue more than three F-3 permits per calendar year to 3150
the same nonprofit organization. The fee for an F-3 permit is 3151
three hundred dollars. 3152

Sec. 4303.204. (A) The division of liquor control may 3153
issue an F-4 permit to an organization or corporation organized 3154
not-for-profit in this state to conduct an event that includes 3155
the introduction, showcasing, or promotion of Ohio wines, if the 3156
event has all of the following characteristics: 3157

(1) It is coordinated by that organization or corporation, 3158
and the organization or corporation is responsible for the 3159
activities at it. 3160

(2) It has as one of its purposes the intent to introduce, 3161
showcase, or promote Ohio wines to persons who attend it. 3162

(3) It includes the sale of food for consumption on the 3163
premises where sold. 3164

(4) It features any combination of at least three A-2 or 3165
A-2f permit holders who sell Ohio wine at it. 3166

(B) The holder of an F-4 permit may furnish, with or 3167
without charge, wine that it has obtained from the A-2 or A-2f 3168
permit holders that are participating in the event for which the 3169
F-4 permit is issued, in two-ounce samples for consumption on 3170
the premises where furnished and may sell such wine by the glass 3171
for consumption on the premises where sold. The holder of an A-2 3172

or A-2f permit that is participating in the event for which the 3173
F-4 permit is issued may sell wine that it has manufactured, in 3174
sealed containers for consumption off the premises where sold. 3175
Wine may be furnished or sold on the premises of the event for 3176
which the F-4 permit is issued only where and when the sale of 3177
wine is otherwise permitted by law. 3178

(C) The premises of the event for which the F-4 permit is 3179
issued shall be clearly defined and sufficiently restricted to 3180
allow proper enforcement of the permit by state and local law 3181
enforcement officers. If an F-4 permit is issued for all or a 3182
portion of the same premises for which another class of permit 3183
is issued, that permit holder's privileges will be suspended in 3184
that portion of the premises in which the F-4 permit is in 3185
effect. 3186

(D) No F-4 permit shall be effective for more than 3187
seventy-two consecutive hours. No sales or furnishing of wine 3188
shall take place under an F-4 permit after one a.m. 3189

(E) The division shall not issue more than six F-4 permits 3190
to the same not-for-profit organization or corporation in any 3191
one calendar year. 3192

(F) An applicant for an F-4 permit shall apply for the 3193
permit not later than thirty days prior to the first day of the 3194
event for which the permit is sought. The application for the 3195
permit shall list all of the A-2 and A-2f permit holders that 3196
will participate in the event for which the F-4 permit is 3197
sought. The fee for the F-4 permit is sixty dollars per day. 3198

The division shall prepare and make available an F-4 3199
permit application form and may require applicants for and 3200
holders of the F-4 permit to provide information that is in 3201

addition to that required by this section and that is necessary 3202
for the administration of this section. 3203

(G) (1) The holder of an F-4 permit is responsible for, and 3204
is subject to penalties for, any violations of this chapter or 3205
Chapter 4301. of the Revised Code or the rules adopted under 3206
this and that chapter. 3207

(2) An F-4 permit holder shall not allow an A-2 or A-2f 3208
permit holder to participate in the event for which the F-4 3209
permit is issued if the A-2 or A-2f or the A-1-A permit of that 3210
A-2 or A-2f permit holder is under suspension. 3211

(3) The division may refuse to issue an F-4 permit to an 3212
applicant who has violated any provision of this chapter or 3213
Chapter 4301. of the Revised Code during the applicant's 3214
previous operation under an F-4 permit, for a period of up to 3215
two years after the date of the violation. 3216

(H) (1) Notwithstanding division ~~(D)~~ (C) of section 4301.22 3217
of the Revised Code, an A-2 or A-2f permit holder that 3218
participates in an event for which an F-4 permit is issued may 3219
donate wine that it has manufactured to the holder of that F-4 3220
permit. The holder of an F-4 permit may return unused and sealed 3221
containers of wine to the A-2 or A-2f permit holder that donated 3222
the wine at the conclusion of the event for which the F-4 permit 3223
was issued. 3224

(2) The participation by an A-2 or A-2f permit holder or 3225
its employees in an event for which an F-4 permit is issued does 3226
not violate section 4301.24 of the Revised Code. 3227

Sec. 4303.205. (A) As used in this section: 3228

(1) "Festival" means an event organized by a nonprofit 3229
organization that includes food, music, and entertainment and 3230

the participation of at least five riverboats. 3231

(2) "Nonprofit organization" has the same meaning as in 3232
section 4303.201 of the Revised Code. 3233

(B) The division of liquor control may issue an F-5 permit 3234
to the owner or operator of a riverboat that has a capacity in 3235
excess of fifty-five persons, that is not regularly docked in 3236
this state, and whose owner or operator has entered into a 3237
written contract with a nonprofit organization for the riverboat 3238
to participate in a festival. 3239

(C) The holder of an F-5 permit may sell beer and any 3240
intoxicating liquor, only by the individual drink in glass and 3241
from the container, for consumption on the premises where sold 3242
until one a.m., on any day of the week, ~~including Sunday~~. 3243

(D) The division shall prepare and make available an F-5 3244
permit application form and may require applicants for the 3245
permit to provide information, in addition to that required by 3246
this section, that is necessary for the administration of this 3247
section. 3248

(E) Sales under an F-5 permit are not affected by whether 3249
sales of beer or intoxicating liquor for consumption on the 3250
premises where sold are permitted to be made by persons holding 3251
another type of permit in the precinct or at the particular 3252
location where the riverboat is located. 3253

(F) No F-5 permit shall be in effect for more than six 3254
consecutive days. 3255

(G) The division shall not issue more than one F-5 permit 3256
in any one calendar year for the same riverboat. 3257

(H) The fee for an F-5 permit is one hundred eighty 3258

dollars. 3259

Sec. 4303.2011. (A) As used in this section, "nonprofit 3260
organization" means a corporation, association, group, 3261
institution, society, or other organization that: 3262

(1) Is exempt from federal income taxation; 3263

(2) Has a membership of two hundred fifty or more persons. 3264

(B) The division of liquor control may issue an F-11 3265
permit to a nonprofit organization to conduct an event if the 3266
event has all of the following characteristics: 3267

(1) The event is coordinated by the nonprofit organization 3268
and the nonprofit organization is responsible for the activities 3269
at the event. 3270

(2) One of the event's purposes is the introduction, 3271
showcasing, or promotion of craft beers manufactured in this 3272
state. 3273

(3) The event includes the sale of food for consumption on 3274
the premises where sold. 3275

(4) The event features at least twenty A-1c permit 3276
holders, who are members of the nonprofit organization that has 3277
organized the event, as participants. The nonprofit organization 3278
may allow any number of A-1 permit holders to participate in the 3279
event. 3280

(C) An F-11 permit holder may sell, at the event, beer 3281
that it has purchased from the A-1 or A-1c permit holders that 3282
are participating in the event. The F-11 permit holder may sell 3283
the beer in four-ounce samples or in containers not exceeding 3284
sixteen ounces for consumption on the premises where sold. 3285

The F-11 permit holder may sell beer on the F-11 permit 3286
premises only where and when the sale of beer is otherwise 3287
permitted by law. 3288

(D) The F-11 permit holder shall clearly define and 3289
sufficiently restrict the premises of the event to allow proper 3290
enforcement of the permit by state and local law enforcement 3291
officers. If an F-11 permit is issued for all or a portion of 3292
the same premises for which another class of permit is issued, 3293
that permit holder's privileges are suspended in that portion of 3294
the premises in which the F-11 permit is in effect. 3295

(E) (1) No F-11 permit is effective for more than seventy- 3296
two consecutive hours. However, for purposes of an exposition at 3297
the state fairgrounds, an F-11 permit is effective for the 3298
duration of the exposition. 3299

(2) No sales of beer shall take place under an F-11 permit 3300
after one a.m. 3301

(F) The division shall not issue more than six F-11 3302
permits to the same nonprofit organization in any one calendar 3303
year. 3304

(G) An applicant for an F-11 permit shall apply for the 3305
permit not later than thirty days prior to the first day of the 3306
event for which the permit is sought. In the application, the 3307
applicant shall list all of the A-1 and A-1c permit holders that 3308
will participate in the event. The fee for the F-11 permit is 3309
sixty dollars for each day of the event. 3310

The division shall prepare and make available an F-11 3311
permit application form and may require applicants for and 3312
holders of the F-11 permit to provide information that is in 3313
addition to that required by this section and that is necessary 3314

for the administration of this section. 3315

(H) (1) An F-11 permit holder is responsible, and is 3316
subject to penalties, for any violations of this chapter or 3317
Chapter 4301. of the Revised Code that occur during the event. 3318

(2) An F-11 permit holder shall not allow an A-1 or A-1c 3319
permit holder to participate in the event if the A-1 or A-1c 3320
permit or, if applicable, the A-1-A permit of that A-1 or A-1c 3321
permit holder is under suspension. 3322

(3) The division may refuse to issue an F-11 permit to an 3323
applicant if both of the following apply: 3324

(a) The applicant has pleaded guilty to or has been 3325
convicted of violating this chapter or Chapter 4301. of the 3326
Revised Code while operating under a previously issued F-11 3327
permit. 3328

(b) The violation occurred within the two years preceding 3329
the filing of the new F-11 permit application. 3330

(I) Notwithstanding any provision of section 4301.24 of 3331
the Revised Code or any rule adopted by the liquor control 3332
commission to the contrary, employees of an A-1 or A-1c permit 3333
holder or B-1 permit holder, or employees or agents of a B-1 3334
permit holder may assist an F-11 permit holder in serving beer 3335
at an event for which an F-11 permit is issued. 3336

Sec. 4303.221. Notwithstanding any provision of the 3337
Revised Code that restricts the hours of sale of beer and 3338
intoxicating liquor, the division of liquor control may issue a 3339
J permit to the holder of an A-1-A, A-1c, A-2, A-2f, A-3a, C 3340
class, or D class permit to extend the hours of operation of the 3341
applicable permit. A J permit holder may sell beer, wine, mixed 3342
beverages, or spirituous liquor, as applicable, until four a.m. 3343

on Saturday and Sunday only. 3344

The fee for the J permit is one hundred dollars. 3345

Sec. 4303.222. (A) As used in this section, "permit" means 3346
an A-1-A, A-1c, A-2, A-2f, A-3a, C-1, C-2, D-1, D-2, D-3, D-3a, 3347
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 3348
D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. 3349

(B) The division of liquor control shall issue a K permit 3350
to the holder of a permit to sell beer, wine, mixed beverages, 3351
or spirituous liquor, as applicable, twenty-four hours a day 3352
Monday through Sunday if both of the following apply: 3353

(1) The sale of beer, wine, mixed beverages, or spirituous 3354
liquor, as applicable, during those hours has been approved 3355
under question (E) or (F) of section 4301.35 of the Revised 3356
Code; and 3357

(2) Such sales are authorized under section 4301.36 of the 3358
Revised Code. Any such sales shall take place under the 3359
restrictions of that authorization. 3360

(C) The fee for the K permit is one hundred dollars. 3361

Sec. 4303.30. The rights granted by any D-2, D-3, D-3a, D- 3362
4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D- 3363
5k, D-5l, D-5m, D-5n, or D-5o, ~~or D-6~~ permit shall be exercised 3364
at not more than two fixed counters, commonly known as bars, in 3365
rooms or places on the permit premises, where beer, mixed 3366
beverages, wine, or spirituous liquor is sold to the public for 3367
consumption on the premises. For each additional fixed counter 3368
on the permit premises where those beverages are sold for 3369
consumption on the premises, the permit holder shall obtain a 3370
duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D- 3371
5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, or D-5o, ~~or~~ 3372

~~D-6~~ permit. 3373

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D- 3374
5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, 3375
or D-5o, ~~or D-6~~ permit shall be granted, upon application to the 3376
division of liquor control, a duplicate D-2, D-3, D-3a, D-4, D- 3377
4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 3378
D-5l, D-5m, D-5n, or D-5o, ~~or D-6~~ permit for each additional 3379
fixed counter on the permit premises at which beer, mixed 3380
beverages, wine, or spirituous liquor is sold for consumption on 3381
the premises, provided the application is made in the same 3382
manner as an application for an original permit. The application 3383
shall be identified with DUPLICATE printed on the permit 3384
application form furnished by the department, in boldface type. 3385
The application shall identify by name, or otherwise amply 3386
describe, the room or place on the premises where the duplicate 3387
permit is to be operative. Each duplicate permit shall be issued 3388
only to the same individual, firm, or corporation as that of the 3389
original permit and shall be an exact duplicate in size and word 3390
content as the original permit, except that it shall show on it 3391
the name or other ample identification of the room, or place, 3392
for which it is issued and shall have DUPLICATE printed on it in 3393
boldface type. A duplicate permit shall bear the same number as 3394
the original permit. The fee for a duplicate permit is: D-1, one 3395
hundred dollars; D-2, one hundred dollars; D-3, four hundred 3396
dollars; D-3a, four hundred dollars; D-4, two hundred dollars; 3397
D-5, one thousand dollars; D-5a, one thousand dollars; D-5b, one 3398
thousand dollars; D-5c, four hundred dollars; D-5e, six hundred 3399
fifty dollars; D-5f, one thousand dollars; D-5o, one thousand 3400
dollars; ~~D-6, one hundred dollars when issued to the holder of a~~ 3401
~~D-4a permit;~~ and in all other cases one hundred dollars or an 3402
amount which is twenty per cent of the fees payable for the A-1- 3403

A, D-2, D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, 3404
D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, and D-5o, ~~and D-6~~ permits 3405
issued to the same premises, whichever is higher. Application 3406
for a duplicate permit may be filed any time during the life of 3407
an original permit. The fee for each duplicate D-2, D-3, D-3a, 3408
D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 3409
D-5k, D-5l, D-5m, D-5n, or D-5o, ~~or D-6~~ permit shall be paid in 3410
accordance with section 4303.24 of the Revised Code. 3411

Sec. 4303.99. (A) Whoever violates section 4303.28 of the 3412
Revised Code shall be fined not less than one thousand nor more 3413
than twenty-five hundred dollars or imprisoned not less than six 3414
months nor more than one year. 3415

(B) Whoever violates section 4303.36 of the Revised Code 3416
shall be fined not less than twenty-five nor more than one 3417
hundred dollars. 3418

(C) Whoever violates section 4303.37 of the Revised Code 3419
shall be fined not less than twenty-five nor more than fifty 3420
dollars. 3421

(D) Whoever violates division ~~(D)~~ (C) (2) of section 3422
4303.202 or division (C) of section 4303.208 of the Revised Code 3423
is guilty of a misdemeanor of the fourth degree. 3424

Section 2. That existing sections 3717.22, 3717.42, 3425
4301.03, 4301.171, 4301.22, 4301.24, 4301.32, 4301.322, 4301.33, 3426
4301.332, 4301.333, 4301.334, 4301.35, 4301.353, 4301.355, 3427
4301.356, 4301.36, 4301.362, 4301.365, 4301.366, 4301.37, 3428
4301.39, 4301.403, 4301.404, 4301.82, 4301.99, 4303.021, 3429
4303.15, 4303.171, 4303.181, 4303.184, 4303.19, 4303.202, 3430
4303.203, 4303.204, 4303.205, 4303.30, and 4303.99 and sections 3431
4301.351, 4301.354, 4301.361, 4301.364, and 4303.182 of the 3432

Revised Code are hereby repealed. 3433

Section 3. That sections 4301.351, 4301.354, 4301.361, 3434
4301.364, and 4303.182 of the Revised Code are hereby repealed. 3435

Section 4. (A) As used in this section: 3436

(1) "Order" means any executive order addressing COVID-19 3437
or any other order related to such an executive order. 3438

(2) "Permitting authority" means a board of health, the 3439
Department of Health, the Division of Liquor Control, or the 3440
Liquor Control Commission. 3441

(3) "Retail permit holder" means an A-1, A-1-A, A-1c, A-2, 3442
A-2f, A-3a, E, or class C or D permit issued under Chapter 4303. 3443
of the Revised Code. 3444

(B) Notwithstanding any provision of law to the contrary, 3445
a permitting authority shall not take any disciplinary action 3446
or, if disciplinary action has been initiated, shall cease 3447
taking such action, against a retail permit holder if both of 3448
the following apply: 3449

(1) The disciplinary action is based on a violation of an 3450
order and the violation occurred prior to June 1, 2020. 3451

(2) Other than violating the order, the retail permit 3452
holder operated in compliance with the retail permit holder's 3453
liquor permit. 3454

(C) (1) Notwithstanding any provision of law to the 3455
contrary and during the time period that an order remains 3456
operative, if a retail permit holder violates an order on or 3457
after June 1, 2020, the retail permit holder is subject only to 3458
the following penalties: 3459

(a) A suspension of the retail permit holder's permit for 3460
not more than three days; 3461

(b) A fine of not more than three hundred dollars. 3462

(2) A permitting authority may only take disciplinary 3463
action against a person under division (C)(1) of this section if 3464
the permitting authority finds, by a preponderance of evidence, 3465
that the person violated the order. 3466

Section 5. This act is hereby declared to be an emergency 3467
measure necessary for the immediate preservation of the public 3468
peace, health, and safety. The reason for such necessity is to 3469
provide economic relief to liquor permit holders as a result of 3470
the COVID-19 outbreak. Therefore, this act shall go into 3471
immediate effect. 3472