

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 783

Representatives Becker, DeVitis

Cosponsors: Representatives Ramos, Lang, Hoops, Brinkman

A BILL

To amend sections 4301.22, 4301.24, 4301.32, 1
4301.322, 4301.33, 4301.332, 4301.333, 4301.334, 2
4301.353, 4301.355, 4301.356, 4301.362, 3
4301.365, 4301.366, 4301.37, 4301.39, 4301.403, 4
4301.404, 4301.99, 4303.184, 4303.19, 4303.202, 5
4303.203, 4303.204, 4303.205, 4303.30, and 6
4303.99, to enact new section 4303.182, and to 7
repeal sections 4301.351, 4301.354, 4301.361, 8
4301.364, and 4303.182 of the Revised Code to 9
authorize sales of beer and intoxicating liquor 10
on Sunday for liquor permit holders and liquor 11
agency stores, and to eliminate provisions of 12
law governing local option elections for such 13
Sunday sales, and to name the bill the "Sunday 14
Alcohol, Liquor, and Especially Spirits Act." 15

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

Section 1. That sections 4301.22, 4301.24, 4301.32, 16
4301.322, 4301.33, 4301.332, 4301.333, 4301.334, 4301.353, 17
4301.355, 4301.356, 4301.362, 4301.365, 4301.366, 4301.37, 18
4301.39, 4301.403, 4301.404, 4301.99, 4303.184, 4303.19, 19

4303.202, 4303.203, 4303.204, 4303.205, 4303.30, and 4303.99 be 20
amended and new section 4303.182 of the Revised Code be enacted 21
to read as follows: 22

Sec. 4301.22. Sales of beer and intoxicating liquor under 23
all classes of permits and from state liquor stores are subject 24
to the following restrictions, in addition to those imposed by 25
the rules or orders of the division of liquor control: 26

(A) (1) Except as otherwise provided in this chapter, no 27
beer or intoxicating liquor shall be sold to any person under 28
twenty-one years of age. 29

(2) No low-alcohol beverage shall be sold to any person 30
under eighteen years of age. No permit issued by the division 31
shall be suspended, revoked, or canceled because of a violation 32
of division (A) (2) of this section. 33

(3) No intoxicating liquor shall be handled by any person 34
under twenty-one years of age, except that a person eighteen 35
years of age or older employed by a permit holder may handle or 36
sell beer or intoxicating liquor in sealed containers in 37
connection with wholesale or retail sales, and any person 38
nineteen years of age or older employed by a permit holder may 39
handle intoxicating liquor in open containers when acting in the 40
capacity of a server in a hotel, restaurant, club, or night 41
club, as defined in division (B) of section 4301.01 of the 42
Revised Code, or in the premises of a D-7 permit holder. This 43
section does not authorize persons under twenty-one years of age 44
to sell intoxicating liquor across a bar. Any person employed by 45
a permit holder may handle beer or intoxicating liquor in sealed 46
containers in connection with manufacturing, storage, 47
warehousing, placement, stocking, bagging, loading, or 48
unloading, and may handle beer or intoxicating liquor in open 49

containers in connection with cleaning tables or handling empty 50
bottles or glasses. 51

(B) No permit holder and no agent or employee of a permit 52
holder shall sell or furnish beer or intoxicating liquor to an 53
intoxicated person. 54

~~(C) No sales of intoxicating liquor shall be made after 55
two thirty a.m. on Sunday except under either of the following 56
circumstances:— 57~~

~~(1) Intoxicating liquor may be sold on Sunday under 58
authority of a permit that authorizes Sunday sale.— 59~~

~~(2) Spirituous liquor may be sold on Sunday by any person 60
awarded an agency contract under section 4301.17 of the Revised 61
Code if the sale of spirituous liquor is authorized in the 62
applicable precinct as the result of an election on question (B) 63
(1) or (2) of section 4301.351 of the Revised Code and if the 64
agency contract authorizes the sale of spirituous liquor on 65
Sunday.— 66~~

~~This section does not prevent a municipal corporation from 67
adopting a closing hour for the sale of intoxicating liquor 68
earlier than two thirty a.m. on Sunday or to provide that no 69
intoxicating liquor may be sold prior to that hour on Sunday.— 70~~

~~(D)~~ No holder of a permit shall give away any beer or 71
intoxicating liquor of any kind at any time in connection with 72
the permit holder's business. However, with the exception of an 73
A-1-A permit holder that also has been issued an A-2 or A-2f 74
permit, an A-1-A, A-1c, or D permit holder may provide to a 75
paying customer not more than a total of four tasting samples of 76
beer, wine, or spirituous liquor, as authorized by the 77
applicable permit, in any twenty-four-hour period. The permit 78

holder shall provide the tasting samples free of charge, at the 79
permit holder's expense, only to a person who is twenty-one 80
years of age or older. The person shall consume the tasting 81
samples on the premises of the permit holder. A distributor is 82
not responsible for the costs of providing tasting samples 83
authorized under division ~~(D)~~-(C) of this section. 84

As used in division ~~(D)~~-(C) of this section: 85

(1) "Tasting sample" means one of the following, as 86
applicable: 87

(a) An amount not to exceed two ounces of beer; 88

(b) An amount not to exceed two ounces of wine; 89

(c) An amount not to exceed a quarter ounce of spirituous 90
liquor. 91

(2) "D permit holder" means a person that has been issued 92
a D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, D-5c, D-5d, 93
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D- 94
5o, ~~D-6~~, or D-7 permit. 95

~~(E)~~-(D) Except as otherwise provided in this division, no 96
retail permit holder shall display or permit the display on the 97
outside of any licensed retail premises, or on any lot of ground 98
on which the licensed premises are situated, or on the exterior 99
of any building of which the licensed premises are a part, any 100
sign, illustration, or advertisement bearing the name, brand 101
name, trade name, trade-mark, designation, or other emblem of or 102
indicating the manufacturer, producer, distributor, place of 103
manufacture, production, or distribution of any beer or 104
intoxicating liquor. Signs, illustrations, or advertisements 105
bearing the name, brand name, trade name, trade-mark, 106
designation, or other emblem of or indicating the manufacturer, 107

producer, distributor, place of manufacture, production, or 108
distribution of beer or intoxicating liquor may be displayed and 109
permitted to be displayed on the interior or in the show windows 110
of any licensed premises, if the particular brand or type of 111
product so advertised is actually available for sale on the 112
premises at the time of that display. The liquor control 113
commission shall determine by rule the size and character of 114
those signs, illustrations, or advertisements. 115

~~(F)~~ (E) No retail permit holder shall possess on the 116
licensed premises any barrel or other container from which beer 117
is drawn, unless there is attached to the spigot or other 118
dispensing apparatus the name of the manufacturer of the product 119
contained in the barrel or other container, provided that, if 120
the beer is served at a bar, the manufacturer's name or brand 121
shall appear in full view of the purchaser. The commission shall 122
regulate the size and character of the devices provided for in 123
this section. 124

~~(G)~~ (F) Except as otherwise provided in this division, no 125
sale of any gift certificate shall be permitted whereby beer or 126
intoxicating liquor of any kind is to be exchanged for the 127
certificate, unless the gift certificate can be exchanged only 128
for food, and beer or intoxicating liquor, for on-premises 129
consumption and the value of the beer or intoxicating liquor for 130
which the certificate can be exchanged does not exceed more than 131
thirty per cent of the total value of the gift certificate. The 132
sale of gift certificates for the purchase of beer, wine, or 133
mixed beverages shall be permitted for the purchase of beer, 134
wine, or mixed beverages for off-premises consumption. 135
Limitations on the use of a gift certificate for the purchase of 136
beer, wine, or mixed beverages for off-premises consumption may 137
be expressed by clearly stamping or typing on the face of the 138

certificate that the certificate may not be used for the 139
purchase of beer, wine, or mixed beverages. 140

Sec. 4301.24. (A) Except as provided in section 4301.242 141
of the Revised Code, no manufacturer shall aid or assist the 142
holder of any permit for sale at wholesale, and no manufacturer 143
or wholesale distributor shall aid or assist the holder of any 144
permit for sale at retail, by gift or loan of any money or 145
property of any description or other valuable thing, or by 146
giving premiums or rebates. Except as provided in section 147
4301.242 of the Revised Code, no holder of any such permit shall 148
accept the same, provided that the manufacturer or wholesale 149
distributor may furnish to a retail permittee the inside signs 150
or advertising and the tap signs or devices authorized by 151
divisions ~~(E)~~ (D) and ~~(F)~~ (E) of section 4301.22 of the Revised 152
Code. 153

(B) No manufacturer shall have any financial interest, 154
directly or indirectly, by stock ownership, or through 155
interlocking directors in a corporation, or otherwise, in the 156
establishment, maintenance, or promotion in the business of any 157
wholesale distributor. No retail permit holder shall have any 158
interest, directly or indirectly, in the operation of, or any 159
ownership in, the business of any wholesale distributor or 160
manufacturer. 161

(C) (1) No manufacturer shall, except as authorized by 162
section 4303.021 of the Revised Code, have any financial 163
interest, directly or indirectly, by stock ownership, or through 164
interlocking directors in a corporation, or otherwise, in the 165
establishment, maintenance, or promotion of the business of any 166
retail dealer. No wholesale distributor or employee of a 167
wholesale distributor shall have any financial interest, 168

directly or indirectly, by stock ownership, interlocking 169
directors in a corporation, or otherwise, in the establishment, 170
maintenance, or promotion of the business of any retail dealer. 171
No manufacturer or wholesale distributor or any stockholder of a 172
manufacturer or wholesale distributor shall acquire, by 173
ownership in fee, leasehold, mortgage, or otherwise, directly or 174
indirectly, any interest in the premises on which the business 175
of any other person engaged in the business of trafficking in 176
beer or intoxicating liquor is conducted. 177

(2) All contracts, covenants, conditions, and limitations 178
whereby any person engaged or proposing to engage in the sale of 179
beer or intoxicating liquors promises to confine the person's 180
sales of a particular kind or quality of beer or intoxicating 181
liquor to one or more products, or the products of a specified 182
manufacturer or wholesale distributor, or to give preference to 183
those products, shall to the extent of that promise be void. The 184
making of a promise in any such form shall be cause for the 185
revocation or suspension of any permit issued to any party. 186

(D) No manufacturer shall sell or offer to sell to any 187
wholesale distributor or retail permit holder, no wholesale 188
distributor shall sell or offer to sell to any retail permit 189
holder, and no wholesale distributor or retail permit holder 190
shall purchase or receive from any manufacturer or wholesale 191
distributor, any beer, brewed beverages, or wine manufactured in 192
the United States except for cash. No right of action shall 193
exist to collect any claims for credit extended contrary to this 194
section. 195

This section does not prohibit a licensee from crediting 196
to a purchaser the actual prices charged for packages or 197
containers returned by the original purchaser as a credit on any 198

sale or from refunding to any purchaser the amount paid by that 199
purchaser for containers or as a deposit on containers when 200
title is retained by the vendor, if those containers or packages 201
have been returned to the manufacturer or distributor. This 202
section does not prohibit a manufacturer from extending usual 203
and customary credit for beer, brewed beverages, or wine 204
manufactured in the United States and sold to customers who live 205
or maintain places of business outside this state when the 206
beverages so sold are actually transported and delivered to 207
points outside this state. 208

No wholesale or retail permit shall be issued to an 209
applicant unless the applicant has paid in full all accounts for 210
beer or wine, manufactured in the United States, outstanding as 211
of September 6, 1939. No beer or wine manufactured in the United 212
States shall be imported into the state unless the beer or wine 213
has been paid for in cash, and no supplier registration for any 214
such beer or wine manufactured in the United States shall be 215
issued by the division of liquor control until the A-2, A-2f, B- 216
1, or B-5 permit holder establishes to the satisfaction of the 217
division that the beer or wine has been paid for in cash. 218

(E) This section does not prevent a manufacturer from 219
securing and holding any financial interest, directly or 220
indirectly, by stock ownership or through interlocking directors 221
in a corporation, or otherwise, in the establishment, 222
maintenance, or promotion of the business or premises of any C 223
or D permit holder, provided that the following conditions are 224
met: 225

(1) Either the manufacturer or one of its parent companies 226
is listed on a national securities exchange. 227

(2) All purchases of alcoholic beverages by the C or D 228

permit holder are made from wholesale distributors in this state 229
or agency stores licensed by the division of liquor control. 230

(3) If the C or D permit holder sells brands of alcoholic 231
beverages that are produced or distributed by the manufacturer 232
that holds the financial interest, the C or D permit holder also 233
sells other competing brands of alcoholic beverages produced by 234
other manufacturers, no preference is given to the products of 235
the manufacturer, and there is no exclusion, in whole or in 236
part, of products sold or offered for sale by other 237
manufacturers, suppliers, or importers of alcoholic beverages 238
that constitutes a substantial impairment of commerce. 239

(4) The primary purpose of the C or D permit premises is a 240
purpose other than to sell alcoholic beverages, and the sale of 241
other goods and services exceeds fifty per cent of the total 242
gross receipts of the C or D permit holder at its premises. 243

(F)(1) This section does not prevent a manufacturer from 244
giving financial assistance to the holder of a B permit for the 245
purpose of the holder purchasing an ownership interest in the 246
business, existing inventory and equipment, or property of 247
another B permit holder, including, but not limited to, 248
participation in a limited liability partnership, limited 249
liability company, or any other legal entity authorized to do 250
business in this state. 251

(2) This section does not permit a manufacturer to give 252
financial assistance to the holder of a B permit to purchase 253
inventory or equipment used in the daily operation of a B permit 254
holder. 255

(G) This section does not prohibit a manufacturer or 256
subsidiary of a manufacturer from continuing to operate a 257

wholesale distribution franchise or distribute beer or wine 258
within a designated territory if prior to ~~the effective date of~~ 259
~~this amendment~~ July 30, 2013, the manufacturer either acquired 260
the distribution franchise or territory, or awarded the 261
franchise or territory to itself or a subsidiary. 262

(H) This section shall not prevent a manufacturer from 263
securing and holding an A-1c or B-2a permit or permits and 264
operating as a wholesale distributor pursuant to such permits. 265

Sec. 4301.32. The privilege of local option as to the sale 266
of intoxicating liquors is hereby conferred upon the electors of 267
an election precinct named by the petition authorized by section 268
4301.33 of the Revised Code. 269

Upon the request of an elector, a board of elections of a 270
county that encompasses an election precinct shall furnish to 271
the elector a copy of the instructions prepared by the secretary 272
of state under division (P) of section 3501.05 of the Revised 273
Code and, within fifteen days after the request, with a 274
certificate indicating the number of valid signatures that will 275
be required upon a petition to hold a special election in that 276
precinct on a question specified in section 4301.35 ~~or 4301.351~~ 277
of the Revised Code. 278

Sec. 4301.322. The electors of an election precinct may 279
exercise the privilege of local option under ~~sections~~ section 280
4301.353 ~~and 4301.354~~ of the Revised Code on the sale of beer, 281
the sale of wine and mixed beverages, or the sale of spirituous 282
liquor, ~~on Sunday or on other days of the week~~, in a portion of 283
the precinct in which the status of such sales as allowed or 284
prohibited is inconsistent with the status of such sales in the 285
remainder of the precinct because of a change in precinct 286
boundaries by the board of elections or an annexation of 287

territory to a municipal corporation. The privilege conferred by 288
this section is in addition to the privilege conferred on the 289
electors of an election precinct as specified in section 290
4301.32, 4301.321, 4303.29, or 4305.14 of the Revised Code. 291

Sec. 4301.33. (A) The board of elections shall provide to 292
a petitioner circulating a petition for an election for the 293
submission of one or more of the questions specified in 294
divisions (A) to (D) of section 4301.35 ~~or section 4301.351~~ of 295
the Revised Code, at the time of taking out the petition, the 296
names of the streets and, if appropriate, the address numbers of 297
residences and business establishments within the precinct in 298
which the election is sought, and a form prescribed by the 299
secretary of state for notifying affected permit holders and 300
liquor agency stores of the circulation of a petition for an 301
election for the submission of one or more of the questions 302
specified in divisions (A) to (D) of section 4301.35 ~~or section~~ 303
~~4301.351~~ of the Revised Code. The petitioner shall, not less 304
than fifty-five days before the petition-filing deadline for the 305
election, as provided in this section, file with the division of 306
liquor control the information regarding names of streets and, 307
if appropriate, address numbers of residences and business 308
establishments provided by the board of elections, and specify 309
to the division the precinct that is concerned and that would be 310
affected by the results of the election and the filing deadline. 311
The division shall, within a reasonable period of time and not 312
later than twenty-five days before the filing deadline, supply 313
the petitioner with a list of the names and addresses of permit 314
holders and liquor agency stores, if any, that would be affected 315
by the election. The list shall contain a heading with the 316
following words: "Liquor permit holders and liquor agency stores 317
that would be affected by the question(s) set forth on petition 318

for a local option election." 319

Within five days after a petitioner has received from the 320
division the list of liquor permit holders and liquor agency 321
stores, if any, that would be affected by the question or 322
questions set forth on a petition for local option election, the 323
petitioner shall, using the form provided by the board of 324
elections, notify by certified mail each permit holder and 325
liquor agency store whose name appears on that list. The form 326
for notifying affected permit holders and liquor agency stores 327
shall require the petitioner to state the petitioner's name and 328
street address and shall contain a statement that a petition is 329
being circulated for an election for the submission of the 330
question or questions specified in divisions (A) to (D) of 331
section 4301.35 ~~or section 4301.351~~ of the Revised Code. The 332
form shall require the petitioner to state the question or 333
questions to be submitted as they appear on the petition. 334

The petitioner shall attach a copy of the list provided by 335
the division to each petition paper. A part petition paper 336
circulated at any time without the list of affected permit 337
holders and liquor agency stores attached to it is invalid. 338

At the time the petitioner files the petition with the 339
board of elections, the petitioner shall provide to the board 340
the list supplied by the division and an affidavit certifying 341
that the petitioner notified all affected permit holders and 342
liquor agency stores, if any, on the list in the manner and 343
within the time required in this section and that, at the time 344
each signer of the petition affixed the signer's signature to 345
the petition, the petition paper contained a copy of the list of 346
affected permit holders and liquor agency stores. 347

Within five days after receiving a petition calling for an 348

election for the submission of one or more of the questions 349
specified in divisions (A) to (D) of section 4301.35 ~~or section~~ 350
~~4301.351~~ of the Revised Code, the board shall give notice by 351
certified mail that it has received the petition to all liquor 352
permit holders and liquor agency stores, if any, whose names 353
appear on the list of affected permit holders and liquor agency 354
stores filed by the petitioner. Failure of the petitioner to 355
supply the affidavit required by this section and a complete and 356
accurate list of liquor permit holders and liquor agency stores, 357
if any, invalidates the entire petition. The board of elections 358
shall provide to a permit holder or liquor agency store that 359
would be affected by a proposed local option election, on the 360
permit holder's or liquor agency store's request, the names of 361
the streets, and, if appropriate, the address numbers of 362
residences and business establishments within the precinct in 363
which the election is sought that would be affected by the 364
results of the election. The board may charge a reasonable fee 365
for this information when provided to the petitioner and the 366
permit holder or liquor agency store. 367

(B) Upon the presentation of a petition, not later than 368
four p.m. of the ninetieth day before the day of a general 369
election or a special election held on the day of a primary 370
election, to the board of elections of the county where the 371
precinct is located, ~~designating whether it is a petition for an~~ 372
~~election for the submission of one or more of the questions~~ 373
~~specified in section 4301.35 of the Revised Code, or a petition~~ 374
~~for the submission of one or more of the questions specified in~~ 375
~~section 4301.351 of the Revised Code,~~ designating the particular 376
question or questions specified in section 4301.35 ~~or 4301.351~~ 377
of the Revised Code that are to be submitted, and signed by the 378
qualified electors of the precinct concerned, equal in number to 379

thirty-five per cent of the total number of votes cast in the 380
precinct concerned for the office of governor at the preceding 381
general election for that office, the board shall submit the 382
question or questions specified in the petition to the electors 383
of the precinct concerned, on the day of the next general 384
election or special election held on the day of the next primary 385
election, whichever occurs first and shall proceed as follows: 386

(1) Such board shall, not later than the seventy-eighth 387
day before the day of the election for which the question or 388
questions on the petition would qualify for submission to the 389
electors of the precinct, examine and determine the sufficiency 390
of the signatures and review, examine, and determine the 391
validity of the petition and, in case of overlapping precinct 392
petitions presented within that period, determine which of the 393
petitions shall govern the further proceedings of the board. In 394
the case where the board determines that two or more overlapping 395
petitions are valid, the earlier filed petition shall govern. 396
The board shall certify the sufficiency and validity of any 397
petition determined to be valid. The board shall determine the 398
validity of the petition as of the time of certification as 399
described in this division. 400

(2) If a petition is sufficient, and, in case of 401
overlapping precinct petitions, after the board has determined 402
the governing petition, the board to which the petition has been 403
presented shall order the holding of a special election in the 404
precinct for the submission of whichever of the questions 405
specified in section 4301.35 or ~~4301.351~~ of the Revised Code are 406
designated in the petition, on the day of the next general 407
election or special election held on the day of the next primary 408
election, whichever occurs first. 409

(3) All petitions filed with a board of elections under 410
this section shall be open to public inspection under rules 411
adopted by the board. 412

(4) Protest against local option petitions may be filed by 413
any elector eligible to vote on the question or questions 414
described in the petitions or by a permit holder or liquor 415
agency store in the precinct as described in the petitions, not 416
later than four p.m. of the seventy-fourth day before the day of 417
the general election or special election held on the day of the 418
primary election for which the petition qualified. The protest 419
shall be in writing and shall be filed with the election 420
officials with whom the petition was filed. Upon filing of the 421
protest, the election officials with whom it is filed shall 422
promptly fix the time for hearing it, and shall mail notice of 423
the filing of the protest and the time and place for hearing it 424
to the person who filed the petition and to the person who filed 425
the protest. At the time and place fixed, the election officials 426
shall hear the protest and determine the validity of the 427
petition. 428

Sec. 4301.332. (A) The board of elections shall provide to 429
a petitioner circulating a petition for an election for the 430
submission of one or more of the questions specified in section 431
4301.353 ~~or 4301.354~~ of the Revised Code, at the time of taking 432
out the petition, the names of the streets and, if appropriate, 433
the address numbers of residences and business establishments 434
within the precinct that would be affected by the results of the 435
election, and a form prescribed by the secretary of state for 436
notifying affected permit holders of the circulation of a 437
petition for an election for the submission of one or more of 438
the questions specified in section 4301.353 ~~or 4301.354~~ of the 439
Revised Code. The petitioner shall, not less than fifty-five 440

days before the petition-filing deadline for the election, as 441
provided in this section, file with the division of liquor 442
control the information regarding names of streets and, if 443
appropriate, address numbers of residences and business 444
establishments provided by the board of elections, and specify 445
to the division the portion of the precinct that would be 446
affected by the results of the election and the filing deadline. 447
The division shall, within a reasonable period of time and not 448
later than twenty-five days before the filing deadline, supply 449
the petitioner with a list of the names and addresses of permit 450
holders, if any, who would be affected by the election. The list 451
shall contain a heading with the following words: "Liquor permit 452
holders who would be affected by the question(s) set forth on 453
petition for a local option election." 454

Within five days after a petitioner has received from the 455
division the list of liquor permit holders, if any, who would be 456
affected by the question or questions set forth on a petition 457
for local option election, the petitioner, using the form 458
provided by the board of elections, shall notify by certified 459
mail each permit holder whose name appears on that list. The 460
form for notifying affected permit holders shall require the 461
petitioner to state the petitioner's name and street address and 462
shall contain a statement that a petition is being circulated 463
for an election for the submission of the question or questions 464
specified in section 4301.353 ~~or 4301.354~~ of the Revised Code. 465
The form shall require the petitioner to state the question or 466
questions to be submitted as they appear on the petition. 467

The petitioner shall attach a copy of the list provided by 468
the division to each petition paper. A part petition paper 469
circulated at any time without the list of affected permit 470
holders attached to it is invalid. 471

At the time the petitioner files the petition with the 472
board of elections, the petitioner shall provide to the board 473
the list supplied by the division and an affidavit certifying 474
that the petitioner notified all affected permit holders, if 475
any, on the list in the manner and within the time required in 476
this section and that, at the time each signer of the petition 477
affixed the signer's signature to the petition, the petition 478
paper contained a copy of the list of affected permit holders. 479

Within five days after receiving a petition calling for an 480
election for the submission of one or more of the questions 481
specified in section 4301.353 ~~or 4301.354~~ of the Revised Code, 482
the board shall give notice by certified mail that it has 483
received the petition to all liquor permit holders, if any, 484
whose names appear on the list of affected permit holders filed 485
by the petitioner as furnished by the division. Failure of the 486
petitioner to supply the affidavit required by this section and 487
a complete and accurate list of liquor permit holders as 488
furnished by the division invalidates the entire petition. The 489
board of elections shall provide to a permit holder who would be 490
affected by a proposed local option election, on the permit 491
holder's request, the names of the streets, and, if appropriate, 492
the address numbers of residences and business establishments 493
within the portion of the precinct that would be affected by the 494
results of the election. The board may charge a reasonable fee 495
for this information when provided to the petitioner and the 496
permit holder. 497

This division does not apply to an election held under 498
section 4301.353 ~~or 4301.354~~ of the Revised Code if the results 499
of the election would not affect any permit holder. 500

(B) Upon the presentation of a petition, not later than 501

four p.m. of the ninetieth day before the day of a general 502
election or special election held on the day of a primary 503
election, to the board of elections of the county where the 504
precinct is located, ~~designating whether it is a petition for an~~ 505
~~election for the submission of one or both of the questions~~ 506
~~specified in section 4301.353 of the Revised Code, or a petition~~ 507
~~for the submission of one or more of the questions specified in~~ 508
~~section 4301.354 of the Revised Code,~~ designating the particular 509
question or questions specified in section 4301.353 ~~or 4301.354~~ 510
of the Revised Code that are to be submitted, and signed by the 511
qualified electors of the precinct concerned, equal in number to 512
thirty-five per cent of the total number of votes cast in the 513
precinct concerned for the office of governor at the preceding 514
general election for that office, the board shall submit the 515
question or questions specified in the petition to the electors 516
of the precinct concerned, on the day of the next general 517
election or special election held on the day of the next primary 518
election, whichever occurs first and shall proceed as follows: 519

(1) Such board shall, not later than the seventy-eighth 520
day before the day of the election for which the question or 521
questions on the petition would qualify for submission to the 522
electors of the precinct, examine and determine the sufficiency 523
of the signatures and review, examine, and determine the 524
validity of the petition and, in case of overlapping precinct 525
petitions presented within that period, determine which of the 526
petitions shall govern the further proceedings of the board. In 527
the case where the board determines that two or more overlapping 528
petitions are valid, the earlier filed petition shall govern. 529
The board shall certify the sufficiency and validity of any 530
petition determined to be valid. The board shall determine the 531
validity of the petition as of the time of certification as 532

described in this division. 533

(2) If a petition is sufficient, and, in case of 534
overlapping precinct petitions, after the board has determined 535
the governing petition, the board to which the petition has been 536
presented shall order the holding of a special election in the 537
precinct for the submission of whichever of the questions 538
specified in section 4301.353 ~~or 4301.354~~ of the Revised Code 539
are designated in the petition, on the day of the next general 540
election or special election held on the day of the next primary 541
election, whichever occurs first. 542

(C) All petitions filed with a board of elections under 543
this section shall be open to public inspection under rules 544
adopted by the board. 545

(D) Protest against local option petitions may be filed by 546
any elector eligible to vote on the question or questions 547
described in the petitions or by a permit holder in the precinct 548
as described in the petitions, not later than four p.m. of the 549
seventy-fourth day before the day of the general election or 550
special election held on the day of the primary election for 551
which the petition qualified. The protest shall be in writing 552
and shall be filed with the election officials with whom the 553
petition was filed. Upon filing of the protest, the election 554
officials with whom it is filed shall promptly fix the time for 555
hearing it, and shall mail notice of the filing of the protest 556
and the time and place for hearing it to the person who filed 557
the petition and to the person who filed the protest. At the 558
time and place fixed, the election officials shall hear the 559
protest and determine the validity of the petition. 560

Sec. 4301.333. (A) The privilege of local option conferred 561
by section 4301.323 of the Revised Code may be exercised if, not 562

later than four p.m. of the ninetieth day before the day of a 563
general election or special election held on the day of a 564
primary election, a petition is presented to the board of 565
elections of the county in which the precinct is situated by a 566
petitioner who is one of the following: 567

(1) An applicant for the issuance or transfer of a liquor 568
permit at, or to, a particular location within the precinct; 569

(2) The holder of a liquor permit at a particular location 570
within the precinct; 571

(3) A person who operates or seeks to operate a liquor 572
agency store at a particular location within the precinct; 573

(4) The designated agent for an applicant, liquor permit 574
holder, or liquor agency store described in division (A) (1), 575
(2), or (3) of this section. 576

(B) The petition shall be signed by the electors of the 577
precinct equal in number to at least thirty-five per cent of the 578
total number of votes cast in the precinct for the office of 579
governor at the preceding general election for that office and 580
shall contain all of the following: 581

(1) A notice that the petition is for the submission of 582
the question ~~or questions~~ set forth in section 4301.355 of the 583
Revised Code; 584

(2) The name of the applicant for the issuance or 585
transfer, or the holder, of the liquor permit or, if applicable, 586
the name of the liquor agency store, including any trade or 587
fictitious names under which the applicant, holder, or liquor 588
agency store either intends to do or does business at the 589
particular location; 590

(3) The address and proposed use of the particular 591
location within the election precinct to which the results of 592
the question ~~or questions~~ specified in section 4301.355 of the 593
Revised Code shall apply. For purposes of this division, "use" 594
means all of the following: 595

(a) The type of each liquor permit applied for by the 596
applicant or held by the liquor permit holder as described in 597
sections 4303.11 to 4303.183 of the Revised Code, including a 598
description of the type of beer or intoxicating liquor sales 599
authorized by each permit as provided in those sections; 600

(b) If a liquor agency store, the fact that the business 601
operated as a liquor agency store authorized to operate by this 602
state; 603

(c) A description of the general nature of the business of 604
the applicant, liquor permit holder, or liquor agency store. 605

~~(4) If the petition seeks approval of Sunday sales under 606
question (B) (2) as set forth in section 4301.355 of the Revised 607
Code, a statement indicating whether the hours of sale sought 608
are between ten a.m. and midnight or between eleven a.m. and 609
midnight. 610~~

(C) (1) At the time the petitioner files the petition with 611
the board of elections, the petitioner shall provide to the 612
board both of the following: 613

(a) An affidavit that is signed by the petitioner and that 614
states the proposed use of the location following the election 615
held to authorize the sale of beer or intoxicating liquor 616
authorized by each permit as provided in sections 4303.11 to 617
4303.183 of the Revised Code; 618

(b) Written evidence of the designation of an agent by the 619

applicant, liquor permit holder, or liquor agency store 620
described in division (A) (1), (2), or (3) of this section for 621
the purpose of petitioning for the local option election, if the 622
petitioner is the designated agent of the applicant, liquor 623
permit holder, or liquor agency store. 624

(2) Failure to supply the affidavit, or the written 625
evidence of the designation of the agent if the petitioner for 626
the local option election is the agent of the applicant, liquor 627
permit holder, or liquor agency store described in division (A) 628
(1), (2), or (3) of this section, at the time the petition is 629
filed invalidates the entire petition. 630

(D) Not later than the seventy-eighth day before the day 631
of the next general election or special election held on the day 632
of the next primary election, whichever occurs first, the board 633
shall examine and determine the sufficiency of the signatures 634
and the validity of the petition. If the board finds that the 635
petition contains sufficient signatures and in other respects is 636
valid, it shall order the holding of an election in the precinct 637
on the day of the next general election or special election held 638
on the day of the next primary election, whichever occurs first, 639
for the submission of the question ~~or questions~~ set forth in 640
section 4301.355 of the Revised Code. 641

(E) A petition filed with the board of elections under 642
this section shall be open to public inspection under rules 643
adopted by the board. 644

(F) An elector who is eligible to vote on the question ~~or~~ 645
~~questions~~ set forth in section 4301.355 of the Revised Code may 646
file, not later than four p.m. of the seventy-fourth day before 647
the day of the election at which the question ~~or questions~~ will 648
be submitted to the electors, a protest against a local option 649

petition circulated and filed pursuant to this section. The 650
protest shall be in writing and shall be filed with the election 651
officials with whom the petition was filed. Upon the filing of 652
the protest, the election officials with whom it is filed shall 653
promptly establish a time and place for hearing the protest and 654
shall mail notice of the time and place for the hearing to the 655
applicant for, or the holder of, the liquor permit who is 656
specified in the petition and to the elector who filed the 657
protest. At the time and place established in the notice, the 658
election officials shall hear the protest and determine the 659
validity of the petition. 660

Sec. 4301.334. (A) The privilege of local option conferred 661
by section 4301.324 of the Revised Code may be exercised if, not 662
later than four p.m. of the ninetieth day before the day of a 663
general election or special election held on the day of a 664
primary election, a petition and other information required by 665
division (B) of this section are presented to the board of 666
elections of the county in which the community facility named in 667
the petition is located. The petition shall be signed by 668
electors of the municipal corporation or unincorporated area of 669
the township in which the community facility is located equal in 670
number to at least ten per cent of the total number of votes 671
cast in the municipal corporation or unincorporated area of the 672
township in which the community facility is located for the 673
office of governor at the most recent general election for that 674
office and shall contain both of the following: 675

(1) A notice that the petition is for the submission of 676
the question set forth in section 4301.356 of the Revised Code 677
~~and a statement indicating whether the hours of Sunday sales~~ 678
~~sought in the local option election are between ten a.m. and~~ 679
~~midnight or between eleven a.m. and midnight;~~ 680

(2) The name and address of the community facility for 681
which the local option election is sought and, if the community 682
facility is a community entertainment district, the boundaries 683
of the district. 684

(B) Upon the request of a petitioner, a board of elections 685
of a county shall furnish to the petitioner a copy of the 686
instructions prepared by the secretary of state under division 687
(P) of section 3501.05 of the Revised Code and, within fifteen 688
days after the request, a certificate indicating the number of 689
valid signatures that will be required on a petition to hold an 690
election in the municipal corporation or unincorporated area of 691
the township in which the community facility is located on the 692
question specified in section 4301.356 of the Revised Code. 693

The petitioner shall, not less than thirty days before the 694
petition-filing deadline for an election on the question 695
specified in section 4301.356 of the Revised Code, specify to 696
the division of liquor control the name and address of the 697
community facility for which the election is sought and, if the 698
community facility is a community entertainment district, the 699
boundaries of the district, the municipal corporation or 700
unincorporated area of a township in which the election is 701
sought, and the filing deadline. The division shall, within a 702
reasonable period of time and not later than ten days before the 703
filing deadline, supply the petitioner with the name and address 704
of any permit holder for or within the community facility. 705

The petitioner shall file the name and address of any 706
permit holder who would be affected by the election at the time 707
the petitioner files the petition with the board of elections. 708
Within five days after receiving the petition, the board shall 709
give notice by certified mail to any permit holder within the 710

community facility that it has received the petition. Failure of 711
the petitioner to supply the name and address of any permit 712
holder for or within the community facility as furnished to the 713
petitioner by the division invalidates the petition. 714

(C) Not later than the seventy-eighth day before the day 715
of the next general election or special election held on the day 716
of the next primary election, whichever occurs first, the board 717
shall examine and determine the sufficiency of the signatures on 718
the petition. If the board finds that the petition is valid, it 719
shall order the holding of an election in the municipal 720
corporation or unincorporated area of a township on the day of 721
the next general election or special election held on the day of 722
the next primary election, whichever occurs first, for the 723
submission of the question set forth in section 4301.356 of the 724
Revised Code. 725

(D) A petition filed with a board of elections under this 726
section shall be open to public inspection under rules adopted 727
by the board. 728

(E) An elector who is eligible to vote on the question set 729
forth in section 4301.356 of the Revised Code or any permit 730
holder for or within the community facility may, not later than 731
four p.m. of the seventy-fourth day before the day of the 732
election at which the question will be submitted to the 733
electors, file a written protest against the local option 734
petition with the board of elections with which the petition was 735
filed. Upon the filing of the protest, the board shall promptly 736
fix a time and place for hearing the protest and shall mail 737
notice of the time and place to the person who filed the 738
petition and to the person who filed the protest. At the time 739
and place fixed, the board shall hear the protest and determine 740

the validity of the petition. 741

Sec. 4301.353. If a petition is filed under section 742
4301.332 of the Revised Code for the submission of the one or 743
more questions set forth in this section, a special election 744
shall be held in the precinct as ordered by the board of 745
elections under that section. The expense of holding the special 746
election shall be charged to the municipal corporation or 747
township of which the precinct is a part. 748

At the election, one or both of the following questions as 749
designated in a valid petition shall be submitted to the 750
electors of the precinct ~~concerning sales on days of the week~~ 751
~~other than Sunday:~~ 752

(A) "Shall the sales of (insert one or both of the 753
following: beer, or wine and mixed beverages) by the package, 754
under permits that authorize sale for off-premises consumption 755
only, be permitted in a portion of this precinct in which the 756
status of the sale of (insert one or both of the following: 757
beer, or wine and mixed beverages) as allowed or prohibited is 758
inconsistent with the status of such sale in the remainder of 759
the precinct?" 760

(B) "Shall the sale of (insert one or more of the 761
following: beer, wine and mixed beverages, or spirituous 762
liquor), under permits that authorize sale for on-premises 763
consumption only, and under permits that authorize sale for both 764
on-premises and off-premises consumption, be permitted in a 765
portion of this precinct in which the status of the sale of 766
(insert one or more of the following: beer, wine and mixed 767
beverages, or spirituous liquor) as allowed or prohibited is 768
inconsistent with the status of such sale in the remainder of 769
the precinct?" 770

The board of elections shall furnish printed ballots at 771
the special election as provided under section 3505.06 of the 772
Revised Code, except that a separate ballot shall be used for 773
the special election. One or both of the questions set forth in 774
this section shall be printed on each ballot and the board shall 775
insert in the question and statement appropriate words to 776
complete each and a description of the portion of the precinct 777
that would be affected by the results of the election. 778

The description of the portion of the precinct shall 779
include either the complete listing of street addresses in that 780
portion or a condensed text that accurately describes the 781
boundaries of the portion of the precinct by street name or by 782
another name generally known by the residents of the portion of 783
the precinct. If other than a full street listing is used, the 784
full street listing also shall be posted in each polling place 785
in a location that is easily accessible to all voters. Failure 786
of the board of elections to completely and accurately list all 787
street addresses in the affected area of the precinct does not 788
affect the validity of the election at which the failure 789
occurred and is not grounds for contesting an election under 790
section 3515.08 of the Revised Code. Votes shall be cast as 791
provided under section 3505.06 of the Revised Code. 792

Sec. 4301.355. (A) If a petition is filed under section 793
4301.333 of the Revised Code for the submission of the question 794
~~or questions~~ set forth in this section, it shall be held in the 795
precinct as ordered by the board of elections under that 796
section. The expense of holding the election shall be charged to 797
the municipal corporation or township of which the precinct is a 798
part. 799

(B) At the election, ~~one or more of~~ the following 800

~~questions~~ question, as designated in a valid petition, shall be 801
submitted to the electors of the precinct: 802

~~(1)~~ "Shall the sale of (insert beer, wine and 803
mixed beverages, or spirituous liquor) be permitted 804
by (insert name of applicant, liquor permit holder, 805
or liquor agency store, including trade or fictitious name under 806
which applicant for, or holder of, liquor permit or liquor 807
agency store either intends to do, or does, business at the 808
particular location), an (insert "applicant for" or 809
"holder of" or "operator of") a (insert class name of 810
liquor permit or permits followed by the words "liquor 811
permit(s)" or, if appropriate, the words "liquor agency store 812
for the State of Ohio"), who is engaged in the business 813
of (insert general nature of the business in which 814
applicant or liquor permit holder is engaged or will be engaged 815
in at the particular location, as described in the petition) 816
at (insert address of the particular location within 817
the precinct as set forth in the petition) in this precinct?" 818

~~(2) "Shall the sale of (insert beer, wine and 819
mixed beverages, or spirituous liquor) be permitted for sale on 820
Sunday between the hours of (insert "ten a.m. and 821
midnight" or "eleven a.m. and midnight") by (insert 822
name of applicant, liquor permit holder, or liquor agency store, 823
including trade or fictitious name under which applicant for, or 824
holder of, liquor permit or liquor agency store either intends 825
to do, or does, business at the particular location), an 826
(insert "applicant for a D-6 liquor permit," "holder of a D-6 827
liquor permit," "applicant for or holder of an A-1 A, A-2, A-2f, 828
A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D- 829
5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, 830
or D-7 liquor permit," if only the approval of beer sales is 831~~

~~sought, or "liquor agency store") who is engaged in the business-~~ 832
~~of (insert general nature of the business in which-~~ 833
~~applicant or liquor permit holder is engaged or will be engaged-~~ 834
~~in at the particular location, as described in the petition)-~~ 835
~~at (insert address of the particular location within-~~ 836
~~the precinct) in this precinct?"~~ 837

(C) The board of elections shall furnish printed ballots 838
at the election as provided under section 3505.06 of the Revised 839
Code, except that a separate ballot shall be used for the 840
election under this section. The question set forth in this 841
section shall be printed on each ballot, and the board shall 842
insert in the question appropriate words to complete it. Votes 843
shall be cast as provided under section 3505.06 of the Revised 844
Code. 845

Sec. 4301.356. If a petition is filed under section 846
4301.334 of the Revised Code for the submission of the question 847
set forth in this section, an election shall be held in the 848
municipal corporation or unincorporated area of a township as 849
ordered by the board of elections under that section. 850

Except as otherwise provided in this section, if the 851
legislative authority of a municipal corporation in whose 852
territory, or the board of township trustees of a township in 853
whose unincorporated area, a community facility is located 854
submits, not later than four p.m. of the ninetieth day before 855
the day of a special election held on the day of a primary 856
election or general election, to the board of elections of the 857
county in which the community facility is located an ordinance 858
or resolution requesting the submission of the question set 859
forth in this section to the electors of the municipal 860
corporation or unincorporated area of the township, the board of 861

elections shall order that an election be held on that question 862
in the municipal corporation or the unincorporated area of the 863
township on the day of the next special election held on the day 864
of a primary election or next general election, whichever occurs 865
first. The legislative authority or board of township trustees 866
shall submit the name and address of any permit holder who would 867
be affected by the results of the election to the board of 868
elections at the same time it submits the ordinance or 869
resolution. The board of elections, within five days after 870
receiving the name and address, shall give notice by certified 871
mail to each permit holder that it has received the ordinance or 872
resolution. Failure of the legislative authority or board of 873
township trustees to supply the name and address of each permit 874
holder to the board of elections invalidates the effect of the 875
ordinance or resolution. 876

At the election, the following question shall be submitted 877
to the electors of the municipal corporation or unincorporated 878
area of a township: 879

"Shall the sale of beer and intoxicating liquor be 880
~~permitted on days of the week other than Sunday and between the~~ 881
~~hours of (insert "ten a.m." or "eleven a.m.") and~~ 882
~~midnight on Sunday,~~ at (insert name of community 883
facility), a community facility as defined by section 4301.01 of 884
the Revised Code, and located at (insert the address of 885
the community facility and, if the community facility is a 886
community entertainment district, the boundaries of the 887
district, as set forth in the petition)?" 888

The board of elections shall furnish printed ballots at 889
the election as provided under section 3505.06 of the Revised 890
Code, except that a separate ballot shall be used for the 891

election under this section. The question set forth in this 892
section shall be printed on each ballot, and the board shall 893
insert in the question appropriate words to complete it, subject 894
to the approval of the secretary of state. Votes shall be cast 895
as provided under section 3505.06 of the Revised Code. 896

Sec. 4301.362. If a majority of the electors voting on the 897
question set forth in section 4301.352 of the Revised Code vote 898
"yes," the sale of beer or intoxicating liquor by a class C or D 899
permit holder at the specified premises shall only be subject to 900
Chapters 4301. and 4303. of the Revised Code. 901

If a majority of the electors voting on the question set 902
forth in section 4301.352 of the Revised Code vote "no," the 903
board of elections shall notify the division of liquor control 904
of the final result of the election by certified mail. When the 905
division receives notice of the final result of the election, it 906
shall cancel and pick up the permit holder's permit within seven 907
days. 908

The results of a local option election that is held in a 909
precinct pursuant to section 4301.352 of the Revised Code shall 910
not affect the results of a local option election that is held 911
in the same precinct under section 4301.35, ~~4301.351,~~ 4301.353, 912
~~4301.354,~~ 4303.29, or 4305.14 of the Revised Code. 913

Sec. 4301.365. (A) If a majority of the electors in a 914
precinct vote "yes" on ~~questions (B) (1) and (2) as the question~~ 915
set forth in section 4301.355 of the Revised Code, the sale of 916
beer, wine and mixed beverages, or spirituous liquor, whichever 917
was the subject of the election, shall be allowed at the 918
particular location and for the use specified in the ~~questions~~ 919
question under each permit applied for by the petitioner or at 920
the address listed for the liquor agency store, ~~and, in relation~~ 921

~~to question (B) (2), during the hours on Sunday specified in~~ 922
~~division (A) of section 4303.182 of the Revised Code, subject~~ 923
~~only to this chapter and Chapter 4303. of the Revised Code.~~ 924
Failure to continue to use the particular location for any 925
proposed or stated use set forth in the petition is grounds for 926
the denial of a renewal of the liquor permit under division (A) 927
of section 4303.271 of the Revised Code or is grounds for the 928
nonrenewal or cancellation of the liquor agency store contract 929
by the division of liquor control, ~~except in the case where the~~ 930
~~liquor permit holder or liquor agency store decides to cease the~~ 931
~~sale of beer, wine and mixed beverages, or spirituous liquor,~~ 932
~~whichever was the subject of the election, on Sundays.~~ 933

~~(B) Except as otherwise provided in division (H) of this~~ 934
~~section, if a majority of the electors in a precinct vote "yes"~~ 935
~~on question (B) (1) and "no" on question (B) (2) as set forth in~~ 936
~~section 4301.355 of the Revised Code, the sale of beer, wine and~~ 937
~~mixed beverages, or spirituous liquor, whichever was the subject~~ 938
~~of the election, shall be allowed at the particular location for~~ 939
~~the use specified in question (B) (1) of section 4301.355 of the~~ 940
~~Revised Code and under each permit applied for by the~~ 941
~~petitioner, except for a D-6 permit, subject only to this~~ 942
~~chapter and Chapter 4303. of the Revised Code.~~ 943

~~(C)~~ If a majority of the electors in a precinct vote "no" 944
on the question ~~(B) (1)~~ as set forth in section 4301.355 of the 945
Revised Code, no sales of beer, wine and mixed beverages, or 946
spirituous liquor, whichever was the subject of the election, 947
shall be allowed at the particular location for the use 948
specified in the petition during the period the election is in 949
effect as defined in section 4301.37 of the Revised Code. 950

~~(D) If a majority of the electors in a precinct vote only~~ 951

~~on question (B) (2) as set forth in section 4301.355 of the~~ 952
~~Revised Code and that vote results in a majority "yes" vote,~~ 953
~~sales of beer, wine and mixed beverages, or spirituous liquor,~~ 954
~~whichever was the subject of the election, shall be allowed at~~ 955
~~the particular location for the use specified in the petition on~~ 956
~~Sunday during the hours specified in division (A) of section~~ 957
~~4303.182 of the Revised Code and during the period the election~~ 958
~~is in effect as defined in section 4301.37 of the Revised Code.~~ 959

~~(E) Except as otherwise provided in division (H) of this~~ 960
~~section, if a majority of the electors in a precinct vote only~~ 961
~~on question (B) (2) as set forth in section 4301.355 of the~~ 962
~~Revised Code and that vote results in a majority "no" vote, no~~ 963
~~sales of beer, wine and mixed beverages, or spirituous liquor,~~ 964
~~whichever was the subject of the election, shall be allowed at~~ 965
~~the particular location for the use and during the hours~~ 966
~~specified in the petition on Sunday during the period the~~ 967
~~election is in effect as defined in section 4301.37 of the~~ 968
~~Revised Code.~~ 969

~~(F)~~ (C) In case of elections in the same precinct for the 970
question ~~or questions~~ set forth in section 4301.355 of the 971
Revised Code and for a question or questions set forth in 972
section 4301.35, ~~4301.351,~~ 4301.353, ~~4301.354,~~ 4303.29, or 973
4305.14 of the Revised Code, the results of the election held on 974
the question ~~or questions~~ set forth in section 4301.355 of the 975
Revised Code shall apply to the particular location 976
notwithstanding the results of the election held on the question 977
or questions set forth in section 4301.35, ~~4301.351,~~ 4301.353, 978
~~4301.354,~~ 4303.29, or 4305.14 of the Revised Code. 979

~~(G)~~ (D) Sections 4301.32 to 4301.41 of the Revised Code do 980
not prohibit the transfer of ownership of a permit that was 981

issued to a particular location as the result of an election 982
held on sales of beer, wine and mixed beverages, spirituous 983
liquor, or intoxicating liquor at that particular location as 984
long as the general nature of the business at that particular 985
location described in the petition for that election remains the 986
same after the transfer. 987

~~(H) If question (B) (2) as set forth in section 4301.355 of~~ 988
~~the Revised Code is submitted to the electors of a precinct~~ 989
~~proposing to authorize the sale of beer, wine and mixed~~ 990
~~beverages, or spirituous liquor between the hours of ten a.m.~~ 991
~~and midnight at a particular location at which the sale of beer,~~ 992
~~wine and mixed beverages, spirituous liquor, or intoxicating~~ 993
~~liquor is already allowed between the hours of eleven a.m. and~~ 994
~~midnight or one p.m. and midnight and the question submitted is~~ 995
~~defeated, the sale of beer, wine and mixed beverages, spirituous~~ 996
~~liquor, or intoxicating liquor between the hours of eleven a.m.~~ 997
~~and midnight or one p.m. and midnight, as applicable, shall~~ 998
~~continue at that particular location.~~ 999

Sec. 4301.366. If a majority of the electors voting on the 1000
question specified in section 4301.356 of the Revised Code vote 1001
"yes," the sale of beer and intoxicating liquor shall be allowed 1002
at the community facility ~~on days of the week other than Sunday~~ 1003
~~and during the hours on Sunday specified in division (A) of~~ 1004
~~section 4303.182 of the Revised Code,~~ for the use specified in 1005
the question, subject only to this chapter and Chapter 4303. of 1006
the Revised Code. Failure to continue to use the location as a 1007
community facility constitutes good cause for rejection of the 1008
renewal of the liquor permit under division (A) of section 1009
4303.271 of the Revised Code. 1010

If a majority of the electors voting on the question 1011

specified in section 4301.356 of the Revised Code vote "no," no 1012
sales of beer or intoxicating liquor shall be made at or within 1013
the community facility during the period the election is in 1014
effect as defined in section 4301.37 of the Revised Code. 1015

Sec. 4301.37. (A) When a local option election, other than 1016
an election under section ~~4301.351~~, 4301.352, 4301.353, 1017
~~4301.354~~, 4301.355, or 4301.356 of the Revised Code, is held in 1018
any precinct, except as provided in divisions (G) and (H) of 1019
section 4301.39 of the Revised Code, the result of the election 1020
shall be effective in the precinct until another election is 1021
called and held pursuant to sections 4301.32 to 4301.36 of the 1022
Revised Code, but no such election shall be held in the precinct 1023
on the same question more than once in each four years. 1024

~~(B) When a local option election under section 4301.351 of~~ 1025
~~the Revised Code is held in any precinct, except as provided in~~ 1026
~~divisions (G) and (H) of section 4301.39 of the Revised Code,~~ 1027
~~the result of the election shall be effective in the precinct~~ 1028
~~until another election is called and held pursuant to sections~~ 1029
~~4301.32 to 4301.361 of the Revised Code, but no such election~~ 1030
~~shall be held under section 4301.351 of the Revised Code in the~~ 1031
~~precinct on the same question more than once in each four years.~~ 1032

~~(C)~~ When a local option election is held in a precinct 1033
under section 4301.352 of the Revised Code and a majority of the 1034
electors voting on the question vote "yes," no subsequent local 1035
option election shall be held in the precinct upon the sale of 1036
beer or intoxicating liquor by the class C or D permit holder at 1037
the specified premises for a period of at least four years from 1038
the date of the most recent local option election, except that 1039
this division shall not be construed to prohibit the holding or 1040
affect the results of a local option election under section 1041

4301.35, ~~4301.351~~, 4301.353, ~~4301.354~~, 4303.29, or 4305.14 of 1042
the Revised Code. 1043

~~(D)~~ (C) When a local option election is held in a precinct 1044
under section 4301.353 ~~or 4301.354~~ of the Revised Code, except 1045
as provided in divisions (G) and (H) of section 4301.39 of the 1046
Revised Code, the results of the election shall be effective 1047
until another election is held under that section on the same 1048
question, but no such election shall be held in a precinct under 1049
that section on the same question for a period of at least four 1050
years from the date of the most recent election on that 1051
question. This division shall not be construed to prohibit the 1052
future holding of, or affect the future results of, a local 1053
option election held under section 4301.35, ~~4301.351~~, 4301.355, 1054
4303.29, or 4305.14 of the Revised Code. 1055

~~(E)~~ (D) When a local option election is held in a precinct 1056
under section 4301.355 of the Revised Code, the results of that 1057
election shall be effective at the particular location 1058
designated in the petition until another election is held 1059
pursuant to section 4301.355 of the Revised Code or until such 1060
time as an election is held pursuant to section 4301.352 of the 1061
Revised Code, but no election shall be held under section 1062
4301.355 of the Revised Code regarding the same use at that 1063
particular location for a period of at least four years from the 1064
date of the most recent election on that question. The results 1065
of a local option election held in a precinct under section 1066
4301.355 of the Revised Code shall not prohibit the holding of, 1067
and shall be affected by the results of, a local option election 1068
held under section 4301.35, ~~4301.351~~, 4301.353, ~~4301.354~~, 1069
4303.29, or 4305.14 of the Revised Code. 1070

~~(F)~~ (E) When a local option election is held in a 1071

municipal corporation or unincorporated area of a township under 1072
section 4301.356 of the Revised Code, the results of the 1073
election shall be effective at the community facility that was 1074
the subject of the election until another such election is held 1075
regarding that community facility, but no such election shall be 1076
held for a period of at least four years from the date of the 1077
election. The results of a local option election held in a 1078
municipal corporation or unincorporated area of a township under 1079
section 4301.356 of the Revised Code shall not prohibit the 1080
holding of, or affect or be affected by the results of, a local 1081
option election held under section 4301.35, ~~4301.351~~, 4301.353, 1082
~~4301.354~~, 4303.29, or 4305.14 of the Revised Code. 1083

~~(G)~~ (F) If a community facility is located in an election 1084
precinct in which a previous local option election in the 1085
precinct resulted in approval of the sale of beer or 1086
intoxicating liquor in the precinct, the community facility 1087
shall sell beer or intoxicating liquor only to the extent 1088
permitted by the previous local option election until an 1089
election is held pursuant to section 4301.356 of the Revised 1090
Code. 1091

~~(H)~~ (G) A community facility shall not be affected by a 1092
local option election held on or after March 30, 1999, unless 1093
the election is held under section 4301.356 of the Revised Code. 1094

Sec. 4301.39. (A) When the board of elections of any 1095
county determines that a petition for a local option election 1096
presented pursuant to section 4301.33, 4301.331, 4301.332, 1097
4301.333, 4303.29, or 4305.14 of the Revised Code is sufficient, 1098
it shall forthwith, by mail, notify the division of liquor 1099
control of the fact that the petition has been filed and 1100
approved by it. Upon the determination of the results of any 1101

such election, the board shall forthwith notify the division by 1102
mail of the result and shall forward with the notice a plat of 1103
the precinct in which the election was held and, if applicable, 1104
shall separately identify the portion of the precinct affected 1105
by the election. 1106

(B) On the plat of a precinct forwarded with the results 1107
of an election that was held under section 4301.35, ~~4301.351,~~ 1108
4301.353, ~~4301.354,~~ or 4303.29 of the Revised Code, the board 1109
shall show and designate all of the streets and highways in the 1110
precinct or relevant portion of the precinct. 1111

(C) On the plat of a precinct forwarded with the results 1112
of an election that was held under section 4301.352 of the 1113
Revised Code, the board shall show and designate all of the 1114
following: 1115

(1) All of the streets and highways in the precinct; 1116

(2) The permit premises designated in the petition that 1117
was filed under section 4301.331 of the Revised Code; 1118

(3) A class C or D permit holder's personal or corporate 1119
name and, if it is different from the permit holder's personal 1120
or corporate name, the name of the business conducted by the 1121
permit holder on the designated premises; 1122

(4) The address of the designated premises. 1123

(D) On the plat of a precinct forwarded with the results 1124
of an election that was held under section 4301.355 of the 1125
Revised Code, the board shall show and designate all of the 1126
following: 1127

(1) All streets and highways in the precinct; 1128

(2) The address of the particular location within the 1129

precinct to which the election results will apply as designated 1130
in the petition that was filed under section 4301.333 of the 1131
Revised Code; 1132

(3) The name of the applicant for the issuance or transfer 1133
of the liquor permit, of the holder of the liquor permit, or of 1134
the liquor agency store, including any trade or fictitious names 1135
under which the applicant, holder, or operator intends to, or 1136
does, do business at the particular location, as designated in 1137
the petition that was filed under section 4301.333 of the 1138
Revised Code. 1139

(E) With the results of an election that was held under 1140
section 4301.356 of the Revised Code, the board shall designate 1141
both of the following: 1142

(1) Each permit premises designated in the petition; 1143

(2) Each class C or D permit holder's personal or 1144
corporate name and, if it is different from the personal or 1145
corporate name, the name of the business conducted by the permit 1146
holder on the designated premises. 1147

(F) If an application for recount is filed with the board 1148
pursuant to section 3515.02 of the Revised Code or if an 1149
election contest is commenced pursuant to section 3515.09 of the 1150
Revised Code, the board shall send written notice of the recount 1151
or contest to the superintendent of liquor control within two 1152
days from the date of the filing of the application for recount 1153
or the commencement of an election contest either by certified 1154
mail or, if the board has record of an internet identifier of 1155
record associated with the superintendent, by ordinary mail and 1156
by that internet identifier of record. Upon the final 1157
determination of an election recount or contest, the board shall 1158

send notice of the final determination to the superintendent and 1159
the liquor control commission either by certified mail or, if 1160
the board has record of an internet identifier of record 1161
associated with the superintendent or commission, by ordinary 1162
mail and an internet identifier of record associated with the 1163
superintendent or commission. 1164

(G) If, as the result of a local option election held 1165
pursuant to section 4301.35, ~~4301.351,~~ 4301.353, ~~4301.354,~~ 1166
4303.29, or 4305.14 of the Revised Code, the use of a permit is 1167
made partially unlawful, the division shall, within thirty days 1168
after receipt of the final notice of the result of the election, 1169
pick up the permit, amend it by inserting appropriate 1170
restrictions on it, and forthwith reissue it without charge or 1171
refund to the permit holder, unless, prior to thirty days after 1172
receipt of the final notice of the result of the election, both 1173
of the following occur: 1174

(1) A petition is filed with the board pursuant to section 1175
4301.333 of the Revised Code; 1176

(2) A copy of the petition filed with the board pursuant 1177
to section 4301.333 of the Revised Code, bearing the file stamp 1178
of the board, is filed with the superintendent of liquor 1179
control. 1180

If both of those conditions are met, the results of the 1181
election held pursuant to section 4301.35, ~~4301.351,~~ 4301.353, 1182
~~4301.354,~~ 4303.29, or 4305.14 of the Revised Code shall not take 1183
effect as to the liquor permit holder specified in the petition 1184
filed pursuant to section 4301.333 of the Revised Code until the 1185
earlier of a determination by the board and receipt of 1186
notification by the superintendent of liquor control of notice 1187
that the petition is invalid or receipt by the superintendent of 1188

final notice of the result of an election held pursuant to 1189
section 4301.355 of the Revised Code concerning the holder of 1190
the liquor permit that resulted in a majority "no" vote. 1191

(H) If, as the result of a local option election, except a 1192
local option election held pursuant to section 4301.352 of the 1193
Revised Code, the use of a permit is made wholly unlawful, the 1194
permit holder may, within thirty days after the certification of 1195
that final result by the board to the division, deliver the 1196
permit holder's permit to the division for safekeeping as 1197
provided in section 4303.272 of the Revised Code, or the permit 1198
holder may avail itself of the remedy set forth in divisions (G) 1199
(1) and (2) of this section. In such event, the results of the 1200
election shall not take effect as to the liquor permit holder 1201
specified in the petition pursuant to section 4301.333 of the 1202
Revised Code until the earlier of a determination by the board 1203
and receipt by the superintendent of liquor control of notice 1204
that the petition is invalid or receipt by the superintendent of 1205
the final notice of the result of an election held pursuant to 1206
section 4301.355 of the Revised Code concerning the holder of 1207
the liquor permit that resulted in a majority "no" vote. 1208

(I) As used in this section, "internet identifier of 1209
record" has the same meaning as in section 9.312 of the Revised 1210
Code. 1211

Sec. 4301.403. (A) As used in this section, "exhibition 1212
premises" means a premises at the site where an exhibition 1213
sanctioned by the U.S. Christopher Columbus quincentenary 1214
jubilee commission is being or has been held, if the exhibition 1215
is or was sponsored by an organization that also is sponsoring 1216
or has sponsored an exhibition sanctioned by the international 1217
association of horticulture producers. 1218

(B) Sections 4301.32 to 4301.391 and 4305.14 of the 1219
Revised Code and the provisions for local option elections and 1220
the election on the question of the repeal of Section 9 of 1221
Article XV, Ohio Constitution, in section 4303.29 of the Revised 1222
Code do not affect or prohibit the sale of beer or intoxicating 1223
liquor at an exhibition premises if the permit holder for the 1224
premises operates pursuant to the authority of a D liquor permit 1225
issued pursuant to Chapter 4303. of the Revised Code. 1226

~~Permit D-6 shall be issued to the holder of any D permit 1227~~
~~that authorizes the sale of intoxicating liquor and that is 1228~~
~~issued for an exhibition premises to allow the sale of 1229~~
~~intoxicating liquor under the permit at the premises between the 1230~~
~~hours of one p.m. and midnight on Sunday, whether or not such 1231~~
~~sale has been authorized in an election held under section 1232~~
~~4301.351 of the Revised Code. Notwithstanding section 4301.351- 1233~~
~~of the revised code_, the holder of a D permit issued for an 1234~~
~~exhibition premises may sell beer on Sunday whether or not the 1235~~
~~sale of intoxicating liquor has been authorized in an election 1236~~
~~held under that section. 1237~~

(C) Nothing in section 4303.29 of the Revised Code shall 1238
be construed to restrict the issuance of a D permit for an 1239
exhibition premises. An application for a D permit for an 1240
exhibition premises is exempt from the population quota 1241
restrictions contained in section 4303.29 of the Revised Code 1242
and from the population quota restrictions contained in any rule 1243
of the liquor control commission. The location of a D permit 1244
issued for an exhibition premises shall not be transferred. An 1245
applicant applying for a D-1, D-2, D-3, D-4, or D-5 permit for 1246
an exhibition premises is not subject to section 4303.31 of the 1247
Revised Code. 1248

Sec. 4301.404. (A) As used in this section, "center for 1249
the preservation of wild animals" means a conservation center 1250
located on not less than five thousand acres of land that 1251
provides scientific, educational, and recreational resources to 1252
advance the conservation of animal populations and habitats. 1253

(B) Sections 4301.32 to 4301.391 and 4305.14 of the 1254
Revised Code and the provisions for local option elections and 1255
the election on the repeal of Ohio Constitution, Article XV, 1256
Section 9 in section 4303.29 of the Revised Code do not affect 1257
or prohibit the sale of beer or intoxicating liquor at a center 1258
for the preservation of wild animals if any permit holder for 1259
the premises operates pursuant to the authority of a D liquor 1260
permit issued pursuant to Chapter 4303. of the Revised Code. 1261

~~(C) Permit D-6 shall be issued to the holder of any D- 1262
permit that authorizes the sale of intoxicating liquor and that 1263
is issued for a center for the preservation of wild animals to 1264
allow the sale of intoxicating liquor under the permit at the 1265
premises between the hours of one p.m. and midnight on Sunday, 1266
whether or not such sale has been authorized in an election held 1267
under section 4301.351 of the Revised Code. Notwithstanding 1268
section 4301.351 of the Revised Code, the holder of a D permit 1269
issued for a center for the preservation of wild animals may 1270
sell beer on Sunday whether or not the sale of intoxicating 1271
liquor has been authorized in an election held under that 1272
section. 1273~~

Sec. 4301.99. (A) Whoever violates section 4301.47, 1274
4301.48, 4301.49, 4301.62, or 4301.70 or division (C) of section 1275
4301.65 or division (B) of section 4301.691 of the Revised Code 1276
is guilty of a minor misdemeanor. 1277

(B) Whoever violates section 4301.15, division (A) (2) ~~or~~ 1278

~~(C)~~ of section 4301.22, division (C), (D), (E), (F), (G), (H), 1279
or (I) of section 4301.631, or section 4301.64 or 4301.67 of the 1280
Revised Code is guilty of a misdemeanor of the fourth degree. 1281

If an offender who violates section 4301.64 of the Revised 1282
Code was under the age of eighteen years at the time of the 1283
offense, the court, in addition to any other penalties it 1284
imposes upon the offender, may suspend the offender's temporary 1285
instruction permit, probationary driver's license, or driver's 1286
license for a period of not less than six months and not more 1287
than one year. In lieu of suspending the offender's temporary 1288
instruction permit, probationary driver's license, or driver's 1289
license, the court instead may require the offender to perform 1290
community service for a number of hours determined by the court. 1291
If the offender is fifteen years and six months of age or older 1292
and has not been issued a temporary instruction permit or 1293
probationary driver's license, the offender shall not be 1294
eligible to be issued such a license or permit for a period of 1295
six months. If the offender has not attained the age of fifteen 1296
years and six months, the offender shall not be eligible to be 1297
issued a temporary instruction permit until the offender attains 1298
the age of sixteen years. 1299

(C) Whoever violates division (D) of section 4301.21, 1300
section 4301.251, 4301.58, 4301.59, 4301.60, 4301.633, 4301.66, 1301
4301.68, or 4301.74, division (B), (C), (D), (E)(1), or (F) of 1302
section 4301.69, or division (C), (D), (E), (F), (G), or (I) of 1303
section 4301.691 of the Revised Code is guilty of a misdemeanor 1304
of the first degree. 1305

If an offender who violates division (E)(1) of section 1306
4301.69 of the Revised Code was under the age of eighteen years 1307
at the time of the offense and the offense occurred while the 1308

offender was the operator of or a passenger in a motor vehicle, 1309
the court, in addition to any other penalties it imposes upon 1310
the offender, shall suspend the offender's temporary instruction 1311
permit or probationary driver's license for a period of not less 1312
than six months and not more than one year. If the offender is 1313
fifteen years and six months of age or older and has not been 1314
issued a temporary instruction permit or probationary driver's 1315
license, the offender shall not be eligible to be issued such a 1316
license or permit for a period of six months. If the offender 1317
has not attained the age of fifteen years and six months, the 1318
offender shall not be eligible to be issued a temporary 1319
instruction permit until the offender attains the age of sixteen 1320
years. 1321

(D) Whoever violates division (B) of section 4301.14, or 1322
division (A) (1) or (3) or (B) of section 4301.22 of the Revised 1323
Code is guilty of a misdemeanor of the third degree. 1324

(E) Whoever violates section 4301.63 or division (B) of 1325
section 4301.631 of the Revised Code shall be fined not less 1326
than twenty-five nor more than one hundred dollars. The court 1327
imposing a fine for a violation of section 4301.63 or division 1328
(B) of section 4301.631 of the Revised Code may order that the 1329
fine be paid by the performance of public work at a reasonable 1330
hourly rate established by the court. The court shall designate 1331
the time within which the public work shall be completed. 1332

(F) (1) Whoever violates section 4301.634 of the Revised 1333
Code is guilty of a misdemeanor of the first degree. If, in 1334
committing a first violation of that section, the offender 1335
presented to the permit holder or the permit holder's employee 1336
or agent a false, fictitious, or altered identification card, a 1337
false or fictitious driver's license purportedly issued by any 1338

state, or a driver's license issued by any state that has been 1339
altered, the offender is guilty of a misdemeanor of the first 1340
degree and shall be fined not less than two hundred fifty and 1341
not more than one thousand dollars, and may be sentenced to a 1342
term of imprisonment of not more than six months. 1343

(2) On a second violation in which, for the second time, 1344
the offender presented to the permit holder or the permit 1345
holder's employee or agent a false, fictitious, or altered 1346
identification card, a false or fictitious driver's license 1347
purportedly issued by any state, or a driver's license issued by 1348
any state that has been altered, the offender is guilty of a 1349
misdemeanor of the first degree and shall be fined not less than 1350
five hundred nor more than one thousand dollars, and may be 1351
sentenced to a term of imprisonment of not more than six months. 1352
The court also may impose a class seven suspension of the 1353
offender's driver's or commercial driver's license or permit or 1354
nonresident operating privilege from the range specified in 1355
division (A) (7) of section 4510.02 of the Revised Code. 1356

(3) On a third or subsequent violation in which, for the 1357
third or subsequent time, the offender presented to the permit 1358
holder or the permit holder's employee or agent a false, 1359
fictitious, or altered identification card, a false or 1360
fictitious driver's license purportedly issued by any state, or 1361
a driver's license issued by any state that has been altered, 1362
the offender is guilty of a misdemeanor of the first degree and 1363
shall be fined not less than five hundred nor more than one 1364
thousand dollars, and may be sentenced to a term of imprisonment 1365
of not more than six months. Except as provided in this 1366
division, the court also may impose a class six suspension of 1367
the offender's driver's or commercial driver's license or permit 1368
or nonresident operating privilege from the range specified in 1369

division (A) (6) of section 4510.02 of the Revised Code, and the 1370
court may order that the suspension or denial remain in effect 1371
until the offender attains the age of twenty-one years. The 1372
court, in lieu of suspending the offender's temporary 1373
instruction permit, probationary driver's license, or driver's 1374
license, instead may order the offender to perform a determinate 1375
number of hours of community service, with the court determining 1376
the actual number of hours and the nature of the community 1377
service the offender shall perform. 1378

(G) Whoever violates section 4301.636 of the Revised Code 1379
is guilty of a felony of the fifth degree. 1380

(H) Whoever violates division (A) (1) of section 4301.22 of 1381
the Revised Code is guilty of a misdemeanor, shall be fined not 1382
less than five hundred and not more than one thousand dollars, 1383
and, in addition to the fine, may be imprisoned for a definite 1384
term of not more than sixty days. 1385

(I) Whoever violates division (A) of section 4301.69 or 1386
division (H) of section 4301.691 of the Revised Code is guilty 1387
of a misdemeanor, shall be fined not less than five hundred and 1388
not more than one thousand dollars, and, in addition to the 1389
fine, may be imprisoned for a definite term of not more than six 1390
months. 1391

(J) Whoever violates division (B) of section 4301.65 of 1392
the Revised Code is guilty of a misdemeanor of the third degree. 1393
For a second or subsequent violation occurring within a period 1394
of five consecutive years after the first violation, a person is 1395
guilty of a misdemeanor of the first degree. 1396

Sec. 4303.182. (A) As used in this section, "retail permit 1397
holder" means an A-1-A, A-2, A-2f, A-3a, E, or class C, D, or F 1398

permit. 1399

(B) A retail permit holder or an agency store may sell 1400
beer, wine, mixed beverages, or spirituous liquor, as 1401
applicable, on Sunday during the same hours that the permit 1402
holder or contract holder may sell those products on Monday 1403
through Saturday. 1404

Sec. 4303.184. (A) Subject to division (B) of this 1405
section, a D-8 permit may be issued to any of the following: 1406

(1) An agency store; 1407

(2) The holder of a C-1, C-2, or C-2x permit issued to a 1408
retail store that has any of the following characteristics: 1409

(a) The store has at least five thousand five hundred 1410
square feet of floor area, and it generates more than sixty per 1411
cent of its sales in general merchandise items and food for 1412
consumption off the premises where sold. 1413

(b) The store is located in a municipal corporation or 1414
township with a population of five thousand or less, has at 1415
least four thousand five hundred square feet of floor area, and 1416
generates more than sixty per cent of its sales in general 1417
merchandise items and food for consumption off the premises 1418
where sold. 1419

(c) Wine constitutes at least sixty per cent of the value 1420
of the store's inventory. 1421

(3) The holder of both a C-1 and C-2 permit, or the holder 1422
of a C-2x permit, issued to a retail store that is located 1423
within a municipal corporation or township with a population of 1424
fifteen thousand or less. 1425

(B) A D-8 permit may be issued to the holder of a C-1, C- 1426

2, or C-2x permit only if the premises of the permit holder are 1427
located in a precinct, or at a particular location in a 1428
precinct, in which the sale of beer, wine, or mixed beverages is 1429
permitted for consumption off the premises where sold. Sales 1430
under a D-8 permit are not affected by whether sales for 1431
consumption on the premises where sold are permitted in the 1432
precinct or at the particular location where the D-8 premises 1433
are located. 1434

(C) (1) The holder of a D-8 permit described in division 1435
(A) (2) or (3) of this section may sell tasting samples of beer, 1436
wine, and mixed beverages, but not spirituous liquor, at retail, 1437
for consumption on the premises where sold in an amount not to 1438
exceed two ounces or another amount designated by rule of the 1439
liquor control commission. A tasting sample shall not be sold 1440
for general consumption. 1441

(2) The holder of a D-8 permit described in division (A) 1442
(1) of this section may allow the sale of tasting samples of 1443
spirituous liquor in accordance with section 4301.171 of the 1444
Revised Code. 1445

(3) No D-8 permit holder described in division (A) (2) or 1446
(3) of this section shall allow any authorized purchaser to 1447
consume more than four tasting samples of beer, wine, or mixed 1448
beverages, or any combination of beer, wine, or mixed beverages, 1449
per day. 1450

(D) (1) Notwithstanding sections 4303.11 and 4303.121 of 1451
the Revised Code, the holder of a D-8 permit described in 1452
division (A) (2) or (3) of this section may sell beer that is 1453
dispensed from containers that have a capacity equal to or 1454
greater than five and one-sixth gallons if all of the following 1455
conditions are met: 1456

(a) A product registration fee for the beer has been paid 1457
as required in division (A) (8) (b) of section 4301.10 of the 1458
Revised Code. 1459

(b) The beer is dispensed only in glass containers whose 1460
capacity does not exceed one gallon and not for consumption on 1461
the premises where sold. 1462

(c) The containers are sealed, marked, and transported in 1463
accordance with division (E) of section 4301.62 of the Revised 1464
Code. 1465

(d) The containers have been cleaned immediately before 1466
being filled in accordance with rule 4301:1-1-28 of the 1467
Administrative Code. 1468

(2) Beer that is sold and dispensed under division (D) (1) 1469
of this section is subject to both of the following: 1470

(a) All applicable rules adopted by the liquor control 1471
commission, including, but not limited to, rule 4301:1-1-27 and 1472
rule 4301:1-1-72 of the Administrative Code; 1473

(b) All applicable federal laws and regulations. 1474

(E) The privileges authorized for the holder of a D-8 1475
permit described in division (A) (2) or (3) of this section may 1476
only be exercised in conjunction with and during the hours of 1477
operation authorized by a C-1, C-2, or C-2x, ~~or D-6~~ permit. 1478

(F) A D-8 permit shall not be transferred to another 1479
location. 1480

(G) The fee for the D-8 permit is five hundred dollars. 1481

Sec. 4303.19. Permit E may be issued to the owner or 1482
operator of any railroad, a sleeping car company operating 1483

dining cars, buffet cars, club cars, lounge cars, or similar 1484
equipment, or an airline providing charter or regularly 1485
scheduled aircraft transportation service with dining, buffet, 1486
club, lounge, or similar facilities, to sell beer or any 1487
intoxicating liquor in any such car or aircraft to bona fide 1488
passengers at retail in glass and from the container for 1489
consumption in such car or aircraft, ~~including sale on Sunday~~ 1490
~~between the hours of one p.m. and midnight.~~ The fee for this 1491
permit is five hundred dollars. 1492

Sec. 4303.202. (A) The division of liquor control may 1493
issue an F-2 permit to an association or corporation, or to a 1494
recognized subordinate lodge, chapter, or other local unit of an 1495
association or corporation, to sell beer or intoxicating liquor 1496
by the individual drink at an event to be held on premises 1497
located in a political subdivision or part thereof where the 1498
sale of beer or intoxicating liquor, but not spirituous liquor, 1499
on that day is otherwise permitted by law. However, the division 1500
may issue the F-2 permit only if the association, corporation, 1501
or recognized subordinate lodge, chapter, or other local unit of 1502
an association or corporation meets all of the following: 1503

(1) It is organized not for profit; 1504

(2) It is operated for a charitable, cultural, 1505
educational, fraternal, or political purpose; 1506

(3) It is not affiliated with the holder of any class of 1507
liquor permit, other than a D-4 permit. 1508

(B) ~~Sales under an F-2 permit on Sundays are not affected~~ 1509
~~by whether Sunday sales of beer or intoxicating liquor for~~ 1510
~~consumption on the premises where sold are allowed to be made by~~ 1511
~~persons holding another type of permit in the precinct or at the~~ 1512

~~particular location where the event is to be held, provided that~~ 1513
~~the F-2 permit is issued for other days of the week in addition~~ 1514
~~to Sunday.~~ 1515

~~(C)~~ The premises on which the permit is to be used shall 1516
be clearly defined and sufficiently restricted to allow proper 1517
supervision of the permit use by state and local law enforcement 1518
personnel. An F-2 permit may be issued for the same premises for 1519
which another class of permit is issued. 1520

~~(D)~~ (C) (1) No F-2 permit shall be effective for more than 1521
four consecutive days, and sales shall be confined to the same 1522
hours permitted to the holder of a D-3 permit. The division 1523
shall not issue more than one F-2 permit in a thirty-day period 1524
to the same association, corporation, or local unit of an 1525
association or corporation. The fee for an F-2 permit is one 1526
hundred fifty dollars. 1527

(2) No association, corporation, local unit of an 1528
association or corporation, or D-permit holder who holds an F-2 1529
permit shall sell beer or intoxicating liquor beyond the hours 1530
of sale allowed by the permit. Division (D) (2) of this section 1531
imposes strict liability on the holder of such permit and on any 1532
officer, agent, or employee of such permit holder. 1533

~~(E)~~ (D) If an applicant wishes the holder of a D permit 1534
issued under sections 4303.13 to 4303.181 of the Revised Code to 1535
conduct the sale of beer and intoxicating liquor at the event, 1536
the applicant may request that the F-2 permit be issued jointly 1537
to the association, corporation, or local unit and the D-permit 1538
holder. If a permit is issued jointly, the association, 1539
corporation, or local unit and the D-permit holder shall both be 1540
held responsible for any conduct that violates laws pertaining 1541
to the sale of alcoholic beverages, including sales by the D- 1542

permit holder; otherwise, the association, corporation, or local 1543
unit shall be held responsible. In addition to the permit fee 1544
paid by the association, corporation, or local unit, the D- 1545
permit holder shall pay a fee of ten dollars. A D-permit holder 1546
may receive an unlimited number of joint F-2 permits. 1547

~~(F)~~(E) (1) Any association, corporation, or local unit 1548
applying for an F-2 permit shall file with the application a 1549
statement of the organizational purpose of the association, 1550
corporation, or local unit, the location and purpose of the 1551
event, and a list of its officers. The application form shall 1552
contain a notice that a person who knowingly makes a false 1553
statement on the application or statement is guilty of the crime 1554
of falsification, a misdemeanor of the first degree. In ruling 1555
on an application, the division shall consider, among other 1556
things, the past activities of the association, corporation, or 1557
local unit and any D-permit holder while operating under other 1558
F-2 permits, the location of the event for which the current 1559
application is made, and any objections of local residents or 1560
law enforcement authorities. If the division approves the 1561
application, it shall send copies of the approved application to 1562
the proper law enforcement authorities prior to the scheduled 1563
event. 1564

(2) Notwithstanding section 1711.09 of the Revised Code, 1565
this section applies to any association or corporation or a 1566
recognized subordinate lodge, chapter, or other local unit of an 1567
association or corporation. 1568

~~(G)~~(F) Using the procedures of Chapter 119. of the 1569
Revised Code, the liquor control commission may adopt such rules 1570
as are necessary to administer this section. 1571

Sec. 4303.203. (A) As used in this section: 1572

(1) "Convention facility" and "nonprofit corporation" have 1573
the same meanings as in section 4303.201 of the Revised Code. 1574

(2) "Hotel" means a hotel described in section 3731.01 of 1575
the Revised Code that has at least fifty rooms for registered 1576
transient guests and that is required to be licensed pursuant to 1577
section 3731.03 of the Revised Code. 1578

(B) An F-3 permit may be issued to an organization whose 1579
primary purpose is to support, promote, and educate members of 1580
the beer, wine, or mixed beverage industries, to allow the 1581
organization to bring beer, wine, or mixed beverages in their 1582
original packages or containers into a convention facility or 1583
hotel for consumption in the facility or hotel, if all of the 1584
following requirements are met: 1585

(1) The superintendent of liquor control is satisfied that 1586
the organization is a nonprofit organization and that the 1587
organization's membership is in excess of two hundred fifty 1588
persons. 1589

(2) The general manager or the equivalent officer of the 1590
convention facility or hotel provides a written consent for the 1591
use of a portion of the facility or hotel by the organization 1592
and a written statement that the facility's or hotel's permit 1593
privileges will be suspended in the portion of the facility or 1594
hotel in which the F-3 permit is in force. 1595

(3) The organization provides a written description that 1596
clearly sets forth the portion of the convention facility or 1597
hotel in which the F-3 permit will be used. 1598

(4) The organization provides a written statement as to 1599
its primary purpose and the purpose of its event at the 1600
convention facility or hotel. 1601

(5) Division (C) of this section does not apply. 1602

(C) No F-3 permit shall be issued to any nonprofit 1603
organization that is created by or for a specific manufacturer, 1604
supplier, distributor, or retailer of beer, wine, or mixed 1605
beverages. 1606

(D) Notwithstanding division ~~(D)~~ (C) of section 4301.22 of 1607
the Revised Code, a holder of an F-3 permit may obtain by 1608
donation beer, wine, or mixed beverages from any manufacturer or 1609
producer of beer, wine, or mixed beverages. 1610

(E) Nothing in this chapter prohibits the holder of an F-3 1611
permit from bringing into the portion of the convention facility 1612
or hotel covered by the permit beer, wine, or mixed beverages 1613
otherwise not approved for sale in this state. 1614

(F) Notwithstanding division ~~(D)~~ (C) of section 4301.22 of 1615
the Revised Code, no holder of an F-3 permit shall make any 1616
charge for any beer, wine, or mixed beverage served by the 1617
drink, or in its original package or container, in connection 1618
with the use of the portion of the convention facility or hotel 1619
covered by the permit. 1620

(G) The division of liquor control shall prepare and make 1621
available an F-3 permit application form and may require 1622
applicants for the permit to provide information, in addition to 1623
that required by this section, that is necessary for the 1624
administration of this section. 1625

(H) An F-3 permit shall be effective for a period not to 1626
exceed five consecutive days. The division of liquor control 1627
shall not issue more than three F-3 permits per calendar year to 1628
the same nonprofit organization. The fee for an F-3 permit is 1629
three hundred dollars. 1630

Sec. 4303.204. (A) The division of liquor control may 1631
issue an F-4 permit to an organization or corporation organized 1632
not-for-profit in this state to conduct an event that includes 1633
the introduction, showcasing, or promotion of Ohio wines, if the 1634
event has all of the following characteristics: 1635

(1) It is coordinated by that organization or corporation, 1636
and the organization or corporation is responsible for the 1637
activities at it. 1638

(2) It has as one of its purposes the intent to introduce, 1639
showcase, or promote Ohio wines to persons who attend it. 1640

(3) It includes the sale of food for consumption on the 1641
premises where sold. 1642

(4) It features any combination of at least three A-2 or 1643
A-2f permit holders who sell Ohio wine at it. 1644

(B) The holder of an F-4 permit may furnish, with or 1645
without charge, wine that it has obtained from the A-2 or A-2f 1646
permit holders that are participating in the event for which the 1647
F-4 permit is issued, in two-ounce samples for consumption on 1648
the premises where furnished and may sell such wine by the glass 1649
for consumption on the premises where sold. The holder of an A-2 1650
or A-2f permit that is participating in the event for which the 1651
F-4 permit is issued may sell wine that it has manufactured, in 1652
sealed containers for consumption off the premises where sold. 1653
Wine may be furnished or sold on the premises of the event for 1654
which the F-4 permit is issued only where and when the sale of 1655
wine is otherwise permitted by law. 1656

(C) The premises of the event for which the F-4 permit is 1657
issued shall be clearly defined and sufficiently restricted to 1658
allow proper enforcement of the permit by state and local law 1659

enforcement officers. If an F-4 permit is issued for all or a
portion of the same premises for which another class of permit
is issued, that permit holder's privileges will be suspended in
that portion of the premises in which the F-4 permit is in
effect.

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

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

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

The division shall prepare and make available an F-4
permit application form and may require applicants for and
holders of the F-4 permit to provide information that is in
addition to that required by this section and that is necessary
for the administration of this section.

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

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

A-2 or A-2f permit holder is under suspension. 1689

(3) The division may refuse to issue an F-4 permit to an 1690
applicant who has violated any provision of this chapter or 1691
Chapter 4301. of the Revised Code during the applicant's 1692
previous operation under an F-4 permit, for a period of up to 1693
two years after the date of the violation. 1694

(H) (1) Notwithstanding division ~~(D)~~ (C) of section 4301.22 1695
of the Revised Code, an A-2 or A-2f permit holder that 1696
participates in an event for which an F-4 permit is issued may 1697
donate wine that it has manufactured to the holder of that F-4 1698
permit. The holder of an F-4 permit may return unused and sealed 1699
containers of wine to the A-2 or A-2f permit holder that donated 1700
the wine at the conclusion of the event for which the F-4 permit 1701
was issued. 1702

(2) The participation by an A-2 or A-2f permit holder or 1703
its employees in an event for which an F-4 permit is issued does 1704
not violate section 4301.24 of the Revised Code. 1705

Sec. 4303.205. (A) As used in this section: 1706

(1) "Festival" means an event organized by a nonprofit 1707
organization that includes food, music, and entertainment and 1708
the participation of at least five riverboats. 1709

(2) "Nonprofit organization" has the same meaning as in 1710
section 4303.201 of the Revised Code. 1711

(B) The division of liquor control may issue an F-5 permit 1712
to the owner or operator of a riverboat that has a capacity in 1713
excess of fifty-five persons, that is not regularly docked in 1714
this state, and whose owner or operator has entered into a 1715
written contract with a nonprofit organization for the riverboat 1716
to participate in a festival. 1717

(C) The holder of an F-5 permit may sell beer and any 1718
intoxicating liquor, only by the individual drink in glass and 1719
from the container, for consumption on the premises where sold 1720
until one a.m., on any day of the week, ~~including Sunday~~. 1721

(D) The division shall prepare and make available an F-5 1722
permit application form and may require applicants for the 1723
permit to provide information, in addition to that required by 1724
this section, that is necessary for the administration of this 1725
section. 1726

(E) Sales under an F-5 permit are not affected by whether 1727
sales of beer or intoxicating liquor for consumption on the 1728
premises where sold are permitted to be made by persons holding 1729
another type of permit in the precinct or at the particular 1730
location where the riverboat is located. 1731

(F) No F-5 permit shall be in effect for more than six 1732
consecutive days. 1733

(G) The division shall not issue more than one F-5 permit 1734
in any one calendar year for the same riverboat. 1735

(H) The fee for an F-5 permit is one hundred eighty 1736
dollars. 1737

Sec. 4303.30. The rights granted by any D-2, D-3, D-3a, D- 1738
4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D- 1739
5k, D-5l, D-5m, D-5n, or D-5o, ~~or D-6~~ permit shall be exercised 1740
at not more than two fixed counters, commonly known as bars, in 1741
rooms or places on the permit premises, where beer, mixed 1742
beverages, wine, or spirituous liquor is sold to the public for 1743
consumption on the premises. For each additional fixed counter 1744
on the permit premises where those beverages are sold for 1745
consumption on the premises, the permit holder shall obtain a 1746

duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D- 1747
5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, or D-5o, ~~or~~ 1748
~~D-6~~ permit. 1749

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D- 1750
5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, 1751
or D-5o, ~~or D-6~~ permit shall be granted, upon application to the 1752
division of liquor control, a duplicate D-2, D-3, D-3a, D-4, D- 1753
4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 1754
D-5l, D-5m, D-5n, or D-5o, ~~or D-6~~ permit for each additional 1755
fixed counter on the permit premises at which beer, mixed 1756
beverages, wine, or spirituous liquor is sold for consumption on 1757
the premises, provided the application is made in the same 1758
manner as an application for an original permit. The application 1759
shall be identified with DUPLICATE printed on the permit 1760
application form furnished by the department, in boldface type. 1761
The application shall identify by name, or otherwise amply 1762
describe, the room or place on the premises where the duplicate 1763
permit is to be operative. Each duplicate permit shall be issued 1764
only to the same individual, firm, or corporation as that of the 1765
original permit and shall be an exact duplicate in size and word 1766
content as the original permit, except that it shall show on it 1767
the name or other ample identification of the room, or place, 1768
for which it is issued and shall have DUPLICATE printed on it in 1769
boldface type. A duplicate permit shall bear the same number as 1770
the original permit. The fee for a duplicate permit is: D-1, one 1771
hundred dollars; D-2, one hundred dollars; D-3, four hundred 1772
dollars; D-3a, four hundred dollars; D-4, two hundred dollars; 1773
D-5, one thousand dollars; D-5a, one thousand dollars; D-5b, one 1774
thousand dollars; D-5c, four hundred dollars; D-5e, six hundred 1775
fifty dollars; D-5f, one thousand dollars; D-5o, one thousand 1776
dollars; ~~D-6, one hundred dollars when issued to the holder of a~~ 1777

~~D-4a permit~~, and in all other cases one hundred dollars or an
amount which is twenty per cent of the fees payable for the A-1-
A, D-2, D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h,
D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, and D-5o, ~~and D-6~~ permits
issued to the same premises, whichever is higher. Application
for a duplicate permit may be filed any time during the life of
an original permit. The fee for each duplicate D-2, D-3, D-3a,
D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j,
D-5k, D-5l, D-5m, D-5n, or D-5o, ~~or D-6~~ permit shall be paid in
accordance with section 4303.24 of the Revised Code.

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

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

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

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

Section 2. That existing sections 4301.22, 4301.24,
4301.32, 4301.322, 4301.33, 4301.332, 4301.333, 4301.334,
4301.353, 4301.355, 4301.356, 4301.362, 4301.365, 4301.366,
4301.37, 4301.39, 4301.403, 4301.404, 4301.99, 4303.184,
4303.19, 4303.202, 4303.203, 4303.204, 4303.205, 4303.30, and
4303.99 and sections 4301.351, 4301.354, 4301.361, 4301.364, and

4303.182 of the Revised Code are hereby repealed. 1807

Section 3. (A) As used in this section, "petition" means a 1808
petition for a local option election authorizing the sale of 1809
beer, wine, mixed beverages, or spirituous liquor on Sundays 1810
that has been filed with a board of elections under section 1811
4301.33, 4301.332, 4301.333, or 4301.334 of the Revised Code, as 1812
amended by this act. 1813

(B) On the effective date of this act, if a board of 1814
elections is in the process of reviewing a petition calling for 1815
the submission of a question or questions authorizing Sunday 1816
sales of beer, wine, mixed beverages, or spirituous liquor on 1817
the ballot of the next general election or a special election 1818
conducted on the day of the next primary election, the board 1819
shall do either of the following, as applicable: 1820

(1) If ballots have not been printed, remove the question 1821
or questions submitted to the board for placement on the ballot 1822
of the next general election or a special election conducted on 1823
the day of the next primary election; 1824

(2) If ballots have been printed with the question or 1825
questions on them, post a notice at each polling place on the 1826
day of the election, and enclose with each absent voter's ballot 1827
given or mailed after the question or questions are to be 1828
removed, a notice that votes for the removed question or 1829
questions will be void and will not be counted. If the question 1830
or questions are not removed from all ballots before the day of 1831
the election, the votes for the removed question or questions 1832
are void and shall not be counted. 1833

Section 4. This act is hereby entitled the "Sunday 1834
Alcohol, Liquor, and Especially Spirits Act" or "SALES Act." 1835