

**As Passed by the Senate**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Am. Sub. H. B. No. 160**

**Representative Ingram**

**Cosponsors: Representatives Crawley, Crossman, Galonski, Kent, Lepore-Hagan, Lipps, Miller, A., Patterson, Upchurch, Wiggam, Kelly, Hambley, Russo, Sobecki, Wilkin, Blessing, Callender, Denson, Miller, J., Miranda, Seitz, Strahorn, Weinstein**

**Senators Hoagland, O'Brien, Maharath, Huffman, S., Blessing, Burke, Coley, Hackett, Kunze, Manning, McColley, Schuring, Thomas, Yuko**

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**A BILL**

To amend sections 3717.22, 4301.17, 4301.82, 1  
4303.041, 4303.051, and 4303.182 of the Revised 2  
Code to revise certain provisions of the liquor 3  
control laws and to declare an emergency. 4

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

**Section 1.** That sections 3717.22, 4301.17, 4301.82, 5  
4303.041, 4303.051, and 4303.182 of the Revised Code be amended 6  
to read as follows: 7

**Sec. 3717.22.** (A) The following are not retail food 8  
establishments: 9

(1) A food service operation licensed under this chapter, 10  
including a food service operation that provides the services of 11  
a retail food establishment pursuant to an endorsement issued 12  
under section 3717.44 of the Revised Code; 13

(2) An entity exempt under divisions (B)(1) to (9) or (11) 14

to (13) of section 3717.42 of the Revised Code from the 15  
requirement to be licensed as a food service operation and an 16  
entity exempt under division (B) (10) of that section if the 17  
entity is regulated by the department of agriculture as a food 18  
processing establishment under section 3715.021 of the Revised 19  
Code; 20

(3) A business or that portion of a business that is 21  
regulated by the federal government or the department of 22  
agriculture as a food manufacturing or food processing business, 23  
including a business or that portion of a business regulated by 24  
the department of agriculture under Chapter 911., 913., 915., 25  
917., 918., or 925. of the Revised Code. 26

(B) All of the following are exempt from the requirement 27  
to be licensed as a retail food establishment: 28

(1) An establishment with commercially prepackaged foods 29  
that are not potentially hazardous and contained in displays, 30  
the total space of which equals less than two hundred cubic 31  
feet; 32

(2) A person at a farmers market that is registered with 33  
the director of agriculture pursuant to section 3717.221 of the 34  
Revised Code that offers for sale only one or more of the 35  
following: 36

(a) Fresh unprocessed fruits or vegetables; 37

(b) Products of a cottage food production operation; 38

(c) Tree syrup, sorghum, honey, apple syrup, or apple 39  
butter that is produced by a tree syrup or sorghum producer, 40  
beekeeper, or apple syrup or apple butter processor described in 41  
division (A) of section 3715.021 of the Revised Code; 42

(d) Wine as authorized under section 4303.2010 of the 43  
Revised Code; 44

(e) Commercially prepackaged food that is not potentially 45  
hazardous, on the condition that the food is contained in 46  
displays, the total space of which equals less than one hundred 47  
cubic feet on the premises where the person conducts business at 48  
the farmers market. 49

(3) A person who offers for sale at a roadside stand only 50  
fresh fruits and fresh vegetables that are unprocessed; 51

(4) A nonprofit organization exempt from federal income 52  
taxation under section 501(c)(3) of the "Internal Revenue Code 53  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises 54  
funds by selling foods and that, if required to be licensed, 55  
would be classified as risk level one in accordance with rules 56  
establishing licensing categories for retail food establishments 57  
adopted under section 3717.33 of the Revised Code, if the sales 58  
occur inside a building and are for not more than seven 59  
consecutive days or more than fifty-two separate days during a 60  
licensing period. This exemption extends to any individual or 61  
group raising all of its funds during the time periods specified 62  
in division (B)(4) of this section for the benefit of the 63  
nonprofit organization by selling foods under the same 64  
conditions. 65

(5) An establishment that offers food contained in 66  
displays of less than five hundred square feet, and if required 67  
to be licensed would be classified as risk level one pursuant to 68  
rules establishing licensing categories for retail food 69  
establishments adopted under section 3717.33 of the Revised 70  
Code, on the condition that the establishment offers the food 71  
for sale at retail not more than six months in each calendar 72

year; 73

(6) A cottage food production operation, on the condition 74  
that the operation offers its products directly to the consumer 75  
from the site where the products are produced; 76

(7) A tree syrup and sorghum processor, beekeeper, or 77  
apple syrup and apple butter processor described in division (A) 78  
of section 3715.021 of the Revised Code, on the condition that 79  
the processor or beekeeper offers only tree syrup, sorghum, 80  
honey, apple syrup, or apple butter directly to the consumer 81  
from the site where those products are processed; 82

(8) A person who annually maintains five hundred or fewer 83  
birds, on the condition that the person offers the eggs from 84  
those birds directly to the consumer from the location where the 85  
eggs are produced or at a farm product auction to which division 86  
(B) (11) of this section applies; 87

(9) A person who annually raises and slaughters one 88  
thousand or fewer chickens, on the condition that the person 89  
offers dressed chickens directly to the consumer from the 90  
location where the chickens are raised and slaughtered or at a 91  
farm product auction to which division (B) (11) of this section 92  
applies; 93

(10) A person who raises, slaughters, and processes the 94  
meat of nonamenable species described in divisions (A) and (B) 95  
of section 918.12 of the Revised Code, on the condition that the 96  
person offers the meat directly to the consumer from the 97  
location where the meat is processed or at a farm product 98  
auction to which division (B) (11) of this section applies; 99

(11) A farm product auction, on the condition that it is 100  
registered with the director pursuant to section 3717.221 of the 101

Revised Code that offers for sale at the farm product auction 102  
only one or more of the following: 103

(a) The products described in divisions (B) (8) to (10) of 104  
this section that are produced, raised, slaughtered, or 105  
processed, as appropriate, by persons described in divisions (B) 106  
(8) to (10) of this section; 107

(b) Fresh unprocessed fruits or vegetables; 108

(c) Products of a cottage food production operation; 109

(d) Tree syrup, sorghum, honey, apple syrup, or apple 110  
butter that is produced by a tree syrup or sorghum producer, 111  
beekeeper, or apple syrup or apple butter processor described in 112  
division (A) of section 3715.021 of the Revised Code. 113

(12) An establishment that, with respect to offering food 114  
for sale, offers only alcoholic beverages or prepackaged 115  
beverages that are not potentially hazardous; 116

(13) An establishment that, with respect to offering food 117  
for sale, offers only alcoholic beverages, prepackaged beverages 118  
that are not potentially hazardous, or commercially prepackaged 119  
food that is not potentially hazardous, on the condition that 120  
the commercially prepackaged food is contained in displays, the 121  
total space of which equals less than two hundred cubic feet on 122  
the premises of the establishment; 123

(14) An establishment that, with respect to offering food 124  
for sale, offers only fountain beverages that are not 125  
potentially hazardous; 126

(15) A person who offers for sale only one or more of the 127  
following foods at a festival or celebration, on the condition 128  
that the festival or celebration is organized by a political 129

subdivision of the state and lasts for a period not longer than	130
seven consecutive days:	131
(a) Fresh unprocessed fruits or vegetables;	132
(b) Products of a cottage food production operation;	133
(c) Tree syrup, sorghum, honey, apple syrup, or apple	134
butter if produced by a tree syrup or sorghum processor,	135
beekeeper, or apple syrup or apple butter processor as described	136
in division (A) of section 3715.021 of the Revised Code;	137
(d) Commercially prepackaged food that is not potentially	138
hazardous, on the condition that the food is contained in	139
displays, the total space of which equals less than one hundred	140
cubic feet;	141
(e) Fruit butter produced at the festival or celebration	142
and sold from the production site.	143
(16) A farm market on the condition that it is registered	144
with the director pursuant to section 3717.221 of the Revised	145
Code that offers for sale at the farm market only one or more of	146
the following:	147
(a) Fresh unprocessed fruits or vegetables;	148
(b) Products of a cottage food production operation;	149
(c) Tree syrup, sorghum, honey, apple syrup, or apple	150
butter that is produced by a tree syrup or sorghum producer,	151
beekeeper, or apple syrup or apple butter processor described in	152
division (A) of section 3715.021 of the Revised Code;	153
(d) Commercially prepackaged food that is not potentially	154
hazardous, on the condition that the food is contained in	155
displays, the total space of which equals less than one hundred	156

cubic feet on the premises where the person conducts business at 157  
the farm market; 158

(e) Cider and other juices manufactured on site at the 159  
farm market; 160

(f) The products or items described in divisions (B) (8) to 161  
(10) of this section, on the condition that those products or 162  
items were produced by the person offering to sell them, and 163  
further conditioned that, with respect to eggs offered, the 164  
person offering to sell them annually maintains five hundred or 165  
fewer birds, and with respect to dressed chickens offered, the 166  
person annually raises and slaughters one thousand or fewer 167  
chickens. 168

(17) (a) An establishment to which all of the following 169  
apply: 170

(i) The establishment ~~serves~~ has been issued an A-2 permit 171  
under section 4303.03 of the Revised Code or an A-2f permit 172  
under section 4303.031 of the Revised Code, annually produces 173  
ten thousand gallons or less of wine, and sells that wine in 174  
accordance with Chapter 4303. of the Revised Code on the 175  
premises of the establishment. 176

(ii) The establishment serves unopened commercially 177  
prepackaged food in a form that prevents direct human contact 178  
prior to and during service; 179

~~(ii) Sales of the prepackaged food do not exceed more than~~ 180  
~~five per cent of the total gross receipts of the establishment,~~ 181  
other than wine. 182

~~(iii) The establishment has been issued an A-2 permit~~ 183  
~~under section 4303.03 or an A-2f permit under section 4303.031~~ 184  
~~of the Revised Code and annually produces ten thousand gallons~~ 185

~~or less of wine;~~amount of the establishment's commercially 186  
prepackaged food sales, other than wine sales, for the previous 187  
calendar year did not exceed five per cent of the 188  
establishment's total gross receipts. 189

(b) The owner or operator of the establishment shall 190  
notify the director that it is exempt from licensure because it 191  
qualifies under division (B) (17) (a) of this section. The owner 192  
or operator also shall ~~disclose to customers that the~~ 193  
~~establishment is exempt from licensure~~display a notice in a 194  
place conspicuous to all of its guests informing them that the 195  
establishment is not required to be licensed as a retail food 196  
establishment. 197

**Sec. 4301.17.** (A) (1) Subject to local option as provided 198  
in sections 4301.32 to 4301.40 of the Revised Code, five state 199  
liquor stores or agencies may be established in each county. One 200  
additional store may be established in any county for each 201  
twenty thousand of population of that county or major fraction 202  
thereof in excess of the first forty thousand, according to the 203  
last preceding federal decennial census or according to the 204  
population estimates certified by the department of development 205  
between decennial censuses. A person engaged in a mercantile 206  
business may act as the agent for the division of liquor control 207  
for the sale of spirituous liquor in a municipal corporation, in 208  
the unincorporated area of a township, or in an area designated 209  
and approved as a resort area under section 4303.262 of the 210  
Revised Code. The division shall fix the compensation for such 211  
an agent in the manner it considers best, but the compensation 212  
shall not exceed seven per cent of the gross sales made by the 213  
agent in any one year. 214

(2) The division shall adopt rules in accordance with 215



Chapter 119. of the Revised Code governing the allocation and 216  
equitable distribution of agency store contracts. The division 217  
shall comply with the rules when awarding a contract under 218  
division (A) (1) of this section. 219

(3) ~~Except as otherwise provided in this section and~~ 220  
~~section 4301.171 of the Revised Code, an agency store shall not~~ 221  
~~sell spirituous liquor for consumption on the premises under a~~ 222  
~~permit issued by the division. An~~ Pursuant to an agency store's 223  
contract, an agency to which store may be issued a D-1 permit 224  
~~has been issued may to~~ sell beer, an agency to which a D-2 225  
~~permit has been issued may to~~ sell wine and mixed beverages, and 226  
~~an agency to which a D-5 permit has been issued may to~~ sell 227  
~~beer, wine, and mixed beverages, and spirituous liquor. An~~ 228

(4) Pursuant to an agency store's contract, an agency 229  
store may be issued a D-3 permit to sell spirituous liquor if 230  
the agency store contains at least ten thousand square feet of 231  
sales floor area. A D-3 permit issued to an agency store shall 232  
not be transferred to a new location. The division shall revoke 233  
any D-3 permit issued to an agency store under division (A) (4) 234  
of this section if the agent no longer operates the agency 235  
store. The division shall not issue a D-3a permit to an agency 236  
store. 237

(5) An agency store to which a D-8 permit has been issued 238  
may allow the sale of tasting samples of spirituous liquor in 239  
accordance with section 4301.171 of the Revised Code. ~~General~~ 240  
~~consumption of beer, wine, or mixed beverages shall not be~~ 241  
~~permitted in the area of the agency store in which spirituous~~ 242  
~~liquor is sold.~~ 243

(6) An agency store may sell beer, wine, mixed beverages, 244  
and spirituous liquor only between the hours of nine a.m. and 245

eleven p.m.

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(B) When an agency contract is proposed, when an existing  
agency contract is assigned, when an existing agency proposes to  
relocate, or when an existing agency is relocated and assigned,  
before entering into any contract, consenting to any assignment,  
or consenting to any relocation, the division shall notify the  
legislative authority of the municipal corporation in which the  
agency store is to be located, or the board of county  
commissioners and the board of township trustees of the county  
and the township in which the agency store is to be located if  
the agency store is to be located outside the corporate limits  
of a municipal corporation, of the proposed contract,  
assignment, or relocation, and an opportunity shall be provided  
officials or employees of the municipal corporation or county  
and township for a complete hearing upon the advisability of  
entering into the contract or consenting to the assignment or  
relocation. When the division sends notice to the legislative  
authority of the political subdivision, the division shall  
notify, by certified mail or by personal service, the chief  
peace officer of the political subdivision, who may appear and  
testify, either in person or through a representative, at any  
hearing held on the advisability of entering into the contract  
or consenting to the assignment or relocation.

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If the proposed agency store, the assignment of an agency  
contract, or the relocation of an agency store would be located  
within five hundred feet of a school, church, library, public  
playground, or township park, the division shall not enter into  
an agency contract until it has provided notice of the proposed  
contract to the authorities in control of the school, church,  
library, public playground, or township park and has provided  
those authorities with an opportunity for a complete hearing

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upon the advisability of entering into the contract. If an 277  
agency store so located is operating under an agency contract, 278  
the division may consent to relocation of the agency store or to 279  
the assignment of that contract to operate an agency store at 280  
the same location. The division may also consent to the 281  
assignment of an existing agency contract simultaneously with 282  
the relocation of the agency store. In any such assignment or 283  
relocation, the assignee and the location shall be subject to 284  
the same requirements that the existing location met at the time 285  
that the contract was first entered into as well as any 286  
additional requirements imposed by the division in rules adopted 287  
by the superintendent of liquor control. The division shall not 288  
consent to an assignment or relocation of an agency store until 289  
it has notified the authorities in control of the school, 290  
church, library, public playground, or township park and has 291  
provided those authorities with an opportunity for a complete 292  
hearing upon the advisability of consenting to the assignment or 293  
relocation. 294

Any hearing provided for in this division shall be held in 295  
the central office of the division, except that upon written 296  
request of the legislative authority of the municipal 297  
corporation, the board of county commissioners, the board of 298  
township trustees, or the authorities in control of the school, 299  
church, library, public playground, or township park, the 300  
hearing shall be held in the county seat of the county where the 301  
proposed agency store is to be located. 302

(C) All agency contracts entered into by the division 303  
pursuant to this section shall be in writing and shall contain a 304  
clause providing for the termination of the contract at will by 305  
the division upon its giving ninety days' notice in writing to 306  
the agent of its intention to do so. Any agency contract may 307

include a clause requiring the agent to report to the 308  
appropriate law enforcement agency the name and address of any 309  
individual under twenty-one years of age who attempts to make an 310  
illegal purchase. 311

~~An agent may engage in the selling of beer, mixed 312~~  
~~beverages, and wine pursuant to permits issued to the agent 313~~  
~~under Chapter 4303. of the Revised Code. 314~~

The division shall issue a C-1 and C-2 permit to each 315  
agent who prior to November 1, 1994, had not been issued both of 316  
these permits, notwithstanding the population quota restrictions 317  
contained in section 4303.29 of the Revised Code or in any rule 318  
of the liquor control commission and notwithstanding the 319  
requirements of section 4303.31 of the Revised Code. The 320  
location of a C-1 or C-2 permit issued to such an agent shall 321  
not be transferred. The division shall revoke any C-1 or C-2 322  
permit issued to an agent under this paragraph if the agent no 323  
longer operates an agency store. 324

The division may enter into agreements with the department 325  
of development to implement a minority loan program to provide 326  
low-interest loans to minority business enterprises, as defined 327  
in section 122.71 of the Revised Code, that are awarded liquor 328  
agency contracts or assignments. 329

(D) If the division closes a state liquor store and 330  
replaces that store with an agency store, any employees of the 331  
division employed at that state liquor store who lose their jobs 332  
at that store as a result shall be given preference by the agent 333  
who operates the agency store in filling any vacancies that 334  
occur among the agent's employees, if that preference does not 335  
conflict with the agent's obligations pursuant to a collective 336  
bargaining agreement. 337

If the division closes a state liquor store and replaces 338  
the store with an agency store, any employees of the division 339  
employed at the state liquor store who lose their jobs at that 340  
store as a result may displace other employees as provided in 341  
sections 124.321 to 124.328 of the Revised Code. If an employee 342  
cannot displace other employees and is laid off, the employee 343  
shall be reinstated in another job as provided in sections 344  
124.321 to 124.328 of the Revised Code, except that the 345  
employee's rights of reinstatement in a job at a state liquor 346  
store shall continue for a period of two years after the date of 347  
the employee's layoff and shall apply to jobs at state liquor 348  
stores located in the employee's layoff jurisdiction and any 349  
layoff jurisdiction adjacent to the employee's layoff 350  
jurisdiction. 351

(E) The division shall require every agent to give bond 352  
with surety to the satisfaction of the division, in the amount 353  
the division fixes, conditioned for the faithful performance of 354  
the agent's duties as prescribed by the division. 355

**Sec. 4301.82.** (A) As used in this section: 356

(1) "Qualified permit holder" means the holder of an A-1, 357  
A-1-A, A-1c, A-2, A-2f, or D class permit issued under Chapter 358  
4303. of the Revised Code. 359

(2) "D class permit" does not include a D-6 or D-8 permit. 360

(B) The executive officer of a municipal corporation or 361  
the fiscal officer of a township may file an application with 362  
the legislative authority of the municipal corporation or 363  
township to have property within the municipal corporation or 364  
township designated as an outdoor refreshment area or to expand 365  
an existing outdoor refreshment area to include additional 366

property within the municipal corporation or township. The 367  
executive officer or fiscal officer shall ensure that the 368  
application contains all of the following: 369

(1) A map or survey of the proposed outdoor refreshment 370  
area in sufficient detail to identify the boundaries of the 371  
area, which shall not exceed either of the following, as 372  
applicable: 373

(a) Three hundred twenty contiguous acres or one-half 374  
square mile if the municipal corporation or township has a 375  
population of more than thirty-five thousand as specified in 376  
division (D) of this section; 377

(b) One hundred fifty contiguous acres if the municipal 378  
corporation or township has a population of thirty-five thousand 379  
or less as specified in division (D) of this section. 380

(2) A general statement of the nature and types of 381  
establishments that will be located within the proposed outdoor 382  
refreshment area; 383

(3) A statement that the proposed outdoor refreshment area 384  
will encompass not fewer than four qualified permit holders; 385

(4) Evidence that the uses of land within the proposed 386  
outdoor refreshment area are in accord with the master zoning 387  
plan or map of the municipal corporation or township; 388

(5) Proposed requirements for the purpose of ensuring 389  
public health and safety within the proposed outdoor refreshment 390  
area. 391

(C) Within forty-five days after the date the application 392  
is filed with the legislative authority of a municipal 393  
corporation or township, the legislative authority shall publish 394

public notice of the application ~~once a week for two consecutive~~ 395  
~~weeks~~ in one newspaper of general circulation in the municipal 396  
corporation or township or as provided in section 7.16 of the 397  
Revised Code. The legislative authority shall ensure that the 398  
notice states that the application is on file in the office of 399  
the clerk of the municipal corporation or township and is 400  
available for inspection by the public during regular business 401  
hours. The legislative authority also shall indicate in the 402  
notice the date and time of any public hearing to be held 403  
regarding the application by the legislative authority. 404

Not earlier than thirty but not later than sixty days 405  
after the initial publication of notice, the legislative 406  
authority shall approve or disapprove the application by either 407  
ordinance or resolution, as applicable. Approval of an 408  
application requires an affirmative vote of a majority of the 409  
legislative authority. Upon approval of the application by the 410  
legislative authority, the territory described in the 411  
application constitutes an outdoor refreshment area. The 412  
legislative authority shall provide to the division of liquor 413  
control and the investigative unit of the department of public 414  
safety notice of the approval of the application and a 415  
description of the area specified in the application. If the 416  
legislative authority disapproves the application, the executive 417  
officer of a municipal corporation or fiscal officer of a 418  
township may make changes in the application to secure its 419  
approval by the legislative authority. 420

(D) The creation of outdoor refreshment areas is limited 421  
as follows: 422

(1) A municipal corporation or township with a population 423  
of more than fifty thousand shall not create more than ~~two~~ four 424

outdoor refreshment areas. 425

(2) A municipal corporation or township with a population 426  
of more than thirty-five thousand but less than or equal to 427  
fifty thousand shall not create more than ~~one~~ two outdoor 428  
refreshment ~~area~~ areas. 429

(3) (a) Except as provided in division (D) (3) (b) of this 430  
section, a municipal corporation or township with a population 431  
of thirty-five thousand or less shall not create an outdoor 432  
refreshment area. 433

(b) A municipal corporation or township with a population 434  
of thirty-five thousand or less may create one outdoor 435  
refreshment area if the proposed area will include at least four 436  
qualified permit holders and be composed of one hundred fifty or 437  
fewer contiguous acres. 438

For purposes of this section, the population of a 439  
municipal corporation or township is deemed to be the population 440  
shown by the most recent regular federal decennial census. 441

(E) As soon as possible after receiving notice that an 442  
outdoor refreshment area has been approved, the division of 443  
liquor control, for purposes of section 4301.62 of the Revised 444  
Code, shall issue an outdoor refreshment area designation to 445  
each qualified permit holder located within the refreshment area 446  
that is in compliance with all applicable requirements under 447  
Chapters 4301. and 4303. of the Revised Code. The division shall 448  
not charge any fee for the issuance of the designation. Any 449  
permit holder that receives such a designation shall comply with 450  
all laws, rules, and regulations that govern its license type, 451  
and the applicable public health and safety requirements 452  
established for the area under division (F) of this section. 453



(F) (1) At the time of the creation of an outdoor 454  
refreshment area, the legislative authority of a municipal 455  
corporation or township in which such an area is located shall 456  
adopt an ordinance or resolution, as applicable, that 457  
establishes requirements the legislative authority determines 458  
necessary to ensure public health and safety within the area. 459  
The legislative authority shall include in the ordinance or 460  
resolution all of the following: 461

(a) The specific boundaries of the area, including street 462  
addresses; 463

(b) The number, spacing, and type of signage designating 464  
the area; 465

(c) The hours of operation for the area; 466

(d) The number of personnel needed to ensure public safety 467  
in the area; 468

(e) A sanitation plan that will help maintain the 469  
appearance and public health of the area; 470

(f) The number of personnel needed to execute the 471  
sanitation plan; 472

(g) A requirement that beer and intoxicating liquor be 473  
served solely in plastic bottles or other plastic containers in 474  
the area. 475

The legislative authority may, but is not required to, 476  
include in the ordinance or resolution any public health and 477  
safety requirements proposed in an application under division 478  
(B) of this section to designate or expand the outdoor 479  
refreshment area. The legislative authority may subsequently 480  
modify the public health and safety requirements as determined 481

necessary by the legislative authority. 482

(2) Prior to adopting an ordinance or resolution under 483  
this division, the legislative authority shall give notice of 484  
its proposed action by publication ~~once a week for two~~ 485  
~~consecutive weeks~~ in one newspaper of general circulation in the 486  
municipal corporation or township or as provided in section 7.16 487  
of the Revised Code. 488

(3) The legislative authority shall provide to the 489  
division of liquor control and the investigative unit of the 490  
department of public safety notice of the public health and 491  
safety requirements established or modified under this division. 492

(G) If an outdoor refreshment area has been created in 493  
accordance with this section, the holder of an F class permit 494  
that sponsors an event located in the outdoor refreshment area 495  
may apply to the division for issuance of an outdoor refreshment 496  
area designation. The division shall issue such a designation if 497  
the division determines that the permit holder is in compliance 498  
with all applicable requirements established under this chapter 499  
and Chapter 4303. of the Revised Code. An F class permit holder 500  
that receives a designation under this division shall do both of 501  
the following: 502

(1) Comply with all laws, rules, and regulations that 503  
govern its type of permit, and the applicable public health and 504  
safety requirements established for the outdoor refreshment area 505  
under division (F) of this section; 506

(2) Not block ingress or egress to the outdoor refreshment 507  
area or any other liquor permit premises located within the 508  
area. 509

(H) Section 4399.18 of the Revised Code applies to a 510

liquor permit holder located within an outdoor refreshment area 511  
in the same manner as if the liquor permit holder were not 512  
located in an outdoor refreshment area. 513

(I) (1) Five years after the date of creation of an outdoor 514  
refreshment area, the legislative authority of the municipal 515  
corporation or township that created the area under this section 516  
shall review the operation of the area and shall, by ordinance 517  
or resolution, either approve the continued operation of the 518  
area or dissolve the area. Prior to adopting the ordinance or 519  
resolution, the legislative authority shall give notice of its 520  
proposed action by publication ~~once a week for two consecutive~~ 521  
~~weeks~~ in one newspaper of general circulation in the municipal 522  
corporation or township or as provided in section 7.16 of the 523  
Revised Code. 524

If the legislative authority dissolves the outdoor 525  
refreshment area, the outdoor refreshment area ceases to exist. 526  
The legislative authority then shall provide notice of its 527  
action to the division of liquor control and the investigative 528  
unit of the department of public safety. Upon receipt of the 529  
notice, the division shall revoke all outdoor refreshment area 530  
designations issued to qualified permit holders within the 531  
dissolved area. If the legislative authority approves the 532  
continued operation of the outdoor refreshment area, the area 533  
continues in operation. 534

(2) Five years after the approval of the continued 535  
operation of an outdoor refreshment area under division (I) (1) 536  
of this section, the legislative authority shall conduct a 537  
review in the same manner as provided in division (I) (1) of this 538  
section. The legislative authority also shall conduct such a 539  
review five years after any subsequent approval of continued 540

operation under division (I) (2) of this section. 541

(J) At any time, the legislative authority of a municipal 542  
corporation or township in which an outdoor refreshment area is 543  
located may, by ordinance or resolution, dissolve all or a part 544  
of the outdoor refreshment area. Prior to adopting the 545  
resolution or ordinance, the legislative authority shall give 546  
notice of its proposed action by publication ~~once a week for two~~ 547  
~~consecutive weeks~~ in one newspaper of general circulation in the 548  
municipal corporation or township or as provided in section 7.16 549  
of the Revised Code. If the legislative authority dissolves all 550  
or part of an outdoor refreshment area, the area designated in 551  
the ordinance or resolution no longer constitutes an outdoor 552  
refreshment area. The legislative authority shall provide notice 553  
of its actions to the division of liquor control and the 554  
investigative unit of the department of public safety. Upon 555  
receipt of the notice, the division shall revoke all outdoor 556  
refreshment area designations issued to qualified permit holders 557  
or the holder of an F class permit within the dissolved area or 558  
portion of the area. 559

**Sec. 4303.041.** (A) An A-3a permit may be issued to a 560  
distiller that manufactures less than one hundred thousand 561  
gallons of spirituous liquor per year. An A-3a permit holder may 562  
sell to a personal consumer, in sealed containers for 563  
consumption off the premises where manufactured, spirituous 564  
liquor that the permit holder manufactures, but sales to the 565  
personal consumer may occur only by an in-person transaction at 566  
the permit premises. The A-3a permit holder shall not ship, 567  
send, or use an H permit holder to deliver spirituous liquor to 568  
the personal consumer. 569

"Distiller" means a person in this state who mashes, 570

ferments, distills, and ages spirituous liquor. 571

(B) (1) Except as otherwise provided in this section, no A- 572  
3a permit shall be issued unless the sale of spirituous liquor 573  
by the glass for consumption on the premises or by the package 574  
for consumption off the premises is authorized in the election 575  
precinct in which the A-3a permit is proposed to be located. 576

(2) Division (B) (1) of this section does not prohibit the 577  
issuance of an A-3a permit to an applicant for such a permit who 578  
has filed an application with the division of liquor control 579  
before March 22, 2012. 580

(C) (1) An A-3a permit holder may offer for sale tasting 581  
samples of spirituous liquor. The A-3a permit holder shall not 582  
serve more than four tasting samples of spirituous liquor per 583  
person per day. A tasting sample shall not exceed a quarter 584  
ounce. Tasting samples shall be only for the purpose of allowing 585  
a purchaser to determine, by tasting only, the quality and 586  
character of the spirituous liquor. The tasting samples shall be 587  
offered for sale in accordance with rules adopted by the 588  
division of liquor control. 589

(2) An A-3a permit holder shall sell not more than ~~one and~~ 590  
~~one-half-three~~ liters of spirituous liquor per day from the 591  
permit premises to the same personal consumer. 592

An A-3a permit holder may sell spirituous liquor in sealed 593  
containers for consumption off the premises where manufactured 594  
as an independent contractor under agreement, by virtue of the 595  
permit, with the division of liquor control. The price at which 596  
the A-3a permit holder shall sell each spirituous liquor product 597  
to a personal consumer is to be determined by the division of 598  
liquor control. For an A-3a permit holder to purchase and then 599

offer spirituous liquor for retail sale, the spirituous liquor 600  
need not first leave the physical possession of the A-3a permit 601  
holder to be so registered. The spirituous liquor that the A-3a 602  
permit holder buys from the division of liquor control shall be 603  
maintained in a separate area of the permit premises for sale to 604  
personal consumers. The A-3a permit holder shall sell such 605  
spirituous liquor in sealed containers for consumption off the 606  
premises where manufactured as an independent contractor by 607  
virtue of the permit issued by the division of liquor control, 608  
but the permit holder shall not be compensated as provided in 609  
division (A) (1) of section 4301.17 of the Revised Code. Each A- 610  
3a permit holder shall be subject to audit by the division of 611  
liquor control. 612

(D) The fee for the A-3a permit is two dollars per fifty- 613  
gallon barrel. 614

(E) The holder of an A-3a permit may also exercise the 615  
same privileges as the holder of an A-3 permit. 616

**Sec. 4303.051.** (A) Permit A-5 may be issued to a 617  
manufacturer of ice cream to manufacture ice cream that contains 618  
not less than one-half of one per cent of alcohol by volume and 619  
not more than six per cent of alcohol by volume, ~~provided that~~ 620  
~~the sale of beer or intoxicating liquor for on- and off-premises~~ 621  
~~consumption is authorized in the election precinct in which the~~ 622  
~~manufacturer is located and to sell that ice cream to either of~~ 623  
the following: 624

(1) A personal consumer for consumption on the premises 625  
where manufactured or in sealed containers for consumption off 626  
the premises where manufactured; 627

(2) A retail permit holder that is authorized to sell beer 628

or intoxicating liquor.

~~(B) An A-5 permit holder may sell ice cream under this section only for consumption on the premises where manufactured or in sealed containers for consumption off the premises where manufactured. An A-5 permit holder may sell ice cream under this section only by in-person transaction at the permit premises. An A-5 permit holder shall not ship, send, or use an H permit holder to deliver ice cream to a personal consumer. An A-5 permit holder shall not sell more than four pints of ice cream for off-premises consumption to a personal consumer in any calendar day. No A-5 permit shall be issued unless the sale of beer or intoxicating liquor for on- and off-premises consumption is authorized in the election precinct in which the manufacturer applying for the permit is located.~~

(C) An A-5 permit holder may ship ice cream the permit holder has manufactured under this section to a personal consumer via the holder of an H permit, subject to all of the following:

(1) The package in which the ice cream is being shipped is clearly marked with the words "alcohol enclosed" in bold print.

(2) Prior to sending a shipment of ice cream, the A-5 permit holder, or an employee of the permit holder, makes a bona fide effort to ensure that the personal consumer is at least twenty-one years of age.

(3) Upon delivering a shipment of ice cream, the H permit holder, or an employee of the permit holder, verifies that the personal consumer is at least twenty-one years of age by checking the personal consumer's driver's license, commercial driver's license, identification card issued under sections

4507.50 to 4507.52 of the Revised Code, military identification 658  
card issued by the United States department of defense, or 659  
United States or foreign passport. 660

(D) An A-5 permit holder shall keep a record of each 661  
shipment of ice cream that the permit holder sends to a personal 662  
consumer under division (C) of this section. The A-5 permit 663  
holder shall annually provide to the division of liquor control 664  
by electronic means a report that includes all of the following: 665

(1) The name and address of each personal consumer that 666  
purchased ice cream from the A-5 permit holder via shipment 667  
under this section; 668

(2) The quantity of ice cream purchased by each personal 669  
consumer; 670

(3) Any other information requested by the division. 671

The division shall prescribe and provide an electronic 672  
form for the report and shall determine the specific electronic 673  
means that the A-5 permit holder must use to submit the report . 674

~~(C)~~(E) A retail permit holder that is authorized to sell 675  
beer or intoxicating liquor may sell ice cream that contains not 676  
less than one-half of one per cent of alcohol by volume and not 677  
more than six per cent of alcohol by volume and that is 678  
manufactured by an A-5 permit holder or by an equivalent 679  
manufacturer in another state. Such a manufacturer in another 680  
state may sell such ice cream to a retail permit holder in this 681  
state. 682

(F) An A-5 permit holder shall include the surgeon 683  
general's warning specified under 27 U.S.C. 215 on each 684  
container of ice cream manufactured under the authority of this 685  
section. This division applies only to ice cream manufactured 686



under the authority of this section that is sold in a retail 687  
food establishment or food service operation licensed pursuant 688  
to Chapter 3717. of the Revised Code that operates as a grocery 689  
store or convenience store. 690

(G) The fee for an A-5 permit is one thousand dollars for 691  
each plant. 692

**Sec. 4303.182.** (A) Except as otherwise provided in 693  
divisions (B) to (K) of this section, permit D-6 shall be issued 694  
to the holder of an A-1-A, A-2, A-2f, A-3a, A-5, C-2, D-2, D-3, 695  
D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 696  
D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to 697  
allow sale under that permit as follows: 698

(1) Between the hours of ten a.m. and midnight on Sunday 699  
if sale during those hours has been approved under question (C) 700  
(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised 701  
Code, under question (B) (2) of section 4301.355 of the Revised 702  
Code, or under section 4301.356 of the Revised Code and has been 703  
authorized under section 4301.361, 4301.364, 4301.365, or 704  
4301.366 of the Revised Code, under the restrictions of that 705  
authorization; 706

(2) Between the hours of eleven a.m. and midnight on 707  
Sunday, if sale during those hours has been approved on or after 708  
October 16, 2009, under question (B) (1), (2), or (3) of section 709  
4301.351 or 4301.354 of the Revised Code, under question (B) (2) 710  
of section 4301.355 of the Revised Code, or under section 711  
4301.356 of the Revised Code and has been authorized under 712  
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 713  
Code, under the restrictions of that authorization; 714

(3) Between the hours of eleven a.m. and midnight on 715

Sunday if sale between the hours of one p.m. and midnight was 716  
approved before October 16, 2009, under question (B) (1), (2), or 717  
(3) of section 4301.351 or 4301.354 of the Revised Code, under 718  
question (B) (2) of section 4301.355 of the Revised Code, or 719  
under section 4301.356 of the Revised Code and has been 720  
authorized under section 4301.361, 4301.364, 4301.365, or 721  
4301.366 of the Revised Code, under the other restrictions of 722  
that authorization. 723

(B) Permit D-6 shall be issued to the holder of any 724  
permit, including a D-4a and D-5d permit, authorizing the sale 725  
of intoxicating liquor issued for a premises located at any 726  
publicly owned airport, as defined in section 4563.01 of the 727  
Revised Code, at which commercial airline companies operate 728  
regularly scheduled flights on which space is available to the 729  
public, to allow sale under such permit between the hours of ten 730  
a.m. and midnight on Sunday, whether or not that sale has been 731  
authorized under section 4301.361, 4301.364, 4301.365, or 732  
4301.366 of the Revised Code. 733

(C) Permit D-6 shall be issued to the holder of a D-5a 734  
permit, and to the holder of a D-3 or D-3a permit who is the 735  
owner or operator of a hotel or motel that is required to be 736  
licensed under section 3731.03 of the Revised Code, that 737  
contains at least fifty rooms for registered transient guests, 738  
and that has on its premises a retail food establishment or a 739  
food service operation licensed pursuant to Chapter 3717. of the 740  
Revised Code that operates as a restaurant for purposes of this 741  
chapter and is affiliated with the hotel or motel and within or 742  
contiguous to the hotel or motel and serving food within the 743  
hotel or motel, to allow sale under such permit between the 744  
hours of ten a.m. and midnight on Sunday, whether or not that 745  
sale has been authorized under section 4301.361, 4301.364, 746

4301.365, or 4301.366 of the Revised Code. 747

(D) The holder of a D-6 permit that is issued to a sports 748  
facility may make sales under the permit between the hours of 749  
eleven a.m. and midnight on any Sunday on which a professional 750  
baseball, basketball, football, hockey, or soccer game is being 751  
played at the sports facility. As used in this division, "sports 752  
facility" means a stadium or arena that has a seating capacity 753  
of at least four thousand and that is owned or leased by a 754  
professional baseball, basketball, football, hockey, or soccer 755  
franchise or any combination of those franchises. 756

(E) Permit D-6 shall be issued to the holder of any permit 757  
that authorizes the sale of beer or intoxicating liquor and that 758  
is issued to a premises located in or at the Ohio history 759  
connection area or the state fairgrounds, as defined in division 760  
(B) of section 4301.40 of the Revised Code, to allow sale under 761  
that permit between the hours of ten a.m. and midnight on 762  
Sunday, whether or not that sale has been authorized under 763  
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 764  
Code. 765

(F) Permit D-6 shall be issued to the holder of any permit 766  
that authorizes the sale of intoxicating liquor and that is 767  
issued to an outdoor performing arts center to allow sale under 768  
that permit between the hours of one p.m. and midnight on 769  
Sunday, whether or not that sale has been authorized under 770  
section 4301.361 of the Revised Code. A D-6 permit issued under 771  
this division is subject to the results of an election, held 772  
after the D-6 permit is issued, on question (B) (4) as set forth 773  
in section 4301.351 of the Revised Code. Following the end of 774  
the period during which an election may be held on question (B) 775  
(4) as set forth in that section, sales of intoxicating liquor 776

may continue at an outdoor performing arts center under a D-6 777  
permit issued under this division, unless an election on that 778  
question is held during the permitted period and a majority of 779  
the voters voting in the precinct on that question vote "no." 780

As used in this division, "outdoor performing arts center" 781  
means an outdoor performing arts center that is located on not 782  
less than eight hundred acres of land and that is open for 783  
performances from the first day of April to the last day of 784  
October of each year. 785

(G) Permit D-6 shall be issued to the holder of any permit 786  
that authorizes the sale of beer or intoxicating liquor and that 787  
is issued to a golf course owned by the state, a conservancy 788  
district, a park district created under Chapter 1545. of the 789  
Revised Code, or another political subdivision to allow sale 790  
under that permit between the hours of ten a.m. and midnight on 791  
Sunday, whether or not that sale has been authorized under 792  
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 793  
Code. 794

(H) Permit D-6 shall be issued to the holder of a D-5g 795  
permit to allow sale under that permit between the hours of ten 796  
a.m. and midnight on Sunday, whether or not that sale has been 797  
authorized under section 4301.361, 4301.364, 4301.365, or 798  
4301.366 of the Revised Code. 799

(I) Permit D-6 shall be issued to the holder of any D 800  
permit for a premises that is licensed under Chapter 3717. of 801  
the Revised Code and that is located at a ski area to allow sale 802  
under the D-6 permit between the hours of ten a.m. and midnight 803  
on Sunday, whether or not that sale has been authorized under 804  
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 805  
Code. 806

As used in this division, "ski area" means a ski area as 807  
defined in section 4169.01 of the Revised Code, provided that 808  
the passenger tramway operator at that area is registered under 809  
section 4169.03 of the Revised Code. 810

(J) Permit D-6 shall be issued to the holder of any permit 811  
that is described in division (A) of this section for a permit 812  
premises that is located in a community entertainment district, 813  
as defined in section 4301.80 of the Revised Code, that was 814  
approved by the legislative authority of a municipal corporation 815  
under that section between October 1 and October 15, 2005, to 816  
allow sale under the permit between the hours of ten a.m. and 817  
midnight on Sunday, whether or not that sale has been authorized 818  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 819  
Revised Code. 820

(K) A D-6 permit shall be issued to the holder of any D 821  
permit for a premises that is licensed under Chapter 3717. of 822  
the Revised Code and that is located in a state park to allow 823  
sales under the D-6 permit between the hours of ten a.m. and 824  
midnight on Sunday, whether or not those sales have been 825  
authorized under section 4301.361, 4301.364, 4301.365, or 826  
4301.366 of the Revised Code. 827

As used in this division, "state park" means a state park 828  
that is established or dedicated under Chapter 1546. of the 829  
Revised Code and that has a working farm on its property. 830

(L) If the restriction to licensed premises where the sale 831  
of food and other goods and services exceeds fifty per cent of 832  
the total gross receipts of the permit holder at the premises is 833  
applicable, the division of liquor control may accept an 834  
affidavit from the permit holder to show the proportion of the 835  
permit holder's gross receipts derived from the sale of food and 836

other goods and services. If the liquor control commission 837  
determines that affidavit to have been false, it shall revoke 838  
the permits of the permit holder at the premises concerned. 839

(M) The fee for the D-6 permit is five hundred dollars 840  
when it is issued to the holder of an A-1-A, A-2, A-2f, A-3a, A- 841  
5, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, 842  
D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or 843  
D-7 permit. The fee for the D-6 permit is four hundred dollars 844  
when it is issued to the holder of a C-2 permit. 845

**Section 2.** That existing sections 3717.22, 4301.17, 846  
4301.82, 4303.041, 4303.051, and 4303.182 of the Revised Code 847  
are hereby repealed. 848

**Section 3.** (A) As used in this section: 849

(1) "Alcoholic beverage" means beer, wine, mixed 850  
beverages, or spirituous liquor as those terms are defined in 851  
section 4301.01 of the Revised Code. 852

(2) "Personal consumer" means an individual who is at 853  
least twenty-one years of age and intends to use a purchased 854  
alcoholic beverage for personal consumption only and not for 855  
resale or other commercial purposes. 856

(3) "Qualified permit holder" has the same meaning as in 857  
section 4301.82 of the Revised Code and also includes an A-3 and 858  
an A-3a permit holder under Chapter 4303. of the Revised Code. 859

(B) (1) Notwithstanding any other provision of law to the 860  
contrary and in addition to areas in which a qualified permit 861  
holder is authorized to sell alcoholic beverages under the 862  
qualified permit holder's permit, a qualified permit holder may 863  
sell alcoholic beverages by the individual drink for consumption 864  
as follows: 865

(a) In any area of the qualified permit holder's property 866  
in which sales are not currently authorized and that is 867  
outdoors, including the qualified permit holder's parking area; 868

(b) In any outdoor area of public property that is 869  
immediately adjacent to the qualified permit holder's premises, 870  
provided that the permit holder obtains written consent in 871  
accordance with division (C) of this section; 872

(c) In any outdoor area of private property that is 873  
immediately adjacent to the qualified permit holder's premises, 874  
provided that the permit holder obtains the written consent of 875  
the owner of the private property. 876

(2) If a qualified permit holder sells alcoholic beverages 877  
in an outdoor area, the qualified permit holder shall clearly 878  
delineate the area where personal consumers may consume 879  
alcoholic beverages. 880

(C) For purposes of division (B) (1) (b) of this section, a 881  
qualified permit holder shall obtain the written consent of 882  
either of the following: 883

(1) If the public property is located in a municipal 884  
corporation, the executive officer of the municipal corporation 885  
or the executive officer's designee. If the executive officer or 886  
the executive officer's designee denies consent, the qualified 887  
permit holder may appeal the denial to the legislative authority 888  
of the municipal corporation. The legislative authority may 889  
adopt a resolution requesting the executive officer to 890  
reconsider the executive officer's denial. 891

(2) If the public property is located in the 892  
unincorporated area of a township, the fiscal officer of the 893  
township or the fiscal officer's designee. If the fiscal officer 894

or the fiscal officer's designee denies consent, the qualified 895  
permit holder may appeal the denial to the legislative authority 896  
of the township. The legislative authority may adopt a 897  
resolution consenting to the sale of alcoholic beverages. 898

(D) Section 4301.62 of the Revised Code does not apply to 899  
the consumption of an alcoholic beverage in an outdoor area 900  
described in division (B)(1) of this section. 901

(E) A qualified permit holder that sells alcoholic 902  
beverages by the individual drink in an outdoor area under 903  
division (B)(1) of this section shall notify the Division of 904  
Liquor Control of the areas that the qualified permit holder 905  
intends to sell the alcoholic beverages. The qualified permit 906  
holder shall provide the notice not later than ten days prior to 907  
the commencement of such sales. 908

(F) This section shall be operative during the period of 909  
the emergency declared by Executive Order 2020-01D, issued on 910  
March 9, 2020, but not beyond December 1, 2020, if the period of 911  
the emergency continues beyond that date. 912

**Section 4.** This act is hereby declared to be an emergency 913  
measure necessary for the immediate preservation of the public 914  
peace, health, and safety. The reason for such necessity is to 915  
provide economic relief to liquor permit holders as a result of 916  
the COVID-19 outbreak. Therefore, this act shall go into 917  
immediate effect. 918