

As Reported by the House Commerce and Labor Committee

133rd General Assembly

Regular Session

2019-2020

Sub. H. B. No. 674

Representative Hillyer

A BILL

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

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

Section 1. That sections 3717.22, 3717.42, 4301.03, 15
4301.171, 4301.22, 4301.24, 4301.322, 4301.33, 4301.332, 16
4301.333, 4301.334, 4301.35, 4301.351, 4301.353, 4301.354, 17
4301.355, 4301.356, 4301.36, 4301.361, 4301.364, 4301.365, 18
4301.366, 4301.37, 4301.403, 4301.404, 4301.82, 4303.021, 19
4303.15, 4303.171, 4303.181, 4303.184, 4303.19, 4303.202, 20

4303.205, 4303.30, and 4303.99 be amended and new section 21
4303.182 and sections 4301.011, 4301.245, 4301.246, 4303.2011, 22
4303.221, and 4303.222 of the Revised Code be enacted to read as 23
follows: 24

Sec. 3717.22. (A) The following are not retail food 25
establishments: 26

(1) A food service operation licensed under this chapter, 27
including a food service operation that provides the services of 28
a retail food establishment pursuant to an endorsement issued 29
under section 3717.44 of the Revised Code; 30

(2) An entity exempt under divisions (B)(1) to (9)~~or,~~ 31
(11) to (13), or (15) of section 3717.42 of the Revised Code 32
from the requirement to be licensed as a food service operation 33
and an entity exempt under division (B)(10) of that section if 34
the entity is regulated by the department of agriculture as a 35
food processing establishment under section 3715.021 of the 36
Revised Code; 37

(3) A business or that portion of a business that is 38
regulated by the federal government or the department of 39
agriculture as a food manufacturing or food processing business, 40
including a business or that portion of a business regulated by 41
the department of agriculture under Chapter 911., 913., 915., 42
917., 918., or 925. of the Revised Code. 43

(B) All of the following are exempt from the requirement 44
to be licensed as a retail food establishment: 45

(1) An establishment with commercially prepackaged foods 46
that are not potentially hazardous and contained in displays, 47
the total space of which equals less than two hundred cubic 48
feet; 49

(2) A person at a farmers market that is registered with 50
the director of agriculture pursuant to section 3717.221 of the 51
Revised Code that offers for sale only one or more of the 52
following: 53

(a) Fresh unprocessed fruits or vegetables; 54

(b) Products of a cottage food production operation; 55

(c) Tree syrup, sorghum, honey, apple syrup, or apple 56
butter that is produced by a tree syrup or sorghum producer, 57
beekeeper, or apple syrup or apple butter processor described in 58
division (A) of section 3715.021 of the Revised Code; 59

(d) Wine as authorized under section 4303.2010 of the 60
Revised Code; 61

(e) Commercially prepackaged food that is not potentially 62
hazardous, on the condition that the food is contained in 63
displays, the total space of which equals less than one hundred 64
cubic feet on the premises where the person conducts business at 65
the farmers market. 66

(3) A person who offers for sale at a roadside stand only 67
fresh fruits and fresh vegetables that are unprocessed; 68

(4) A nonprofit organization exempt from federal income 69
taxation under section 501(c)(3) of the "Internal Revenue Code 70
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises 71
funds by selling foods and that, if required to be licensed, 72
would be classified as risk level one in accordance with rules 73
establishing licensing categories for retail food establishments 74
adopted under section 3717.33 of the Revised Code, if the sales 75
occur inside a building and are for not more than seven 76
consecutive days or more than fifty-two separate days during a 77
licensing period. This exemption extends to any individual or 78

group raising all of its funds during the time periods specified 79
in division (B) (4) of this section for the benefit of the 80
nonprofit organization by selling foods under the same 81
conditions. 82

(5) An establishment that offers food contained in 83
displays of less than five hundred square feet, and if required 84
to be licensed would be classified as risk level one pursuant to 85
rules establishing licensing categories for retail food 86
establishments adopted under section 3717.33 of the Revised 87
Code, on the condition that the establishment offers the food 88
for sale at retail not more than six months in each calendar 89
year; 90

(6) A cottage food production operation, on the condition 91
that the operation offers its products directly to the consumer 92
from the site where the products are produced; 93

(7) A tree syrup and sorghum processor, beekeeper, or 94
apple syrup and apple butter processor described in division (A) 95
of section 3715.021 of the Revised Code, on the condition that 96
the processor or beekeeper offers only tree syrup, sorghum, 97
honey, apple syrup, or apple butter directly to the consumer 98
from the site where those products are processed; 99

(8) A person who annually maintains five hundred or fewer 100
birds, on the condition that the person offers the eggs from 101
those birds directly to the consumer from the location where the 102
eggs are produced or at a farm product auction to which division 103
(B) (11) of this section applies; 104

(9) A person who annually raises and slaughters one 105
thousand or fewer chickens, on the condition that the person 106
offers dressed chickens directly to the consumer from the 107

location where the chickens are raised and slaughtered or at a 108
farm product auction to which division (B) (11) of this section 109
applies; 110

(10) A person who raises, slaughters, and processes the 111
meat of nonamenable species described in divisions (A) and (B) 112
of section 918.12 of the Revised Code, on the condition that the 113
person offers the meat directly to the consumer from the 114
location where the meat is processed or at a farm product 115
auction to which division (B) (11) of this section applies; 116

(11) A farm product auction, on the condition that it is 117
registered with the director pursuant to section 3717.221 of the 118
Revised Code that offers for sale at the farm product auction 119
only one or more of the following: 120

(a) The products described in divisions (B) (8) to (10) of 121
this section that are produced, raised, slaughtered, or 122
processed, as appropriate, by persons described in divisions (B) 123
(8) to (10) of this section; 124

(b) Fresh unprocessed fruits or vegetables; 125

(c) Products of a cottage food production operation; 126

(d) Tree syrup, sorghum, honey, apple syrup, or apple 127
butter that is produced by a tree syrup or sorghum producer, 128
beekeeper, or apple syrup or apple butter processor described in 129
division (A) of section 3715.021 of the Revised Code. 130

(12) An establishment that, with respect to offering food 131
for sale, offers only alcoholic beverages or prepackaged 132
beverages that are not potentially hazardous; 133

(13) An establishment that, with respect to offering food 134
for sale, offers only alcoholic beverages, prepackaged beverages 135

that are not potentially hazardous, or commercially prepackaged 136
food that is not potentially hazardous, on the condition that 137
the commercially prepackaged food is contained in displays, the 138
total space of which equals less than two hundred cubic feet on 139
the premises of the establishment; 140

(14) An establishment that, with respect to offering food 141
for sale, offers only fountain beverages that are not 142
potentially hazardous; 143

(15) A person who offers for sale only one or more of the 144
following foods at a festival or celebration, on the condition 145
that the festival or celebration is organized by a political 146
subdivision of the state and lasts for a period not longer than 147
seven consecutive days: 148

(a) Fresh unprocessed fruits or vegetables; 149

(b) Products of a cottage food production operation; 150

(c) Tree syrup, sorghum, honey, apple syrup, or apple 151
butter if produced by a tree syrup or sorghum processor, 152
beekeeper, or apple syrup or apple butter processor as described 153
in division (A) of section 3715.021 of the Revised Code; 154

(d) Commercially prepackaged food that is not potentially 155
hazardous, on the condition that the food is contained in 156
displays, the total space of which equals less than one hundred 157
cubic feet; 158

(e) Fruit butter produced at the festival or celebration 159
and sold from the production site. 160

(16) A farm market on the condition that it is registered 161
with the director pursuant to section 3717.221 of the Revised 162
Code that offers for sale at the farm market only one or more of 163

the following:	164
(a) Fresh unprocessed fruits or vegetables;	165
(b) Products of a cottage food production operation;	166
(c) Tree syrup, sorghum, honey, apple syrup, or apple butter that is produced by a tree syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code;	167 168 169 170
(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;	171 172 173 174 175
(e) Cider and other juices manufactured on site at the farm market;	176 177
(f) The products or items described in divisions (B) (8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the person offering to sell them annually maintains five hundred or fewer birds, and with respect to dressed chickens offered, the person annually raises and slaughters one thousand or fewer chickens.	178 179 180 181 182 183 184 185
(17) (a) An establishment to which all of the following apply:	186 187
(i) The establishment serves commercially prepackaged food in a form that prevents direct human contact prior to and during service;	188 189 190
(ii) Sales of the prepackaged food do not exceed more than	191

five per cent of the total gross receipts of the establishment; 192

(iii) The establishment has been issued an A-2 permit 193
under section 4303.03 or an A-2f permit under section 4303.031 194
of the Revised Code and annually produces ten thousand gallons 195
or less of wine; 196

(b) The owner or operator of the establishment shall 197
notify the director that it is exempt from licensure because it 198
qualifies under division (B) (17) (a) of this section. The owner 199
or operator also shall disclose to customers that the 200
establishment is exempt from licensure. 201

Sec. 3717.42. (A) The following are not food service 202
operations: 203

(1) A retail food establishment licensed under this 204
chapter, including a retail food establishment that provides the 205
services of a food service operation pursuant to an endorsement 206
issued under section 3717.24 of the Revised Code; 207

(2) An entity exempt from the requirement to be licensed 208
as a retail food establishment under division (B) of section 209
3717.22 of the Revised Code; 210

(3) A business or that portion of a business that is 211
regulated by the federal government or the department of 212
agriculture as a food manufacturing or food processing business, 213
including a business or that portion of a business regulated by 214
the department of agriculture under Chapter 911., 913., 915., 215
917., 918., or 925. of the Revised Code. 216

(B) All of the following are exempt from the requirement 217
to be licensed as a food service operation: 218

(1) A private home in which individuals related by blood, 219

marriage, or law reside and in which the food that is prepared 220
or served is intended only for those individuals and their 221
nonpaying guests; 222

(2) A private home operated as a bed-and-breakfast that 223
prepares and offers food to guests, if the home is owner- 224
occupied, the number of available guest bedrooms does not exceed 225
six, breakfast is the only meal offered, and the number of 226
guests served does not exceed sixteen; 227

(3) A stand operated on the premises of a private home by 228
one or more children under the age of twelve, if the food served 229
is not potentially hazardous; 230

(4) A residential facility that accommodates not more than 231
sixteen residents; is licensed, certified, registered, or 232
otherwise regulated by the federal government or by the state or 233
a political subdivision of the state; and prepares food for or 234
serves food to only the residents of the facility, the staff of 235
the facility, and any nonpaying guests of residents or staff; 236

(5) A church, school, fraternal or veterans' organization, 237
volunteer fire organization, or volunteer emergency medical 238
service organization preparing or serving food intended for 239
individual portion service on its premises for not more than 240
seven consecutive days or not more than fifty-two separate days 241
during a licensing period. This exemption extends to any 242
individual or group raising all of its funds during the time 243
periods specified in division (B) (5) of this section for the 244
benefit of the church, school, or organization by preparing or 245
serving food intended for individual portion service under the 246
same conditions. 247

(6) A common carrier that prepares or serves food, if the 248

carrier is regulated by the federal government;	249
(7) A food service operation serving thirteen or fewer	250
individuals daily;	251
(8) A type A or type B family day-care home, as defined in	252
section 5104.01 of the Revised Code, that prepares or serves	253
food for the children receiving day-care;	254
(9) A vending machine location where the only foods	255
dispensed are foods from one or both of the following	256
categories:	257
(a) Prepackaged foods that are not potentially hazardous;	258
(b) Nuts, panned or wrapped bulk chewing gum, or panned or	259
wrapped bulk candies.	260
(10) A place servicing the vending machines at a vending	261
machine location described in division (B)(9) of this section;	262
(11) A commissary servicing vending machines that dispense	263
only milk, milk products, or frozen desserts that are under a	264
state or federal inspection and analysis program;	265
(12) A "controlled location vending machine location,"	266
which means a vending machine location at which all of the	267
following apply:	268
(a) The vending machines dispense only foods that are not	269
potentially hazardous;	270
(b) The machines are designed to be filled and maintained	271
in a sanitary manner by untrained persons;	272
(c) Minimal protection is necessary to ensure against	273
contamination of food and equipment.	274
(13) A private home that prepares and offers food to	275

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

(14) An individual who prepares full meals or meal 282
components, such as pies or baked goods, in the individual's 283
home to be served off the premises of that home, if the number 284
of meals or meal components prepared for that purpose does not 285
exceed twenty in a seven-day period. 286

(15) The holder of an A-1-A permit issued under section 287
4303.021 of the Revised Code to which both of the following 288
apply: 289

(a) The A-1-A permit holder has also been issued an A-1c 290
permit under section 4303.022 of the Revised Code; 291

(b) The A-1-A permit holder serves only prepackaged meals 292
and nonalcoholic beverages, as well as beer and intoxicating 293
liquor. 294

Sec. 4301.011. The general assembly hereby finds that the 295
Twenty-first Amendment to the United States Constitution confers 296
upon the state of Ohio sole and exclusive authority to regulate 297
the sale and distribution of beer and intoxicating liquor in 298
this state. That authority, so conferred, has rested with the 299
state of Ohio since the ratification of the Twenty-first 300
Amendment to the United States Constitution. 301

The general assembly also finds that its authority to so 302
regulate is exercised through Title XLIII of the Revised Code 303
and other relevant provisions of the Revised Code. Title XLIII 304

of the Revised Code and the other relevant provisions of the 305
Revised Code reflect the intent of the general assembly to do 306
all of the following: 307

(A) Promote temperance by preventing consumption by 308
underage persons and by discouraging abusive consumption; 309

(B) Promote orderly markets by requiring transparent, 310
accountable, and stable distribution of beer and intoxicating 311
liquor and preventing unfair competition; 312

(C) Facilitate the collection of taxes related to the sale 313
and consumption of beer and intoxicating liquor. 314

Sec. 4301.03. The liquor control commission may adopt and 315
promulgate, repeal, rescind, and amend, in the manner required 316
by this section, rules, standards, requirements, and orders 317
necessary to carry out this chapter and Chapter 4303. of the 318
Revised Code, but all rules of the board of liquor control that 319
were in effect immediately prior to April 17, 1963, shall remain 320
in full force and effect as rules of the liquor control 321
commission until and unless amended or repealed by the liquor 322
control commission. The rules of the commission may include the 323
following: 324

(A) Rules with reference to applications for and the 325
issuance of permits for the manufacture, distribution, 326
transportation, and sale of beer and intoxicating liquor, and 327
the sale of alcohol; and rules governing the procedure of the 328
division of liquor control in the suspension, revocation, and 329
cancellation of those permits; 330

(B) Rules and orders providing in detail for the conduct 331
of any retail business authorized under permits issued pursuant 332
to this chapter and Chapter 4303. of the Revised Code, with a 333

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

No rule or order shall prohibit pari-mutuel wagering on 344
simulcast horse races at a satellite facility that has been 345
issued a D liquor permit under Chapter 4303. of the Revised 346
Code. No rule or order shall prohibit a charitable organization 347
that holds a D-4 permit from selling or serving beer or 348
intoxicating liquor under its permit in a portion of its 349
premises merely because that portion of its premises is used at 350
other times for the conduct of a bingo game, as described in 351
division (O) of section 2915.01 of the Revised Code. However, 352
such an organization shall not sell or serve beer or 353
intoxicating liquor or permit beer or intoxicating liquor to be 354
consumed or seen in the same location in its premises where a 355
bingo game, as described in division (O)(1) of section 2915.01 356
of the Revised Code, is being conducted while the game is being 357
conducted. As used in this division, "charitable organization" 358
has the same meaning as in division (H) of section 2915.01 of 359
the Revised Code. No rule or order pertaining to visibility into 360
the premises of a permit holder after the legal hours of sale 361
shall be adopted or maintained by the commission. 362

(C) Standards, not in conflict with those prescribed by 363
any law of this state or the United States, to secure the use of 364

proper ingredients and methods in the manufacture of beer, mixed 365
beverages, and wine to be sold within this state; 366

(D) Rules determining the nature, form, and capacity of 367
all packages and bottles to be used for containing beer or 368
intoxicating liquor, except for spirituous liquor to be kept or 369
sold, and governing the form of all seals and labels to be used 370
on those packages and bottles; 371

(E) Rules requiring the label on every package, bottle, 372
and container to state all of the following, as applicable: 373

(1) The ingredients in the contents; 374

(2) Except for beer, the terms of weight, volume, or proof 375
spirits; 376

(3) Except for spirituous liquor, whether the product is 377
beer, wine, alcohol, or any intoxicating liquor; 378

(4) Regarding beer that contains more than twelve per cent 379
of alcohol by volume, the percentage of alcohol by volume and 380
that the beer is a "high alcohol beer." 381

(F) Uniform rules governing all advertising with reference 382
to the sale of beer and intoxicating liquor throughout the state 383
and advertising upon and in the premises licensed for the sale 384
of beer or intoxicating liquor; 385

(G) Rules restricting and placing conditions upon the 386
transfer of permits; 387

(H) Rules and orders limiting the number of permits of any 388
class within the state or within any political subdivision of 389
the state; and, for that purpose, adopting reasonable 390
classifications of persons or establishments to which any 391
authorized class of permits may be issued within any political 392

subdivision; 393

(I) Rules and orders ~~with reference to sales of beer and~~ 394
~~intoxicating liquor on Sundays and holidays and~~ 395
to the hours of the day during which and the persons to whom 396
intoxicating liquor of any class may be sold, and rules with 397
reference to the manner of sale; 398

(J) Rules requiring permit holders buying beer to pay and 399
permit holders selling beer to collect minimum cash deposits for 400
kegs, cases, bottles, or other returnable containers of the 401
beer; requiring the repayment, or credit, of the minimum cash 402
deposit charges upon the return of the empty containers; and 403
requiring the posting of such form of indemnity or such other 404
conditions with respect to the charging, collection, and 405
repayment of minimum cash deposit charges for returnable 406
containers of beer as are necessary to ensure the return of the 407
empty containers or the repayment upon that return of the 408
minimum cash deposits paid; 409

(K) Rules establishing the method by which alcohol 410
products may be imported for sale by wholesale distributors and 411
the method by which manufacturers and suppliers may sell alcohol 412
products to wholesale distributors. 413

Every rule, standard, requirement, or order of the 414
commission and every repeal, amendment, or rescission of them 415
shall be posted for public inspection in the principal office of 416
the commission and the principal office of the division of 417
liquor control, and a certified copy of them shall be filed in 418
the office of the secretary of state. An order applying only to 419
persons named in it shall be served on the persons affected by 420
personal delivery of a certified copy, or by mailing a certified 421
copy to each person affected by it or, in the case of a 422

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

Sec. 4301.171. (A) As used in this section: 430

(1) "Broker" and "solicitor" have the same meanings as in 431
rules adopted by the superintendent of liquor control under 432
section 4303.25 of the Revised Code. 433

(2) "Tasting sample" means a small amount of spirituous 434
liquor that is provided in a serving of not more than a quarter 435
ounce of spirituous liquor and, if provided, not more than one 436
ounce of nonalcoholic mixer to an authorized purchaser and that 437
allows the purchaser to determine, by tasting only, the quality 438
and character of the beverage. 439

(3) "Trade marketing company" means a company that 440
solicits the purchase of beer and intoxicating liquor and 441
educates the public about beer and intoxicating liquor. 442

(4) "Trade marketing professional" means an individual who 443
is an employee of, or is under contract with, a trade marketing 444
company and who has successfully completed a training program 445
described in section 4301.253 of the Revised Code. 446

(B) Notwithstanding section 4301.24 of the Revised Code, 447
an agency store to which a D-8 permit has been issued may allow 448
a trade marketing professional, broker, or solicitor to offer 449
for sale tasting samples of spirituous liquor when conducted in 450
accordance with this section. A tasting sample shall not be sold 451

for the purpose of general consumption. 452

(C) Tasting samples of spirituous liquor may be offered 453
for sale at an agency store by a trade marketing professional, 454
broker, or solicitor if all of the following apply: 455

(1) The tasting samples are sold only in the area of the 456
agency store in which spirituous liquor is sold and that area is 457
open to the public. 458

(2) The tasting samples are sold only by the trade 459
marketing professional, broker, or solicitor. 460

(3) The spirituous liquor is registered under division (A) 461
(8) of section 4301.10 of the Revised Code. 462

(4) Not less than ten business days prior to the sale, the 463
trade marketing professional, broker, or solicitor has provided 464
written notice to the division of liquor control of the date and 465
time of the sampling, and of the type and brand of spirituous 466
liquor to be sampled at the agency store. 467

(D) A sale of tasting samples of spirituous liquor is 468
subject to rules adopted by the superintendent of liquor control 469
or the liquor control commission. 470

(E) An offering for sale of tasting samples of spirituous 471
liquor shall be limited to a period of not more than two hours. 472

(F) For purposes of offering for sale tasting samples of 473
spirituous liquor, a trade marketing professional, broker, or 474
solicitor shall purchase the spirituous liquor from the agency 475
store at the current retail price. An authorized purchaser shall 476
be charged not less than fifty cents for each tasting sample of 477
spirituous liquor. When the sale of tasting samples of 478
spirituous liquor at an agency store is completed, any bottles 479

of spirituous liquor used to provide tasting samples that are 480
not empty shall be marked as "sample" and removed from the 481
agency store by the trade marketing professional, broker, or 482
solicitor, as applicable. 483

(G) No trade marketing professional, broker, or solicitor 484
shall do any of the following: 485

(1) Advertise the offering for sale of tasting samples of 486
spirituous liquor other than at the agency store where the 487
tasting samples will be offered or as provided in section 488
4301.245 of the Revised Code; 489

(2) Solicit orders or make sales of tasting samples of 490
spirituous liquor for quantities greater than those specified in 491
division (G) (3) of this section; 492

(3) Allow any authorized purchaser to consume more than 493
four tasting samples of spirituous liquor per day. 494

(H) The purchase of a tasting sample of spirituous liquor 495
shall not be contingent upon the purchase of any other product 496
from an agency store. 497

(I) No employee of an agency store that allows the sale of 498
tasting samples of spirituous liquor shall purchase or consume a 499
tasting sample while on duty. 500

(J) If an employee of an agency store that allows the sale 501
of tasting samples of spirituous liquor consumes a tasting 502
sample of spirituous liquor, the employee shall not perform the 503
employee's duties and responsibilities at the agency store on 504
the day the tasting sample is consumed. 505

(K) No person under twenty-one years of age shall consume 506
a tasting sample of spirituous liquor. 507

(L) Not more than ten events at which the sale of tasting 508
samples of spirituous liquor are offered shall occur at an 509
agency store in a calendar month provided that: 510

(1) Not more than two events shall occur in the same day; 511
and 512

(2) There is not less than one hour between the end of one 513
event and the beginning of the next event. 514

(M) No trade marketing professional, trade marketing 515
company, broker, solicitor, owner or operator of an agency 516
store, or an agent or employee of the owner or operator shall 517
violate this section or any rules adopted by the superintendent 518
or the commission for the purposes of this section. 519

Sec. 4301.22. Sales of beer and intoxicating liquor under 520
all classes of permits and from state liquor stores are subject 521
to the following restrictions, in addition to those imposed by 522
the rules or orders of the division of liquor control: 523

(A) (1) Except as otherwise provided in this chapter, no 524
beer or intoxicating liquor shall be sold to any person under 525
twenty-one years of age. 526

(2) No low-alcohol beverage shall be sold to any person 527
under eighteen years of age. No permit issued by the division 528
shall be suspended, revoked, or canceled because of a violation 529
of division (A) (2) of this section. 530

(3) No intoxicating liquor shall be handled by any person 531
under twenty-one years of age, except that a person eighteen 532
years of age or older employed by a permit holder may handle or 533
sell beer or intoxicating liquor in sealed containers in 534
connection with wholesale or retail sales, and any person 535
nineteen years of age or older employed by a permit holder may 536

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

(B) No permit holder and no agent or employee of a permit 549
holder shall sell or furnish beer or intoxicating liquor to an 550
intoxicated person. 551

(C) No sales of intoxicating liquor shall be made after 552
two-thirty a.m. on Sunday ~~except under either of the following~~ 553
~~circumstances:~~ 554

~~(1) Intoxicating liquor may be sold on Sunday under~~ 555
~~authority of a permit that authorizes Sunday sale.~~ 556

~~(2) Spirituous liquor may be sold on Sunday by any person~~ 557
~~awarded an agency contract under section 4301.17 of the Revised~~ 558
~~Code if the sale of spirituous liquor is authorized in the~~ 559
~~applicable precinct as the result of an election on question (B)~~ 560
~~(1) or (2) of section 4301.351 of the Revised Code and if the~~ 561
~~agency contract authorizes the sale of spirituous liquor on~~ 562
~~Sunday.~~ 563

~~This section does not prevent a municipal corporation from~~ 564
~~adopting a closing hour for the sale of intoxicating liquor~~ 565

~~earlier than two thirty a.m. on Sunday or to provide that no~~ 566
~~intoxicating liquor may be sold prior to that hour on Sunday by a~~ 567
retail permit holder in a dry precinct or at a dry location, as 568
those terms are defined in section 4303.182 of the Revised Code. 569

(D) No holder of a permit shall give away any beer or 570
intoxicating liquor of any kind at any time in connection with 571
the permit holder's business. However, with the exception of an 572
A-1-A permit holder that also has been issued an A-2 or A-2f 573
permit, an A-1-A, A-1c, or D permit holder may provide to a 574
paying customer not more than a total of four tasting samples of 575
beer, wine, or spirituous liquor, as authorized by the 576
applicable permit, in any twenty-four-hour period. The permit 577
holder shall provide the tasting samples free of charge, at the 578
permit holder's expense, only to a person who is twenty-one 579
years of age or older. The person shall consume the tasting 580
samples on the premises of the permit holder. A distributor is 581
not responsible for the costs of providing tasting samples 582
authorized under division (D) of this section. 583

As used in division (D) of this section: 584

(1) "Tasting sample" means one of the following, as 585
applicable: 586

(a) An amount not to exceed two ounces of beer; 587

(b) An amount not to exceed two ounces of wine; 588

(c) An amount not to exceed a quarter ounce of spirituous 589
liquor. 590

(2) "D permit holder" means a person that has been issued 591
a D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, D-5c, D-5d, 592
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D- 593
5o, ~~D-6~~, or D-7 permit. 594

(E) Except as otherwise provided in this division, no 595
retail permit holder shall display or permit the display on the 596
outside of any licensed retail premises, or on any lot of ground 597
on which the licensed premises are situated, or on the exterior 598
of any building of which the licensed premises are a part, any 599
sign, illustration, or advertisement bearing the name, brand 600
name, trade name, trade-mark, designation, or other emblem of or 601
indicating the manufacturer, producer, distributor, place of 602
manufacture, production, or distribution of any beer or 603
intoxicating liquor. Signs, illustrations, or advertisements 604
bearing the name, brand name, trade name, trade-mark, 605
designation, or other emblem of or indicating the manufacturer, 606
producer, distributor, place of manufacture, production, or 607
distribution of beer or intoxicating liquor may be displayed and 608
permitted to be displayed on the interior or in the show windows 609
of any licensed premises, if the particular brand or type of 610
product so advertised is actually available for sale on the 611
premises at the time of that display. The liquor control 612
commission shall determine by rule the size and character of 613
those signs, illustrations, or advertisements. 614

(F) No retail permit holder shall possess on the licensed 615
premises any barrel or other container from which beer is drawn, 616
unless there is attached to the spigot or other dispensing 617
apparatus the name of the manufacturer of the product contained 618
in the barrel or other container, provided that, if the beer is 619
served at a bar, the manufacturer's name or brand shall appear 620
in full view of the purchaser. The commission shall regulate the 621
size and character of the devices provided for in this section. 622

(G) Except as otherwise provided in this division, no sale 623
of any gift certificate shall be permitted whereby beer or 624
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) and (F) of section 4301.22 of the Revised Code. 651

(B) No manufacturer shall have any financial interest, 652
directly or indirectly, by stock ownership, or through 653
interlocking directors in a corporation, or otherwise, in the 654
establishment, maintenance, or promotion in the business of any 655
wholesale distributor. No retail permit holder shall have any 656

interest, directly or indirectly, in the operation of, or any 657
ownership in, the business of any wholesale distributor or 658
manufacturer. 659

(C) (1) No manufacturer shall, except as authorized by 660
section 4303.021 of the Revised Code, have any financial 661
interest, directly or indirectly, by stock ownership, or through 662
interlocking directors in a corporation, or otherwise, in the 663
establishment, maintenance, or promotion of the business of any 664
retail dealer. No wholesale distributor or employee of a 665
wholesale distributor shall have any financial interest, 666
directly or indirectly, by stock ownership, interlocking 667
directors in a corporation, or otherwise, in the establishment, 668
maintenance, or promotion of the business of any retail dealer. 669
No manufacturer or wholesale distributor or any stockholder of a 670
manufacturer or wholesale distributor shall acquire, by 671
ownership in fee, leasehold, mortgage, or otherwise, directly or 672
indirectly, any interest in the premises on which the business 673
of any other person engaged in the business of trafficking in 674
beer or intoxicating liquor is conducted. 675

(2) All contracts, covenants, conditions, and limitations 676
whereby any person engaged or proposing to engage in the sale of 677
beer or intoxicating liquors promises to confine the person's 678
sales of a particular kind or quality of beer or intoxicating 679
liquor to one or more products, or the products of a specified 680
manufacturer or wholesale distributor, or to give preference to 681
those products, shall to the extent of that promise be void. The 682
making of a promise in any such form shall be cause for the 683
revocation or suspension of any permit issued to any party. 684

(D) No manufacturer shall sell or offer to sell to any 685
wholesale distributor or retail permit holder, no wholesale 686

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

This section does not prohibit a licensee from crediting 694
to a purchaser the actual prices charged for packages or 695
containers returned by the original purchaser as a credit on any 696
sale or from refunding to any purchaser the amount paid by that 697
purchaser for containers or as a deposit on containers when 698
title is retained by the vendor, if those containers or packages 699
have been returned to the manufacturer or distributor. This 700
section does not prohibit a manufacturer from extending usual 701
and customary credit for beer, brewed beverages, or wine 702
manufactured in the United States and sold to customers who live 703
or maintain places of business outside this state when the 704
beverages so sold are actually transported and delivered to 705
points outside this state. 706

No wholesale or retail permit shall be issued to an 707
applicant unless the applicant has paid in full all accounts for 708
beer or wine, manufactured in the United States, outstanding as 709
of September 6, 1939. No beer or wine manufactured in the United 710
States shall be imported into the state unless the beer or wine 711
has been paid for in cash, and no supplier registration for any 712
such beer or wine manufactured in the United States shall be 713
issued by the division of liquor control until the A-2, A-2f, B- 714
1, or B-5 permit holder establishes to the satisfaction of the 715
division that the beer or wine has been paid for in cash. 716

(E) This section does not ~~prevent a~~ prohibit any of the 717
following: 718

(1) A manufacturer from securing and holding any financial 719
interest, directly or indirectly, by stock ownership or through 720
interlocking directors in a corporation, or otherwise, in the 721
establishment, maintenance, or promotion of the business or 722
premises of any C or D permit holder, provided that the 723
following conditions are met: 724

~~(1)~~ (a) Either the manufacturer or one of its parent 725
companies is listed on a national securities exchange. 726

~~(2)~~ (b) All purchases of alcoholic beverages by the C or D 727
permit holder are made from wholesale distributors in this state 728
or agency stores licensed by the division of liquor control. 729

~~(3)~~ (c) If the C or D permit holder sells brands of 730
alcoholic beverages that are produced or distributed by the 731
manufacturer that holds the financial interest, the C or D 732
permit holder also sells other competing brands of alcoholic 733
beverages produced by other manufacturers, no preference is 734
given to the products of the manufacturer, and there is no 735
exclusion, in whole or in part, of products sold or offered for 736
sale by other manufacturers, suppliers, or importers of 737
alcoholic beverages that constitutes a substantial impairment of 738
commerce. 739

~~(4)~~ (d) The primary purpose of the C or D permit premises 740
is a purpose other than to sell alcoholic beverages, and the 741
sale of other goods and services exceeds fifty per cent of the 742
total gross receipts of the C or D permit holder at its 743
premises. 744

~~(F) (1) This section does not prevent a~~ (2) A manufacturer 745

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

~~(2) This section does not permit a manufacturer to give 753~~
financial assistance to the holder of a B permit to purchase 754
inventory or equipment used in the daily operation of a B permit 755
holder. 756

~~(G) This section does not prohibit a (3) A manufacturer or 757~~
subsidiary of a manufacturer from continuing to operate a 758
wholesale distribution franchise or distribute beer or wine 759
within a designated territory if prior to ~~the effective date of~~ 760
~~this amendment~~ July 30, 2013, the manufacturer either acquired 761
the distribution franchise or territory, or awarded the 762
franchise or territory to itself or a subsidiary. 763

~~(H) This section shall not prevent a (4) A manufacturer 764~~
from securing and holding an A-1c or B-2a permit or permits and 765
operating as a wholesale distributor pursuant to such permits. 766

(5) A manufacturer from renting or leasing property to the 767
holder of an F class permit for purposes of an event for which 768
the F class permit has been issued. 769

Sec. 4301.245. (A) As used in this section: 770

(1) "Broker" and "solicitor" have the same meanings as in 771
rules adopted by the superintendent of liquor control under 772
section 4303.25 of the Revised Code. 773

(2) "On-premises brand promotion" means a promotion of a 774

brand of beer or intoxicating liquor by a distributor, 775
manufacturer, trade marketing professional, solicitor, or broker 776
of that brand at a retail permit premises. 777

(3) "Product location communication" means a listing or 778
program that allows an individual to determine the availability 779
of a specific brand of beer or intoxicating liquor at retail 780
permit holders or agency stores in a certain geographic area. 781

(4) "Social media" means a service, platform, or web site 782
where users communicate with one another free of charge and 783
share media such as pictures, videos, music, and blogs. "Social 784
media" includes the web site of a distributor, manufacturer, 785
trade marketing professional, solicitor, or broker. 786

(5) "Trade marketing professional" has the same meaning as 787
in section 4301.171 of the Revised Code. 788

(B) Notwithstanding section 4301.24 of the Revised Code, a 789
distributor, manufacturer, trade marketing professional, 790
solicitor, or broker may use free services provided by social 791
media to advertise any of the following: 792

(1) An on-premises brand promotion; 793

(2) Beer, wine, or spirituous liquor tastings sold in 794
accordance with this chapter or Chapter 4303. of the Revised 795
Code; 796

(3) A product location communication. 797

Sec. 4301.246. (A) As used in this section: 798

(1) "Case" means twenty-four individual pieces of 799
glassware. 800

(2) "Glassware" means a glass container to which all of 801

the following apply: 802

(a) It has the brand name of a beer or the name of the 803
manufacturer or supplier of the beer permanently affixed, 804
embossed, or engraved on the container; 805

(b) It has the brand name of the beer or the name of the 806
manufacturer or supplier of the beer prominently displayed on 807
the container; 808

(c) It holds not more than twenty-four ounces of liquid. 809

(3) "Receipt" means a record, either in paper or digital 810
format, that contains all of the following information: 811

(a) The name and address of the permit holder authorized 812
to sell beer for on-premises consumption that receives glassware 813
from a manufacturer or supplier; 814

(b) The name and address of the manufacturer or supplier 815
that provides glassware to the permit holder; 816

(c) The name of the employee or agent of the permit holder 817
that receives the glassware; 818

(d) The date that the glassware is provided to the permit 819
holder; 820

(e) The amount, if any, that the manufacturer or supplier 821
charged the permit holder for the glassware; 822

(f) The permit holder's permit number; 823

(g) A description and the amount of glassware provided to 824
the permit holder; 825

(h) The amount that the manufacturer or supplier paid to 826
have the glassware manufactured. 827

(B) Notwithstanding section 4301.24 of the Revised Code, a 828
manufacturer or supplier may provide glassware intended for the 829
serving of beer to a permit holder authorized to sell beer for 830
on-premises consumption if the manufacturer or supplier provides 831
a receipt to the permit holder. However, the manufacturer or 832
supplier shall not annually provide more than four cases of such 833
glassware to the permit holder. 834

(C) A permit holder authorized to sell for on-premises 835
consumption may receive glassware intended for the serving of 836
beer from a manufacturer or supplier. 837

(D) A permit holder that receives glassware from a 838
manufacturer or supplier shall maintain a copy of the receipt 839
provided by the manufacturer or supplier under division (B) of 840
this section. The permit holder shall retain the receipt for a 841
period of three years and make the receipt available for 842
inspection during normal business hours. 843

Sec. 4301.322. The electors of an election precinct may 844
exercise the privilege of local option under sections 4301.353 845
and 4301.354 of the Revised Code on the sale of beer, the sale 846
of wine and mixed beverages, or the sale of spirituous liquor,~~—~~ 847
~~on Sunday or on other days of the week,~~ in a portion of the 848
precinct in which the status of such sales as allowed or 849
prohibited is inconsistent with the status of such sales in the 850
remainder of the precinct because of a change in precinct 851
boundaries by the board of elections or an annexation of 852
territory to a municipal corporation. The privilege conferred by 853
this section is in addition to the privilege conferred on the 854
electors of an election precinct as specified in section 855
4301.32, 4301.321, 4303.29, or 4305.14 of the Revised Code. 856

Sec. 4301.33. (A) The board of elections shall provide to 857

a petitioner circulating a petition for an election for the 858
submission of one or more of the questions specified in 859
~~divisions (A) to (D) of~~ section 4301.35 or the question 860
specified in section 4301.351 of the Revised Code, at the time 861
of taking out the petition, the names of the streets and, if 862
appropriate, the address numbers of residences and business 863
establishments within the precinct in which the election is 864
sought, and a form prescribed by the secretary of state for 865
notifying affected permit holders and liquor agency stores of 866
the circulation of a petition for an election for the submission 867
of one or more of the questions specified in ~~divisions (A) to~~ 868
~~(D) of~~ section 4301.35 or the question specified in section 869
4301.351 of the Revised Code. The petitioner shall, not less 870
than fifty-five days before the petition-filing deadline for the 871
election, as provided in this section, file with the division of 872
liquor control the information regarding names of streets and, 873
if appropriate, address numbers of residences and business 874
establishments provided by the board of elections, and specify 875
to the division the precinct that is concerned and that would be 876
affected by the results of the election and the filing deadline. 877
The division shall, within a reasonable period of time and not 878
later than twenty-five days before the filing deadline, supply 879
the petitioner with a list of the names and addresses of permit 880
holders and liquor agency stores, if any, that would be affected 881
by the election. The list shall contain a heading with the 882
following words: "Liquor permit holders and liquor agency stores 883
that would be affected by the question(s) set forth on petition 884
for a local option election." 885

Within five days after a petitioner has received from the 886
division the list of liquor permit holders and liquor agency 887
stores, if any, that would be affected by the question or 888

questions set forth on a petition for local option election, the 889
petitioner shall, using the form provided by the board of 890
elections, notify by certified mail each permit holder and 891
liquor agency store whose name appears on that list. The form 892
for notifying affected permit holders and liquor agency stores 893
shall require the petitioner to state the petitioner's name and 894
street address and shall contain a statement that a petition is 895
being circulated for an election for the submission of the 896
question or questions specified in ~~divisions (A) to (D) of~~ 897
section 4301.35 or the question specified in section 4301.351 of 898
the Revised Code. The form shall require the petitioner to state 899
the question or questions to be submitted as they appear on the 900
petition. 901

The petitioner shall attach a copy of the list provided by 902
the division to each petition paper. A part petition paper 903
circulated at any time without the list of affected permit 904
holders and liquor agency stores attached to it is invalid. 905

At the time the petitioner files the petition with the 906
board of elections, the petitioner shall provide to the board 907
the list supplied by the division and an affidavit certifying 908
that the petitioner notified all affected permit holders and 909
liquor agency stores, if any, on the list in the manner and 910
within the time required in this section and that, at the time 911
each signer of the petition affixed the signer's signature to 912
the petition, the petition paper contained a copy of the list of 913
affected permit holders and liquor agency stores. 914

Within five days after receiving a petition ~~calling for an~~ 915
~~election for the submission of one or more of the questions~~ 916
~~specified in divisions (A) to (D) of section 4301.35 or section~~ 917
~~4301.351 of the Revised Code,~~ the board shall give notice by 918

certified mail that it has received the petition to all liquor 919
permit holders and liquor agency stores, if any, whose names 920
appear on the list of affected permit holders and liquor agency 921
stores filed by the petitioner. Failure of the petitioner to 922
supply the affidavit required by this section and a complete and 923
accurate list of liquor permit holders and liquor agency stores, 924
if any, invalidates the entire petition. The board of elections 925
shall provide to a permit holder or liquor agency store that 926
would be affected by a proposed local option election, on the 927
permit holder's or liquor agency store's request, the names of 928
the streets, and, if appropriate, the address numbers of 929
residences and business establishments within the precinct in 930
which the election is sought that would be affected by the 931
results of the election. The board may charge a reasonable fee 932
for this information when provided to the petitioner and the 933
permit holder or liquor agency store. 934

(B) Upon the presentation of a petition, not later than 935
four p.m. of the ninetieth day before the day of a general 936
election or special election held on the day of a primary 937
election, to the board of elections of the county where the 938
precinct is located, designating whether it is a petition for an 939
election for the submission of one or more of the questions 940
specified in section 4301.35 of the Revised Code, or a petition 941
for the submission of ~~one or more of the questions~~ question 942
specified in section 4301.351 of the Revised Code, designating 943
the particular question or questions specified in section 944
4301.35 or the question specified in 4301.351 of the Revised 945
Code that are to be submitted, and signed by the qualified 946
electors of the precinct concerned, equal in number to fifty 947
people or thirty-five per cent of the total number of votes cast 948
in the precinct concerned for the office of governor at the 949

preceding general election for that office, whichever is less, 950
the board shall submit the question or questions specified in 951
the petition to the electors of the precinct concerned, on the 952
day of the next general election or special election held on the 953
day of a primary election, whichever occurs first and shall 954
proceed as follows: 955

(1) Such board shall, not later than the seventy-eighth 956
day before the day of the election for which the question or 957
questions on the petition would qualify for submission to the 958
electors of the precinct, examine and determine the sufficiency 959
of the signatures and review, examine, and determine the 960
validity of the petition and, in case of overlapping precinct 961
petitions presented within that period, determine which of the 962
petitions shall govern the further proceedings of the board. In 963
the case where the board determines that two or more overlapping 964
petitions are valid, the earlier filed petition shall govern. 965
The board shall certify the sufficiency and validity of any 966
petition determined to be valid. The board shall determine the 967
validity of the petition as of the time of certification as 968
described in this division. 969

(2) If a petition is sufficient, and, in case of 970
overlapping precinct petitions, after the board has determined 971
the governing petition, the board to which the petition has been 972
presented shall order the holding of a special election in the 973
precinct for the submission of whichever of the questions 974
specified in section 4301.35 or the question specified in 975
section 4301.351 of the Revised Code are designated in the 976
petition, on the day of the next general election or special 977
election held on the day of a primary election, whichever occurs 978
first. 979

(3) All petitions filed with a board of elections under 980
this section shall be open to public inspection under rules 981
adopted by the board. 982

(4) Protest against local option petitions may be filed by 983
any elector eligible to vote on the question or questions 984
described in the petitions or by a permit holder or liquor 985
agency store in the precinct as described in the petitions, not 986
later than four p.m. of the seventy-fourth day before the day of 987
the general election or special election held on the day of a 988
primary election for which the petition qualified. The protest 989
shall be in writing and shall be filed with the election 990
officials with whom the petition was filed. Upon filing of the 991
protest, the election officials with whom it is filed shall 992
promptly fix the time for hearing it, and shall mail notice of 993
the filing of the protest and the time and place for hearing it 994
to the person who filed the petition and to the person who filed 995
the protest. At the time and place fixed, the election officials 996
shall hear the protest and determine the validity of the 997
petition. 998

Sec. 4301.332. (A) The board of elections shall provide to 999
a petitioner circulating a petition for an election for the 1000
submission of one or more of the questions specified in section 1001
4301.353 or the question specified in section 4301.354 of the 1002
Revised Code, at the time of taking out the petition, the names 1003
of the streets and, if appropriate, the address numbers of 1004
residences and business establishments within the precinct that 1005
would be affected by the results of the election, and a form 1006
prescribed by the secretary of state for notifying affected 1007
permit holders of the circulation of a petition for an election 1008
for the submission of one or more of the questions specified in 1009
section 4301.353 or the question specified in section 4301.354 1010

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

Within five days after a petitioner has received from the 1026
division the list of liquor permit holders, if any, who would be 1027
affected by the question or questions set forth on a petition 1028
for local option election, the petitioner, using the form 1029
provided by the board of elections, shall notify by certified 1030
mail each permit holder whose name appears on that list. The 1031
form for notifying affected permit holders shall require the 1032
petitioner to state the petitioner's name and street address and 1033
shall contain a statement that a petition is being circulated 1034
for an election for the submission of the question or questions 1035
specified in section 4301.353 or the question specified in 1036
section 4301.354 of the Revised Code. The form shall require the 1037
petitioner to state the question or questions to be submitted as 1038
they appear on the petition. 1039

The petitioner shall attach a copy of the list provided by 1040
the division to each petition paper. A part petition paper 1041

circulated at any time without the list of affected permit 1042
holders attached to it is invalid. 1043

At the time the petitioner files the petition with the 1044
board of elections, the petitioner shall provide to the board 1045
the list supplied by the division and an affidavit certifying 1046
that the petitioner notified all affected permit holders, if 1047
any, on the list in the manner and within the time required in 1048
this section and that, at the time each signer of the petition 1049
affixed the signer's signature to the petition, the petition 1050
paper contained a copy of the list of affected permit holders. 1051

Within five days after receiving a petition ~~calling for an~~ 1052
~~election for the submission of one or more of the questions~~ 1053
~~specified in section 4301.353 or 4301.354 of the Revised Code,~~ 1054
the board shall give notice by certified mail that it has 1055
received the petition to all liquor permit holders, if any, 1056
whose names appear on the list of affected permit holders filed 1057
by the petitioner as furnished by the division. Failure of the 1058
petitioner to supply the affidavit required by this section and 1059
a complete and accurate list of liquor permit holders as 1060
furnished by the division invalidates the entire petition. The 1061
board of elections shall provide to a permit holder who would be 1062
affected by a proposed local option election, on the permit 1063
holder's request, the names of the streets, and, if appropriate, 1064
the address numbers of residences and business establishments 1065
within the portion of the precinct that would be affected by the 1066
results of the election. The board may charge a reasonable fee 1067
for this information when provided to the petitioner and the 1068
permit holder. 1069

This division does not apply to an election held under 1070
section 4301.353 or 4301.354 of the Revised Code if the results 1071

of the election would not affect any permit holder. 1072

(B) Upon the presentation of a petition, not later than 1073
four p.m. of the ninetieth day before the day of a general 1074
election or special election held on the day of a primary 1075
election, to the board of elections of the county where the 1076
precinct is located, designating whether it is a petition for an 1077
election for the submission of one or both of the questions 1078
specified in section 4301.353 of the Revised Code, or a petition 1079
for the submission of ~~one or more of the questions~~ question 1080
specified in section 4301.354 of the Revised Code, designating 1081
the particular question or questions specified in section 1082
4301.353 or the question specified in section 4301.354 of the 1083
Revised Code that are to be submitted, and signed by the 1084
qualified electors of the precinct concerned, equal in number to 1085
fifty people or thirty-five per cent of the total number of 1086
votes cast in the precinct concerned for the office of governor 1087
at the preceding general election for that office, whichever is 1088
less, the board shall submit the question or questions specified 1089
in the petition to the electors of the precinct concerned, on 1090
the day of the next general election or special election held on 1091
the day of the next primary election, whichever occurs first and 1092
shall proceed as follows: 1093

(1) Such board shall, not later than the seventy-eighth 1094
day before the day of the election for which the question or 1095
questions on the petition would qualify for submission to the 1096
electors of the precinct, examine and determine the sufficiency 1097
of the signatures and review, examine, and determine the 1098
validity of the petition and, in case of overlapping precinct 1099
petitions presented within that period, determine which of the 1100
petitions shall govern the further proceedings of the board. In 1101
the case where the board determines that two or more overlapping 1102

petitions are valid, the earlier filed petition shall govern. 1103
The board shall certify the sufficiency and validity of any 1104
petition determined to be valid. The board shall determine the 1105
validity of the petition as of the time of certification as 1106
described in this division. 1107

(2) If a petition is sufficient, and, in case of 1108
overlapping precinct petitions, after the board has determined 1109
the governing petition, the board to which the petition has been 1110
presented shall order the holding of a special election in the 1111
precinct for the submission of whichever of the questions 1112
specified in section 4301.353 or the question specified in 1113
section 4301.354 of the Revised Code are designated in the 1114
petition, on the day of the next general election or special 1115
election held on the day of the next primary election, whichever 1116
occurs first. 1117

(C) All petitions filed with a board of elections under 1118
this section shall be open to public inspection under rules 1119
adopted by the board. 1120

(D) Protest against local option petitions may be filed by 1121
any elector eligible to vote on the question or questions 1122
described in the petitions or by a permit holder in the precinct 1123
as described in the petitions, not later than four p.m. of the 1124
seventy-fourth day before the day of the general election or 1125
special election held on the day of the primary election for 1126
which the petition qualified. The protest shall be in writing 1127
and shall be filed with the election officials with whom the 1128
petition was filed. Upon filing of the protest, the election 1129
officials with whom it is filed shall promptly fix the time for 1130
hearing it, and shall mail notice of the filing of the protest 1131
and the time and place for hearing it to the person who filed 1132

the petition and to the person who filed the protest. At the 1133
time and place fixed, the election officials shall hear the 1134
protest and determine the validity of the petition. 1135

Sec. 4301.333. (A) The privilege of local option conferred 1136
by section 4301.323 of the Revised Code may be exercised if, not 1137
later than four p.m. of the ninetieth day before the day of a 1138
general election or special election held on the day of a 1139
primary election, a petition is presented to the board of 1140
elections of the county in which the precinct is situated by a 1141
petitioner who is one of the following: 1142

(1) An applicant for the issuance or transfer of a liquor 1143
permit at, or to, a particular location within the precinct; 1144

(2) The holder of a liquor permit at a particular location 1145
within the precinct; 1146

(3) A person who operates or seeks to operate a liquor 1147
agency store at a particular location within the precinct; 1148

(4) The designated agent for an applicant, liquor permit 1149
holder, or liquor agency store described in division (A) (1), 1150
(2), or (3) of this section. 1151

(B) The petition shall be signed by the electors of the 1152
precinct equal in number to fifty people or at least thirty-five 1153
per cent of the total number of votes cast in the precinct for 1154
the office of governor at the preceding general election for 1155
that office, whichever is less, and shall contain all of the 1156
following: 1157

(1) A notice that the petition is for the submission of 1158
~~the a 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. 4301.351. (A) ~~If~~As used in this division, "dry 1360
precinct" has the same meaning as in section 4303.182 of the 1361
Revised Code. 1362

If a petition is for submission of the question of whether 1363
the sale of intoxicating liquor shall be permitted on Sunday in 1364
a dry precinct, a special election shall be held in the precinct 1365
at the time fixed as provided in section 4301.33 of the Revised 1366
Code. The expenses of holding the election shall be charged to 1367
the municipal corporation or township of which the precinct is a 1368
part. 1369

(B) At the election, ~~one or more of the following~~ 1370
~~questions, question (B) (1), (B) (2), or (B) (3) as designated in a~~ 1371
~~valid petition or question (B) (4) as submitted by the~~ 1372
~~legislative authority of a municipal corporation or the board of~~ 1373
~~trustees of a township, question~~ shall be submitted to the 1374
electors of the precinct: 1375

~~(1) "Shall the sale of (insert intoxicating liquor for on-~~ 1376
~~premises consumption or the sale of wine and mixed beverages for~~ 1377
~~off-premises consumption or both), of the same types as may be~~ 1378
legally sold in this precinct on other days of the week, be 1379
permitted in this _____ ~~for consumption on the premises where~~ 1380
~~sold, between the hours of eleven a.m. and midnight on Sunday?"~~ 1381

~~(2) "Shall the sale of intoxicating liquor, of the same~~ 1382
~~types as may be legally sold in this precinct on other days of~~ 1383
~~the week, be permitted in this _____ for consumption on the~~ 1384
~~premises where sold, between the hours of eleven a.m. and~~ 1385
~~midnight on Sunday, at licensed premises where the sale of food~~ 1386
~~and other goods and services exceeds fifty per cent of the total~~ 1387
~~gross receipts of the permit holder at the premises?"~~ 1388

~~(3) "Shall the sale of wine and mixed beverages, of the~~ 1389
~~same types as may be legally sold in this precinct on other days~~ 1390
~~of the week, be permitted in this _____ for consumption off-~~ 1391
~~the premises where sold, between the hours of eleven a.m. and~~ 1392
~~midnight on Sunday?"~~ 1393

~~(4) "Shall the sale of intoxicating liquor, of the same~~ 1394
~~types as may be legally sold in this precinct on other days of~~ 1395
~~the week, be permitted in this _____ for consumption on the~~ 1396
~~premises where sold, between the hours of one p.m. and midnight~~ 1397
~~on Sunday, at outdoor performing arts centers, as defined in~~ 1398
~~section 4303.182 of the Revised Code, that have been issued a D-~~ 1399

~~6 permit?"~~ 1400

~~Question (B) (4) shall be presented to the electors of a~~ 1401
~~precinct in which an outdoor performing arts center is located~~ 1402
~~only if the legislative authority of the municipal corporation~~ 1403
~~in which, or the board of trustees of the township in which, the~~ 1404
~~outdoor performing arts center is located submits, not later~~ 1405
~~than four p.m. of the seventy fifth day before the day of a~~ 1406
~~primary or general election that occurs within two years after~~ 1407
~~April 9, 2001, to the board of elections of the county in which~~ 1408
~~the precinct is located, a copy of an ordinance or resolution~~ 1409
~~requesting the submission of that question to the electors of~~ 1410
~~the precinct. An election on question (B) (4) may not be sought~~ 1411
~~by a petition under section 4301.33 of the Revised Code.~~ 1412

~~(C) At the election, one or more of the following~~ 1413
~~questions, as designated in a valid petition, shall be submitted~~ 1414
~~to the electors of the precinct:~~ 1415

~~(1) "Shall the sale of intoxicating liquor, of the same~~ 1416
~~types as may be legally sold in this precinct on other days of~~ 1417
~~the week, be permitted in this _____ for consumption on the~~ 1418
~~premises where sold, between the hours of ten a.m. and midnight~~ 1419
~~on Sunday?"~~ 1420

~~(2) "Shall the sale of intoxicating liquor, of the same~~ 1421
~~types as may be legally sold in this precinct on other days of~~ 1422
~~the week, be permitted in this _____ for consumption on the~~ 1423
~~premises where sold, between the hours of ten a.m. and midnight~~ 1424
~~on Sunday, at licensed premises where the sale of food and other~~ 1425
~~goods and services exceeds fifty per cent of the total gross~~ 1426
~~receipts of the permit holder at the premises?"~~ 1427

~~(3) "Shall the sale of wine and mixed beverages, of the~~ 1428

~~same types as may be legally sold in this precinct on other days~~ 1429
~~of the week, be permitted in this _____ for consumption off~~ 1430
~~the premises where sold, between the hours of ten a.m. and~~ 1431
~~midnight on Sunday?"~~ 1432

~~(D) No C or D permit holder who first applied for such a~~ 1433
~~permit after April 15, 1982, shall sell beer on Sunday unless~~ 1434
~~the sale of intoxicating liquor is authorized in the precinct or~~ 1435
~~portion of the precinct at an election on question (B) (1), (B)~~ 1436
~~(2), or (B) (3) of this section, on question (C) (1), (C) (2), or~~ 1437
~~(C) (3) of this section, on question (B) (1), (B) (2), or (B) (3) of~~ 1438
~~section 4301.354 of the Revised Code, on question (C) (1), (C)~~ 1439
~~(2), or (C) (3) of section 4301.354 of the Revised Code, or on~~ 1440
~~question (B) (2) of section 4301.355 of the Revised Code under~~ 1441
~~section 4303.182 of the Revised Code. No D-6 permit is required~~ 1442
~~for the sale of beer on Sunday.~~ 1443

The board of elections to which the petition is presented 1444
shall furnish printed ballots at the election in accordance with 1445
section 3505.06 of the Revised Code, and separate ballots shall 1446
be used for the special election under this section. ~~One or more~~ 1447
~~of the questions~~ The question prescribed by ~~divisions (B) and~~ 1448
~~(C) of this section~~, as designated in the petition, shall be set 1449
forth on each ballot, and the board shall insert in ~~each the~~ 1450
question the name or an accurate description of the precinct in 1451
which the election is to be held. Votes shall be cast as 1452
provided in section 3505.06 of the Revised Code. 1453

Sec. 4301.353. If a petition is filed under section 1454
4301.332 of the Revised Code for the submission of the one or 1455
more questions set forth in this section, a special election 1456
shall be held in the precinct as ordered by the board of 1457
elections under that section. The expense of holding the special 1458

election shall be charged to the municipal corporation or 1459
township of which the precinct is a part. 1460

At the election, one or both of the following questions as 1461
designated in a valid petition shall be submitted to the 1462
electors of the precinct ~~concerning sales on days of the week~~ 1463
~~other than Sunday:~~ 1464

(A) "Shall the sales of (insert one or both of the 1465
following: beer, or wine and mixed beverages) by the package, 1466
under permits that authorize sale for off-premises consumption 1467
only, be permitted in a portion of this precinct in which the 1468
status of the sale of (insert one or both of the following: 1469
beer, or wine and mixed beverages) as allowed or prohibited is 1470
inconsistent with the status of such sale in the remainder of 1471
the precinct?" 1472

(B) "Shall the sale of (insert one or more of the 1473
following: beer, wine and mixed beverages, or spirituous 1474
liquor), under permits that authorize sale for on-premises 1475
consumption only, and under permits that authorize sale for both 1476
on-premises and off-premises consumption, be permitted in a 1477
portion of this precinct in which the status of the sale of 1478
(insert one or more of the following: beer, wine and mixed 1479
beverages, or spirituous liquor) as allowed or prohibited is 1480
inconsistent with the status of such sale in the remainder of 1481
the precinct?" 1482

The board of elections shall furnish printed ballots at 1483
the special election as provided under section 3505.06 of the 1484
Revised Code, except that a separate ballot shall be used for 1485
the special election. One or both of the questions set forth in 1486
this section shall be printed on each ballot and the board shall 1487
insert in the question and statement appropriate words to 1488

complete each and a description of the portion of the precinct 1489
that would be affected by the results of the election. 1490

The description of the portion of the precinct shall 1491
include either the complete listing of street addresses in that 1492
portion or a condensed text that accurately describes the 1493
boundaries of the portion of the precinct by street name or by 1494
another name generally known by the residents of the portion of 1495
the precinct. If other than a full street listing is used, the 1496
full street listing also shall be posted in each polling place 1497
in a location that is easily accessible to all voters. Failure 1498
of the board of elections to completely and accurately list all 1499
street addresses in the affected area of the precinct does not 1500
affect the validity of the election at which the failure 1501
occurred and is not grounds for contesting an election under 1502
section 3515.08 of the Revised Code. Votes shall be cast as 1503
provided under section 3505.06 of the Revised Code. 1504

Sec. 4301.354. (A) ~~If~~ As used in this division, "dry 1505
precinct" has the same meaning as in section 4303.182 of the 1506
Revised Code. 1507

If a petition is filed under section 4301.332 of the 1508
Revised Code for the submission of ~~one or more questions set~~ 1509
~~forth in this section~~ the question of whether the sale of 1510
intoxicating liquor shall be permitted on Sunday in a dry 1511
precinct, a special election shall be held in the precinct as 1512
ordered by the board of elections under that section. The 1513
expense of holding the special election shall be charged to the 1514
municipal corporation or township of which the precinct is a 1515
part. 1516

(B) At the election, ~~one or more of the following~~ 1517
~~questions~~ question, as designated in a valid petition, shall be 1518

submitted to the electors of the precinct concerning Sunday 1519
sales: 1520

~~(1) "Shall the sale of (insert intoxicating liquor be~~ 1521
~~permitted in a portion of this precinct between the hours of~~ 1522
~~eleven a.m. and midnight on Sunday for on-premises consumption~~ 1523
~~on the premises where sold, the sale of wine and mixed beverages~~ 1524
~~for off-premises consumption, or both) be permitted in a portion~~ 1525
~~of this precinct on Sunday where the status of such Sunday sales~~ 1526
as allowed or prohibited is inconsistent with the status of such 1527
Sunday sales in the remainder of the precinct?" 1528

~~(2) "Shall the sale of intoxicating liquor be permitted in~~ 1529
~~a portion of this precinct between the hours of eleven a.m. and~~ 1530
~~midnight on Sunday for consumption on the premises where sold at~~ 1531
~~licensed premises where the sale of food and other goods exceeds~~ 1532
~~fifty per cent of the total gross receipts of the permit holder~~ 1533
~~at the premises, where the status of such Sunday sales as~~ 1534
~~allowed or prohibited is inconsistent with the status of such~~ 1535
~~Sunday sales in the remainder of the precinct?"~~ 1536

~~(3) "Shall the sale of wine and mixed beverages be~~ 1537
~~permitted in a portion of this precinct between the hours of~~ 1538
~~eleven a.m. and midnight on Sunday for consumption off the~~ 1539
~~premises where sold, where the status of such Sunday sales as~~ 1540
~~allowed or prohibited is inconsistent with the status of such~~ 1541
~~Sunday sales in the remainder of the precinct?"~~ 1542

~~(C) At the election, one or more of the following~~ 1543
~~questions, as designated in a valid petition, shall be submitted~~ 1544
~~to the electors of the precinct concerning Sunday sales:~~ 1545

~~(1) "Shall the sale of intoxicating liquor be permitted in~~ 1546
~~a portion of this precinct between the hours of ten a.m. and~~ 1547

~~midnight on Sunday for consumption on the premises where sold,~~ 1548
~~where the status of such Sunday sales as allowed or prohibited~~ 1549
~~is inconsistent with the status of such Sunday sales in the~~ 1550
~~remainder of the preeinct?"~~ 1551

~~(2) "Shall the sale of intoxicating liquor be permitted in~~ 1552
~~a portion of this preeinct between the hours of ten a.m. and~~ 1553
~~midnight on Sunday for consumption on the premises where sold at~~ 1554
~~licensed premises where the sale of food and other goods exceeds~~ 1555
~~fifty per cent of the total gross receipts of the permit holder~~ 1556
~~at the premises, where the status of such Sunday sales as~~ 1557
~~allowed or prohibited is inconsistent with the status of such~~ 1558
~~Sunday sales in the remainder of the preeinct?"~~ 1559

~~(3) "Shall the sale of wine and mixed beverages be~~ 1560
~~permitted in a portion of this preeinct between the hours of ten~~ 1561
~~a.m. and midnight on Sunday for consumption off the premises~~ 1562
~~where sold, where the status of such Sunday sales as allowed or~~ 1563
~~prohibited is inconsistent with the status of such Sunday sales~~ 1564
~~in the remainder of the preeinct?"~~ 1565

~~(D)~~The board of elections shall furnish printed ballots 1566
at the special election as provided under section 3505.06 of the 1567
Revised Code, except that a separate ballot shall be used for 1568
the special election. The ~~one or more questions~~ question set 1569
forth in ~~divisions (B) and (C) of this section~~ shall be printed 1570
on each ballot, and the board shall insert in the ~~questions~~ 1571
question appropriate words to complete ~~each it~~ and a description 1572
of the portion of the precinct that would be affected by the 1573
results of the election. 1574

The description of the portion of the precinct shall 1575
include either the complete listing of street addresses in that 1576
portion or a condensed text that accurately describes the 1577

boundaries of the portion of the precinct by street name or by 1578
another name generally known by the residents of the portion of 1579
the precinct. If other than a full street listing is used, the 1580
full street listing also shall be posted in each polling place 1581
in a location that is easily accessible to all voters. Failure 1582
of the board of elections to completely and accurately list all 1583
street addresses in the affected area of the precinct does not 1584
affect the validity of the election at which the failure 1585
occurred and is not grounds for contesting an election under 1586
section 3515.08 of the Revised Code. Votes shall be cast as 1587
provided under section 3505.06 of the Revised Code. 1588

Sec. 4301.355. (A) If a petition is filed under section 1589
4301.333 of the Revised Code for the submission of the question 1590
or questions set forth in this section, it shall be held in the 1591
precinct as ordered by the board of elections under that 1592
section. The expense of holding the election shall be charged to 1593
the municipal corporation or township of which the precinct is a 1594
part. 1595

(B) At the election, ~~one or more of the following~~ 1596
~~questions~~ question, as designated in a valid petition, shall be 1597
submitted to the electors of the precinct: 1598

~~(1)~~ "Shall the sale of _____ (insert beer, wine and 1599
mixed beverages, or spirituous liquor) be permitted by 1600
_____ (insert name of applicant, liquor permit holder, or 1601
liquor agency store, including trade or fictitious name under 1602
which applicant for, or holder of, liquor permit or liquor 1603
agency store either intends to do, or does, business at the 1604
particular location), an _____ (insert "applicant for" or 1605
"holder of" or "operator of") a _____ (insert class name of 1606
liquor permit or permits followed by the words "liquor 1607

permit(s)" or, if appropriate, the words "liquor agency store 1608
for the State of Ohio"), who is engaged in the business of 1609
_____ (insert general nature of the business in which 1610
applicant or liquor permit holder is engaged or will be engaged 1611
in at the particular location, as described in the petition) at 1612
_____ (insert address of the particular location within the 1613
precinct as set forth in the petition) in this precinct?" 1614

~~(2)-(C) At the election, if the location is a dry 1615~~
~~location, the following question, as designated in a valid 1616~~
~~petition, shall be submitted to the electors of the precinct: 1617~~

"Shall the sale of _____ (insert beer, wine and mixed 1618
beverages, or spirituous liquor) be permitted for sale on Sunday 1619
~~between the hours of _____ (insert "ten a.m. and midnight" 1620~~
~~or "eleven a.m. and midnight") by _____ (insert name of 1621~~
applicant, liquor permit holder, or liquor agency store, 1622
including trade or fictitious name under which applicant for, or 1623
holder of, liquor permit or liquor agency store either intends 1624
to do, or does, business at the particular location), an _____ 1625
(insert "applicant for a D-6 liquor permit," "holder of a D-6 1626
liquor permit," "applicant for or holder of an A-1-A, A-2, A-2f, 1627
A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D- 1628
5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, 1629
or D-7 liquor permit," if only the approval of beer sales is 1630
sought, or "liquor agency store") who is engaged in the business 1631
of _____ (insert general nature of the business in which 1632
applicant or liquor permit holder is engaged or will be engaged 1633
in at the particular location, as described in the petition) at 1634
_____ (insert address of the particular location within the 1635
precinct) in this precinct?" 1636

~~(C)-(D) The board of elections shall furnish printed 1637~~

ballots at the election as provided under section 3505.06 of the
Revised Code, except that a separate ballot shall be used for
the election under this section. The question set forth in this
section shall be printed on each ballot, and the board shall
insert in the question appropriate words to complete it. Votes
shall be cast as provided under section 3505.06 of the Revised
Code.

(E) As used in this section, "dry location" has the same
meaning as in section 4303.182 of the Revised Code.

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

Except as otherwise provided in this section, if the
legislative authority of a municipal corporation in whose
territory, or the board of township trustees of a township in
whose unincorporated area, a community facility is located
submits, not later than four p.m. of the ninetieth day before
the day of a special election held on the day of a primary
election or general election, to the board of elections of the
county in which the community facility is located an ordinance
or resolution requesting the submission of the question set
forth in this section to the electors of the municipal
corporation or unincorporated area of the township, the board of
elections shall order that an election be held on that question
in the municipal corporation or the unincorporated area of the
township on the day of the next special election held on the day
of a primary election or next general election, whichever occurs
first. The legislative authority or board of township trustees

shall submit the name and address of any permit holder who would
be affected by the results of the election to the board of
elections at the same time it submits the ordinance or
resolution. The board of elections, within five days after
receiving the name and address, shall give notice by certified
mail to each permit holder that it has received the ordinance or
resolution. Failure of the legislative authority or board of
township trustees to supply the name and address of each permit
holder to the board of elections invalidates the effect of the
ordinance or resolution.

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

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

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

Sec. 4301.36. (A) (1) If a majority of the electors voting 1698
in a precinct vote "yes" on question (A), (B), or (C) as set 1699
forth in section 4301.35 of the Revised Code, the sales 1700
specified in such one or more of the questions on which a 1701
majority of the electors voting in such precinct voted "yes" 1702
shall be subject in the precinct only to Chapters 4301. and 1703
4303. of the Revised Code. 1704

(2) If a majority of the electors voting in such precinct 1705
vote "no" on question (A), (B), or (C) set forth in section 1706
4301.35 of the Revised Code, no C or D permit holder shall sell 1707
intoxicating liquor of the kind or in the manner specified in 1708
such one or more of the questions on which a majority of the 1709
electors voting in the precinct voted "no," within the precinct 1710
concerned, during the period such election is in effect as 1711
defined in section 4301.37 of the Revised Code. 1712

(B) If a majority of the electors voting in such precinct 1713
vote "no" on question (D) as set forth in section 4301.35 of the 1714
Revised Code, all state liquor stores in the precinct shall be 1715
forthwith closed and, during the period the vote is in effect, 1716
as defined in section 4301.37 of the Revised Code, no state 1717
liquor store shall be opened in that precinct. 1718

(C) (1) If a majority of the electors voting in a precinct 1719
vote "yes" on question (E) as set forth in section 4301.35 of 1720
the Revised Code, the sales specified in that question shall be 1721
allowed in the precinct and subject only to this chapter and 1722
Chapter 4303. of the Revised Code. 1723

(2) If a majority of the electors voting in a precinct 1724
vote "no" on question (E) set forth in section 4301.35 of the 1725
Revised Code, no A-1-A, A-1c, A-2, A-2f, A-3a, class C, or class 1726
D permit holder shall sell beer or intoxicating liquor of the 1727

kind or in the manner specified in that question within the 1728
precinct concerned, during the period such election is in effect 1729
as defined in section 4301.37 of the Revised Code. 1730

(D) (1) If a majority of the electors voting in a precinct 1731
vote "yes" on question (F) as set forth in section 4301.35 of 1732
the Revised Code, the sales specified in that question shall be 1733
allowed in the precinct and subject only to this chapter and 1734
Chapter 4303. of the Revised Code. In addition, sales shall 1735
continue in the precinct under the authority of any previous 1736
election in effect in the precinct in which the electors 1737
approved a question or questions under this chapter or Chapter 1738
4305. of the Revised Code. 1739

(2) If a majority of the electors voting in a precinct 1740
vote "no" on question (F) set forth in section 4301.35 of the 1741
Revised Code, the sales specified in that question shall not be 1742
allowed in the precinct. However, sales shall continue in the 1743
precinct under the authority of any previous election in effect 1744
in the precinct in which the electors approved a question or 1745
questions under this chapter or Chapter 4305. of the Revised 1746
Code. 1747

Sec. 4301.361. (A) If a majority of the electors voting on 1748
~~questions~~ the question set forth in section 4301.351 of the 1749
Revised Code in a precinct vote "yes" on the question ~~(B) (1) or~~ 1750
~~(C) (1), or, if both questions (B) (1) and (B) (2), or questions~~ 1751
~~(C) (1) and (C) (2), are submitted, "yes" on both questions or~~ 1752
~~"yes" on question (B) (1) or (C) (1) but "no" on question (B) (2)~~ 1753
~~or (C) (2), sales of intoxicating liquor shall be allowed on~~ 1754
Sunday in the manner and under the conditions specified in the 1755
question ~~(B) (1) or (C) (1), under a D-6 permit,~~ within the 1756
precinct concerned, ~~during the hours specified in division (A)~~ 1757

~~of section 4303.182 of the Revised Code and during the period~~ 1758
~~the election is in effect as defined in section 4301.37 of the~~ 1759
~~Revised Code. In addition, the question shall not be~~ 1760
~~subsequently submitted to the electors of that precinct.~~ 1761

~~(B) If only question (B) (2) or (C) (2) is submitted to the~~ 1762
~~voters or if questions (B) (2) and (B) (3) or (C) (2) and (C) (3)~~ 1763
~~are submitted and a majority of the electors voting in a~~ 1764
~~precinct vote "yes" on question (B) (2) or (C) (2) as set forth in~~ 1765
~~section 4301.351 of the Revised Code, sales of intoxicating~~ 1766
~~liquor shall be allowed on Sunday in the manner and under the~~ 1767
~~conditions specified in question (B) (2) or (C) (2), under a D-6~~ 1768
~~permit, within the precinct concerned, during the hours~~ 1769
~~specified in division (A) of section 4303.182 of the Revised~~ 1770
~~Code and during the period the election is in effect as defined~~ 1771
~~in section 4301.37 of the Revised Code, even if question (B) (1)~~ 1772
~~or (C) (1) was also submitted and a majority of the electors~~ 1773
~~voting in the precinct voted "no."~~ 1774

~~(C) If question (B) (3) or (C) (3) is submitted and a~~ 1775
~~majority of electors voting on question (B) (3) or (C) (3) as set~~ 1776
~~forth in section 4301.351 of the Revised Code in a precinct vote~~ 1777
~~"yes," sales of wine and mixed beverages shall be allowed on~~ 1778
~~Sunday in the manner and under the conditions specified in~~ 1779
~~question (B) (3) or (C) (3), under a D-6 permit, within the~~ 1780
~~precinct concerned, during the hours specified in division (A)~~ 1781
~~of section 4303.182 of the Revised Code and during the period~~ 1782
~~the election is in effect as defined in section 4301.37 of the~~ 1783
~~Revised Code.~~ 1784

~~(D) If questions (B) (1), (B) (2), and (B) (3), or questions~~ 1785
~~(C) (1), (C) (2), and (C) (3), as set forth in section 4301.351 of~~ 1786
~~the Revised Code, are all submitted and As used in this~~ 1787

division, "dry precinct" has the same meaning as in section 1788
4303.182 of the Revised Code. 1789

If a majority of the electors voting in such precinct on 1790
the question set forth in section 4301.351 of the Revised Code 1791
in a dry precinct vote "no" on all three questions, no sales of 1792
intoxicating liquor shall be made within the dry precinct 1793
concerned after two-thirty a.m. on Sunday as specified in the 1794
questions question submitted, during the period the election is 1795
in effect as defined in section 4301.37 of the Revised Code. In 1796
addition, the question shall not be submitted to the electors of 1797
that precinct for four years after the date of the "no" vote. 1798

~~(E) If question (C) (1) as set forth in section 4301.351 of~~ 1799
~~the Revised Code is submitted to the voters in a precinct in~~ 1800
~~which question (B) (1) as set forth in that section previously~~ 1801
~~was submitted and approved, and the results of the election on~~ 1802
~~question (B) (1) are still in effect in the precinct; or if~~ 1803
~~question (C) (2) as set forth in that section is submitted to the~~ 1804
~~voters in a precinct in which question (B) (2) as set forth in~~ 1805
~~that section previously was submitted and approved, and the~~ 1806
~~results of the election on question (B) (2) are still in effect~~ 1807
~~in the precinct; or if question (C) (3) as set forth in that~~ 1808
~~section is submitted to the voters in a precinct in which~~ 1809
~~question (B) (3) as set forth in that section previously was~~ 1810
~~submitted and approved, and the results of the election on~~ 1811
~~question (B) (3) are still in effect in the precinct; and if a~~ 1812
~~majority of the electors voting on question (C) (1), (C) (2), or~~ 1813
~~(C) (3) vote "no," then sales shall continue to be allowed in the~~ 1814
~~precinct in the manner and under the conditions specified in the~~ 1815
~~previously approved question (B) (1), (B) (2), or (B) (3), as~~ 1816
~~applicable.~~ 1817

~~(F) If question (B) (4) as set forth in section 4301.351 of the Revised Code is submitted and a majority of the electors voting in the precinct vote "yes," sales of intoxicating liquor shall be allowed on Sunday at outdoor performing arts centers in the manner and under the conditions specified in question (B) (4) under a D-6 permit, within the precinct concerned, during the hours specified in division (F) of section 4303.182 of the Revised Code and during the period the election is in effect as defined in section 4301.37 of the Revised Code. If question (B) (4) as set forth in section 4301.351 of the Revised Code is submitted and a majority of the electors voting in the precinct vote "no," no sales of intoxicating liquor shall be allowed at outdoor performing arts centers in the precinct concerned under a D-6 permit, after 2:30 a.m. on Sunday, during the period the election is in effect as defined in section 4301.37 of the Revised Code.~~

Sec. 4301.364. (A) If a majority of the electors in a precinct vote "yes" on the question (B) (1) or (C) (1) as set forth in section 4301.354 of the Revised Code, the sale of intoxicating liquor, of the same types as may be legally sold in the precinct on other days of the week, shall be permitted on Sunday in the portion of the precinct affected by the results of the election ~~during the hours specified in division (A) of section 4303.182 of the Revised Code and~~ in the manner and under the conditions specified in the question, subject only to this chapter and Chapter 4303. of the Revised Code. In addition, the question shall not be subsequently submitted to the electors of that precinct.

~~(B) If a majority of the electors in a precinct vote "yes" on question (B) (2) or (C) (2) as set forth in section 4301.354 of the Revised Code, the sale of intoxicating liquor, of the same~~

~~types as may be legally sold in the precinct on other days of~~ 1849
~~the week, shall be permitted on Sunday in the portion of the~~ 1850
~~precinct affected by the results of the election during the~~ 1851
~~hours specified in division (A) of section 4303.182 of the~~ 1852
~~Revised Code and in the manner and under the conditions~~ 1853
~~specified in the question, subject only to this chapter and~~ 1854
~~Chapter 4303. of the Revised Code.~~ 1855

~~(C) If a majority of the electors in a precinct vote "yes"~~ 1856
~~on question (B) (3) or (C) (3) as set forth in section 4301.354 of~~ 1857
~~the Revised Code, the sale of wine and mixed beverages shall be~~ 1858
~~permitted on Sunday in the portion of the precinct affected by~~ 1859
~~the results of the election during the hours specified in~~ 1860
~~division (A) of section 4303.182 of the Revised Code and in the~~ 1861
~~manner and under the conditions specified in the question,~~ 1862
~~subject only to this chapter and Chapter 4303. of the Revised~~ 1863
~~Code.~~ 1864

~~(D) If As used in this division, "dry precinct" has the~~ 1865
~~same meaning as in section 4303.182 of the Revised Code.~~ 1866

~~If a majority of the electors in a dry precinct vote "no"~~ 1867
~~on the question (B) (1) or (C) (1) as set forth in section~~ 1868
~~4301.354 of the Revised Code, no sale of intoxicating liquor~~ 1869
~~shall be permitted on Sunday in the manner and under the~~ 1870
~~conditions specified in the question in the portion of the~~ 1871
~~precinct affected by the results of the election. In addition,~~ 1872
~~the question shall not be submitted to the electors of that~~ 1873
~~portion of the precinct for four years after the date of the~~ 1874
~~"no" vote.~~ 1875

~~(E) If a majority of the electors in a precinct vote "no"~~ 1876
~~on question (B) (2) or (C) (2) as set forth in section 4301.354 of~~ 1877
~~the Revised Code, no sale of intoxicating liquor shall be~~ 1878

~~permitted on Sunday in the manner and under the conditions~~ 1879
~~specified in the question in the portion of the precinct~~ 1880
~~affected by the results of the election.~~ 1881

~~(F) If a majority of the electors in a precinct vote "no"~~ 1882
~~on question (B) (3) or (C) (3) as set forth in section 4301.354 of~~ 1883
~~the Revised Code, no sale of wine or mixed beverages shall be~~ 1884
~~permitted on Sunday in the manner and under the conditions~~ 1885
~~specified in the question in the portion of the precinct~~ 1886
~~affected by the results of the election.~~ 1887

~~(G) If question (C) (1) as set forth in section 4301.354 of~~ 1888
~~the Revised Code is submitted to the voters in a precinct in~~ 1889
~~which question (B) (1) as set forth in that section previously~~ 1890
~~was submitted and approved, and the results of the election on~~ 1891
~~question (B) (1) are still in effect in the precinct; or if~~ 1892
~~question (C) (2) as set forth in that section is submitted to the~~ 1893
~~voters in a precinct in which question (B) (2) as set forth in~~ 1894
~~that section previously was submitted and approved, and the~~ 1895
~~results of the election on question (B) (2) are still in effect~~ 1896
~~in the precinct; or if question (C) (3) as set forth in that~~ 1897
~~section is submitted to the voters in a precinct in which~~ 1898
~~question (B) (3) as set forth in that section previously was~~ 1899
~~submitted and approved, and the results of the election on~~ 1900
~~question (B) (3) are still in effect in the precinct; and if a~~ 1901
~~majority of the electors voting on question (C) (1), (C) (2), or~~ 1902
~~(C) (3) vote "no," then sales shall continue to be allowed in the~~ 1903
~~precinct in the manner and under the conditions specified in the~~ 1904
~~previously approved question (B) (1), (B) (2), or (B) (3), as~~ 1905
~~applicable.~~ 1906

Sec. 4301.365. (A) If a majority of the electors in a 1907
precinct vote "yes" on questions (B) (1) and (2) as the question 1908

set forth in division (B) of section 4301.355 of the Revised 1909
Code, the sale of beer, wine and mixed beverages, or spirituous 1910
liquor, whichever was the subject of the election, shall be 1911
allowed at the particular location and for the use specified in 1912
the ~~questions~~ question under each permit applied for by the 1913
petitioner or at the address listed for the liquor agency store, 1914
and, ~~in relation to question (B) (2), during the hours on Sunday~~ 1915
~~specified in division (A) of section 4303.182 of the Revised~~ 1916
~~Code,~~ subject only to this chapter and Chapter 4303. of the 1917
Revised Code. Failure to continue to use the particular location 1918
for any proposed or stated use set forth in the petition is 1919
grounds for the denial of a renewal of the liquor permit under 1920
division (A) of section 4303.271 of the Revised Code or is 1921
grounds for the nonrenewal or cancellation of the liquor agency 1922
store contract by the division of liquor control, ~~except in the~~ 1923
~~case where the liquor permit holder or liquor agency store~~ 1924
~~decides to cease the sale of beer, wine and mixed beverages, or~~ 1925
~~spirituous liquor, whichever was the subject of the election, on~~ 1926
~~Sundays.~~ 1927

(B) ~~Except as otherwise provided in division (H) of this~~ 1928
~~section, if a majority of the electors in a precinct vote "yes"~~ 1929
~~on question (B) (1) and "no" on question (B) (2) as set forth in~~ 1930
~~section 4301.355 of the Revised Code, the sale of beer, wine and~~ 1931
~~mixed beverages, or spirituous liquor, whichever was the subject~~ 1932
~~of the election, shall be allowed at the particular location for~~ 1933
~~the use specified in question (B) (1) of section 4301.355 of the~~ 1934
~~Revised Code and under each permit applied for by the~~ 1935
~~petitioner, except for a D-6 permit, subject only to this~~ 1936
~~chapter and Chapter 4303. of the Revised Code.~~ 1937

~~(C)~~ If a majority of the electors in a precinct vote "no" 1938
on question ~~(B) (1)~~ (B) as set forth in section 4301.355 of the 1939

Revised Code, no sales of beer, wine and mixed beverages, or 1940
spirituous liquor, whichever was the subject of the election, 1941
shall be allowed at the particular location for the use 1942
specified in the petition during the period the election is in 1943
effect as defined in section 4301.37 of the Revised Code. 1944

~~(D)~~ (C) If a majority of the electors in a precinct vote 1945
only on question ~~(B) (2)~~ (C) as set forth in section 4301.355 of 1946
the Revised Code and that vote results in a majority "yes" vote, 1947
sales of beer, wine and mixed beverages, or spirituous liquor, 1948
whichever was the subject of the election, shall be allowed at 1949
the particular location for the use specified in the petition on 1950
Sunday ~~during the hours specified in division (A) of section~~ 1951
~~4303.182 of the Revised Code and during the period the election~~ 1952
~~is in effect as defined in section 4301.37 of the Revised Code.~~ 1953
In addition, the question shall not be subsequently submitted to 1954
the electors of that precinct. 1955

~~(E) Except as otherwise provided in division (H) of this~~ 1956
~~section, if (D) As used in this division, "dry location" has the~~ 1957
~~same meaning as in section 4303.182 of the Revised Code.~~ 1958

If a majority of the electors in a precinct vote only on 1959
question ~~(B) (2)~~ (C) as set forth in section 4301.355 of the 1960
Revised Code and that vote results in a majority "no" vote, no 1961
sales of beer, wine and mixed beverages, or spirituous liquor, 1962
whichever was the subject of the election, shall be allowed at 1963
the ~~particular dry~~ location for the use ~~and during the hours~~ 1964
specified in the petition on Sunday ~~during the period the~~ 1965
~~election is in effect as defined in section 4301.37 of the~~ 1966
~~Revised Code.~~ In addition, the question shall not be submitted 1967
to the electors of that precinct regarding that location for 1968
four years after the date of the "no" vote. 1969

~~(F)~~ (E) In case of elections in the same precinct for the
question or questions set forth in section 4301.355 of the
Revised Code and for a question or questions set forth in
section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or
4305.14 of the Revised Code, the results of the election held on
the question or questions set forth in section 4301.355 of the
Revised Code shall apply to the particular location
notwithstanding the results of the election held on the question
or questions set forth in section 4301.35, 4301.351, 4301.353,
4301.354, 4303.29, or 4305.14 of the Revised Code.

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

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

Sec. 4301.366. If a majority of the electors voting on the 2000
question specified in section 4301.356 of the Revised Code vote 2001
"yes," the sale of beer and intoxicating liquor shall be allowed 2002
at the community facility ~~on days of the week other than Sunday~~ 2003
~~and during the hours on Sunday specified in division (A) of~~ 2004
~~section 4303.182 of the Revised Code,~~ for the use specified in 2005
the question, subject only to this chapter and Chapter 4303. of 2006
the Revised Code. Failure to continue to use the location as a 2007
community facility constitutes good cause for rejection of the 2008
renewal of the liquor permit under division (A) of section 2009
4303.271 of the Revised Code. 2010

If a majority of the electors voting on the question 2011
specified in section 4301.356 of the Revised Code vote "no," no 2012
sales of beer or intoxicating liquor shall be made at or within 2013
the community facility during the period the election is in 2014
effect as defined in section 4301.37 of the Revised Code. 2015

Sec. 4301.37. (A) When a local option election, other than 2016
an election under section 4301.351, 4301.352, 4301.353, 2017
4301.354, 4301.355, or 4301.356 of the Revised Code, is held in 2018
any precinct, except as provided in divisions (G) and (H) of 2019
section 4301.39 of the Revised Code, the result of the election 2020
shall be effective in the precinct until another election is 2021
called and held pursuant to sections 4301.32 to 4301.36 of the 2022
Revised Code, but no such election shall be held in the precinct 2023
on the same question more than once in each four years. 2024

~~(B) When a local option election under section 4301.351 of~~ 2025
~~the Revised Code is held in any precinct, except as provided in~~ 2026
~~divisions (G) and (H) of section 4301.39 of the Revised Code,~~ 2027
~~the result of the election shall be effective in the precinct~~ 2028
~~until another election is called and held pursuant to sections~~ 2029

~~4301.32 to 4301.361 of the Revised Code, but no such election~~ 2030
~~shall be held under section 4301.351 of the Revised Code in the~~ 2031
~~precinct on the same question more than once in each four years.~~ 2032

~~(C)~~ When a local option election is held in a precinct 2033
under section 4301.352 of the Revised Code and a majority of the 2034
electors voting on the question vote "yes," no subsequent local 2035
option election shall be held in the precinct upon the sale of 2036
beer or intoxicating liquor by the class C or D permit holder at 2037
the specified premises for a period of at least four years from 2038
the date of the most recent local option election, except that 2039
this division shall not be construed to prohibit the holding or 2040
affect the results of a local option election under section 2041
4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of 2042
the Revised Code. 2043

~~(D)~~ (C) When a local option election is held in a precinct 2044
under section 4301.353 ~~or 4301.354~~ of the Revised Code, except 2045
as provided in divisions (G) and (H) of section 4301.39 of the 2046
Revised Code, the results of the election shall be effective 2047
until another election is held under that section on the same 2048
question, but no such election shall be held in a precinct under 2049
that section on the same question for a period of at least four 2050
years from the date of the most recent election on that 2051
question. This division shall not be construed to prohibit the 2052
future holding of, or affect the future results of, a local 2053
option election held under section 4301.35, 4301.351, 4301.355, 2054
4303.29, or 4305.14 of the Revised Code. 2055

~~(E)~~ (D) When a local option election is held in a precinct 2056
under division (B) of section 4301.355 of the Revised Code, the 2057
results of that election shall be effective at the particular 2058
location designated in the petition until another election is 2059

held pursuant to ~~section 4301.355 of the Revised Code that~~ 2060
division or until such time as an election is held pursuant to 2061
section 4301.352 of the Revised Code, but no election shall be 2062
held under division (B) of section 4301.355 of the Revised Code 2063
regarding the same use at that particular location for a period 2064
of at least four years from the date of the most recent election 2065
on that question. The results of a local option election held in 2066
a precinct under division (B) of section 4301.355 of the Revised 2067
Code shall not prohibit the holding of, and shall be affected by 2068
the results of, a local option election held under section 2069
4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of 2070
the Revised Code. 2071

~~(F)~~ (E) When a local option election is held in a 2072
municipal corporation or unincorporated area of a township under 2073
section 4301.356 of the Revised Code, the results of the 2074
election shall be effective at the community facility that was 2075
the subject of the election until another such election is held 2076
regarding that community facility, but no such election shall be 2077
held for a period of at least four years from the date of the 2078
election. The results of a local option election held in a 2079
municipal corporation or unincorporated area of a township under 2080
section 4301.356 of the Revised Code shall not prohibit the 2081
holding of, or affect or be affected by the results of, a local 2082
option election held under section 4301.35, 4301.351, 4301.353, 2083
4301.354, 4303.29, or 4305.14 of the Revised Code. 2084

~~(G)~~ (F) If a community facility is located in an election 2085
precinct in which a previous local option election in the 2086
precinct resulted in approval of the sale of beer or 2087
intoxicating liquor in the precinct, the community facility 2088
shall sell beer or intoxicating liquor only to the extent 2089
permitted by the previous local option election until an 2090

election is held pursuant to section 4301.356 of the Revised Code. 2091
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~~(H)~~ (G) A community facility shall not be affected by a 2093
local option election held on or after March 30, 1999, unless 2094
the election is held under section 4301.356 of the Revised Code. 2095

Sec. 4301.403. (A) As used in this section, "exhibition 2096
premises" means a premises at the site where an exhibition 2097
sanctioned by the U.S. Christopher Columbus quincentenary 2098
jubilee commission is being or has been held, if the exhibition 2099
is or was sponsored by an organization that also is sponsoring 2100
or has sponsored an exhibition sanctioned by the international 2101
association of horticulture producers. 2102

(B) Sections 4301.32 to 4301.391 and 4305.14 of the 2103
Revised Code and the provisions for local option elections and 2104
the election on the question of the repeal of Section 9 of 2105
Article XV, Ohio Constitution, in section 4303.29 of the Revised 2106
Code do not affect or prohibit the sale of beer or intoxicating 2107
liquor at an exhibition premises if the permit holder for the 2108
premises operates pursuant to the authority of a D liquor permit 2109
issued pursuant to Chapter 4303. of the Revised Code. 2110

~~Permit D-6 shall be issued to the holder of any D permit 2111
that authorizes the sale of intoxicating liquor and that is 2112
issued for an exhibition premises to allow the sale of 2113
intoxicating liquor under the permit at the premises between the 2114
hours of one p.m. and midnight on Sunday, whether or not such 2115
sale has been authorized in an election held under section 2116
4301.351 of the Revised Code. Notwithstanding section 4301.351- 2117
of the revised code, the holder of a D permit issued for an 2118
exhibition premises may sell beer on Sunday whether or not the 2119
sale of intoxicating liquor has been authorized in an election 2120~~

~~held under that section.~~

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(C) Nothing in section 4303.29 of the Revised Code shall
be construed to restrict the issuance of a D permit for an
exhibition premises. An application for a D permit for an
exhibition premises is exempt from the population quota
restrictions contained in section 4303.29 of the Revised Code
and from the population quota restrictions contained in any rule
of the liquor control commission. The location of a D permit
issued for an exhibition premises shall not be transferred. An
applicant applying for a D-1, D-2, D-3, D-4, or D-5 permit for
an exhibition premises is not subject to section 4303.31 of the
Revised Code.

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

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

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~~(C) Permit D-6 shall be issued to the holder of any D
permit that authorizes the sale of intoxicating liquor and that
is issued for a center for the preservation of wild animals to
allow the sale of intoxicating liquor under the permit at the
premises between the hours of one p.m. and midnight on Sunday,~~

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~~whether or not such sale has been authorized in an election held~~ 2151
~~under section 4301.351 of the Revised Code. Notwithstanding~~ 2152
~~section 4301.351 of the Revised Code, the holder of a D permit~~ 2153
~~issued for a center for the preservation of wild animals may~~ 2154
~~sell beer on Sunday whether or not the sale of intoxicating~~ 2155
~~liquor has been authorized in an election held under that~~ 2156
~~section.~~ 2157

Sec. 4301.82. (A) As used in this section: 2158

(1) "Qualified permit holder" means the holder of an A-1, 2159
A-1-A, A-1c, A-2, A-2f, or D class permit issued under Chapter 2160
4303. of the Revised Code. 2161

(2) "D class permit" does not include a D-6 or D-8 permit. 2162

(B) ~~The executive officer of a A~~ municipal corporation or 2163
~~the fiscal officer of a township may file an application with~~ 2164
~~the legislative authority of the municipal corporation or~~ 2165
~~township to have property within the municipal corporation or~~ 2166
~~township designated as create an outdoor refreshment area or to~~ 2167
expand an existing outdoor refreshment area to include 2168
additional property within the municipal corporation or 2169
township. The To create an outdoor refreshment area, the 2170
executive officer of the municipal corporation or the fiscal 2171
officer of the township shall ensure that the application 2172
~~contains all of the followingdo all of the following:~~ 2173

(1) ~~A~~ Ensure that a map or survey of the proposed outdoor 2174
refreshment area is made in sufficient detail to identify the 2175
boundaries of the area, ~~which shall not exceed either of the~~ 2176
~~following, as applicable:~~ 2177

~~(a) Three hundred twenty contiguous acres or one-half~~ 2178
~~square mile if the municipal corporation or township has a~~ 2179

~~population of more than thirty five thousand as specified in~~ 2180
~~division (D) of this section;~~ 2181

~~(b) One hundred fifty contiguous acres if the municipal~~ 2182
~~corporation or township has a population of thirty five thousand~~ 2183
~~or less as specified in division (D) of this section.;~~ 2184

(2) ~~A~~ Create a general statement of the nature and types 2185
of establishments that will be located within the proposed 2186
outdoor refreshment area; 2187

(3) ~~A statement~~ Ensure that the proposed outdoor 2188
refreshment area will encompass not fewer than ~~four~~ two 2189
qualified permit holders; 2190

(4) ~~Evidence~~ Ensure that the uses of land within the 2191
proposed outdoor refreshment area are in accord with the master 2192
zoning plan or map of the municipal corporation or township; 2193

(5) ~~Proposed requirements for the purpose of ensuring~~ 2194
~~public health and safety within the proposed outdoor refreshment~~ 2195
~~area~~ Ensure that the ordinance or resolution required under 2196
division (E) of this section has been adopted. 2197

(C) ~~Within forty five days after the date the application~~ 2198
~~is filed with the legislative authority of a municipal~~ 2199
~~corporation or township, the legislative authority shall publish~~ 2200
~~public notice of the application once a week for two consecutive~~ 2201
~~weeks in one newspaper of general circulation in the municipal~~ 2202
~~corporation or township or as provided in section 7.16 of the~~ 2203
~~Revised Code. The legislative authority shall ensure that the~~ 2204
~~notice states that the application is on file in the office of~~ 2205
~~the clerk of the municipal corporation or township and is~~ 2206
~~available for inspection by the public during regular business~~ 2207
~~hours. The legislative authority also shall indicate in the~~ 2208

~~notice the date and time of any public hearing to be held~~ 2209
~~regarding the application by the legislative authority.~~ 2210

~~Not earlier than thirty but not later than sixty days~~ 2211
~~after the initial publication of notice, the legislative~~ 2212
~~authority shall approve or disapprove the application by either~~ 2213
~~ordinance or resolution, as applicable. Approval of an~~ 2214
~~application requires an affirmative vote of a majority of the~~ 2215
~~legislative authority. Upon approval of the application by the~~ 2216
~~legislative authority~~After the executive officer of a municipal 2217
corporation or the fiscal officer of a township completes the 2218
tasks in division (B) of this section, the territory described 2219
in ~~the application that division~~ constitutes an outdoor 2220
refreshment area. ~~The legislative authority municipal~~ 2221
corporation or township shall provide notice to the division of 2222
liquor control and the investigative unit of the department of 2223
public safety ~~notice of the approval of the application creation~~ 2224
of an outdoor refreshment area and a description of the area 2225
~~specified in the application. If the legislative authority~~ 2226
~~disapproves the application, the executive officer of a~~ 2227
~~municipal corporation or fiscal officer of a township may make~~ 2228
~~changes in the application to secure its approval by the~~ 2229
~~legislative authority.~~ 2230

~~(D) The creation of outdoor refreshment areas is limited~~ 2231
~~as follows:~~ 2232

~~(1) A municipal corporation or township with a population~~ 2233
~~of more than fifty thousand shall not create more than two~~ 2234
~~outdoor refreshment areas.~~ 2235

~~(2) A municipal corporation or township with a population~~ 2236
~~of more than thirty five thousand but less than or equal to~~ 2237
~~fifty thousand shall not create more than one outdoor~~ 2238

~~refreshment area.~~ 2239

~~(3) (a) Except as provided in division (D) (3) (b) of this~~ 2240
~~section, a municipal corporation or township with a population~~ 2241
~~of thirty five thousand or less shall not create an outdoor~~ 2242
~~refreshment area.~~ 2243

~~(b) A municipal corporation or township with a population~~ 2244
~~of thirty five thousand or less may create one outdoor~~ 2245
~~refreshment area if the proposed area will include at least four~~ 2246
~~qualified permit holders and be composed of one hundred fifty or~~ 2247
~~fewer contiguous acres.~~ 2248

~~For purposes of this section, the population of a~~ 2249
~~municipal corporation or township is deemed to be the population~~ 2250
~~shown by the most recent regular federal decennial census.~~ 2251

~~(E)~~ As soon as possible after receiving notice that an 2252
outdoor refreshment area has been ~~approved~~created, the division 2253
of liquor control, for purposes of section 4301.62 of the 2254
Revised Code, shall issue an outdoor refreshment area 2255
designation to each qualified permit holder located within the 2256
refreshment area that is in compliance with all applicable 2257
requirements under Chapters 4301. and 4303. of the Revised Code. 2258
The division shall not charge any fee for the issuance of the 2259
designation. Any permit holder that receives such a designation 2260
shall comply with all laws, rules, and regulations that govern 2261
its license type, and the applicable public health and safety 2262
requirements established for the area under division ~~(F)~~ (E) of 2263
this section. 2264

~~(F) (1) At the time of the creation of an outdoor~~ 2265
~~refreshment area, the~~ (E) (1) The legislative authority of a 2266
municipal corporation or township in which such an area is to be 2267

located shall adopt an ordinance or resolution, as applicable, 2268
that establishes requirements the legislative authority 2269
determines necessary to ensure public health and safety within 2270
the area. The legislative authority shall include in the 2271
ordinance or resolution all of the following: 2272

(a) The specific boundaries of the area, including street 2273
addresses; 2274

(b) The number, spacing, and type of signage designating 2275
the area; 2276

(c) The hours of operation for the area; 2277

(d) The number of personnel needed to ensure public safety 2278
in the area; 2279

(e) A sanitation plan that will help maintain the 2280
appearance and public health of the area; 2281

(f) The number of personnel needed to execute the 2282
sanitation plan; 2283

(g) A requirement that beer and intoxicating liquor be 2284
served solely in plastic bottles or other plastic containers in 2285
the area. 2286

~~The legislative authority may, but is not required to,~~ 2287
~~include in the ordinance or resolution any public health and~~ 2288
~~safety requirements proposed in an application under division~~ 2289
~~(B) of this section to designate or expand the outdoor~~ 2290
~~refreshment area. The legislative authority may subsequently~~ 2291
~~modify the public health and safety requirements as determined~~ 2292
~~necessary by the legislative authority.~~ 2293

(2) Prior to adopting an ordinance or resolution under 2294
this division, the legislative authority shall give notice of 2295

its proposed action by publication ~~once a week for two~~ 2296
~~consecutive weeks~~ in one newspaper of general circulation in the 2297
municipal corporation or township or as provided in section 7.16 2298
of the Revised Code. 2299

(3) The legislative authority shall provide to the 2300
division of liquor control and the investigative unit of the 2301
department of public safety notice of the public health and 2302
safety requirements established or modified under this division. 2303

~~(G)~~ (F) If an outdoor refreshment area has been created in 2304
accordance with this section, the holder of an F class permit 2305
that sponsors an event located in the outdoor refreshment area 2306
may apply to the division for issuance of an outdoor refreshment 2307
area designation. The division shall issue such a designation if 2308
the division determines that the permit holder is in compliance 2309
with all applicable requirements established under this chapter 2310
and Chapter 4303. of the Revised Code. An F class permit holder 2311
that receives a designation under this division shall do both of 2312
the following: 2313

(1) Comply with all laws, rules, and regulations that 2314
govern its type of permit, and the applicable public health and 2315
safety requirements established for the outdoor refreshment area 2316
under division ~~(F)~~ (E) of this section; 2317

(2) Not block ingress or egress to the outdoor refreshment 2318
area or any other liquor permit premises located within the 2319
area. 2320

~~(H)~~ (G) Section 4399.18 of the Revised Code applies to a 2321
liquor permit holder located within an outdoor refreshment area 2322
in the same manner as if the liquor permit holder were not 2323
located in an outdoor refreshment area. 2324

~~(I) (1)~~ (H) (1) Five years after the date of creation of an 2325
outdoor refreshment area, the legislative authority of the 2326
municipal corporation or township ~~that~~ in which the area was 2327
created ~~the area~~ under this section shall review the operation 2328
of the area and shall, by ordinance or resolution, either 2329
approve the continued operation of the area or dissolve the 2330
area. Prior to adopting the ordinance or resolution, the 2331
legislative authority shall give notice of its proposed action 2332
to the permit holders in the outdoor refreshment area and by 2333
publication once a week for two consecutive weeks in one 2334
newspaper of general circulation in the municipal corporation or 2335
township or as provided in section 7.16 of the Revised Code. 2336

If the legislative authority dissolves the outdoor 2337
refreshment area, the outdoor refreshment area ceases to exist. 2338
The legislative authority then shall provide notice of its 2339
action to the division ~~of liquor control~~ and the investigative 2340
unit of the department of public safety. Upon receipt of the 2341
notice, the division shall revoke all outdoor refreshment area 2342
designations issued to qualified permit holders within the 2343
dissolved area. If the legislative authority approves the 2344
continued operation of the outdoor refreshment area, the area 2345
continues in operation. 2346

(2) Five years after the approval of the continued 2347
operation of an outdoor refreshment area under division ~~(I) (1)~~ 2348
(H) (1) of this section, the legislative authority shall conduct 2349
a review in the same manner as provided in division ~~(I) (1)~~ (H) 2350
(1) of this section. The legislative authority also shall 2351
conduct such a review five years after any subsequent approval 2352
of continued operation under division ~~(I) (2)~~ (H) (2) of this 2353
section. 2354

~~(J)~~ (I) At any time, the legislative authority of a
municipal corporation or township in which an outdoor
refreshment area is located may, by ordinance or resolution,
dissolve all or a part of the outdoor refreshment area. Prior to
adopting the resolution or ordinance, the legislative authority
shall give notice of its proposed action to the permit holders
in the outdoor refreshment area and 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. If the legislative
authority dissolves all or part of an outdoor refreshment area,
~~the area designated in the ordinance or resolution that area no~~
longer constitutes an outdoor refreshment area. The legislative
authority shall provide notice of its actions to the division ~~of~~
~~liquor control~~ and the investigative unit of the department of
public safety. Upon receipt of the notice, the division shall
revoke all outdoor refreshment area designations issued to
qualified permit holders or the holder of an F class permit
within the dissolved area or portion of the area.

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

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

(2) It is separated from the parcel or tract of land on
which is located the A-1, A-1c, A-2, A-2f, or A-3a manufacturing
permit premises only by public streets or highways or by other

lands owned by the holder of the A-1, A-1c, A-2, A-2f, or A-3a 2385
permit and used by the holder in connection with or in promotion 2386
of the holder's A-1, A-1c, A-2, A-2f, or A-3a permit business. 2387

(3) In the case of an A-1, A-1c, A-2, or A-2f permit 2388
holder, it is situated on a parcel or tract of land that is not 2389
more than one-half mile from the A-1, A-1c, A-2, or A-2f 2390
manufacturing permit premises. 2391

(4) In the case of an A-3a permit holder, it is situated 2392
on a parcel or tract of land that is not more than two hundred 2393
feet from the A-3a manufacturing permit premises. 2394

(B) The fee for this permit is three thousand nine hundred 2395
six dollars. 2396

(C) (1) The holder of an A-1-A permit may sell beer and any 2397
intoxicating liquor during the same hours as the holders of D-5 2398
permits under this chapter or Chapter 4301. of the Revised Code 2399
or the rules of the liquor control commission~~and~~. Except as 2400
provided in division (C) (2) of this section, the permit holder 2401
shall obtain a license as a retail food establishment or a food 2402
service operation pursuant to Chapter 3717. of the Revised Code 2403
and operate as a restaurant for purposes of this chapter. 2404

(2) In lieu of obtaining a license as a retail food 2405
establishment or food service operation, an A-1c permit holder 2406
may do either of the following: 2407

(a) Serve prepackaged meals and nonalcoholic beverages, as 2408
well as beer and intoxicating liquor, under the exemption 2409
provided for under sections 3717.22 and 3717.42 of the Revised 2410
Code; 2411

(b) Maintain a schedule with the owner or operator of a 2412
mobile retail food establishment or a mobile food service 2413

operation licensed under Chapter 3717. of the Revised Code to 2414
serve food to the A-1-A permit holder's customers. The schedule 2415
shall be in writing and agreed upon a week in advance. In 2416
addition, the A-1-A permit holder shall maintain the schedule 2417
for a minimum of one month. 2418

~~(2) —~~ 2419

(3) If a permit A-1-A is issued to the holder of an A-1 or 2420
A-1c permit, the A-1-A permit holder may sell beer at the A-1-A 2421
permit premises dispensed in ~~glass~~ containers with a capacity 2422
that does not exceed one gallon and not for consumption on the 2423
premises where sold if all of the following apply: 2424

(a) The A-1-A permit premises is situated in the same 2425
municipal corporation or township as the related A-1 or A-1c 2426
manufacturing permit premises. 2427

(b) The containers are sealed, marked, and transported in 2428
accordance with division (E) of section 4301.62 of the Revised 2429
Code. 2430

(c) The containers have been cleaned immediately before 2431
being filled in accordance with rule 4301:1-1-28 of the 2432
Administrative Code. 2433

(D) Except as otherwise provided in this section, the 2434
division of liquor control shall not issue a new A-1-A permit to 2435
the holder of an A-1, A-1c, A-2, A-2f, or A-3a permit unless the 2436
sale of beer and intoxicating liquor under class D permits is 2437
permitted in the precinct in which the A-1, A-1c, A-2, A-2f, or 2438
A-3a permit is located and, in the case of an A-2 or A-2f 2439
permit, unless the holder of the A-2 or A-2f permit manufactures 2440
or has a storage capacity of at least twenty-five thousand 2441
gallons of wine per year. The immediately preceding sentence 2442

does not prohibit the issuance of an A-1-A permit to an 2443
applicant for such a permit who is the holder of an A-1 permit 2444
and whose application was filed with the division of liquor 2445
control before June 1, 1994. The liquor control commission shall 2446
not restrict the number of A-1-A permits which may be located 2447
within a precinct. 2448

Sec. 4303.15. Permit D-3 may be issued to the owner or 2449
operator of a hotel, of a retail food establishment or a food 2450
service operation licensed pursuant to Chapter 3717. of the 2451
Revised Code that operates as a restaurant for purposes of this 2452
chapter, or of a club, boat, or vessel, to sell spirituous 2453
liquor at retail, only by the individual drink in glass or from 2454
the container, for consumption on the premises where sold. ~~No~~ 2455
Except as authorized under section 4303.221 or 4303.222 of the 2456
Revised Code, no sales of intoxicating liquor shall be made by a 2457
holder of a D-3 permit after one a.m. The fee for this permit is 2458
seven hundred fifty dollars for each location, boat, or vessel. 2459

Sec. 4303.171. Permit D-4a may be issued to an airline 2460
company that leases and operates a premises exclusively for the 2461
benefit of the members and their guests of a private club 2462
sponsored by the airline company, at a publicly owned airport, 2463
as defined in section 4563.01 of the Revised Code, at which 2464
commercial airline companies operate regularly scheduled flights 2465
on which space is available to the public, to sell beer and any 2466
intoxicating liquor to members of the private club and their 2467
guests, only by the individual drink in glass and from the 2468
container, for consumption on the premises where sold. In 2469
addition to the privileges authorized in this section, the 2470
holder of a D-4a permit may exercise the same privileges as a 2471
holder of a D-4 permit. ~~The~~ Except as authorized under section 2472
4303.221 or 4303.222 of the Revised Code, the holder of a D-4a 2473

permit shall make no sales of beer or intoxicating liquor after 2474
two-thirty a.m. 2475

A D-4a permit shall not be transferred to another 2476
location. No quota restriction shall be placed upon the number 2477
of such permits which may be issued. 2478

The fee for this permit is seven hundred fifty dollars. 2479

Sec. 4303.181. (A) Permit D-5a may be issued either to the 2480
owner or operator of a hotel or motel that is required to be 2481
licensed under section 3731.03 of the Revised Code, that 2482
contains at least fifty rooms for registered transient guests or 2483
is owned by a state institution of higher education as defined 2484
in section 3345.011 of the Revised Code or a private college or 2485
university, and that qualifies under the other requirements of 2486
this section, or to the owner or operator of a restaurant 2487
specified under this section, to sell beer and any intoxicating 2488
liquor at retail, only by the individual drink in glass and from 2489
the container, for consumption on the premises where sold, and 2490
to registered guests in their rooms, which may be sold by means 2491
of a controlled access alcohol and beverage cabinet in 2492
accordance with division (B) of section 4301.21 of the Revised 2493
Code; and to sell the same products in the same manner and 2494
amounts not for consumption on the premises as may be sold by 2495
holders of D-1 and D-2 permits. The premises of the hotel or 2496
motel shall include a retail food establishment or a food 2497
service operation licensed pursuant to Chapter 3717. of the 2498
Revised Code that operates as a restaurant for purposes of this 2499
chapter and that is affiliated with the hotel or motel and 2500
within or contiguous to the hotel or motel, and that serves food 2501
within the hotel or motel, but the principal business of the 2502
owner or operator of the hotel or motel shall be the 2503

accommodation of transient guests. In addition to the privileges 2504
authorized in this division, the holder of a D-5a permit may 2505
exercise the same privileges as the holder of a D-5 permit. 2506

The owner or operator of a hotel, motel, or restaurant who 2507
qualified for and held a D-5a permit on August 4, 1976, may, if 2508
the owner or operator held another permit before holding a D-5a 2509
permit, either retain a D-5a permit or apply for the permit 2510
formerly held, and the division of liquor control shall issue 2511
the permit for which the owner or operator applies and formerly 2512
held, notwithstanding any quota. 2513

A D-5a permit shall not be transferred to another 2514
location. No quota restriction shall be placed on the number of 2515
D-5a permits that may be issued. 2516

The fee for this permit is two thousand three hundred 2517
forty-four dollars. 2518

(B) Permit D-5b may be issued to the owner, operator, 2519
tenant, lessee, or occupant of an enclosed shopping center to 2520
sell beer and intoxicating liquor at retail, only by the 2521
individual drink in glass and from the container, for 2522
consumption on the premises where sold; and to sell the same 2523
products in the same manner and amount not for consumption on 2524
the premises as may be sold by holders of D-1 and D-2 permits. 2525
In addition to the privileges authorized in this division, the 2526
holder of a D-5b permit may exercise the same privileges as a 2527
holder of a D-5 permit. 2528

A D-5b permit shall not be transferred to another 2529
location. 2530

One D-5b permit may be issued at an enclosed shopping 2531
center containing at least two hundred twenty-five thousand, but 2532

less than four hundred thousand, square feet of floor area. 2533

Two D-5b permits may be issued at an enclosed shopping 2534
center containing at least four hundred thousand square feet of 2535
floor area. No more than one D-5b permit may be issued at an 2536
enclosed shopping center for each additional two hundred 2537
thousand square feet of floor area or fraction of that floor 2538
area, up to a maximum of five D-5b permits for each enclosed 2539
shopping center. The number of D-5b permits that may be issued 2540
at an enclosed shopping center shall be determined by 2541
subtracting the number of D-3 and D-5 permits issued in the 2542
enclosed shopping center from the number of D-5b permits that 2543
otherwise may be issued at the enclosed shopping center under 2544
the formulas provided in this division. Except as provided in 2545
this section, no quota shall be placed on the number of D-5b 2546
permits that may be issued. Notwithstanding any quota provided 2547
in this section, the holder of any D-5b permit first issued in 2548
accordance with this section is entitled to its renewal in 2549
accordance with section 4303.271 of the Revised Code. 2550

The holder of a D-5b permit issued before April 4, 1984, 2551
whose tenancy is terminated for a cause other than nonpayment of 2552
rent, may return the D-5b permit to the division of liquor 2553
control, and the division shall cancel that permit. Upon 2554
cancellation of that permit and upon the permit holder's payment 2555
of taxes, contributions, premiums, assessments, and other debts 2556
owing or accrued upon the date of cancellation to this state and 2557
its political subdivisions and a filing with the division of a 2558
certification of that payment, the division shall issue to that 2559
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, 2560
as that person requests. The division shall issue the D-5 2561
permit, or the D-1, D-2, and D-3 permits, even if the number of 2562
D-1, D-2, D-3, or D-5 permits currently issued in the municipal 2563

corporation or in the unincorporated area of the township where 2564
that person's proposed premises is located equals or exceeds the 2565
maximum number of such permits that can be issued in that 2566
municipal corporation or in the unincorporated area of that 2567
township under the population quota restrictions contained in 2568
section 4303.29 of the Revised Code. Any D-1, D-2, D-3, or D-5 2569
permit so issued shall not be transferred to another location. 2570
If a D-5b permit is canceled under the provisions of this 2571
paragraph, the number of D-5b permits that may be issued at the 2572
enclosed shopping center for which the D-5b permit was issued, 2573
under the formula provided in this division, shall be reduced by 2574
one if the enclosed shopping center was entitled to more than 2575
one D-5b permit under the formula. 2576

The fee for this permit is two thousand three hundred 2577
forty-four dollars. 2578

(C) Permit D-5c may be issued to the owner or operator of 2579
a retail food establishment or a food service operation licensed 2580
pursuant to Chapter 3717. of the Revised Code that operates as a 2581
restaurant for purposes of this chapter and that qualifies under 2582
the other requirements of this section to sell beer and any 2583
intoxicating liquor at retail, only by the individual drink in 2584
glass and from the container, for consumption on the premises 2585
where sold, and to sell the same products in the same manner and 2586
amounts not for consumption on the premises as may be sold by 2587
holders of D-1 and D-2 permits. In addition to the privileges 2588
authorized in this division, the holder of a D-5c permit may 2589
exercise the same privileges as the holder of a D-5 permit. 2590

To qualify for a D-5c permit, the owner or operator of a 2591
retail food establishment or a food service operation licensed 2592
pursuant to Chapter 3717. of the Revised Code that operates as a 2593

restaurant for purposes of this chapter, shall have operated the 2594
restaurant at the proposed premises for not less than twenty- 2595
four consecutive months immediately preceding the filing of the 2596
application for the permit, have applied for a D-5 permit no 2597
later than December 31, 1988, and appear on the division's quota 2598
waiting list for not less than six months immediately preceding 2599
the filing of the application for the permit. In addition to 2600
these requirements, the proposed D-5c permit premises shall be 2601
located within a municipal corporation and further within an 2602
election precinct that, at the time of the application, has no 2603
more than twenty-five per cent of its total land area zoned for 2604
residential use. 2605

A D-5c permit shall not be transferred to another 2606
location. No quota restriction shall be placed on the number of 2607
such permits that may be issued. 2608

Any person who has held a D-5c permit for at least two 2609
years may apply for a D-5 permit, and the division of liquor 2610
control shall issue the D-5 permit notwithstanding the quota 2611
restrictions contained in section 4303.29 of the Revised Code or 2612
in any rule of the liquor control commission. 2613

The fee for this permit is one thousand five hundred 2614
sixty-three dollars. 2615

(D) (1) Permit D-5d may be issued to the owner or operator 2616
of a retail food establishment or a food service operation 2617
licensed pursuant to Chapter 3717. of the Revised Code that 2618
operates as a restaurant for purposes of this chapter and that 2619
is located at an airport operated by a board of county 2620
commissioners pursuant to section 307.20 of the Revised Code, at 2621
an airport operated by a port authority pursuant to Chapter 2622
4582. of the Revised Code, or at an airport operated by a 2623

regional airport authority pursuant to Chapter 308. of the 2624
Revised Code. ~~The~~ 2625

(2) The holder of a D-5d permit may sell beer either of 2626
the following: 2627

(a) Beer and any intoxicating liquor at retail, only by 2628
the individual drink in glass and from the container, for 2629
consumption on the premises where sold, ~~and may sell the~~. In 2630
addition, such consumption may occur in the area of the airport 2631
that is restricted to persons taking flights to and from the 2632
airport, provided both all of the following apply: 2633

(i) The airport is a public use airport, as defined in 2634
section 4563.30 of the Revised Code; 2635

(ii) The D-5d permit holder is located in the area of the 2636
airport that is restricted to persons taking flights to and from 2637
the airport; 2638

(iii) The airport's governing body authorizes the 2639
consumption of beer and intoxicating liquor in that area. 2640

(b) The same products in the same manner and amounts not 2641
for consumption on the premises where sold as may be sold by the 2642
holders of D-1 and D-2 permits. ~~In~~ 2643

In addition to the privileges authorized in ~~this~~ division 2644
(D) of this section, the holder of a D-5d permit may exercise 2645
the same privileges as the holder of a D-5 permit. 2646

(3) A D-5d permit shall not be transferred to another 2647
location. No quota restrictions shall be placed on the number of 2648
such permits that may be issued. 2649

(4) The fee for ~~this~~ the D-5d permit is two thousand three 2650
hundred forty-four dollars. 2651

(E) Permit D-5e may be issued to any nonprofit 2652
organization that is exempt from federal income taxation under 2653
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 2654
501(c)(3), as amended, or that is a charitable organization 2655
under any chapter of the Revised Code, and that owns or operates 2656
a riverboat that meets all of the following: 2657

(1) Is permanently docked at one location; 2658

(2) Is designated as an historical riverboat by the Ohio 2659
history connection; 2660

(3) Contains not less than fifteen hundred square feet of 2661
floor area; 2662

(4) Has a seating capacity of fifty or more persons. 2663

The holder of a D-5e permit may sell beer and intoxicating 2664
liquor at retail, only by the individual drink in glass and from 2665
the container, for consumption on the premises where sold. 2666

A D-5e permit shall not be transferred to another 2667
location. No quota restriction shall be placed on the number of 2668
such permits that may be issued. The population quota 2669
restrictions contained in section 4303.29 of the Revised Code or 2670
in any rule of the liquor control commission shall not apply to 2671
this division, and the division shall issue a D-5e permit to any 2672
applicant who meets the requirements of this division. However, 2673
the division shall not issue a D-5e permit if the permit 2674
premises or proposed permit premises are located within an area 2675
in which the sale of spirituous liquor by the glass is 2676
prohibited. 2677

The fee for this permit is one thousand two hundred 2678
nineteen dollars. 2679

(F) Permit D-5f may be issued to the owner or operator of 2680
a retail food establishment or a food service operation licensed 2681
under Chapter 3717. of the Revised Code that operates as a 2682
restaurant for purposes of this chapter and that meets all of 2683
the following: 2684

(1) It contains not less than twenty-five hundred square 2685
feet of floor area. 2686

(2) It is located on or in, or immediately adjacent to, 2687
the shoreline of, a navigable river. 2688

(3) It provides docking space for twenty-five boats. 2689

(4) It provides entertainment and recreation, provided 2690
that not less than fifty per cent of the business on the permit 2691
premises shall be preparing and serving meals for a 2692
consideration. 2693

In addition, each application for a D-5f permit shall be 2694
accompanied by a certification from the local legislative 2695
authority that the issuance of the D-5f permit is not 2696
inconsistent with that political subdivision's comprehensive 2697
development plan or other economic development goal as 2698
officially established by the local legislative authority. 2699

The holder of a D-5f permit may sell beer and intoxicating 2700
liquor at retail, only by the individual drink in glass and from 2701
the container, for consumption on the premises where sold. 2702

A D-5f permit shall not be transferred to another 2703
location. 2704

The division of liquor control shall not issue a D-5f 2705
permit if the permit premises or proposed permit premises are 2706
located within an area in which the sale of spirituous liquor by 2707

the glass is prohibited. 2708

A fee for this permit is two thousand three hundred forty- 2709
four dollars. 2710

As used in this division, "navigable river" means a river 2711
that is also a "navigable water" as defined in the "Federal 2712
Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 2713

(G) Permit D-5g may be issued to a nonprofit corporation 2714
that is either the owner or the operator of a national 2715
professional sports museum. The holder of a D-5g permit may sell 2716
beer and any intoxicating liquor at retail, only by the 2717
individual drink in glass and from the container, for 2718
consumption on the premises where sold. The-Except as authorized 2719
under section 4303.221 or 4303.222 of the Revised Code, the 2720
holder of a D-5g permit shall sell no beer or intoxicating 2721
liquor for consumption on the premises where sold after two- 2722
thirty a.m. A D-5g permit shall not be transferred to another 2723
location. No quota restrictions shall be placed on the number of 2724
D-5g permits that may be issued. The fee for this permit is one 2725
thousand eight hundred seventy-five dollars. 2726

(H) (1) Permit D-5h may be issued to any nonprofit 2727
organization that is exempt from federal income taxation under 2728
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 2729
501(c) (3), as amended, that owns or operates any of the 2730
following: 2731

(a) A fine arts museum, provided that the nonprofit 2732
organization has no less than one thousand five hundred bona 2733
fide members possessing full membership privileges; 2734

(b) A community arts center. As used in division (H) (1) (b) 2735
of this section, "community arts center" means a facility that 2736

provides arts programming to the community in more than one arts 2737
discipline, including, but not limited to, exhibits of works of 2738
art and performances by both professional and amateur artists. 2739

(c) A community theater, provided that the nonprofit 2740
organization is a member of the Ohio arts council and the 2741
American community theatre association and has been in existence 2742
for not less than ten years. As used in division (H) (1) (c) of 2743
this section, "community theater" means a facility that contains 2744
at least one hundred fifty seats and has a primary function of 2745
presenting live theatrical performances and providing 2746
recreational opportunities to the community. 2747

(2) The holder of a D-5h permit may sell beer and any 2748
intoxicating liquor at retail, only by the individual drink in 2749
glass and from the container, for consumption on the premises 2750
where sold. ~~The~~ Except as authorized under section 4303.221 or 2751
4303.222 of the Revised Code, the holder of a D-5h permit shall 2752
sell no beer or intoxicating liquor for consumption on the 2753
premises where sold after one a.m. A D-5h permit shall not be 2754
transferred to another location. No quota restrictions shall be 2755
placed on the number of D-5h permits that may be issued. 2756

(3) The fee for a D-5h permit is one thousand eight 2757
hundred seventy-five dollars. 2758

(I) Permit D-5i may be issued to the owner or operator of 2759
a retail food establishment or a food service operation licensed 2760
under Chapter 3717. of the Revised Code that operates as a 2761
restaurant for purposes of this chapter and that meets all of 2762
the following requirements: 2763

(1) It is located in a municipal corporation or a township 2764
with a population of one hundred thousand or less. 2765

(2) It has inside seating capacity for at least one 2766
hundred forty persons. 2767

(3) It has at least four thousand square feet of floor 2768
area. 2769

(4) It offers full-course meals, appetizers, and 2770
sandwiches. 2771

(5) Its receipts from beer and liquor sales, excluding 2772
wine sales, do not exceed twenty-five per cent of its total 2773
gross receipts. 2774

(6) It has at least one of the following characteristics: 2775

(a) The value of its real and personal property exceeds 2776
seven hundred twenty-five thousand dollars. 2777

(b) It is located on property that is owned or leased by 2778
the state or a state agency, and its owner or operator has 2779
authorization from the state or the state agency that owns or 2780
leases the property to obtain a D-5i permit. 2781

The holder of a D-5i permit may sell beer and any 2782
intoxicating liquor at retail, only by the individual drink in 2783
glass and from the container, for consumption on the premises 2784
where sold, and may sell the same products in the same manner 2785
and amounts not for consumption on the premises where sold as 2786
may be sold by the holders of D-1 and D-2 permits. ~~The Except as~~ 2787
authorized under section 4303.221 or 4303.222 of the Revised 2788
Code, the holder of a D-5i permit shall sell no beer or 2789
intoxicating liquor for consumption on the premises where sold 2790
after two-thirty a.m. In addition to the privileges authorized 2791
in this division, the holder of a D-5i permit may exercise the 2792
same privileges as the holder of a D-5 permit. 2793

A D-5i permit shall not be transferred to another 2794
location. The division of liquor control shall not renew a D-5i 2795
permit unless the retail food establishment or food service 2796
operation for which it is issued continues to meet the 2797
requirements described in divisions (I) (1) to (6) of this 2798
section. No quota restrictions shall be placed on the number of 2799
D-5i permits that may be issued. The fee for the D-5i permit is 2800
two thousand three hundred forty-four dollars. 2801

(J) Permit D-5j may be issued to the owner or the operator 2802
of a retail food establishment or a food service operation 2803
licensed under Chapter 3717. of the Revised Code to sell beer 2804
and intoxicating liquor at retail, only by the individual drink 2805
in glass and from the container, for consumption on the premises 2806
where sold and to sell beer and intoxicating liquor in the same 2807
manner and amounts not for consumption on the premises where 2808
sold as may be sold by the holders of D-1 and D-2 permits. The 2809
holder of a D-5j permit may exercise the same privileges, and 2810
shall observe the same hours of operation, as the holder of a D- 2811
5 permit. 2812

The D-5j permit shall be issued only within a community 2813
entertainment district that is designated under section 4301.80 2814
of the Revised Code. The permit shall not be issued to a 2815
community entertainment district that is designated under 2816
divisions (B) and (C) of section 4301.80 of the Revised Code if 2817
the district does not meet one of the following qualifications: 2818

(1) It is located in a municipal corporation with a 2819
population of at least one hundred thousand. 2820

(2) It is located in a municipal corporation with a 2821
population of at least twenty thousand, and either of the 2822
following applies: 2823

(a) It contains an amusement park the rides of which have 2824
been issued a permit by the department of agriculture under 2825
Chapter 1711. of the Revised Code. 2826

(b) Not less than fifty million dollars will be invested 2827
in development and construction in the community entertainment 2828
district's area located in the municipal corporation. 2829

(3) It is located in a township with a population of at 2830
least forty thousand. 2831

(4) It is located in a township with a population of at 2832
least twenty thousand, and not less than seventy million dollars 2833
will be invested in development and construction in the 2834
community entertainment district's area located in the township. 2835

(5) It is located in a municipal corporation with a 2836
population between seven thousand and twenty thousand, and both 2837
of the following apply: 2838

(a) The municipal corporation was incorporated as a 2839
village prior to calendar year 1880 and currently has a historic 2840
downtown business district. 2841

(b) The municipal corporation is located in the same 2842
county as another municipal corporation with at least one 2843
community entertainment district. 2844

(6) It is located in a municipal corporation with a 2845
population of at least ten thousand, and not less than seventy 2846
million dollars will be invested in development and construction 2847
in the community entertainment district's area located in the 2848
municipal corporation. 2849

(7) It is located in a municipal corporation with a 2850
population of at least three thousand, and not less than one 2851

hundred fifty million dollars will be invested in development 2852
and construction in the community entertainment district's area 2853
located in the municipal corporation. 2854

The location of a D-5j permit may be transferred only 2855
within the geographic boundaries of the community entertainment 2856
district in which it was issued and shall not be transferred 2857
outside the geographic boundaries of that district. 2858

Not more than one D-5j permit shall be issued within each 2859
community entertainment district for each five acres of land 2860
located within the district. Not more than fifteen D-5j permits 2861
may be issued within a single community entertainment district. 2862
Except as otherwise provided in division (J) (4) of this section, 2863
no quota restrictions shall be placed upon the number of D-5j 2864
permits that may be issued. 2865

The fee for a D-5j permit is two thousand three hundred 2866
forty-four dollars. 2867

(K) (1) Permit D-5k may be issued to any nonprofit 2868
organization that is exempt from federal income taxation under 2869
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 2870
501(c) (3), as amended, that is the owner or operator of a 2871
botanical garden recognized by the American association of 2872
botanical gardens and arboreta, and that has not less than 2873
twenty-five hundred bona fide members. 2874

(2) The holder of a D-5k permit may sell beer and any 2875
intoxicating liquor at retail, only by the individual drink in 2876
glass and from the container, on the premises where sold. 2877

(3) The Except as authorized under section 4303.221 or 2878
4303.222 of the Revised Code, the holder of a D-5k permit shall 2879
sell no beer or intoxicating liquor for consumption on the 2880

premises where sold after one a.m. 2881

(4) A D-5k permit shall not be transferred to another 2882
location. 2883

(5) No quota restrictions shall be placed on the number of 2884
D-5k permits that may be issued. 2885

(6) The fee for the D-5k permit is one thousand eight 2886
hundred seventy-five dollars. 2887

(L) (1) Permit D-5l may be issued to the owner or the 2888
operator of a retail food establishment or a food service 2889
operation licensed under Chapter 3717. of the Revised Code to 2890
sell beer and intoxicating liquor at retail, only by the 2891
individual drink in glass and from the container, for 2892
consumption on the premises where sold and to sell beer and 2893
intoxicating liquor in the same manner and amounts not for 2894
consumption on the premises where sold as may be sold by the 2895
holders of D-1 and D-2 permits. The holder of a D-5l permit may 2896
exercise the same privileges, and shall observe the same hours 2897
of operation, as the holder of a D-5 permit. 2898

(2) The D-5l permit shall be issued only to a premises to 2899
which all of the following apply: 2900

(a) The premises has gross annual receipts from the sale 2901
of food and meals that constitute not less than seventy-five per 2902
cent of its total gross annual receipts. 2903

(b) The premises is located within a revitalization 2904
district that is designated under section 4301.81 of the Revised 2905
Code. 2906

(c) The premises is located in a municipal corporation or 2907
township in which the number of D-5 permits issued equals or 2908

exceeds the number of those permits that may be issued in that 2909
municipal corporation or township under section 4303.29 of the 2910
Revised Code. 2911

(d) The premises meets any of the following 2912
qualifications: 2913

(i) It is located in a county with a population of one 2914
hundred twenty-five thousand or less according to the population 2915
estimates certified by the development services agency for 2916
calendar year 2006. 2917

(ii) It is located in the municipal corporation that has 2918
the largest population in a county when the county has a 2919
population between two hundred fifteen thousand and two hundred 2920
twenty-five thousand according to the population estimates 2921
certified by the development services agency for calendar year 2922
2006. Division (L) (2) (d) (ii) of this section applies only to a 2923
municipal corporation that is wholly located in a county. 2924

(iii) It is located in the municipal corporation that has 2925
the largest population in a county when the county has a 2926
population between one hundred forty thousand and one hundred 2927
forty-one thousand according to the population estimates 2928
certified by the development services agency for calendar year 2929
2006. Division (L) (2) (d) (iii) of this section applies only to a 2930
municipal corporation that is wholly located in a county. 2931

(iv) It is located in a township with a population density 2932
of less than four hundred fifty people per square mile. For 2933
purposes of division (L) (2) (d) (iv) of this section, the 2934
population of a township is considered to be the population 2935
shown by the most recent regular federal decennial census. 2936

(v) It is located in a municipal corporation that is 2937

wholly located within the geographic boundaries of a township, 2938
provided that the municipal corporation and the unincorporated 2939
portion of the township have a combined population density of 2940
less than four hundred fifty people per square mile. For 2941
purposes of division (L) (2) (d) (v) of this section, the 2942
population of a municipal corporation and unincorporated portion 2943
of a township is the population shown by the most recent federal 2944
decennial census. 2945

(vi) It is located in a county with a population of not 2946
less than one hundred seventy-two thousand and not more than one 2947
hundred ninety-five thousand. For purposes of division (L) (2) (d) 2948
(vi) of this section, the population of a county is the 2949
population shown by the most recent decennial census. 2950

(vii) It is located in a municipal corporation with a 2951
population of less than ten thousand and the municipal 2952
corporation is located in a county with a population of more 2953
than one million. For purposes of division (L) (2) (d) (vii) of 2954
this section, the population of a municipal corporation and a 2955
county is the population shown by the most recent decennial 2956
census. 2957

(3) The location of a D-51 permit may be transferred only 2958
within the geographic boundaries of the revitalization district 2959
in which it was issued and shall not be transferred outside the 2960
geographic boundaries of that district. 2961

(4) Not more than one D-51 permit shall be issued within 2962
each revitalization district for each five acres of land located 2963
within the district. Not more than fifteen D-51 permits may be 2964
issued within a single revitalization district. Except as 2965
otherwise provided in division (L) (4) of this section, no quota 2966
restrictions shall be placed upon the number of D-51 permits 2967

that may be issued. 2968

(5) No D-5l permit shall be issued to an adult 2969
entertainment establishment as defined in section 2907.39 of the 2970
Revised Code. 2971

(6) The fee for a D-5l permit is two thousand three 2972
hundred forty-four dollars. 2973

(M) Permit D-5m may be issued to either the owner or the 2974
operator of a retail food establishment or food service 2975
operation licensed under Chapter 3717. of the Revised Code that 2976
operates as a restaurant for purposes of this chapter and that 2977
is located in, or affiliated with, a center for the preservation 2978
of wild animals as defined in section 4301.404 of the Revised 2979
Code, to sell beer and any intoxicating liquor at retail, only 2980
by the glass and from the container, for consumption on the 2981
premises where sold, and to sell the same products in the same 2982
manner and amounts not for consumption on the premises as may be 2983
sold by the holders of D-1 and D-2 permits. In addition to the 2984
privileges authorized by this division, the holder of a D-5m 2985
permit may exercise the same privileges as the holder of a D-5 2986
permit. 2987

A D-5m permit shall not be transferred to another 2988
location. No quota restrictions shall be placed on the number of 2989
D-5m permits that may be issued. The fee for a permit D-5m is 2990
two thousand three hundred forty-four dollars. 2991

(N) Permit D-5n shall be issued to either a casino 2992
operator or a casino management company licensed under Chapter 2993
3772. of the Revised Code that operates a casino facility under 2994
that chapter, to sell beer and any intoxicating liquor at 2995
retail, only by the individual drink in glass and from the 2996

container, for consumption on the premises where sold, and to 2997
sell the same products in the same manner and amounts not for 2998
consumption on the premises as may be sold by the holders of D-1 2999
and D-2 permits. In addition to the privileges authorized by 3000
this division, the holder of a D-5n permit may exercise the same 3001
privileges as the holder of a D-5 permit. A D-5n permit shall 3002
not be transferred to another location. Only one D-5n permit may 3003
be issued per casino facility and not more than four D-5n 3004
permits shall be issued in this state. The fee for a permit D-5n 3005
shall be twenty thousand dollars. The holder of a D-5n permit 3006
may conduct casino gaming on the permit premises notwithstanding 3007
any provision of the Revised Code or Administrative Code. 3008

(O) Permit D-5o may be issued to the owner or operator of 3009
a retail food establishment or a food service operation licensed 3010
under Chapter 3717. of the Revised Code that operates as a 3011
restaurant for purposes of this chapter and that is located 3012
within a casino facility for which a D-5n permit has been 3013
issued. The holder of a D-5o permit may sell beer and any 3014
intoxicating liquor at retail, only by the individual drink in 3015
glass and from the container, for consumption on the premises 3016
where sold, and may sell the same products in the same manner 3017
and amounts not for consumption on the premises where sold as 3018
may be sold by the holders of D-1 and D-2 permits. In addition 3019
to the privileges authorized by this division, the holder of a 3020
D-5o permit may exercise the same privileges as the holder of a 3021
D-5 permit. A D-5o permit shall not be transferred to another 3022
location. No quota restrictions shall be placed on the number of 3023
such permits that may be issued. The fee for this permit is two 3024
thousand three hundred forty-four dollars. 3025

Sec. 4303.182. (A) As used in this section: 3026

(1) "Dry location" means a particular retail permit 3027
premises or agency store to which both of the following apply: 3028

(a) Immediately prior to the effective date of this 3029
section, the sale of beer or intoxicating liquor was authorized 3030
on Monday through Saturday at the particular retail permit 3031
premises or agency store, but was prohibited on Sunday. 3032

(b) The majority of the voters of the precinct in which 3033
the particular retail permit premises or agency store is located 3034
voted "no" on the sale of beer, wine, mixed beverages, or 3035
spirituous liquor on Sunday at that particular premises or 3036
agency store in the ten years immediately prior to the effective 3037
date of this section and have not subsequently voted "yes" for 3038
that particular premises. 3039

(2) "Dry precinct" means a precinct or portion of a 3040
precinct to which both of the following apply: 3041

(a) Immediately prior to the effective date of this 3042
section, the sale of beer or intoxicating liquor was authorized 3043
on Monday through Saturday, but was prohibited on Sunday. 3044

(b) The majority of the voters of the precinct or portion 3045
of the precinct voted "no" on the sale of beer, wine, mixed 3046
beverages, or spirituous liquor on Sunday for the precinct or 3047
portion of the precinct in the ten years immediately prior to 3048
the effective date of this section and have not subsequently 3049
voted "yes." 3050

(3) "Retail permit " means an A-1-A, A-2, A-2f, A-3a, A-5, 3051
or class C or D permit. 3052

(B) (1) Except for a retail permit holder or agency store 3053
that is a dry location or located in a dry precinct, a retail 3054
permit holder or an agency store may sell beer, wine, mixed 3055

beverages, or spirituous liquor, as applicable, on Sunday during 3056
the same hours that the permit holder or contract holder may 3057
sell those products on Monday through Saturday. 3058

(2) An A-1 or A-1c permit holder may sell beer on Sunday 3059
during the same hours that the permit holder may sell beer on 3060
Monday through Saturday. 3061

(3) An F class permit holder may sell beer, wine, mixed 3062
beverages, or spirituous liquor, as applicable, on Sunday during 3063
the same hours that the permit holder may sell those products on 3064
Monday through Saturday. 3065

Sec. 4303.184. (A) Subject to division (B) of this 3066
section, a D-8 permit may be issued to any of the following: 3067

(1) An agency store; 3068

(2) The holder of a C-1, C-2, or C-2x permit issued to a 3069
retail store that has any of the following characteristics: 3070

(a) The store has at least five thousand five hundred 3071
square feet of floor area, and it generates more than sixty per 3072
cent of its sales in general merchandise items and food for 3073
consumption off the premises where sold. 3074

(b) The store is located in a municipal corporation or 3075
township with a population of five thousand or less, has at 3076
least four thousand five hundred square feet of floor area, and 3077
generates more than sixty per cent of its sales in general 3078
merchandise items and food for consumption off the premises 3079
where sold. 3080

(c) Wine constitutes at least sixty per cent of the value 3081
of the store's inventory. 3082

(3) The holder of both a C-1 and C-2 permit, or the holder 3083

of a C-2x permit, issued to a retail store that is located 3084
within a municipal corporation or township with a population of 3085
fifteen thousand or less. 3086

(B) A D-8 permit may be issued to the holder of a C-1, C- 3087
2, or C-2x permit only if the premises of the permit holder are 3088
located in a precinct, or at a particular location in a 3089
precinct, in which the sale of beer, wine, or mixed beverages is 3090
permitted for consumption off the premises where sold. Sales 3091
under a D-8 permit are not affected by whether sales for 3092
consumption on the premises where sold are permitted in the 3093
precinct or at the particular location where the D-8 premises 3094
are located. 3095

(C) (1) The holder of a D-8 permit described in division 3096
(A) (2) or (3) of this section may sell tasting samples of beer, 3097
wine, and mixed beverages, but not spirituous liquor, at retail, 3098
for consumption on the premises where sold in an amount not to 3099
exceed two ounces or another amount designated by rule of the 3100
liquor control commission. A tasting sample shall not be sold 3101
for general consumption. 3102

(2) The holder of a D-8 permit described in division (A) 3103
(1) of this section may allow the sale of tasting samples of 3104
spirituous liquor in accordance with section 4301.171 of the 3105
Revised Code. 3106

(3) No D-8 permit holder described in division (A) (2) or 3107
(3) of this section shall allow any authorized purchaser to 3108
consume more than four tasting samples of beer, wine, or mixed 3109
beverages, or any combination of beer, wine, or mixed beverages, 3110
per day. 3111

(D) (1) Notwithstanding sections 4303.11 and 4303.121 of 3112

the Revised Code, the holder of a D-8 permit described in 3113
division (A) (2) or (3) of this section may sell beer that is 3114
dispensed from containers that have a capacity equal to or 3115
greater than five and one-sixth gallons if all of the following 3116
conditions are met: 3117

(a) A product registration fee for the beer has been paid 3118
as required in division (A) (8) (b) of section 4301.10 of the 3119
Revised Code. 3120

(b) The beer is dispensed only in glass containers whose 3121
capacity does not exceed one gallon and not for consumption on 3122
the premises where sold. 3123

(c) The containers are sealed, marked, and transported in 3124
accordance with division (E) of section 4301.62 of the Revised 3125
Code. 3126

(d) The containers have been cleaned immediately before 3127
being filled in accordance with rule 4301:1-1-28 of the 3128
Administrative Code. 3129

(2) Beer that is sold and dispensed under division (D) (1) 3130
of this section is subject to both of the following: 3131

(a) All applicable rules adopted by the liquor control 3132
commission, including, but not limited to, rule 4301:1-1-27 and 3133
rule 4301:1-1-72 of the Administrative Code; 3134

(b) All applicable federal laws and regulations. 3135

(E) The privileges authorized for the holder of a D-8 3136
permit described in division (A) (2) or (3) of this section may 3137
only be exercised in conjunction with and during the hours of 3138
operation authorized by a C-1, C-2, or C-2x, ~~or D-6~~ permit. 3139

(F) A D-8 permit shall not be transferred to another 3140

location. 3141

(G) The fee for the D-8 permit is five hundred dollars. 3142

Sec. 4303.19. Permit E may be issued to the owner or 3143
operator of any railroad, a sleeping car company operating 3144
dining cars, buffet cars, club cars, lounge cars, or similar 3145
equipment, or an airline providing charter or regularly 3146
scheduled aircraft transportation service with dining, buffet, 3147
club, lounge, or similar facilities, to sell beer or any 3148
intoxicating liquor in any such car or aircraft to bona fide 3149
passengers at retail in glass and from the container for 3150
consumption in such car or aircraft, including sale on Sunday 3151
~~between the hours of one p.m. and midnight.~~ The fee for this 3152
permit is five hundred dollars. 3153

Sec. 4303.202. (A) The division of liquor control may 3154
issue an F-2 permit to an association or corporation, or to a 3155
recognized subordinate lodge, chapter, or other local unit of an 3156
association or corporation, to sell beer or intoxicating liquor 3157
by the individual drink at an event to be held on premises 3158
located in a political subdivision or part thereof where the 3159
sale of beer or intoxicating liquor, but not spirituous liquor, 3160
on that day is otherwise permitted by law. However, the division 3161
may issue the F-2 permit only if the association, corporation, 3162
or recognized subordinate lodge, chapter, or other local unit of 3163
an association or corporation meets all of the following: 3164

(1) It is organized not for profit; 3165

(2) It is operated for a charitable, cultural, 3166
educational, fraternal, or political purpose; 3167

(3) It is not affiliated with the holder of any class of 3168
liquor permit, other than a D-4 permit. 3169

~~(B) Sales under an F-2 permit on Sundays are not affected~~ 3170
~~by whether Sunday sales of beer or intoxicating liquor for~~ 3171
~~consumption on the premises where sold are allowed to be made by~~ 3172
~~persons holding another type of permit in the precinct or at the~~ 3173
~~particular location where the event is to be held, provided that~~ 3174
~~the F-2 permit is issued for other days of the week in addition~~ 3175
~~to Sunday.~~ 3176

~~(C)~~ The premises on which the permit is to be used shall 3177
be clearly defined and sufficiently restricted to allow proper 3178
supervision of the permit use by state and local law enforcement 3179
personnel. An F-2 permit may be issued for the same premises for 3180
which another class of permit is issued. 3181

~~(D)~~ (C) (1) No F-2 permit shall be effective for more than 3182
four consecutive days, and sales shall be confined to the same 3183
hours permitted to the holder of a D-3 permit. The division 3184
shall not issue more than one F-2 permit in a thirty-day period 3185
to the same association, corporation, or local unit of an 3186
association or corporation. The fee for an F-2 permit is one 3187
hundred fifty dollars. 3188

(2) No association, corporation, local unit of an 3189
association or corporation, or D-permit holder who holds an F-2 3190
permit shall sell beer or intoxicating liquor beyond the hours 3191
of sale allowed by the permit. Division ~~(D)~~ (2) ~~(C)~~ of this 3192
section imposes strict liability on the holder of such permit 3193
and on any officer, agent, or employee of such permit holder. 3194

~~(E)~~ (D) If an applicant wishes the holder of a D permit 3195
issued under sections 4303.13 to 4303.181 of the Revised Code to 3196
conduct the sale of beer and intoxicating liquor at the event, 3197
the applicant may request that the F-2 permit be issued jointly 3198
to the association, corporation, or local unit and the D-permit 3199

holder. If a permit is issued jointly, the association, 3200
corporation, or local unit and the D-permit holder shall both be 3201
held responsible for any conduct that violates laws pertaining 3202
to the sale of alcoholic beverages, including sales by the D- 3203
permit holder; otherwise, the association, corporation, or local 3204
unit shall be held responsible. In addition to the permit fee 3205
paid by the association, corporation, or local unit, the D- 3206
permit holder shall pay a fee of ten dollars. A D-permit holder 3207
may receive an unlimited number of joint F-2 permits. 3208

~~(F)~~(E) (1) Any association, corporation, or local unit 3209
applying for an F-2 permit shall file with the application a 3210
statement of the organizational purpose of the association, 3211
corporation, or local unit, the location and purpose of the 3212
event, and a list of its officers. The application form shall 3213
contain a notice that a person who knowingly makes a false 3214
statement on the application or statement is guilty of the crime 3215
of falsification, a misdemeanor of the first degree. In ruling 3216
on an application, the division shall consider, among other 3217
things, the past activities of the association, corporation, or 3218
local unit and any D-permit holder while operating under other 3219
F-2 permits, the location of the event for which the current 3220
application is made, and any objections of local residents or 3221
law enforcement authorities. If the division approves the 3222
application, it shall send copies of the approved application to 3223
the proper law enforcement authorities prior to the scheduled 3224
event. 3225

(2) Notwithstanding section 1711.09 of the Revised Code, 3226
this section applies to any association or corporation or a 3227
recognized subordinate lodge, chapter, or other local unit of an 3228
association or corporation. 3229

~~(G)~~ (F) Using the procedures of Chapter 119. of the 3230
Revised Code, the liquor control commission may adopt such rules 3231
as are necessary to administer this section. 3232

Sec. 4303.205. (A) As used in this section: 3233

(1) "Festival" means an event organized by a nonprofit 3234
organization that includes food, music, and entertainment and 3235
the participation of at least five riverboats. 3236

(2) "Nonprofit organization" has the same meaning as in 3237
section 4303.201 of the Revised Code. 3238

(B) The division of liquor control may issue an F-5 permit 3239
to the owner or operator of a riverboat that has a capacity in 3240
excess of fifty-five persons, that is not regularly docked in 3241
this state, and whose owner or operator has entered into a 3242
written contract with a nonprofit organization for the riverboat 3243
to participate in a festival. 3244

(C) The holder of an F-5 permit may sell beer and any 3245
intoxicating liquor, only by the individual drink in glass and 3246
from the container, for consumption on the premises where sold 3247
until one a.m., on any day of the week, ~~including Sunday~~. 3248

(D) The division shall prepare and make available an F-5 3249
permit application form and may require applicants for the 3250
permit to provide information, in addition to that required by 3251
this section, that is necessary for the administration of this 3252
section. 3253

(E) Sales under an F-5 permit are not affected by whether 3254
sales of beer or intoxicating liquor for consumption on the 3255
premises where sold are permitted to be made by persons holding 3256
another type of permit in the precinct or at the particular 3257
location where the riverboat is located. 3258

(F) No F-5 permit shall be in effect for more than six 3259
consecutive days. 3260

(G) The division shall not issue more than one F-5 permit 3261
in any one calendar year for the same riverboat. 3262

(H) The fee for an F-5 permit is one hundred eighty 3263
dollars. 3264

Sec. 4303.2011. (A) As used in this section, "nonprofit 3265
organization" means a corporation, association, group, 3266
institution, society, or other organization that: 3267

(1) Is exempt from federal income taxation; 3268

(2) Has a membership of two hundred fifty or more persons. 3269

(B) The division of liquor control may issue an F-11 3270
permit to a nonprofit organization to conduct an event if the 3271
event has all of the following characteristics: 3272

(1) The event is coordinated by the nonprofit organization 3273
and the nonprofit organization is responsible for the activities 3274
at the event. 3275

(2) One of the event's purposes is the introduction, 3276
showcasing, or promotion of craft beers manufactured in this 3277
state. 3278

(3) The event includes the sale of food for consumption on 3279
the premises where sold. 3280

(4) The event features at least twenty A-1c permit 3281
holders, who are members of the nonprofit organization that has 3282
organized the event, as participants. The nonprofit organization 3283
may allow any number of A-1 permit holders to participate in the 3284
event. 3285

(C) An F-11 permit holder may sell, at the event, beer 3286
that it has purchased from the A-1 or A-1c permit holders that 3287
are participating in the event. The F-11 permit holder may sell 3288
the beer in four-ounce samples or in containers not exceeding 3289
sixteen ounces for consumption on the premises where sold. 3290

The F-11 permit holder may sell beer on the F-11 permit 3291
premises only where and when the sale of beer is otherwise 3292
permitted by law. 3293

(D) The F-11 permit holder shall clearly define and 3294
sufficiently restrict the premises of the event to allow proper 3295
enforcement of the permit by state and local law enforcement 3296
officers. If an F-11 permit is issued for all or a portion of 3297
the same premises for which another class of permit is issued, 3298
that permit holder's privileges are suspended in that portion of 3299
the premises in which the F-11 permit is in effect. 3300

(E) (1) No F-11 permit is effective for more than seventy- 3301
two consecutive hours. However, for purposes of an exposition at 3302
the state fairgrounds, an F-11 permit is effective for the 3303
duration of the exposition. 3304

(2) No sales of beer shall take place under an F-11 permit 3305
after one a.m. 3306

(F) The division shall not issue more than six F-11 3307
permits to the same nonprofit organization in any one calendar 3308
year. 3309

(G) An applicant for an F-11 permit shall apply for the 3310
permit not later than thirty days prior to the first day of the 3311
event for which the permit is sought. In the application, the 3312
applicant shall list all of the A-1 and A-1c permit holders that 3313
will participate in the event. The fee for the F-11 permit is 3314

sixty dollars for each day of the event. 3315

The division shall prepare and make available an F-11 3316
permit application form and may require applicants for and 3317
holders of the F-11 permit to provide information that is in 3318
addition to that required by this section and that is necessary 3319
for the administration of this section. 3320

(H) (1) An F-11 permit holder is responsible, and is 3321
subject to penalties, for any violations of this chapter or 3322
Chapter 4301. of the Revised Code that occur during the event. 3323

(2) An F-11 permit holder shall not allow an A-1 or A-1c 3324
permit holder to participate in the event if the A-1 or A-1c 3325
permit or, if applicable, the A-1-A permit of that A-1 or A-1c 3326
permit holder is under suspension. 3327

(3) The division may refuse to issue an F-11 permit to an 3328
applicant if both of the following apply: 3329

(a) The applicant has pleaded guilty to or has been 3330
convicted of violating this chapter or Chapter 4301. of the 3331
Revised Code while operating under a previously issued F-11 3332
permit. 3333

(b) The violation occurred within the two years preceding 3334
the filing of the new F-11 permit application. 3335

(I) Notwithstanding any provision of section 4301.24 of 3336
the Revised Code or any rule adopted by the liquor control 3337
commission to the contrary, employees of an A-1 or A-1c permit 3338
holder or B-1 permit holder, or employees or agents of a B-1 3339
permit holder may assist an F-11 permit holder in serving beer 3340
at an event for which an F-11 permit is issued. 3341

Sec. 4303.221. Notwithstanding any provision of the 3342

Revised Code that restricts the hours of sale of beer and 3343
intoxicating liquor, the division of liquor control may issue a 3344
J permit to the holder of an A-1-A, A-1c, A-2, A-2f, A-3a, C 3345
class, or D class permit to extend the hours of operation of the 3346
applicable permit. A J permit holder may sell beer, wine, mixed 3347
beverages, or spirituous liquor, as applicable, until four a.m. 3348
on Saturday and Sunday only. 3349

The fee for the J permit is one hundred dollars. 3350

Sec. 4303.222. (A) As used in this section, "permit" means 3351
an A-1-A, A-1c, A-2, A-2f, A-3a, C-1, C-2, D-1, D-2, D-3, D-3a, 3352
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 3353
D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. 3354

(B) The division of liquor control shall issue a K permit 3355
to the holder of a permit to sell beer, wine, mixed beverages, 3356
or spirituous liquor, as applicable, twenty-four hours a day 3357
Monday through Sunday if both of the following apply: 3358

(1) The sale of beer, wine, mixed beverages, or spirituous 3359
liquor, as applicable, during those hours has been approved 3360
under question (E) or (F) of section 4301.35 of the Revised 3361
Code; and 3362

(2) Such sales are authorized under section 4301.36 of the 3363
Revised Code. Any such sales shall take place under the 3364
restrictions of that authorization. 3365

(C) The fee for the K permit is one hundred dollars. 3366

Sec. 4303.30. The rights granted by any D-2, D-3, D-3a, D- 3367
4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D- 3368
5k, D-5l, D-5m, D-5n, ~~or D-5o, or D-6~~ permit shall be exercised 3369
at not more than two fixed counters, commonly known as bars, in 3370
rooms or places on the permit premises, where beer, mixed 3371

beverages, wine, or spirituous liquor is sold to the public for 3372
consumption on the premises. For each additional fixed counter 3373
on the permit premises where those beverages are sold for 3374
consumption on the premises, the permit holder shall obtain a 3375
duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D- 3376
5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, or D-5o, ~~or~~ 3377
~~D-6~~ permit. 3378

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

D-5, one thousand dollars; D-5a, one thousand dollars; D-5b, one 3403
thousand dollars; D-5c, four hundred dollars; D-5e, six hundred 3404
fifty dollars; D-5f, one thousand dollars; D-5o, one thousand 3405
dollars; ~~D-6, one hundred dollars when issued to the holder of a~~ 3406
~~D-4a permit,~~ and in all other cases one hundred dollars or an 3407
amount which is twenty per cent of the fees payable for the A-1- 3408
A, D-2, D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, 3409
D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, and D-5o, and ~~D-6~~ permits 3410
issued to the same premises, whichever is higher. Application 3411
for a duplicate permit may be filed any time during the life of 3412
an original permit. The fee for each duplicate D-2, D-3, D-3a, 3413
D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 3414
D-5k, D-5l, D-5m, D-5n, or D-5o, ~~or D-6~~ permit shall be paid in 3415
accordance with section 4303.24 of the Revised Code. 3416

Sec. 4303.99. (A) Whoever violates section 4303.28 of the 3417
Revised Code shall be fined not less than one thousand nor more 3418
than twenty-five hundred dollars or imprisoned not less than six 3419
months nor more than one year. 3420

(B) Whoever violates section 4303.36 of the Revised Code 3421
shall be fined not less than twenty-five nor more than one 3422
hundred dollars. 3423

(C) Whoever violates section 4303.37 of the Revised Code 3424
shall be fined not less than twenty-five nor more than fifty 3425
dollars. 3426

(D) Whoever violates division ~~(D)~~ (C) (2) of section 3427
4303.202 or division (C) of section 4303.208 of the Revised Code 3428
is guilty of a misdemeanor of the fourth degree. 3429

Section 2. That existing sections 3717.22, 3717.42, 3430
4301.03, 4301.171, 4301.22, 4301.24, 4301.322, 4301.33, 3431

4301.332, 4301.333, 4301.334, 4301.35, 4301.351, 4301.353, 3432
4301.354, 4301.355, 4301.356, 4301.36, 4301.361, 4301.364, 3433
4301.365, 4301.366, 4301.37, 4301.403, 4301.404, 4301.82, 3434
4303.021, 4303.15, 4303.171, 4303.181, 4303.184, 4303.19, 3435
4303.202, 4303.205, 4303.30, and 4303.99 of the Revised Code are 3436
hereby repealed. 3437

Section 3. That section 4303.182 of the Revised Code is 3438
hereby repealed. 3439

Section 4. (A) As used in this section: 3440

(1) "Order" means any executive order addressing COVID-19 3441
or any other order related to such an executive order. 3442

(2) "Permitting authority" means a board of health, the 3443
Department of Health, the Division of Liquor Control, or the 3444
Liquor Control Commission. 3445

(3) "Retail permit holder" means an A-1, A-1-A, A-1c, A-2, 3446
A-2f, A-3a, E, or class C or D permit issued under Chapter 4303. 3447
of the Revised Code. 3448

(B) Notwithstanding any provision of law to the contrary, 3449
a permitting authority shall not take any disciplinary action 3450
or, if disciplinary action has been initiated, shall cease 3451
taking such action, against a retail permit holder if both of 3452
the following apply: 3453

(1) The disciplinary action is based on a violation of an 3454
order and the violation occurred prior to June 1, 2020. 3455

(2) Other than violating the order, the retail permit 3456
holder operated in compliance with the retail permit holder's 3457
liquor permit. 3458

Section 5. On the effective date of this section, if a 3459

board of elections is in the process of reviewing a petition 3460
submitted under Chapter 4301. of the Revised Code, as that 3461
chapter existed prior to its amendment by this act, calling for 3462
the submission of a question or questions authorizing Sunday 3463
sales of beer, wine, mixed beverages, or spirituous liquor on 3464
the ballot of the next general election or a special election 3465
conducted on the day of the next primary election, the board 3466
shall do either of the following, as applicable: 3467

(A) If ballots have not been printed, remove the question 3468
or questions submitted to the board for placement on the ballot 3469
of the next general election or a special election conducted on 3470
the day of the next primary election; 3471

(B) If ballots have been printed with the question or 3472
questions on them, post a notice at each polling place on the 3473
day of the election, and enclose with each absent voter's ballot 3474
given or mailed after the question or questions are to be 3475
removed, a notice that votes for the removed question or 3476
questions will be void and will not be counted. If the question 3477
or questions are not removed from all ballots before the day of 3478
the election, the votes for the removed question or questions 3479
are void and shall not be counted. 3480

Section 6. The provisions of this act are severable as 3481
provided in section 1.50 of the Revised Code. 3482

Section 7. This act is hereby declared to be an emergency 3483
measure necessary for the immediate preservation of the public 3484
peace, health, and safety. The reason for such necessity is to 3485
provide economic relief to liquor permit holders as a result of 3486
the COVID-19 outbreak. Therefore, this act shall go into 3487
immediate effect. 3488