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REPRESENTATIVES Trakas, DePiero, Evans, Husted, Schmidt, Setzer,
Sullivan, Seitz, Young, Blasdel, Calvert, Clancy, Carano, Sferra, Niehaus,
Coates, Faber, Schneider

A B I L L

To amend sections 1333.82, 1502.07, 3719.44, 4301.01, 1
4301.03, 4301.041, 4301.042, 4301.24, 4301.241, 2
4301.333, 4301.355, 4301.365, 4301.402, 4301.42, 3
4301.47, 4301.54, 4301.55, 4301.62, 4303.01, 4
4303.02, 4303.06, 4303.07, 4303.10, 4303.181, 5
4303.182, 4303.22, 4303.29, 4303.30, 4303.332, 6
4303.35, 4305.01, 4305.03, 4305.04, 4399.09, 7
4399.12, 4399.15, 5733.065, and 5739.02 and to 8
enact section 4303.204 of the Revised Code to 9
change the definition of beer to explicitly include 10
ale, porter, stout, sake, and other fermented 11
beverages brewed or produced from malt or malt 12
substitutes; to exempt the sale of beer and 13
intoxicating liquor at publicly owned golf courses 14
from the effects of local option elections and to 15
allow Sunday liquor sales at these golf courses 16
whether or not those sales have been approved at 17
local option elections; to forbid an employee of a 18
wholesale distributor from having any financial 19
interest in any retail dealer; to create the D-5k 20
permit to be issued to certain nonprofit 21
organizations that own or operate a botanical 22
garden; to create the F-4 permit to be issued for 23

certain events coordinated by nonprofit 24
associations and corporations; to make changes in 25
the Open Container Law and the law governing local 26
option elections on beer and liquor sales at a 27
specific premises; and to make other changes in the 28
Liquor Control Law. 29

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

Section 1. That sections 1333.82, 1502.07, 3719.44, 4301.01, 30
4301.03, 4301.041, 4301.042, 4301.24, 4301.241, 4301.333, 31
4301.355, 4301.365, 4301.402, 4301.42, 4301.47, 4301.54, 4301.55, 32
4301.62, 4303.01, 4303.02, 4303.06, 4303.07, 4303.10, 4303.181, 33
4303.182, 4303.22, 4303.29, 4303.30, 4303.332, 4303.35, 4305.01, 34
4305.03, 4305.04, 4399.09, 4399.12, 4399.15, 5733.065, and 5739.02 35
be amended and section 4303.204 of the Revised Code be enacted to 36
read as follows: 37

Sec. 1333.82. As used in sections 1333.82 to 1333.87 of the 38
Revised Code: 39

(A) "Alcoholic beverages" means beer, ~~malt beverages~~, and 40
wine as defined in section 4301.01 of the Revised Code. 41

(B) "Manufacturer" means a person, whether located in this 42
state or elsewhere, who manufactures or supplies alcoholic 43
beverages to distributors in this state. 44

(C) "Distributor" means a person who sells or distributes 45
alcoholic beverages to retail permit holders in the state, but 46
does not include the state or any of its political subdivisions. 47

(D) "Franchise" means a contract or any other legal device 48
used to establish a contractual relationship between a 49
manufacturer and a distributor. 50

(E) "Good faith" means the duty of any party to any franchise, and all officers, employees, or agents of any party to any franchise, to act in a fair and equitable manner toward each other so as to guarantee each party freedom from coercion or intimidation; except that recommendation, endorsement, exposition, persuasion, urging, or argument shall not be considered to constitute a lack of good faith or coercion.

(F) "Brand," as applied to wine, means a wine different from any other wine in respect to type, brand, trade name, or container size.

(G) "Sales area or territory" means an exclusive geographic area or territory that is assigned to a particular A or B permit holder and that either has one or more political subdivisions as its boundaries or consists of an area of land with readily identifiable geographic boundaries. "Sales area or territory" does not include, however, any particular retail location in an exclusive geographic area or territory that is assigned to another A or B permit holder.

Sec. 1502.07. No person, agency of the state, municipal corporation, county, or township shall sell or offer for sale any beer, ~~malt beverage~~, or mixed beverages as defined in section 4301.01 of the Revised Code, or any soft drink as defined in section 913.22 of the Revised Code, in a metal container that is so designed that it may be opened by removing from the container a part ~~thereof~~ of the container without using a separate opener. However, nothing in this section prohibits the sale or offering for sale of a container the only detachable part of which is a piece of tape or other similar adhesive material.

Sec. 3719.44. (A) Pursuant to this section, and by rule adopted in accordance with Chapter 119. of the Revised Code, the

state board of pharmacy may do any of the following with respect 82
to schedules I, II, III, IV, and V established in section 3719.41 83
of the Revised Code: 84

(1) Add a previously unscheduled compound, mixture, 85
preparation, or substance to any schedule; 86

(2) Transfer a compound, mixture, preparation, or substance 87
from one schedule to another, provided the transfer does not have 88
the effect under ~~Chapter 3719. of the Revised Code~~ this chapter of 89
providing less stringent control of the compound, mixture, 90
preparation, or substance than is provided under the federal drug 91
abuse control laws; 92

(3) Remove a compound, mixture, preparation, or substance 93
from the schedules where the board had previously added the 94
compound, mixture, preparation, or substance to the schedules, 95
provided that the removal shall not have the effect under ~~Chapter~~ 96
~~3719. of the Revised Code~~ this chapter of providing less stringent 97
control of the compound, mixture, preparation, or substance than 98
is provided under the federal drug abuse control laws. 99

(B) In making a determination to add, remove, or transfer 100
pursuant to division (A) of this section, the board shall consider 101
the following: 102

(1) The actual or relative potential for abuse; 103

(2) The scientific evidence of the pharmacological effect of 104
the substance, if known; 105

(3) The state of current scientific knowledge regarding the 106
substance; 107

(4) The history and current pattern of abuse; 108

(5) The scope, duration, and significance of abuse; 109

(6) The risk to the public health; 110

(7) The potential of the substance to produce psychic or 111
physiological dependence liability; 112

(8) Whether the substance is an immediate precursor. 113

(C) The board may add or transfer a compound, mixture, 114
preparation, or substance to schedule I when it appears that there 115
is a high potential for abuse, that it has no accepted medical use 116
in treatment in this state, or that it lacks accepted safety for 117
use in treatment under medical supervision. 118

(D) The board may add or transfer a compound, mixture, 119
preparation, or substance to schedule II when it appears that 120
there is a high potential for abuse, that it has a currently 121
accepted medical use in treatment in this state, or currently 122
accepted medical use in treatment with severe restrictions, and 123
that its abuse may lead to severe physical or severe psychological 124
dependence. 125

(E) The board may add or transfer a compound, mixture, 126
preparation, or substance to schedule III when it appears that 127
there is a potential for abuse less than the substances included 128
in schedules I and II, that it has a currently accepted medical 129
use in treatment in this state, and that its abuse may lead to 130
moderate or low physical or high psychological dependence. 131

(F) The board may add or transfer a compound, mixture, 132
preparation, or substance to schedule IV when it appears that it 133
has a low potential for abuse relative to substances included in 134
schedule III, ~~and~~ that it has a currently accepted medical use in 135
treatment in this state, and that its abuse may lead to limited 136
physical or psychological dependence relative to the substances 137
included in schedule III. 138

(G) The board may add or transfer a compound, mixture, 139
preparation, or substance to schedule V when it appears that it 140
has lower potential for abuse than substances included in schedule 141

IV, ~~and~~ that it has currently accepted medical use in treatment in 142
this state, and that its abuse may lead to limited physical or 143
psychological dependence relative to substances included in 144
schedule IV. 145

(H) Even though a compound, mixture, preparation, or 146
substance does not otherwise meet the criteria in this section for 147
adding or transferring it to a schedule, the board may 148
nevertheless add or transfer it to a schedule as an immediate 149
precursor when all of the following apply: 150

(1) It is the principal compound used, or produced primarily 151
for use, in the manufacture of a controlled substance~~+~~. 152

(2) It is an immediate chemical intermediary used or likely 153
to be used in the manufacture of such a controlled substance~~+~~. 154

(3) Its control is necessary to prevent, curtail, or limit 155
the manufacture of the scheduled compound, mixture, preparation, 156
or substance of which it is the immediate precursor. 157

(I) Authority to control under this section does not extend 158
to distilled spirits, wine, or ~~malt beverages~~ beer, as those terms 159
are defined or used in Chapter 4301. of the Revised Code. 160

(J) Authority to control under this section does not extend 161
to any nonnarcotic substance if ~~such~~ the substance may, under the 162
Federal Food, Drug, and Cosmetic Act and the laws of this state, 163
be lawfully sold over the counter without a prescription. ~~Should~~ 164
If a pattern of abuse ~~develop~~ develops for any nonnarcotic drug 165
sold over the counter, the board may, by rule adopted in 166
accordance with Chapter 119. of the Revised Code, after a public 167
hearing and a documented study to determine that the substance 168
actually meets the criteria listed in division (B) of this 169
section, place ~~such~~ the abused substance on a controlled substance 170
schedule. 171

(K)(1) A drug product containing ephedrine that is known as 172

one of the following and is in the form specified shall not be	173
considered a schedule V controlled substance:	174
(a) Amesec capsules;	175
(b) Bronitin tablets;	176
(c) Bronkotabs;	177
(d) Bronkolixir;	178
(e) Bronkaid tablets;	179
(f) Efedron nasal jelly;	180
(g) Guiaphed elixir;	181
(h) Haysma;	182
(i) Pazo hemorrhoid ointment and suppositories;	183
(j) Primatene "M" formula tablets;	184
(k) Primatene "P" formula tablets;	185
(l) Tedrigen tablets;	186
(m) Tedral tablets, suspension and elixir;	187
(n) T.E.P.;	188
(o) Vatronol nose drops.	189
(2)(a) A product containing ephedrine shall not be considered	190
a controlled substance if the product is a food product or dietary	191
supplement that meets all of the following criteria:	192
(i) It contains, per dosage unit or serving, not more than	193
the lesser of twenty-five milligrams of ephedrine alkaloids or the	194
maximum amount of ephedrine alkaloids provided in applicable	195
regulations adopted by the United States food and drug	196
administration, and no other controlled substance.	197
(ii) It contains no hydrochloride or sulfate salts of	198
ephedrine alkaloids.	199

(iii) It is packaged with a prominent label securely affixed 200
to each package that states all of the following: the amount in 201
milligrams of ephedrine in a serving or dosage unit; the amount of 202
the food product or dietary supplement that constitutes a serving 203
or dosage unit; that the maximum recommended dosage of ephedrine 204
for a healthy adult human is the lesser of one hundred milligrams 205
in a twenty-four-hour period for not more than twelve weeks or the 206
maximum recommended dosage or period of use provided in applicable 207
regulations adopted by the United States food and drug 208
administration; and that improper use of the product may be 209
hazardous to a person's health. 210

(b)(i) Subject to division (K)(2)(b)(ii) of this section, no 211
person shall dispense, sell, or otherwise give a product described 212
in division (K)(2)(a) of this section to any individual under 213
eighteen years of age. 214

(ii) Division (K)(2)(b)(i) of this section does not apply to 215
a physician or pharmacist who dispenses, sells, or otherwise gives 216
a product described in division (K)(2)(a) of this section to an 217
individual under eighteen years of age, to a parent or guardian of 218
an individual under eighteen years of age who dispenses, sells, or 219
otherwise gives a product of that nature to the individual under 220
eighteen years of age, or to a person who, as authorized by the 221
individual's parent or legal guardian, dispenses, sells, or 222
otherwise gives a product of that nature to an individual under 223
eighteen years of age. 224

(c) No person in the course of selling, offering for sale, or 225
otherwise distributing a product described in division (K)(2)(a) 226
of this section shall advertise or represent in any manner that 227
the product causes euphoria, ecstasy, a "buzz" or "high," or an 228
altered mental state; heightens sexual performance; or, because it 229
contains ephedrine alkaloids, increased muscle mass. 230

(3) A drug product that contains the isomer pseudoephedrine, 232
or any of its salts, optical isomers, or salts of optical isomers, 233
shall not be considered a controlled substance if the drug product 234
is labeled in a manner consistent with federal law or with the 235
product's over-the-counter tentative final monograph or final 236
monograph issued by the United States food and drug 237
administration. 238

(4) At the request of any person, the board may except any 239
product containing ephedrine not described in division (K)(1) or 240
(2) of this section or any class of products containing ephedrine 241
from being included as a schedule V controlled substance if it 242
determines that the product or class of products does not contain 243
any other controlled substance. The board shall make the 244
determination in accordance with this section and by rule adopted 245
in accordance with Chapter 119. of the Revised Code. 246

(L) As used in this section: 247

(1) "Food" has the same meaning as in section 3715.01 of the 248
Revised Code. 249

(2) "Dietary supplement" has the same meaning ~~given~~ as in the 250
"Federal Food, Drug, and Cosmetic Act," 108 Stat. 4327 (1994), 21 251
U.S.C.A. 321 (ff), as amended. 252

(3) "Ephedrine alkaloids" means ephedrine, pseudoephedrine, 253
norephedrine, norpseudoephedrine, methylephedrine, and 254
methylnpseudoephedrine. 255

Sec. 4301.01. (A) As used in the Revised Code: 256

(1) "Intoxicating liquor" and "liquor" include all liquids 257
and compounds, other than beer, containing one-half of one per 258
cent or more of alcohol by volume which are fit to use for 259
beverage purposes, from whatever source and by whatever process 260
produced, by whatever name called, and whether ~~the same~~ they are 261

medicated, proprietary, or patented. "Intoxicating liquor" and 262
"liquor" include wine even if it contains less than four per cent 263
of alcohol by volume, mixed beverages even if they contain less 264
than four per cent of alcohol by volume, cider, alcohol, and all 265
solids and confections which contain any alcohol. 266

(2) Except as used in sections 4301.01 to 4301.20, 4301.22 to 267
4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of the 268
Revised Code, "sale" and "sell" include exchange, barter, gift, 269
offer for sale, sale, distribution and delivery of any kind, and 270
the transfer of title or possession of beer and intoxicating 271
liquor either by constructive or actual delivery by any means or 272
devices whatever, including the sale of beer or intoxicating 273
liquor by means of a controlled access alcohol and beverage 274
cabinet pursuant to section 4301.21 of the Revised Code. "Sale" 275
and "sell" do not include the mere solicitation of orders for beer 276
or intoxicating liquor from the holders of permits issued by the 277
division of liquor control authorizing the sale of the beer or 278
intoxicating liquor, but no solicitor shall solicit any such 279
orders until the solicitor has been registered with the division 280
pursuant to section 4303.25 of the Revised Code. 281

(3) "Vehicle" includes all means of transportation by land, 282
by water, or by air, and everything made use of in any way for 283
such transportation. 284

(B) As used in ~~sections 4301.01 to 4301.74 of the Revised~~ 285
~~Code~~ this chapter: 286

(1) "Alcohol" means ethyl alcohol, whether rectified or 287
diluted with water or not, whatever its origin may be, and 288
includes synthetic ethyl alcohol. "Alcohol" does not include 289
denatured alcohol and wood alcohol. 290

(2) ~~"Beer," "malt liquor," or "malt beverages" includes all~~ 291
~~brewed or~~ means beer, ale, porter, stout, and other similar 292
fermented malt products containing beverages, including sake or 293

similar products, of any name or description, that contain 294
one-half of one per cent or more, but not more than twelve per 295
cent, of alcohol by volume ~~but not more than six per cent of~~ 296
alcohol by weight and that are brewed or produced from malt, 297
wholly or in part, or from any product used as a substitute for 298
malt. 299

(3) "Wine" includes all liquids fit to use for beverage 300
purposes containing not less than one-half of one per cent of 301
alcohol by volume and not more than twenty-one per cent of alcohol 302
by volume, which is made from the fermented juices of grapes, 303
fruits, or other agricultural products, except that as used in 304
sections 4301.13, 4301.421, 4301.422, 4301.432, and 4301.44 of the 305
Revised Code, and, for purposes of determining the rate of the tax 306
that applies, division (B) of section 4301.43 of the Revised Code, 307
"wine" does not include cider. 308

(4) "Mixed beverages," such as bottled and prepared cordials, 309
cocktails, and highballs, are products obtained by mixing any type 310
of whiskey, neutral spirits, brandy, gin, or other distilled 311
spirits with, or over, carbonated or plain water, pure juices from 312
flowers and plants, and other flavoring materials. The completed 313
product shall contain not less than one-half of one per cent of 314
alcohol by volume and not more than twenty-one per cent of alcohol 315
by volume. 316

(5) "Spirituous liquor" includes all intoxicating liquors 317
containing more than twenty-one per cent of alcohol by volume. 318

(6) "Sealed container" means any container having a capacity 319
of not more than one hundred twenty-eight fluid ounces, the 320
opening of which is closed to prevent the entrance of air. 321

(7) "Person" includes firms and corporations. 322

(8) "Manufacture" includes all processes by which beer or 323
intoxicating liquor is produced, whether by distillation, 324

rectifying, fortifying, blending, fermentation, or brewing, or in
any other manner.

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(9) "Manufacturer" means any person engaged in the business
of manufacturing beer or intoxicating liquor.

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(10) "Wholesale distributor" and "distributor" means a person
engaged in the business of selling to retail dealers for purposes
of resale.

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(11) "Hotel" has the same meaning as in section 3731.01 of
the Revised Code, subject to the exceptions mentioned in section
3731.03 of the Revised Code.

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(12) "Restaurant" means a place located in a permanent
building provided with space and accommodations wherein, in
consideration of the payment of money, hot meals are habitually
prepared, sold, and served at noon and evening, as the principal
business of the place. "Restaurant" does not include pharmacies,
confectionery stores, lunch stands, night clubs, and filling
stations.

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(13) "Club" means a corporation or association of individuals
organized in good faith for social, recreational, benevolent,
charitable, fraternal, political, patriotic, or athletic purposes,
which is the owner, lessor, or occupant of a permanent building or
part of a permanent building operated solely for those purposes,
membership in which entails the prepayment of regular dues, and
includes the place so operated.

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(14) "Night club" means a place operated for profit, where
food is served for consumption on the premises and one or more
forms of amusement are provided or permitted for a consideration
that may be in the form of a cover charge or may be included in
the price of the food and beverages, or both, purchased by
patrons.

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(15) "At retail" means for use or consumption by the

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purchaser and not for resale. 356

(16) "Pharmacy" means an establishment, as defined in section 357
4729.01 of the Revised Code, that is under the management or 358
control of a licensed pharmacist in accordance with section 359
4729.27 of the Revised Code. 360

(17) "Enclosed shopping center" means a group of retail sales 361
and service business establishments that face into an enclosed 362
mall, share common ingress, egress, and parking facilities, and 363
are situated on a tract of land that contains an area of not less 364
than five hundred thousand square feet. "Enclosed shopping center" 365
also includes not more than one business establishment that is 366
located within a free-standing building on such a tract of land, 367
so long as the sale of beer and intoxicating liquor on the tract 368
of land was approved in an election held under former section 369
4301.353 of the Revised Code. 370

(18) "Controlled access alcohol and beverage cabinet" means a 371
closed container, either refrigerated, in whole or in part, or 372
nonrefrigerated, access to the interior of which is restricted by 373
means of a device that requires the use of a key, magnetic card, 374
or similar device and from which beer, intoxicating liquor, other 375
beverages, or food may be sold. 376

(19) "Community facility" means either of the following: 377

(a) Any convention, sports, or entertainment facility or 378
complex, or any combination of these, that is used by or 379
accessible to the general public and that is owned or operated in 380
whole or in part by the state, a state agency, or a political 381
subdivision of the state or that is leased from, or located on 382
property owned by or leased from, the state, a state agency, a 383
political subdivision of the state, or a convention facilities 384
authority created pursuant to section 351.02 of the Revised Code; 385

(b) An area designated as a community entertainment district 386

pursuant to section 4301.80 of the Revised Code. 387

(20) "Low-alcohol beverage" means any brewed or fermented 388
malt product, or any product made from the fermented juices of 389
grapes, fruits, or other agricultural products, that contains 390
either no alcohol or less than one-half of one per cent of alcohol 391
by volume. The beverages described in division (B)(20) of this 392
section do not include a soft drink such as root beer, birch beer, 393
or ginger beer. 394

(21) "Cider" means all liquids fit to use for beverage 395
purposes that contain one-half of one per cent of alcohol by 396
volume, but not more than six per cent of alcohol by weight, and 397
that are made through the normal alcoholic fermentation of the 398
juice of sound, ripe apples, including, without limitation, 399
flavored, sparkling, or carbonated cider and cider made from pure 400
condensed apple must. 401

(22) "Sales area or territory" means an exclusive geographic 402
area or territory that is assigned to a particular A or B permit 403
holder and that either has one or more political subdivisions as 404
its boundaries or consists of an area of land with readily 405
identifiable geographic boundaries. "Sales area or territory" does 406
not include, however, any particular retail location in an 407
exclusive geographic area or territory that is assigned to another 408
A or B permit holder. 409

Sec. 4301.03. The liquor control commission may adopt and 410
promulgate, repeal, rescind, and amend, in the manner required by 411
this section, rules, standards, requirements, and orders necessary 412
to carry out ~~Chapters 4301. this chapter~~ and ~~Chapter~~ 4303. of the 413
Revised Code, but all rules of the board of liquor control which 414
were in effect immediately prior to April 17, 1963, shall remain 415
in full force and effect as rules of the liquor control commission 416
until and unless amended or repealed by the liquor control 417

commission. The rules of the commission may include the following: 418

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(A) Rules with reference to applications for and the issuance 420
of permits for the manufacture, distribution, transportation, and 421
sale of beer and intoxicating liquor, and the sale of alcohol; and 422
rules governing the procedure of the division of liquor control in 423
the suspension, revocation, and cancellation of ~~such~~ those 424
permits; 425

(B) Rules and orders providing in detail for the conduct of 426
any retail business authorized under permits issued pursuant to 427
~~such chapters~~ this chapter and Chapter 4303. of the Revised Code, 428
with a view to ensuring compliance with ~~such~~ those chapters and 429
laws relative ~~thereto~~ to them, and the maintenance of public 430
decency, sobriety, and good order in any place licensed under ~~such~~ 431
the permits. No rule or order shall prohibit the sale of lottery 432
tickets issued pursuant to Chapter 3770. of the Revised Code by 433
any retail business authorized under permits issued pursuant to 434
~~such~~ that chapter. 435

No rule or order shall prohibit pari-mutuel wagering on 436
simulcast horse races at a satellite facility that has been issued 437
a D liquor permit under Chapter 4303. of the Revised Code. No rule 438
or order shall prohibit a charitable organization that holds a D-4 439
permit from selling or serving beer or intoxicating liquor under 440
its permit in a portion of its premises merely because that 441
portion of its premises is used at other times for the conduct of 442
a charitable bingo game. However, such an organization shall not 443
sell or serve beer or intoxicating liquor or permit beer or 444
intoxicating liquor to be consumed or seen in the same location in 445
its premises where a charitable bingo game is being conducted 446
while the game is being conducted. As used in this division, 447
"charitable organization" has the same meaning as in division (H) 448
of section 2915.01 of the Revised Code, and "charitable bingo 449

game" has the same meaning as in division (R) of that section 450
~~2915.01 of the Revised Code~~. No rule or order pertaining to 451
visibility into the premises of a permit holder after the legal 452
hours of sale shall be adopted or maintained by the commission. 453

(C) Standards, not in conflict with those prescribed by any 454
law of this state or the United States, to secure the use of 455
proper ingredients and methods in the manufacture of beer, ~~malt~~ 456
~~liquor~~, mixed beverages, and wine to be sold within this state; 457

(D) Rules determining the nature, form, and capacity of all 458
packages and bottles to be used for containing beer or 459
intoxicating liquor except for spirituous liquor to be kept or 460
sold, governing the form of all seals and labels to be used 461
~~thereon on those packages and bottles~~, and requiring the label on 462
every package, bottle, and container to state the ingredients in 463
the contents and, except on ~~malt beverages~~ beer, the terms of 464
weight, volume, or proof spirits, and whether the same is beer, 465
wine, alcohol, or any intoxicating liquor except for spirituous 466
liquor; 467

(E) Uniform rules governing all advertising with reference to 468
the sale of beer and intoxicating liquor throughout the state and 469
advertising upon and in the premises licensed for the sale of beer 470
or intoxicating liquor; 471

(F) Rules restricting and placing conditions upon the 472
transfer of permits; 473

(G) Rules and orders limiting the number of permits of any 474
class within the state or within any political subdivision of the 475
state; and, for ~~such~~ that purpose, adopting reasonable 476
classifications of persons or establishments to which any 477
authorized class of permits may be issued within any ~~such~~ 478
political subdivision; 479

(H) Rules and orders with reference to sales of beer and 480

intoxicating liquor on Sundays and holidays and with reference to 481
the hours of the day during which and the persons to whom 482
intoxicating liquor of any class may be sold, and rules with 483
reference to the manner of sale; 484

(I) Rules requiring permit holders buying beer ~~and malt~~ 485
~~beverages~~ to pay and permit holders selling beer ~~and malt~~ 486
~~beverages~~ to collect minimum cash deposits for kegs, cases, 487
bottles, or other returnable containers of ~~such the~~ beer ~~and malt~~ 488
~~beverages~~; requiring the repayment, or credit ~~therefor~~, of ~~such~~ 489
~~the~~ minimum cash deposit charges upon the return of ~~such the~~ empty 490
containers; ~~i~~ and requiring the posting of such form of indemnity 491
or such other conditions with respect to the charging, collection, 492
and repayment of minimum cash deposit charges for returnable 493
containers of beer ~~or malt beverages~~ as are necessary to ensure 494
the return of ~~such the~~ empty containers or the repayment upon ~~such~~ 495
~~that~~ return of the minimum cash deposits paid ~~therefor~~; 496

(J) Rules establishing the method by which alcohol products 497
may be imported for sale by wholesale distributors and the method 498
by which manufacturers and suppliers may sell alcohol products to 499
wholesale distributors. 500

Every rule, standard, requirement, or order of the 501
commission; and every repeal, amendment, or rescission ~~thereof~~ of 502
them shall be posted for public inspection in the principal office 503
of the commission and the principal office of the division of 504
liquor control, and a certified copy ~~thereof~~ of them shall be 505
filed in the office of the secretary of state. An order applying 506
only to persons named ~~therein~~ in it shall be served on the persons 507
affected by personal delivery of a certified copy, or by mailing 508
~~such a~~ certified copy to each person affected ~~thereby~~, by it or, 509
in the case of a corporation, to any officer or agent ~~thereof~~ of 510
the corporation upon whom a service of summons may be served in a 511
civil action. The posting and filing required by this section 512

constitutes sufficient notice to all persons affected by such rule 513
or order which is not required to be served. General rules of the 514
commission promulgated pursuant to this section shall be published 515
in ~~such a~~ the manner ~~as~~ the commission determines. 516

Sec. 4301.041. The liquor control commission may determine 517
and fix by ~~regulation~~ rule the minimum percentage mark-up for 518
sales at retail of beer, ~~lager beer, ale, stout, porter, or any~~ 519
~~other brewed or malt liquor or malt beverages,~~ whether in case lot 520
or less. 521

To determine the retail price of ~~such products~~ beer, the 522
minimum percentage mark-up may be applied to the wholesale price 523
of the manufacturer or wholesale distributor charged to the retail 524
permit holder. Such prices shall apply to sales made at retail by 525
a permit holder for off-premise consumption only. 526

Sec. 4301.042. The liquor control commission may adopt, 527
repeal, and amend rules providing for and controlling pricing 528
practices and the manner and frequency with which any person sets 529
or changes prices at which beer ~~and other malt beverages are~~ is 530
sold to or by the holders of B-1 permits, but the commission shall 531
not set prices or markups between manufacturers or other suppliers 532
and the holders of B-1 permits. 533

Sec. 4301.24. No manufacturer shall aid or assist the holder 534
of any permit for sale at wholesale, and no manufacturer or 535
wholesale distributor shall aid or assist the holder of any permit 536
for sale at retail, by gift or loan of any money or property of 537
any description or other valuable thing, or by giving premiums or 538
rebates. No holder of any such permit shall accept the same, 539
provided that the manufacturer or wholesale distributor may 540
furnish to a retail permittee the inside signs or advertising and 541
the tap signs or devices authorized by divisions (F) and (G) of 542

section 4301.22 of the Revised Code. 543

No manufacturer shall have any financial interest, directly 544
or indirectly, by stock ownership, or through interlocking 545
directors in a corporation, or otherwise, in the establishment, 546
maintenance, or promotion in the business of any wholesale 547
distributor. No retail permit holder shall have any interest, 548
directly or indirectly, in the operation of, or any ownership in, 549
the business of any wholesale distributor or manufacturer. 550

No manufacturer ~~or wholesale distributor~~ shall, except as 551
authorized by section 4303.021 of the Revised Code, have any 552
financial interest, directly or indirectly, by stock ownership, or 553
through interlocking directors in a corporation, or otherwise, in 554
the establishment, maintenance, or promotion of the business of 555
any retail dealer; ~~nor shall any. No wholesale distributor or~~ 556
employee of a wholesale distributor shall have any financial 557
interest, directly or indirectly, by stock ownership, interlocking 558
directors in a corporation, or otherwise, in the establishment, 559
maintenance, or promotion of the business of any retail dealer. No 560
manufacturer or wholesale distributor or any stockholder of a 561
manufacturer or wholesale distributor shall acquire, by ownership 562
in fee, leasehold, mortgage, or otherwise, directly or indirectly, 563
any interest in the premises on which the business of any other 564
person engaged in the business of trafficking in beer or 565
intoxicating liquor is conducted. All contracts, covenants, 566
conditions, and limitations whereby any person engaged or 567
proposing to engage in the sale of beer or intoxicating liquors 568
promises to confine the person's sales of a particular kind or 569
quality of beer or intoxicating liquor to one or more products, or 570
the products of a specified manufacturer or wholesale distributor, 571
or to give preference to those products, shall to the extent of 572
that promise be void. The making of a promise in any such form 573
shall be cause for the revocation or suspension of any permit 574

issued to any party. This section does not prevent the holder of 575
an A permit from securing and holding a wholesale distributor's 576
permit or permits and operating as a wholesale distributor. 577

No manufacturer shall sell or offer to sell to any wholesale 578
distributor or retail permit holder, ~~and~~ no wholesale distributor 579
shall sell or offer to sell to any retail permit holder, and no 580
wholesale distributor or retail permit holder shall purchase or 581
receive from any manufacturer or wholesale distributor, any ~~malt~~ 582
~~or beer,~~ brewed beverages, or wine manufactured in the United 583
States except for cash. No right of action shall exist to collect 584
any claims for credit extended contrary to this section. This 585
section does not prohibit a licensee from crediting to a purchaser 586
the actual prices charged for packages or containers returned by 587
the original purchaser as a credit on any sale or from refunding 588
to any purchaser the amount paid by that purchaser for containers 589
or as a deposit on containers when title is retained by the 590
vendor, if those containers or packages have been returned to the 591
manufacturer or distributor. This section does not prohibit a 592
manufacturer from extending usual and customary credit for ~~malt or~~ 593
~~beer,~~ brewed beverages, or wine manufactured in the United States 594
and sold to customers who live or maintain places of business 595
outside this state when the beverages so sold are actually 596
transported and delivered to points outside this state. No 597
wholesale or retail permit shall be issued to an applicant unless 598
the applicant has paid in full all accounts for beer ~~and malt~~ 599
~~beverages~~ or wine, manufactured in the United States, outstanding 600
as of September 6, 1939. No beer ~~or malt beverages~~ or wine 601
manufactured in the United States shall be imported into the state 602
unless the beer ~~or malt beverages~~ or wine has been paid for in 603
cash, and no consent to import any such beer ~~or malt beverages~~ or 604
wine manufactured in the United States shall be issued by the 605
division of liquor control until the A-2, B-1, or B-5 permit 606
holder establishes to the satisfaction of the division that the 607

beer ~~or malt beverages~~ or wine has been paid for in cash. 608

This section does not prevent a manufacturer from securing 609
and holding any financial interest, directly or indirectly, by 610
stock ownership or through interlocking directors in a 611
corporation, or otherwise, in the establishment, maintenance, or 612
promotion of the business or premises of any C or D permit holder, 613
provided that the following conditions are met: 614

(A) Either the manufacturer or one of its parent companies is 615
listed on a national securities exchange. 616

(B) All purchases of alcoholic beverages by the C or D permit 617
holder are made from wholesale distributors in this state or 618
agency stores licensed by the division of liquor control. 619

(C) If the C or D permit holder sells brands of alcoholic 620
beverages that are produced or distributed by the manufacturer 621
that holds the financial interest, the C or D permit holder also 622
sells other competing brands of alcoholic beverages produced by 623
other manufacturers, no preference is given to the products of the 624
manufacturer, and there is no exclusion, in whole or in part, of 625
products sold or offered for sale by other manufacturers, 626
suppliers, or importers of alcoholic beverages that constitutes a 627
substantial impairment of commerce. 628

(D) The primary purpose of the C or D permit premises is a 629
purpose other than to sell alcoholic beverages, and the sale of 630
other goods and services exceeds fifty per cent of the total gross 631
receipts of the C or D permit holder at its premises. 632

This section does not prevent a manufacturer from giving 633
financial assistance to the holder of a B permit for the purpose 634
of the holder purchasing an ownership interest in the business, 635
existing inventory and equipment, or property of another B permit 636
holder, including, but not limited to, participation in a limited 637
liability partnership, limited liability company, or any other 638

legal entity authorized to do business in this state. This section
does not permit a manufacturer to give financial assistance to the
holder of a B permit to purchase inventory or equipment used in
the daily operation of a B permit holder.

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Sec. 4301.241. Notwithstanding section 4303.06 of the Revised
Code, each manufacturer and supplier of beer ~~and malt beverages~~
shall assign to each of the manufacturer's or supplier's B-1
distributors a sales area or territory within which each ~~such~~ B-1
permit holder shall be the distributor of the brand or brands of
the manufacturer or supplier, provided that, if the manufacturer
or supplier manufactures or supplies more than one brand of beer
~~and malt beverage~~, the manufacturer or supplier may assign sales
areas or territories to additional B-1 distributors for the
distribution and sale of the additional brand or brands, so long
as not more than one distributor distributes the same brand or
brands within the same sales area or territory. No B-1 distributor
shall distribute a specific brand of beer ~~or malt beverage~~ in any
area or territory other than the area or territory assigned to the
distributor.

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Sec. 4301.333. (A) The privilege of local option conferred by
section 4301.323 of the Revised Code may be exercised if, not
later than four p.m. of the seventy-fifth day before the day of a
general or primary election, a petition is presented to the board
of elections of the county in which the precinct is situated by a
petitioner who is one of the following:

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

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

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(3) A person who operates or seeks to operate a liquor agency

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store at a particular location within the precinct; 669

(4) The designated agent for an applicant, liquor permit 670
holder, or liquor agency store described in division (A)(1), (2), 671
or (3) of this section. 672

(B) The petition shall be signed by the electors of the 673
precinct equal in number to at least thirty-five per cent of the 674
total number of votes cast in the precinct for the office of 675
governor at the preceding general election for that office and 676
shall contain all of the following: 677

(1) A notice that the petition is for the submission of the 678
question or questions set forth in section 4301.355 of the Revised 679
Code; 680

(2) The name of the applicant for the issuance or transfer, 681
or the holder, of the liquor permit or, if applicable, the name of 682
the liquor agency store, including any trade or fictitious names 683
under which the applicant, holder, or liquor agency store either 684
intends to do or does business at the particular location; 685

(3) The address and proposed use of the particular location 686
within the election precinct to which the results of the question 687
or questions specified in section 4301.355 of the Revised Code 688
shall apply. For purposes of this division, "use" means all of the 689
following: 690

(a) The type of each liquor permit applied for by the 691
applicant or held by the liquor permit holder as described in 692
sections 4303.11 to 4303.183 of the Revised Code, including a 693
description of the type of beer or intoxicating liquor sales 694
authorized by each permit as provided in those sections; 695

(b) If a liquor agency store, the fact that the business 696
operated as a liquor agency store authorized to operate by this 697
state; 698

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

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

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

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

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

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

(D) Not later than the sixty-sixth day before the day of the next general or primary election, whichever occurs first, the board shall examine and determine the sufficiency of the signatures and the validity of the petition. If the board finds that the petition contains sufficient signatures and in other

respects is valid, it shall order the holding of an election in 730
the precinct on the day of the next general or primary election, 731
whichever occurs first, for the submission of the question or 732
questions set forth in section 4301.355 of the Revised Code. 733

(E) A petition filed with the board of elections under this 734
section shall be open to public inspection under rules adopted by 735
the board. 736

(F) An elector who is eligible to vote on the question or 737
questions set forth in section 4301.355 of the Revised Code may 738
file, not later than four p.m. of the sixty-fourth day before the 739
day of the election at which the question or questions will be 740
submitted to the electors, a protest against a local option 741
petition circulated and filed pursuant to this section. The 742
protest shall be in writing and shall be filed with the election 743
officials with whom the petition was filed. Upon the filing of the 744
protest, the election officials with whom it is filed shall 745
promptly establish a time and place for hearing the protest and 746
shall mail notice of the time and place for the hearing to the 747
applicant for, or the holder of, the liquor permit who is 748
specified in the petition and to the elector who filed the 749
protest. At the time and place established in the notice, the 750
election officials shall hear the protest and determine the 751
validity of the petition. 752

Sec. 4301.355. (A) If a petition is filed under section 753
4301.333 of the Revised Code for the submission of the question or 754
questions set forth in this section, it shall be held in the 755
precinct as ordered by the board of elections under that section. 756
The expense of holding the election shall be charged to the 757
municipal corporation or township of which the precinct is a part. 758

(B) At the election, one or more of the following questions, 759
as designated in a valid petition, shall be submitted to the 760

electors of the precinct:

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(1) "Shall the sale of (insert beer, wine and mixed beverages, or intoxicating liquor) be permitted by.....(insert name of applicant, liquor permit holder, or liquor agency store, including trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either intends to do, or does, business at the particular location), an (insert "applicant for" or "holder of" or "operator of") a(insert class name of liquor permit or permits followed by the words "liquor permit(s)" or, if appropriate, the words "liquor agency store for the State of Ohio"), who is engaged in the business of(insert general nature of the business in which applicant or liquor permit holder is engaged or will be engaged in at the particular location, as described in the petition) at(insert address of the particular location within the precinct as set forth in the petition) in this precinct?"

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(2) "Shall the sale of (insert beer, wine and mixed beverages, or intoxicating liquor) be permitted for sale on Sunday between the hours of (insert "ten a.m. and midnight" or "one p.m. and midnight") by (insert name of applicant, liquor permit holder, or liquor agency store, including trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either intends to do, or does, business at the particular location), an(insert "applicant for a D-6 liquor permit," "holder of a D-6 liquor permit," "applicant for or holder of an A-1-A, A-2, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, or D-7 liquor permit," if only the approval of beer sales is sought, or "liquor agency store") who is engaged in the business of(insert general nature of the business in which applicant or liquor permit holder is engaged or will be engaged in at the particular location, as described in the

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petition) at..... (insert address of the particular location 793
within the precinct) in this precinct?" 794

(C) If the sale of beer, wine and mixed beverages, or 795
intoxicating liquor has been approved at a particular location 796
within the precinct at a previous election held under this 797
section, the ballot also shall include the following statement: 798

"At a previous election held under section 4301.355 of the 799
Revised Code, the electors approved the sale of (insert 800
beer, wine and mixed beverages, or intoxicating liquor, as 801
appropriate) at(insert business name and address of the 802
particular location or locations within the precinct where ~~such~~ 803
that sale has been approved at a previous election under section 804
4301.355 of the Revised Code)." 805

(D) The board of elections shall furnish printed ballots at 806
the election as provided under section 3505.06 of the Revised 807
Code, except that a separate ballot shall be used for the election 808
under this section. The question and, if applicable, the statement 809
set forth in this section shall be printed on each ballot, and the 810
board shall insert in the question and statement appropriate words 811
to complete each. Votes shall be cast as provided under section 812
3505.06 of the Revised Code. 813

Sec. 4301.365. (A) If a majority of the electors in a 814
precinct vote "yes" on questions (B)(1) and (2) as set forth in 815
section 4301.355 of the Revised Code, the sale of beer, wine and 816
mixed beverages, or intoxicating liquor, whichever was the subject 817
of the election, shall be allowed at the particular location and 818
for the use, and during the hours on Sunday, specified in the 819
~~question~~ questions under each permit applied for by the petitioner 820
or at the address listed for the liquor agency store subject only 821
to Chapters 4301. and 4303. of the Revised Code. Failure to 822
continue to use the particular location for any proposed or stated 823

use set forth in the petition ~~shall constitute good cause~~ is 824
grounds for the denial of a renewal of the liquor permit under 825
division (A) of section 4303.271 of the Revised Code or ~~cause~~ is 826
grounds for the nonrenewal or cancellation of the liquor agency 827
store contract by the division of liquor control, except in the 828
case where the liquor permit holder or liquor agency store decides 829
to cease the sale of beer, wine and mixed beverages, or 830
intoxicating liquor, whichever was the subject of the election, on 831
Sundays. 832

(B) If a majority of the electors in a precinct vote "yes" on 833
question (B)(1) and "no" on question (B)(2) as set forth in 834
section 4301.355 of the Revised Code, the sale of beer, wine and 835
mixed beverages, or intoxicating liquor, whichever was the subject 836
of the election, shall be allowed at the particular location for 837
the use specified in question (B)(1) of section 4301.355 of the 838
Revised Code and under each permit applied for by the petitioner, 839
except for a D-6 permit, subject only to Chapters 4301. and 4303. 840
of the Revised Code. 841

(C) If a majority of the electors in a precinct vote "no" on 842
question (B)(1) as set forth in section 4301.355 of the Revised 843
Code, no sales of beer, wine and mixed beverages, or intoxicating 844
liquor, whichever was the subject of the election, shall be 845
allowed at the particular location for the use specified in the 846
petition during the period the election is in effect as defined in 847
section 4301.37 of the Revised Code. 848

(D) If a majority of the electors in a precinct vote only on 849
question (B)(2) as set forth in section 4301.355 of the Revised 850
Code and that vote results in a majority "yes" vote, sales of 851
beer, wine and mixed beverages, or intoxicating liquor, whichever 852
was the subject of the election, shall be allowed at the 853
particular location for the use and during the hours specified in 854
the petition on Sunday during the period the election is in effect 855

as defined in section 4301.37 of the Revised Code. 856

(E) If a majority of the electors in a precinct vote only on 857
question (B)(2) as set forth in section 4301.355 of the Revised 858
Code and that vote results in a majority "no" vote, no sales of 859
beer, wine and mixed beverages, or intoxicating liquor, whichever 860
was the subject of the election, shall be allowed at the 861
particular location for the use and during the hours specified in 862
the petition on Sunday during the period the election is in effect 863
as defined in section 4301.37 of the Revised Code. 864

(F) In case of elections in the same precinct for the 865
question or questions set forth in section 4301.355 of the Revised 866
Code and for a question or questions set forth in section 4301.35, 867
4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised 868
Code, the results of the election held on the question or 869
questions set forth in section 4301.355 of the Revised Code shall 870
apply to the particular location notwithstanding the results of 871
the election held on the question or questions set forth in 872
section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 873
of the Revised Code. 874

(G) Sections 4301.32 to 4301.41 of the Revised Code do not 875
prohibit the transfer of ownership of a permit that was issued to 876
a particular location as the result of an election held on sales 877
of beer, wine and mixed beverages, or intoxicating liquor at that 878
particular location as long as the general nature of the business 879
at that particular location described in the petition for that 880
election remains the same after the transfer. 881

Sec. 4301.402. Sections 4301.32 to 4301.391, 4301.41, and 882
4305.14 of the Revised Code and the provisions for local option 883
elections and the election on the question of the repeal of 884
Section 9 of Article XV, Ohio Constitution, in section 4303.29 of 885
the Revised Code, do not affect or prohibit the sale of beer or 886

intoxicating liquor at a golf course or at a hotel, motel, or 887
lodge required to be licensed under section 3731.03 of the Revised 888
Code that contains at least fifty rooms for registered transient 889
guests ~~and~~ if the golf course, hotel, motel, or lodge is owned by 890
the state or a ~~political subdivision or conservancy district, park~~ 891
district created under Chapter 1545. of the Revised Code, or other 892
political subdivision of the state, ~~provided that~~ and the permit 893
holder for the golf course, hotel, motel, or lodge operates 894
~~pursuant to~~ under the authority of ~~the~~ a liquor permit issued 895
~~pursuant to~~ under Chapter 4303. of the Revised Code. 896

Sec. 4301.42. For the purpose of providing revenue for the 897
support of the state, a tax is hereby levied on the sale of beer, 898
~~ale, porter, stout, and other malt liquor beverages~~ in sealed 899
bottles and cans having twelve ounces or less of liquid content, 900
at the rate of fourteen one-hundredths of one cent on each ounce 901
of liquid content or fractional part ~~thereof~~ of each ounce of 902
liquid content, and on such containers in excess of twelve ounces, 903
at the rate of eighty-four one-hundredths of one cent on each six 904
ounces of liquid content or fractional part ~~thereof~~ of each six 905
ounces of liquid content. Sections 4307.01 to 4307.12 of the 906
Revised Code apply in the administration of ~~said~~ that tax. 907
Manufacturers, bottlers, and canners of and wholesale dealers in 908
~~beer, ale, porter, stout, and other malt liquor beverages~~ have the 909
duty to pay the tax imposed by this section and are entitled to 910
the privileges in the manner provided in section 4303.33 of the 911
Revised Code. 912

Sec. 4301.47. Every class A-1, A-2, and A-4 permit holder and 913
each class B permit holder shall maintain and keep for a period of 914
three years a record of the beer, wine, ~~malt beverages,~~ and mixed 915
beverages purchased, distributed, or sold within this state by the 916
permit holder, together with invoices, records, receipts, bills of 917

loading, and other pertinent papers required by the tax 918
commissioner and, upon demand by the tax commissioner, shall 919
produce these records for a three-year period prior to the demand 920
unless upon satisfactory proof it is shown that the ~~non-production~~ 921
nonproduction is due to causes beyond ~~his~~ the permit holder's 922
control. 923

Sec. 4301.54. If the laws of another state, territory, or 924
nation, or the rules and regulations of an administrative body 925
therein in another state, territory, or nation, provide for the 926
levy and collection of taxes, fees, and charges upon the products 927
of Ohio manufacturers of wine or manufacturers or brewers of beer 928
~~and other malt liquors~~ when such those products are sold in, 929
delivered, or shipped into ~~such the~~ other state, territory, or 930
nation, in excess of the taxes, fees, and charges levied and 931
collected on the products of ~~manufactures~~ manufacturers or brewers 932
of ~~said those~~ states, territories, or nations, whether such those 933
taxes, fees, and charges are in the nature of an excise, sales, or 934
import tax, or by whatever name designated, the tax commissioner 935
shall levy and collect additional taxes, fees, and charges on the 936
products of manufacturers of wine or manufacturers and brewers of 937
beer ~~and other malt liquor~~ of ~~said that~~ other state, territory, or 938
nation when sold in, delivered, or shipped into this state. 939

~~Such~~ The additional taxes, fees, and charges shall be in 940
excess of those provided for in other sections of this chapter or 941
Chapters ~~4301.,~~ 4303. and 4307. and section 4305.13 of the Revised 942
Code, in the same proportion or in the same amount as taxes, fees, 943
and charges levied and collected in ~~said the other~~ state, 944
territory, or nation upon the products of Ohio manufacturers of 945
wine or manufacturers or brewers of beer ~~and other malt liquor~~ are 946
in excess of those levied and collected on the products of 947
manufacturers and brewers of ~~said the other~~ state, territory, or 948

nation. 949

If the laws of another state, territory, or nation, or the 950
rules and regulations of ~~the~~ an administrative body ~~therein in~~ 951
another state, territory, or nation, provide for the levy and 952
collection of taxes, fees, or charges against Ohio ~~manufactures~~ 953
manufacturers of wine or ~~manufactures~~ manufacturers or brewers of 954
beer ~~and other malt liquor~~ for the privilege of doing business 955
therein in that state, territory, or nation, like amounts shall be 956
levied and collected on manufacturers or brewers of ~~said that~~ 957
state, territory, or nation for the privilege of doing business in 958
this state. 959

Sec. 4301.55. If the laws of another state, territory, or 960
nation, or the rules and regulations of any administrative body 961
therein in another state, territory, or nation, authorize or 962
impose any tax, fee, or charge upon the right to transport or 963
import into ~~such that~~ that state, territory, or nation any beer, ~~malt~~ 964
~~liquor~~, or wine manufactured in this state; or authorize or impose 965
any different warehousing requirements or higher warehousing or 966
inspection fees upon any beer, ~~malt liquor~~, or wine manufactured 967
in this state and imported into or sold in ~~such that~~ that state, 968
territory, or nation than are imposed upon beer, ~~malt liquor~~, and 969
wine manufactured in ~~such that~~ that state, territory, or nation; or 970
impose any higher fee for the privilege of selling or handling 971
beer, ~~malt liquor~~, or wine manufactured in this state than is 972
imposed for the privilege of handling or selling the same kind of 973
beverages manufactured within ~~such that~~ that state, territory, or 974
nation or any other state, territory, or nation, the tax 975
commissioner shall levy and collect similar taxes, fees, and 976
charges from licensees or persons selling in ~~Ohio this state~~ beer, 977
~~malt liquor~~, and wine manufactured in ~~such that~~ that other state, 978
territory, or nation. ~~Such~~ The taxes, fees, and charges shall be 979
in addition to the taxes, fees, and charges assessed and collected 980

by the commissioner under section 4301.54 of the Revised Code.	981
Sec. 4301.62. (A) As used in this section:	982
(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code.	983 984
(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code.	985 986
(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:	987 988 989
(1) In a state liquor store;	990
(2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the division of liquor control;	991 992 993
(3) In any other public place;	994
(4) Except as provided in division (D) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;	995 996 997 998
(5) Except as provided in division (D) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.	999 1000 1001 1002
(C)(1) A person may have in the person's possession an opened container of any of the following:	1003 1004
(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, <u>D-5k</u> ,	1005 1006 1007 1008

D-7, D-8, E, F, or F-2 permit; 1009

(b) Beer, wine, or mixed beverages served for consumption on 1010
the premises by the holder of an F-3 permit or wine served for 1011
consumption on the premises by the holder of an F-4 permit; 1012

(c) Beer or intoxicating liquor consumed on the premises of a 1013
convention facility as provided in section 4303.201 of the Revised 1014
Code; 1015

(d) Beer or intoxicating liquor to be consumed during 1016
tastings and samplings approved by rule of the liquor control 1017
commission. 1018

(2) A person may have in the person's possession on an F 1019
liquor permit premises an opened container of beer or intoxicating 1020
liquor that was not purchased from the holder of the F permit if 1021
the premises for which the F permit is issued is a music festival 1022
and the holder of the F permit grants permission for that 1023
possession on the premises during the period for which the F 1024
permit is issued. As used in this division, "music festival" means 1025
a series of outdoor live musical performances, extending for a 1026
period of at least three consecutive days and located on an area 1027
of land of at least forty acres. 1028

(D) This section does not apply to a person who pays all or a 1029
portion of the fee imposed for the use of a chauffeured limousine 1030
pursuant to a prearranged contract, or the guest of the person, 1031
when all of the following apply: 1032

(1) The person or guest is a passenger in the limousine. 1033

(2) The person or guest is located in the limousine, but is 1034
not occupying a seat in the front compartment of the limousine 1035
where the operator of the limousine is located. 1036

(3) The limousine is located on any street, highway, or other 1037
public or private property open to the public for purposes of 1038
vehicular travel or parking. 1039

Sec. 4303.01. As used in sections 4303.01 to 4303.37 of the Revised Code, "intoxicating liquor," "liquor," "sale," "sell," "vehicle," "alcohol," "beer," ~~"malt liquor," "malt beverage,"~~ "wine," "mixed beverages," "spirituous liquor," "sealed container," "person," "manufacture," "manufacturer," "wholesale distributor," "distributor," "hotel," "restaurant," "club," "night club," "at retail," "pharmacy," and "enclosed shopping center" have the same meanings as in section 4301.01 of the Revised Code.

Sec. 4303.02. Permit A-1 may be issued to a manufacturer to manufacture beer, ~~ale, stout, and other malt liquor containing not more than six per cent of alcohol by weight~~ and sell such beer products in bottles or containers for home use and to retail and wholesale permit holders under ~~such rules as are~~ promulgated by the division of liquor control. The fee for this permit is three thousand one hundred twenty-five dollars for each plant during the year covered by the permit.

Sec. 4303.06. Permit B-1 may be issued to a wholesale distributor of beer to purchase from the holders of A-1 permits and to import and distribute or sell beer, ~~ale, lager, stout, and other malt liquors containing not more than six per cent of alcohol by weight~~ for home use and to retail permit holders under ~~such rules as are~~ adopted by the division of liquor control. The fee for this permit is two thousand five hundred dollars for each distributing plant or warehouse during the year covered by the permit.

Sec. 4303.07. Permit B-2 may be issued to a wholesale distributor of wine to purchase from holders of A-2 and B-5 permits and distribute or sell such product, in the original container in which it was placed by the B-5 permit holder or

manufacturer at the place where manufactured, to A-1-A, C-2, D-2, 1069
D-3, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 1070
D-5h, D-5i, D-5j, D-5k, and E permit holders, and for home use. 1071
The fee for this permit is two hundred fifty dollars for each 1072
distributing plant or warehouse. The initial fee shall be 1073
increased ten cents per wine barrel of fifty gallons for all wine 1074
distributed and sold in this state in excess of twelve hundred 1075
fifty such barrels during the year covered by the permit. 1076

Sec. 4303.10. Permit B-5 may be issued to a wholesale 1077
distributor of wine to purchase wine from the holders of A-2 1078
permits, to purchase and import wine in bond or otherwise, in bulk 1079
or in containers of any size, and to bottle wine for distribution 1080
and sale to holders of A-1-A, B-2, B-3, B-5, C-2, D-2, D-3, D-4, 1081
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 1082
D-5j, D-5k, and E permits and for home use in sealed containers. 1083
No wine shall be bottled by a B-5 permit holder in containers 1084
supplied by any person who intends the wine for home use. The fee 1085
for this permit is one thousand two hundred fifty dollars. 1086

Sec. 4303.181. (A) Permit D-5a may be issued either to the 1087
owner or operator of a hotel or motel that is required to be 1088
licensed under section 3731.03 of the Revised Code, that contains 1089
at least fifty rooms for registered transient guests, and that 1090
qualifies under the other requirements of this section, or to the 1091
owner or operator of a restaurant specified under this section, to 1092
sell beer and any intoxicating liquor at retail, only by the 1093
individual drink in glass and from the container, for consumption 1094
on the premises where sold, and to registered guests in their 1095
rooms, which may be sold by means of a controlled access alcohol 1096
and beverage cabinet in accordance with division (B) of section 1097
4301.21 of the Revised Code; and to sell the same products in the 1098
same manner and amounts not for consumption on the premises as may 1099

be sold by holders of D-1 and D-2 permits. The premises of the 1100
hotel or motel shall include a retail food establishment or a food 1101
service operation licensed pursuant to Chapter 3717. of the 1102
Revised Code that operates as a restaurant for purposes of this 1103
chapter and that is affiliated with the hotel or motel and within 1104
or contiguous to the hotel or motel, and that serves food within 1105
the hotel or motel, but the principal business of the owner or 1106
operator of the hotel or motel shall be the accommodation of 1107
transient guests. In addition to the privileges authorized in this 1108
division, the holder of a D-5a permit may exercise the same 1109
privileges as the holder of a D-5 permit. 1110

The owner or operator of a hotel, motel, or restaurant who 1111
qualified for and held a D-5a permit on August 4, 1976, may, if 1112
the owner or operator held another permit before holding a D-5a 1113
permit, either retain a D-5a permit or apply for the permit 1114
formerly held, and the division of liquor control shall issue the 1115
permit for which the owner or operator applies and formerly held, 1116
notwithstanding any quota. 1117

A D-5a permit shall not be transferred to another location. 1118
No quota restriction shall be placed on the number of such permits 1119
that may be issued. 1120

The fee for this permit is one thousand eight hundred 1121
seventy-five dollars. 1122

(B) Permit D-5b may be issued to the owner, operator, tenant, 1123
lessee, or occupant of an enclosed shopping center to sell beer 1124
and intoxicating liquor at retail, only by the individual drink in 1125
glass and from the container, for consumption on the premises 1126
where sold; and to sell the same products in the same manner and 1127
amount not for consumption on the premises as may be sold by 1128
holders of D-1 and D-2 permits. In addition to the privileges 1129
authorized in this division, the holder of a D-5b permit may 1130
exercise the same privileges as a holder of a D-5 permit. 1131

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

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

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

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The holder of a D-5b permit issued before April 4, 1984, whose tenancy is terminated for a cause other than nonpayment of rent, may return the D-5b permit to the division of liquor control, and the division shall cancel that permit. Upon cancellation of that permit and upon the permit holder's payment of taxes, contributions, premiums, assessments, and other debts owing or accrued upon the date of cancellation to this state and its political subdivisions and a filing with the division of a certification of that payment, the division shall issue to that person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as

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

The fee for this permit is one thousand eight hundred
seventy-five dollars.

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

To qualify for a D-5c permit, the owner or operator of a
retail food establishment or a food service operation licensed

pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter, shall have operated the restaurant at the proposed premises for not less than twenty-four consecutive months immediately preceding the filing of the application for the permit, have applied for a D-5 permit no later than December 31, 1988, and appear on the division's quota waiting list for not less than six months immediately preceding the filing of the application for the permit. In addition to these requirements, the proposed D-5c permit premises shall be located within a municipal corporation and further within an election precinct that, at the time of the application, has no more than twenty-five per cent of its total land area zoned for residential use.

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

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

The fee for this permit is one thousand two hundred fifty dollars.

(D) Permit D-5d may be issued to the owner or operator of a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located at an airport operated by a board of county commissioners pursuant to section 307.20 of the Revised Code or at an airport operated by a regional airport authority pursuant to Chapter 308. of the Revised Code. Not more than one D-5d permit shall be issued in each county. The holder of a D-5d permit may sell beer and any

intoxicating liquor at retail, only by the individual drink in 1228
glass and from the container, for consumption on the premises 1229
where sold, and may sell the same products in the same manner and 1230
amounts not for consumption on the premises where sold as may be 1231
sold by the holders of D-1 and D-2 permits. In addition to the 1232
privileges authorized in this division, the holder of a D-5d 1233
permit may exercise the same privileges as the holder of a D-5 1234
permit. 1235

A D-5d permit shall not be transferred to another location. 1236
Except as otherwise provided in this division, no quota 1237
restrictions shall be placed on the number of such permits that 1238
may be issued. 1239

The fee for this permit is one thousand eight hundred 1240
seventy-five dollars. 1241

(E) Permit D-5e may be issued to any nonprofit organization 1242
that is exempt from federal income taxation under the "Internal 1243
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 1244
amended, or that is a charitable organization under any chapter of 1245
the Revised Code, and that owns or operates a riverboat that meets 1246
all of the following: 1247

(1) Is permanently docked at one location; 1248

(2) Is designated as an historical riverboat by the Ohio 1249
historical society; 1250

(3) Contains not less than fifteen hundred square feet of 1251
floor area; 1252

(4) Has a seating capacity of fifty or more persons. 1253

The holder of a D-5e permit may sell beer and intoxicating 1254
liquor at retail, only by the individual drink in glass and from 1255
the container, for consumption on the premises where sold. 1256

A D-5e permit shall not be transferred to another location. 1257

No quota restriction shall be placed on the number of such permits 1258
that may be issued. The population quota restrictions contained in 1259
section 4303.29 of the Revised Code or in any rule of the liquor 1260
control commission shall not apply to this division, and the 1261
division shall issue a D-5e permit to any applicant who meets the 1262
requirements of this division. However, the division shall not 1263
issue a D-5e permit if the permit premises or proposed permit 1264
premises are located within an area in which the sale of 1265
spirituous liquor by the glass is prohibited. 1266

The fee for this permit is nine hundred seventy-five dollars. 1267

(F) Permit D-5f may be issued to the owner or operator of a 1268
retail food establishment or a food service operation licensed 1269
under Chapter 3717. of the Revised Code that operates as a 1270
restaurant for purposes of this chapter and that meets all of the 1271
following: 1272

(1) It contains not less than twenty-five hundred square feet 1273
of floor area. 1274

(2) It is located on or in, or immediately adjacent to, the 1275
shoreline of, a navigable river. 1276

(3) It provides docking space for twenty-five boats. 1277

(4) It provides entertainment and recreation, provided that 1278
not less than fifty per cent of the business on the permit 1279
premises shall be preparing and serving meals for a consideration. 1280

In addition, each application for a D-5f permit shall be 1281
accompanied by a certification from the local legislative 1282
authority that the issuance of the D-5f permit is not inconsistent 1283
with that political subdivision's comprehensive development plan 1284
or other economic development goal as officially established by 1285
the local legislative authority. 1286

The holder of a D-5f permit may sell beer and intoxicating 1287

liquor at retail, only by the individual drink in glass and from 1288
the container, for consumption on the premises where sold. 1289

A D-5f permit shall not be transferred to another location. 1290
No more than fifteen D-5f permits shall be issued by the division 1291
of liquor control, and no more than two such permits shall be 1292
issued in any county. However, the division shall not issue a D-5f 1293
permit if the permit premises or proposed permit premises are 1294
located within an area in which the sale of spirituous liquor by 1295
the glass is prohibited. 1296

A fee for this permit is one thousand eight hundred 1297
seventy-five dollars. 1298

As used in this division, "navigable river" means a river 1299
that is also a "navigable water" as defined in the "Federal Power 1300
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 1301

(G) Permit D-5g may be issued to a nonprofit corporation that 1302
is either the owner or the operator of a national professional 1303
sports museum. The holder of a D-5g permit may sell beer and any 1304
intoxicating liquor at retail, only by the individual drink in 1305
glass and from the container, for consumption on the premises 1306
where sold. The holder of a D-5g permit shall sell no beer or 1307
intoxicating liquor for consumption on the premises where sold 1308
after one a.m. A D-5g permit shall not be transferred to another 1309
location. No quota restrictions shall be placed on the number of 1310
D-5g permits that may be issued. The fee for this permit is one 1311
thousand five hundred dollars. 1312

(H) Permit D-5h may be issued to any nonprofit organization 1313
that is exempt from federal income taxation under the "Internal 1314
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 1315
amended, that owns or operates a fine arts museum and has no less 1316
than five thousand bona fide members possessing full membership 1317
privileges. The holder of a D-5h permit may sell beer and any 1318

intoxicating liquor at retail, only by the individual drink in 1319
glass and from the container, for consumption on the premises 1320
where sold. The holder of a D-5h permit shall sell no beer or 1321
intoxicating liquor for consumption on the premises where sold 1322
after one a.m. A D-5h permit shall not be transferred to another 1323
location. No quota restrictions shall be placed on the number of 1324
D-5h permits that may be issued. The fee for this permit is one 1325
thousand five hundred dollars. 1326

(I) Permit D-5i may be issued to the owner or operator of a 1327
retail food establishment or a food service operation licensed 1328
under Chapter 3717. of the Revised Code that operates as a 1329
restaurant for purposes of this chapter and that meets all of the 1330
following requirements: 1331

(1) It is located in a municipal corporation or a township 1332
with a population of fifty thousand or less. 1333

(2) It has inside seating capacity for at least one hundred 1334
forty persons. 1335

(3) It has at least four thousand square feet of floor area. 1336
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(4) It offers full-course meals, appetizers, and sandwiches. 1338

(5) Its receipts from beer and liquor sales do not exceed 1339
twenty-five per cent of its total gross receipts. 1340

(6) The value of its real and personal property exceeds seven 1341
hundred twenty-five thousand dollars. 1342

The holder of a D-5i permit shall cause an independent audit 1343
to be performed at the end of one full year of operation following 1344
issuance of the permit in order to verify the requirements of 1345
division (I)(5) of this section. The results of the independent 1346
audit shall be transmitted to the division. Upon determining that 1347
the receipts of the holder from beer and liquor sales exceeded 1348

twenty-five per cent of its total gross receipts, the division 1349
shall suspend the permit of the permit holder under section 1350
4301.25 of the Revised Code and may allow the permit holder to 1351
elect a forfeiture under section 4301.252 of the Revised Code. 1352

The holder of a D-5i permit may sell beer and any 1353
intoxicating liquor at retail, only by the individual drink in 1354
glass and from the container, for consumption on the premises 1355
where sold, and may sell the same products in the same manner and 1356
amounts not for consumption on the premises where sold as may be 1357
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 1358
permit shall sell no beer or intoxicating liquor for consumption 1359
on the premises where sold after two-thirty a.m. In addition to 1360
the privileges authorized in this division, the holder of a D-5i 1361
permit may exercise the same privileges as the holder of a D-5 1362
permit. 1363

A D-5i permit shall not be transferred to another location. 1364
The division of liquor control shall not renew a D-5i permit 1365
unless the food service operation for which it is issued continues 1366
to meet the requirements described in divisions (I)(1) to (6) of 1367
this section. No quota restrictions shall be placed on the number 1368
of D-5i permits that may be issued. The fee for this permit is one 1369
thousand eight hundred seventy-five dollars. 1370

(J)(1) Permit D-5j may be issued to the owner or the operator 1371
of a retail food establishment or a food service operation 1372
licensed under Chapter 3717. of the Revised Code to sell beer and 1373
intoxicating liquor at retail, only by the individual drink in 1374
glass and from the container, for consumption on the premises 1375
where sold and to sell beer and intoxicating liquor in the same 1376
manner and amounts not for consumption on the premises where sold 1377
as may be sold by the holders of D-1 and D-2 permits. The holder 1378
of a D-5j permit may exercise the same privileges, and shall 1379
observe the same hours of operation, as the holder of a D-5 1380

permit. 1381

(2) The D-5j permit shall be issued only within a community 1382
entertainment district that is designated under section 4301.80 of 1383
the Revised Code and that is located in a municipal corporation 1384
with a population of at least one hundred thousand. 1385

(3) The location of a D-5j permit may be transferred only 1386
within the geographic boundaries of the community entertainment 1387
district in which it was issued and shall not be transferred 1388
outside the geographic boundaries of that district. 1389

(4) Not more than one D-5j permit shall be issued within each 1390
community entertainment district for each five acres of land 1391
located within the district. Not more than fifteen D-5j permits 1392
may be issued within a single community entertainment district. 1393
Except as otherwise provided in division (J)(4) of this section, 1394
no quota restrictions shall be placed upon the number of D-5j 1395
permits that may be issued. 1396

(5) The fee for a D-5j permit is one thousand eight hundred 1397
seventy-five dollars. 1398

(K)(1) Permit D-5k may be issued to any nonprofit 1399
organization that is exempt from federal income taxation under the 1400
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1401
501(c)(3), as amended, that is the owner or operator of a 1402
botanical garden, and that has not less than twenty-five hundred 1403
bona fide members. 1404

(2) The holder of a D-5k permit may sell beer and any 1405
intoxicating liquor at retail, only by the individual drink in 1406
glass and from the container, on the premises where sold. 1407

(3) The holder of a D-5k permit shall sell no beer or 1408
intoxicating liquor for consumption on the premises where sold 1409
after one a.m. 1410

(4) A D-5k permit shall not be transferred to another location. 1411
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(5) No quota restrictions shall be placed on the number of D-5k permits that may be issued. 1413
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(6) The fee for the D-5k permit is one thousand five hundred dollars. 1415
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Sec. 4303.182. (A) Except as otherwise provided in divisions 1417
(B) to ~~(F)~~ (G) of this section, permit D-6 shall be issued to the 1418
holder of an A-1-A, A-2, C-2, D-2, D-3, D-4, D-4a, D-5, D-5a, 1419
D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, or D-7 1420
permit to allow sale under that permit between the hours of ten 1421
a.m. and midnight, or between the hours of one p.m. and midnight, 1422
on Sunday, as applicable, if that sale has been authorized under 1423
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 1424
Code and under the restrictions of that authorization. 1425

(B) Permit D-6 shall be issued to the holder of any permit, 1426
including a D-4a and D-5d permit, authorizing the sale of 1427
intoxicating liquor issued for a premises located at any publicly 1428
owned airport, as defined in section 4563.01 of the Revised Code, 1429
at which commercial airline companies operate regularly scheduled 1430
flights on which space is available to the public, to allow sale 1431
under such permit between the hours of ten a.m. and midnight on 1432
Sunday, whether or not that sale has been authorized under section 1433
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 1434

(C) Permit D-6 shall be issued to the holder of a D-5a 1435
permit, and to the holder of a D-3 or D-3a permit who is the owner 1436
or operator of a hotel or motel that is required to be licensed 1437
under section 3731.03 of the Revised Code, that contains at least 1438
fifty rooms for registered transient guests, and that has on its 1439
premises a retail food establishment or a food service operation 1440
licensed pursuant to Chapter 3717. of the Revised Code that 1441

operates as a restaurant for purposes of this chapter and is 1442
affiliated with the hotel or motel and within or contiguous to the 1443
hotel or motel and serving food within the hotel or motel, to 1444
allow sale under such permit between the hours of ten a.m. and 1445
midnight on Sunday, whether or not that sale has been authorized 1446
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 1447
Revised Code. 1448

(D) The holder of a D-6 permit that is issued to a sports 1449
facility may make sales under the permit between the hours of 1450
eleven a.m. and midnight on any Sunday on which a professional 1451
baseball, basketball, football, hockey, or soccer game is being 1452
played at the sports facility. As used in this division, "sports 1453
facility" means a stadium or arena that has a seating capacity of 1454
at least four thousand and that is owned or leased by a 1455
professional baseball, basketball, football, hockey, or soccer 1456
franchise or any combination of those franchises. 1457

(E) Permit D-6 shall be issued to the holder of any permit 1458
that authorizes the sale of beer or intoxicating liquor and that 1459
is issued to a premises located in or at the Ohio historical 1460
society area or the state fairgrounds, as defined in division (B) 1461
of section 4301.40 of the Revised Code, to allow sale under that 1462
permit between the hours of ten a.m. and midnight on Sunday, 1463
whether or not that sale has been authorized under section 1464
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 1465

(F) Permit D-6 shall be issued to the holder of any permit 1466
that authorizes the sale of intoxicating liquor and that is issued 1467
to an outdoor performing arts center to allow sale under that 1468
permit between the hours of one p.m. and midnight on Sunday, 1469
whether or not that sale has been authorized under section 1470
4301.361 of the Revised Code. A D-6 permit issued under this 1471
division is subject to the results of an election, held after the 1472
D-6 permit is issued, on question (B)(4) as set forth in section 1473

4301.351 of the Revised Code. Following the end of the period 1474
during which an election may be held on question (B)(4) as set 1475
forth in that section, sales of intoxicating liquor may continue 1476
at an outdoor performing arts center under a D-6 permit issued 1477
under this division, unless an election on that question is held 1478
during the permitted period and a majority of the voters voting in 1479
the precinct on that question vote "no." 1480

As used in this division, "outdoor performing arts center" 1481
means an outdoor performing arts center that is located on not 1482
less than eight hundred acres of land and that is open for 1483
performances from the first day of April to the last day of 1484
October of each year. 1485

(G) Permit D-6 shall be issued to the holder of any permit 1486
that authorizes the sale of beer or intoxicating liquor and that 1487
is issued to a golf course owned by the state, a conservancy 1488
district, a park district created under Chapter 1545. of the 1489
Revised Code, or another political subdivision to allow sale under 1490
that permit between the hours of ten a.m. and midnight on Sunday, 1491
whether or not that sale has been authorized under section 1492
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 1493

(H) If the restriction to licensed premises where the sale of 1494
food and other goods and services exceeds fifty per cent of the 1495
total gross receipts of the permit holder at the premises is 1496
applicable, the division of liquor control may accept an affidavit 1497
from the permit holder to show the proportion of the permit 1498
holder's gross receipts derived from the sale of food and other 1499
goods and services. If the liquor control commission determines 1500
that affidavit to have been false, it shall revoke the permits of 1501
the permit holder at the premises concerned. 1502

~~(H)~~(I) The fee for the D-6 permit is two hundred fifty 1503
dollars when it is issued to the holder of an A-1-A, A-2, D-2, 1504
D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, 1505

D-5g, D-5h, D-5i, D-5j, D-5k, or D-7 permit. The fee for the D-6 1506
permit is two hundred dollars when it is issued to the holder of a 1507
C-2 permit. 1508

Sec. 4303.204. (A) The division of liquor control may issue 1509
an F-4 permit to an association or corporation organized 1510
not-for-profit in this state to conduct an event that includes the 1511
introduction, showcasing, or promotion of Ohio wines, if the event 1512
has all of the following characteristics: 1513

(1) It is coordinated by that association or corporation, and 1514
the association or corporation is responsible for the activities 1515
at it. 1516

(2) It has as one of its purposes the intent to introduce, 1517
showcase, or promote Ohio wines to persons who attend it. 1518

(3) It includes the sale of food for consumption on the 1519
premises where sold. 1520

(4) It features at least three A-2 permit holders who sell 1521
Ohio wine at it. 1522

(B) The holder of an F-4 permit may furnish, without charge, 1523
wine that it has obtained from the A-2 permit holders that are 1524
participating in the event for which the F-4 permit is issued, in 1525
two-ounce samples for consumption on the premises where furnished 1526
and may sell such wine by the glass for consumption on the 1527
premises where sold. The holder of an A-2 permit that is 1528
participating in the event for which the F-4 permit is issued may 1529
sell wine that it has manufactured, in sealed containers for 1530
consumption off the premises where sold. Wine may be furnished or 1531
sold on the premises of the event for which the F-4 permit is 1532
issued only where and when the sale of wine is otherwise permitted 1533
by law. 1534

(C) The premises of the event for which the F-4 permit is 1535

issued shall be clearly defined and sufficiently restricted to 1536
allow proper enforcement of the permit by state and local law 1537
enforcement officers. If an F-4 permit is issued for all or a 1538
portion of the same premises for which another class of permit is 1539
issued, that permit holder's privileges will be suspended in that 1540
portion of the premises in which the F-4 permit is in effect. 1541

(D) No F-4 permit shall be effective for more than 1542
seventy-two consecutive hours. No sales or furnishing of wine 1543
shall take place under an F-4 permit after one a.m. 1544

(E) The division shall not issue more than six F-4 permits to 1545
the same not-for-profit association or corporation in any one 1546
calendar year. 1547

(F) An applicant for an F-4 permit shall apply for the permit 1548
not later than thirty days prior to the first day of the event for 1549
which the permit is sought. The application for the permit shall 1550
list all of the A-2 permit holders that will participate in the 1551
event for which the F-4 permit is sought. The fee for the F-4 1552
permit is thirty dollars per day. 1553

The division shall prepare and make available an F-4 permit 1554
application form and may require applicants for and holders of the 1555
F-4 permit to provide information that is in addition to that 1556
required by this section and that is necessary for the 1557
administration of this section. 1558

(G)(1) The holder of an F-4 permit is responsible for, and is 1559
subject to penalties for, any violations of this chapter or 1560
Chapter 4301. of the Revised Code or the rules adopted under this 1561
and that chapter. 1562

(2) An F-4 permit holder shall not allow an A-2 permit holder 1563
to participate in the event for which the F-4 permit is issued if 1564
the A-2 or A-1-A permit of that A-2 permit holder is under 1565
suspension. 1566

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

(H)(1) Notwithstanding division (E) of section 4301.22 of the Revised Code, an A-2 permit holder that participates in an event for which an F-4 permit is issued may donate wine that it has manufactured to the holder of that F-4 permit. The holder of an F-4 permit may return unused and sealed containers of wine to the A-2 permit holder that donated the wine at the conclusion of the event for which the F-4 permit was issued.

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

Sec. 4303.22. Permit H may be issued for a fee of one hundred fifty dollars to a carrier by motor vehicle who also holds a license issued by the public utilities commission to transport beer, intoxicating liquor, and alcohol, or any of them, in this state for delivery or use in this state. This section does not prevent the division of liquor control from contracting with common or contract carriers for the delivery or transportation of liquor for the division, and any contract or common carrier so contracting with the division is eligible for an H permit. Manufacturers or wholesale distributors of beer or intoxicating liquor other than spirituous liquor who transport or deliver their own products to or from their premises licensed under ~~Chapters this chapter and Chapter 4301. and 4303.~~ of the Revised Code by their own trucks as an incident to the purchase or sale of such beverages need not obtain an H permit. Carriers by rail shall receive ~~such an~~ H permit upon application ~~therefor~~ for it.

This section does not prevent the division from issuing, upon 1599
the payment of the permit fee, an H permit to any person, 1600
partnership, firm, or corporation, licensed by any other state to 1601
engage in the business of manufacturing and brewing or producing 1602
beer, ~~malt liquor~~, wine, and mixed beverages or any person, 1603
partnership, firm, or corporation, licensed by the United States 1604
or any other state to engage in the business of importing beer, 1605
~~malt liquor~~, wine, and mixed beverages manufactured outside the 1606
United States. ~~Such~~ The manufacturer, brewer, or importer of 1607
products manufactured outside the United States, upon the issuance 1608
of an H permit, may transport, ship, and deliver only its own 1609
products to holders of B-1 or B-5 permits in Ohio in motor trucks 1610
and equipment owned and operated by such class H permit holder. No 1611
H permit shall be issued by the division to such applicant until 1612
the applicant files with the division a liability insurance 1613
certificate or policy satisfactory to the division, in a sum of 1614
not less than one thousand nor more than five thousand dollars for 1615
property damage and for not less than five thousand nor more than 1616
fifty thousand dollars for loss sustained by reason of injury or 1617
death and with such other terms as the division considers 1618
necessary to adequately protect the interest of the public, having 1619
due regard for the number of persons and amount of property 1620
affected. ~~Such~~ The certificate or policy shall insure the 1621
manufacturer, brewer, or importer of products manufactured outside 1622
the United States against loss sustained by reason of the death of 1623
or injury to persons, and for loss of or damage to property, from 1624
the negligence of such class H permit holder in the operation of 1625
its motor vehicles or equipment in this state. 1626

Sec. 4303.29. (A) No permit, other than an H permit, shall be 1627
issued to a firm or partnership unless all the members of ~~said~~ the 1628
firm or partnership are citizens of the United States and a 1629
majority have resided in this state for one year prior to 1630

application for ~~such~~ the permit. No permit, other than an H 1631
permit, shall be issued to an individual who is not a citizen of 1632
the United States who has resided in this state for at least one 1633
year prior to application for ~~such~~ the permit. No permit, other 1634
than an E or H permit, shall be issued to any corporation 1635
organized under the laws of any country, territory, or state other 1636
than ~~Ohio~~ this state until it has furnished the division of liquor 1637
control with evidence that it has complied with the laws of this 1638
state relating to the transaction of business in this state. 1639

The division may refuse to issue any permit to or refuse to 1640
renew any permit of any person convicted of any felony that is 1641
reasonably related to the person's fitness to operate a liquor 1642
permit business in this state. No holder of a permit shall sell, 1643
assign, transfer, or pledge ~~such~~ the permit, without the written 1644
consent of the division. 1645

(B)(1) No more than one of each type of C or D ~~permits~~ permit 1646
shall be issued to any one person, firm, or corporation in any 1647
county having a population of less than twenty-five thousand, and 1648
no more than one of each type of C or D ~~permits~~ permit shall be 1649
issued to any one person, firm, or corporation for any additional 1650
twenty-five thousand or major fraction thereof in any county 1651
having a greater population than twenty-five thousand, provided 1652
that, in the case of D-3, D-3a, D-4, and D-5 permits, no more than 1653
one permit shall be issued to any one person, firm, or corporation 1654
in any county having a population of less than fifty thousand, and 1655
no more than one such permit shall be issued to any one person, 1656
firm, or corporation for any additional fifty thousand or major 1657
fraction thereof in any county having a greater population than 1658
fifty thousand. 1659

(2) No D-3 permit shall be issued to any club unless ~~such~~ the 1660
club has been continuously engaged in the activity specified in 1661
section 4303.15 of the Revised Code, as a qualification for ~~such~~ 1662

that class of permit, for two years at the time ~~such~~ the permit is 1663
issued. 1664

(3)(a) Subject to division (B)(3)(b) of this section, upon 1665
application by properly qualified persons, one C-1 and C-2 permit 1666
shall be issued for each one thousand population or part ~~thereof~~ 1667
of that population, and one D-1 and D-2 permit shall be issued for 1668
each two thousand population or part ~~thereof~~ of that population, 1669
in each municipal corporation and in the unincorporated area of 1670
each township. 1671

Subject to division (B)(3)(b) of this section, not more than 1672
one D-3, D-4, or D-5 permit shall be issued for each two thousand 1673
population, ~~or part thereof,~~ of that population in any municipal 1674
corporation and in the unincorporated area of any township, except 1675
that, in any city of a population of fifty-five thousand or more, 1676
one D-3 permit may be issued for each fifteen hundred population, 1677
or part ~~thereof~~ of that population. 1678

(b) ~~Nothing in division (i) Division~~ (B)(3)(a) of this 1679
section ~~shall be construed to~~ does not prohibit the transfer of 1680
location or the transfer of ownership and location of a C-1, C-2, 1681
D-1, D-2, D-3, or D-5 permit from a municipal corporation or the 1682
unincorporated area of a township in which the number of permits 1683
of that class exceeds the number of such permits authorized to be 1684
issued under division (B)(3)(a) of this section to an economic 1685
development project located in another municipal corporation or 1686
the unincorporated area of another township in which no additional 1687
permits of that class may be issued to the applicant under 1688
division (B)(3)(a) of this section, but the transfer of location 1689
or transfer of ownership and location of the permit may occur only 1690
if the applicant notifies the municipal corporation or township to 1691
which the location of the permit will be transferred regarding the 1692
transfer and that municipal corporation or township acknowledges 1693
in writing to the division of liquor control, at the time the 1694

application for the transfer of location or transfer of ownership 1695
and location of the permit is filed, that the transfer will be to 1696
an economic development project. This acknowledgment by the 1697
municipal corporation or township does not prohibit it from 1698
requesting a hearing under section 4303.26 of the Revised Code. 1699
The applicant is eligible to apply for and receive the transfer of 1700
location of the permit under division (B)(3)(b) of this section if 1701
all permits of that class that may be issued under division 1702
(B)(3)(a) of this section in the applicable municipal corporation 1703
or unincorporated area of the township have already been issued or 1704
if the number of applications filed for permits of that class in 1705
that municipal corporation or the unincorporated area of that 1706
township exceed the number of permits of that class that may be 1707
issued there under division (B)(3)(a) of this section. 1708

A permit transferred under division (B)(3)(b) of this section 1709
may be subsequently transferred to a different owner at the same 1710
location, or to the same owner or a different owner at a different 1711
location in the same municipal corporation or in the 1712
unincorporated area of the same township, as long as the same or 1713
new location meets the economic development project criteria set 1714
forth in this section. 1715

(ii) Factors that shall be used to determine the designation 1716
of an economic development project include, but are not limited 1717
to, architectural certification of the plans and the cost of the 1718
project, the number of jobs that will be created by the project, 1719
projected earnings of the project, projected tax revenues for the 1720
political subdivisions in which the project will be located, and 1721
the amount of financial investment in the project. The 1722
superintendent of liquor control shall determine whether the 1723
existing or proposed business that is seeking a permit described 1724
in division (B)(3)(b) of this section qualifies as an economic 1725
development project and, if the superintendent determines that it 1726

so qualifies, shall designate the business as an economic 1727
development project. 1728

(4) Nothing in this section shall be construed to restrict 1729
the issuance of a permit to a municipal corporation for use at a 1730
municipally owned airport at which commercial airline companies 1731
operate regularly scheduled flights on which space is available to 1732
the public. A municipal corporation applying for a permit for such 1733
a municipally owned airport is exempt, in regard to that 1734
application, from the population restrictions contained in this 1735
section and from population quota restrictions contained in any 1736
rule of the liquor control commission. A municipal corporation 1737
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a 1738
municipally owned airport is subject to section 4303.31 of the 1739
Revised Code. 1740

(5) Nothing in this section shall be construed to prohibit 1741
the issuance of a D permit to the board of trustees of a soldiers' 1742
memorial for a premises located at a soldiers' memorial 1743
established pursuant to Chapter 345. of the Revised Code. An 1744
application for a D permit by ~~such a~~ the board for ~~such a~~ those 1745
premises is exempt from the population restrictions contained in 1746
this section and from the population quota restrictions contained 1747
in any rule of the liquor control commission. The location of a D 1748
permit issued to the board of ~~trustees of a soldiers' memorial~~ for 1749
~~a~~ those premises located at a soldiers' memorial shall not be 1750
transferred. A board of trustees of a soldiers' memorial applying 1751
for a D-1, D-2, D-3, D-4, or D-5 permit for ~~such a~~ the soldiers' 1752
memorial is subject to section 4303.31 of the Revised Code. 1753

(6) Nothing in this section shall be construed to restrict 1754
the issuance of a permit for a premises located at a golf course 1755
owned by a municipal corporation, township, or county, owned by a 1756
park district created under Chapter 1545. of the Revised Code, or 1757
owned by the state. The location of such a permit issued on or 1758

after September 26, 1984, for a premises located at such a golf 1759
course shall not be transferred. Any application for such a permit 1760
is exempt from the population quota restrictions contained in this 1761
section and from the population quota restrictions contained in 1762
any rule of the liquor control commission. A municipal 1763
corporation, township, county, park district, or state agency 1764
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a golf 1765
course is subject to section 4303.31 of the Revised Code. 1766

(7) As used in division (B)(7) of this section, "fair" has 1767
the same meaning as in section 991.01 of the Revised Code, "state 1768
fairgrounds" means the property that is held by the state for the 1769
purpose of conducting fairs, expositions, and exhibits and that is 1770
maintained and managed by the Ohio expositions commission under 1771
section 991.03 of the Revised Code, and "capitol square" has the 1772
same meaning as in section 105.41 of the Revised Code. 1773

Nothing in this section shall be construed to restrict the 1774
issuance of one or more D permits to one or more applicants for 1775
all or a part of either the state fairgrounds or capitol square. 1776
An application for a D permit for the state fairgrounds or capitol 1777
square is exempt from the population quota restrictions contained 1778
in this section and from the population quota restrictions 1779
contained in any rule of the liquor control commission. The 1780
location of a D permit issued for the state fairgrounds or capitol 1781
square shall not be transferred. An applicant for a D-1, D-2, D-3, 1782
or D-5 permit for the state fairgrounds is not subject to section 1783
4303.31 of the Revised Code. 1784

Pursuant to section 1711.09 of the Revised Code, the holder 1785
of a D permit issued for the state fairgrounds shall not deal in 1786
spirituous liquor at the state fairgrounds during, or for one week 1787
before or for three days after, any fair held at the state 1788
fairgrounds. 1789

(8) Nothing in this section shall be construed to prohibit 1790

the issuance of a D permit for a premises located at a zoological 1791
park at which sales have been approved in an election held under 1792
former section 4301.356 of the Revised Code. An application for a 1793
D permit for such a premises is exempt from the population 1794
restrictions contained in this section, from the population quota 1795
restrictions contained in any rule of the liquor control 1796
commission, and from section 4303.31 of the Revised Code. The 1797
location of a D permit issued for a premises at such a zoological 1798
park shall not be transferred, and no quota or other restrictions 1799
shall be placed on the number of D permits that may be issued for 1800
a premises at such a zoological park. 1801

(C)(1) No D-3, D-4, D-5, or D-5a permit shall be issued in 1802
any election precinct in any municipal corporation or in any 1803
election precinct in the unincorporated area of any township, in 1804
which at the November, 1933, election a majority of the electors 1805
voting thereon in the municipal corporation or in the 1806
unincorporated area of the township voted against the repeal of 1807
Section 9 of Article XV, Ohio Constitution, unless the sale of 1808
spirituous liquor by the glass is authorized by a majority vote of 1809
the electors voting on the question in the precinct at an election 1810
held pursuant to this section or by a majority vote of the 1811
electors of the precinct voting on question (C) at a special local 1812
option election held in the precinct pursuant to section 4301.35 1813
of the Revised Code. Upon the request of an elector, the board of 1814
elections of the county that encompasses the precinct shall 1815
furnish the elector with a copy of the instructions prepared by 1816
the secretary of state under division (P) of section 3501.05 of 1817
the Revised Code and, within fifteen days after the request, a 1818
certificate of the number of signatures required for a valid 1819
petition under this section. 1820

Upon the petition of thirty-five per cent of the total number 1821
of voters voting in any such precinct for the office of governor 1822

at the preceding general election, filed with the board of
elections of the county in which such precinct is located not
later than seventy-five days before a general election, ~~such~~ the
board shall prepare ballots and hold an election at such general
election upon the question of allowing spirituous liquor to be
sold by the glass in such precinct. ~~Such~~ The ballots shall be
approved in form by the secretary of state. The results of ~~such~~
the election shall be certified by the board to the secretary of
state, who shall certify the ~~same~~ results to the division.

(2) No holder of a class D-3 permit issued for a boat or
vessel shall sell spirituous liquor in any precinct, in which the
election provided for in this section may be held, unless the sale
of ~~such~~ spirituous liquor by the drink has been authorized by vote
of the electors as provided in this section or in section 4301.35
of the Revised Code.

(D) Any holder of a C or D permit whose permit premises were
purchased in 1986 or 1987 by the state of Ohio or any state agency
for highway purposes shall be issued the same permit at another
location notwithstanding any quota restrictions contained in this
chapter or in any rule of the liquor control commission.

Sec. 4303.30. The rights granted by any 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,
or D-6 permit shall be exercised at not more than two fixed
counters, commonly known as bars, in rooms or places on the permit
premises, where ~~malt beverages~~ beer, mixed beverages, wine, or
spirituous liquor is sold to the public for consumption on the
premises. For each additional fixed counter on the permit premises
where those beverages are sold for consumption on the premises,
the permit holder shall obtain a 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,
or D-6 permit.

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, 1854
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, or D-6 permit shall be 1855
granted, upon application to the division of liquor control, a 1856
duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, 1857
D-5g, D-5h, D-5i, D-5j, D-5k, or D-6 permit for each additional 1858
fixed counter on the permit premises at which beer, ~~malt~~ 1859
~~beverages~~, mixed beverages, wine, or spirituous liquor is sold for 1860
consumption on the premises, provided the application is made in 1861
the same manner as an application for an original permit. The 1862
application shall be identified with DUPLICATE printed on the 1863
permit application form furnished by the department, in boldface 1864
type. The application shall identify by name, or otherwise amply 1865
describe, the room or place on the premises where the duplicate 1866
permit is to be operative. Each duplicate permit shall be issued 1867
only to the same individual, firm, or corporation as that of the 1868
original permit and shall be an exact duplicate in size and word 1869
content as the original permit, except that it shall show on it 1870
the name or other ample identification of the room, or place, for 1871
which it is issued and shall have DUPLICATE printed on it in 1872
boldface type. A duplicate permit shall bear the same number as 1873
the original permit. The fee for a duplicate permit is: D-1, one 1874
hundred dollars; D-2, one hundred dollars; D-3, four hundred 1875
dollars; D-3a, four hundred dollars; D-4, two hundred dollars; 1876
D-5, one thousand dollars; D-5a, one thousand dollars; D-5b, one 1877
thousand dollars; D-5c, four hundred dollars; D-5e, six hundred 1878
fifty dollars; D-5f, one thousand dollars; D-6, one hundred 1879
dollars when issued to the holder of a D-4a permit; and in all 1880
other cases one hundred dollars or an amount which is twenty per 1881
cent of the fees payable for the A-1-A, D-2, D-3, D-3a, D-4, D-5, 1882
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, and D-6 1883
permits issued to the same premises, whichever is higher. 1884
Application for a duplicate permit may be filed any time during 1885
the life of an original permit. The fee for each duplicate D-2, 1886

D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, 1887
D-5i, D-5j, D-5k, or D-6 permit shall accompany the application 1888
for each such duplicate permit. 1889

Sec. 4303.332. An A-1 permit holder in this state whose total 1890
production of beer ~~and malt beverages~~, wherever produced, does not 1891
exceed thirty-one million gallons in a calendar year, as reported 1892
under section 4303.33 of the Revised Code, shall receive a credit 1893
against taxes levied in the following calendar year under sections 1894
4301.42 and 4305.01 of the Revised Code on not more than nine 1895
million three hundred thousand gallons of beer ~~or malt beverages~~ 1896
sold or distributed in this state. The credit may be claimed 1897
monthly against taxes levied under one or more of ~~such~~ those 1898
sections as the reports required by section 4303.33 of the Revised 1899
Code are due. At the time the report for December is due for a 1900
calendar year during which a permit holder is eligible to receive 1901
a credit under this section, if the permit holder has claimed less 1902
than the credit due on nine million three hundred thousand 1903
gallons, including credit claimed on the December report, the 1904
permit holder may claim a refund of taxes previously reported and 1905
paid under section 4303.33 of the Revised Code during the calendar 1906
year on a number of gallons equal to the difference between nine 1907
million three hundred thousand gallons and the number of gallons 1908
for which a credit has been claimed under this section. For the 1909
purpose of providing this refund, taxes previously paid under 1910
section 4303.33 of the Revised Code during the calendar year shall 1911
not be considered final until the December report is filed. The 1912
tax commissioner shall prescribe forms for and allow the credits 1913
and refunds authorized by this section. 1914

Sec. 4303.35. No holders of A-1-A, C-1, C-2, D-1, D-2, D-3, 1915
D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 1916
D-5h, D-5i, D-5j, D-5k, F, or F-3 permits shall purchase any beer 1917

~~or malt beverage~~ subject to the tax imposed by sections 4301.42 1918
and 4305.01 of the Revised Code or any wine or mixed beverage 1919
subject to the tax imposed by section 4301.43 of the Revised Code 1920
for resale, except from holders of A or B permits. 1921

No holders of A-1-A, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, 1922
D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, ~~or~~ D-5j, or D-5k permits 1923
shall purchase spirituous liquor for resale except from the 1924
division of liquor control, unless with the special consent of the 1925
division under particular regulations and markup provisions 1926
prescribed by the superintendent of liquor control. 1927

Sec. 4305.01. For the purpose of reimbursing the state for 1928
the expenses of administering Chapters 4301. and 4303. of the 1929
Revised Code and to provide revenues for the support of the state, 1930
a tax is hereby levied on the sale or distribution in ~~Ohio~~ this 1931
state of beer, whether in barrels or other containers, excepting 1932
in sealed bottles or cans, at the rate of five dollars and 1933
fifty-eight cents per barrel of thirty-one gallons. 1934

The tax commissioner shall exercise, with respect to the 1935
administration of the tax imposed by this section, all the powers 1936
and duties vested in or imposed by sections 4307.04 to 4307.07 of 1937
the Revised Code, so far as consistent with this section. 1938
Manufacturers and consignees of beer in barrels or other 1939
containers, excepting in sealed bottles or cans, and railroad 1940
companies, express companies, and other public carriers 1941
transporting shipments of such beer are subject, with respect to 1942
such tax, to the same duties and entitled to the same privileges 1943
as are required or permitted by ~~such~~ those sections. 1944

The revenue derived from the tax on the sale and distribution 1945
of beer pursuant to this section and section 4301.42 of the 1946
Revised Code shall be for the use of the general revenue fund. 1947

The tax refund fund created by section 5703.052 of the 1948

Revised Code may be drawn upon by the tax commissioner for any 1949
refunds authorized to be made by ~~him~~ the commissioner in sections 1950
4303.33, 4307.05, and 4307.07 of the Revised Code for ~~malt~~
~~beverages~~ beer. 1951
1952

Sec. 4305.03. No person shall make any false entry upon an 1953
invoice, or container of beer, ~~ale, porter, stout, or other malt~~
~~beverage,~~ when the entry is required to be made under section 1954
4305.01 of the Revised Code, or present any such false entry for 1955
the inspection of the tax commissioner. 1956
1957

Sec. 4305.04. No person shall prevent or hinder the tax 1958
commissioner from making a full inspection of any place where 1959
~~beer, ale, porter, stout, or other malt beverages~~ subject to the 1960
tax imposed by section 4305.01 of the Revised Code ~~are~~ is sold or 1961
stored, or prevent or hinder the full inspection of invoices, 1962
books, records, or papers required to be kept under ~~such~~ that 1963
section. 1964

Sec. 4399.09. (A) No person shall keep a place where beer or 1965
intoxicating liquors are sold, furnished, or given away in 1966
violation of law. The court, on conviction for a subsequent 1967
~~offense~~ violation of this section, shall order the place where 1968
~~such~~ the beer or intoxicating liquor is sold, furnished, or given 1969
away to be abated as a nuisance, or shall order the person so 1970
convicted ~~for such offense~~ to give bond payable to the state in 1971
the sum of one thousand dollars, with sureties to the acceptance 1972
of the court, that ~~such~~ the person will not sell, furnish, or give 1973
away beer or intoxicating liquor in violation of law, and will pay 1974
all fines, costs, and damages assessed against ~~him~~ the person for 1975
~~such~~ that subsequent violation of this section. The giving away of 1976
beer or intoxicating liquors, or any other device to evade this 1977
~~section~~ division, constitutes unlawful selling. 1978

As used in this ~~section~~ division, "beer" has the same meaning 1979
~~set forth~~ as in section 4301.01 of the Revised Code. 1980

(B) Division (A) of this section does not apply to any 1981
premises for which a permit has been issued under Chapter 4303. of 1982
the Revised Code while that permit is in effect. 1983

Sec. 4399.12. No provision contained in Title XLIII of the 1984
Revised Code that prohibits the sale of intoxicating liquors in 1985
any of the circumstances described in section 4399.11 of the 1986
Revised Code extends to or prevents the holder of an A, B, C-2, 1987
D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, 1988
D-5h, D-5i, D-5j, D-5k, G, or I permit issued by the division of 1989
liquor control from distributing or selling intoxicating liquor at 1990
the place of business described in the permit of the holder. 1991

Sec. 4399.15. No person, for the purpose of sale, shall 1992
adulterate spirituous liquor, alcoholic liquor, or ~~malt liquor~~ 1993
beer used or intended for drink or medicinal or mechanical 1994
purposes, with cocculus indicus, vitriol, grains of paradise, 1995
opium, alum, capsicum, copperas, laurel water, logwood, 1996
Brazilwood, cochineal, sugar of lead, aloes, glucose, tannic acid, 1997
or any other substance ~~which~~ that is poisonous or injurious to 1998
health, or with a substance not a necessary ingredient in the 1999
manufacture ~~thereof~~ of the spirituous liquor, alcoholic liquor, or 2000
beer, or sell, offer, or keep for sale ~~liquors~~ spirituous liquor, 2001
alcoholic liquor, or beer that is so adulterated. 2002

In addition to the penalties provided in division (E) of 2003
section 4399.99 of the Revised Code, a person convicted of 2004
violating this section shall pay all necessary costs and expenses 2005
incurred in inspecting and analyzing ~~liquors~~ spirituous liquor, 2006
alcoholic liquor, or beer that is so adulterated, sold, kept, or 2007
offered for sale. 2008

Sec. 5733.065. (A) As used in this section, "litter stream products" means:	2009 2010
(1) Intoxicating liquor, beer, malt beverages , wine, mixed beverages, or spirituous liquor as defined in section 4301.01 of the Revised Code;	2011 2012 2013
(2) Soft drinks as defined in section 913.22 of the Revised Code;	2014 2015
(3) Glass, metal, plastic, or fiber containers with a capacity of less than two gallons sold for the purpose of being incorporated into or becoming a part of a product enumerated in divisions (A)(1) and (2) of this section;	2016 2017 2018 2019
(4) Container crowns and closures sold for the purpose of being incorporated into or becoming a part of a product enumerated in divisions (A)(1) and (2) of this section;	2020 2021 2022
(5) Packaging materials transferred or intended for transfer of use or possession in conjunction with retail sales of products enumerated in divisions (A)(1) and (2) of this section;	2023 2024 2025
(6) Packaging materials in the finished form in which they are to be used, including sacks, bags, cups, lids, straws, plates, wrappings, boxes, or containers of any type used in the packaging or serving of food or beverages, when the food or beverages are prepared for human consumption by a restaurant or take-out food outlet at the premises where sold at retail and are delivered to a purchaser for consumption off the premises where the food or beverages are sold;	2026 2027 2028 2029 2030 2031 2032 2033
(7) Cigarettes, cigars, tobacco, matches, candy, and gum.	2034
(B) For the purpose of providing additional funding for the division of recycling and litter prevention under Chapter 1502. of the Revised Code, there is hereby levied an additional tax on corporations for the privilege of manufacturing or selling litter	2035 2036 2037 2038

stream products in this state. The tax imposed by this section is 2039
in addition to the tax charged under section 5733.06 of the 2040
Revised Code, computed at the rate prescribed by section 5733.066 2041
of the Revised Code. This section does not apply for tax year 1981 2042
to a corporation whose taxable year for tax year 1981 ended on or 2043
before June 30, 1980. 2044

(C) The tax shall be imposed upon each corporation subject to 2045
the tax imposed by section 5733.06 of the Revised Code that 2046
manufactures or sells litter stream products in this state. The 2047
tax for each year shall be in an amount equal to the greater of 2048
either: 2049

(1) Twenty-two hundredths of one per cent upon the value of 2050
that portion of the taxpayer's issued and outstanding shares of 2051
stock as determined under division (B) of section 5733.05 of the 2052
Revised Code that is subject to the rate contained in division (B) 2053
of section 5733.06 of the Revised Code; 2054

(2) Fourteen one-hundredths of a mill times the value of the 2055
taxpayer's issued and outstanding shares of stock as determined 2056
under division (C) of section 5733.05 of the Revised Code. 2057

The additional tax charged any taxpayer or group of combined 2058
taxpayers pursuant to this section for any tax year shall not 2059
exceed five thousand dollars. 2060

(D)(1) In the case of a corporation engaged in the business 2061
of manufacturing litter stream products, no tax shall be due under 2062
this section unless the sale of litter stream products in this 2063
state during the taxable year exceeds five per cent of the total 2064
sales in this state of the corporation during that period or 2065
unless the total sales in this state of litter stream products by 2066
the corporation during the taxable year exceed ten million 2067
dollars. 2068

(2) In the case of a corporation engaged in the business of 2069

selling litter stream products in the form in which the item is or 2070
is to be received, no tax shall be due under this section unless 2071
the corporation's sales of litter stream products in this state 2072
during the taxable year constitute more than five per cent of its 2073
total sales in this state during that period. 2074

(3) In the case of a corporation transferring possession of 2075
litter stream products included in division (A)(6) of this 2076
section, in which food or beverages prepared for human consumption 2077
are placed, when the food or beverages are prepared for retail 2078
sale at the premises where sold and are delivered to a purchaser 2079
for consumption off the premises where the food or beverages are 2080
sold, no tax shall be due under this section unless such sales for 2081
off-premises consumption during the taxable year exceed five per 2082
cent of the corporation's total annual sales during the taxable 2083
year. 2084

(E)(1) The tax imposed by this section is due in the 2085
proportions and on the dates on which the tax imposed by section 2086
5733.06 of the Revised Code may be paid without penalty. 2087

(2) Payment of the tax and any reports or returns required to 2088
enable the tax commissioner to determine the correct amount of the 2089
tax shall be submitted with and are due at the same time as 2090
payments and reports required to be submitted under this chapter. 2091

(3) If the tax is not paid in full on or before the date 2092
required by division (E)(1) of this section, the unpaid portion of 2093
the tax due and unpaid shall be subject to all provisions of this 2094
chapter for the collection of unpaid, delinquent taxes imposed by 2095
section 5733.06 of the Revised Code, except that all such taxes, 2096
interest, and penalties, when collected, shall be treated as 2097
proceeds arising from the tax imposed by this section and shall be 2098
deposited in the general revenue fund. 2099

The tax levied on corporations under this section does not 2100

prohibit or otherwise limit the authority of municipal 2101
corporations to impose an income tax on the income of such 2102
corporations. 2103

Sec. 5739.02. For the purpose of providing revenue with which 2104
to meet the needs of the state, for the use of the general revenue 2105
fund of the state, for the purpose of securing a thorough and 2106
efficient system of common schools throughout the state, for the 2107
purpose of affording revenues, in addition to those from general 2108
property taxes, permitted under constitutional limitations, and 2109
from other sources, for the support of local governmental 2110
functions, and for the purpose of reimbursing the state for the 2111
expense of administering this chapter, an excise tax is hereby 2112
levied on each retail sale made in this state. 2113

(A) The tax shall be collected pursuant to the schedules in 2114
section 5739.025 of the Revised Code. 2115

The tax applies and is collectible when the sale is made, 2116
regardless of the time when the price is paid or delivered. 2117

In the case of a sale, the price of which consists in whole 2118
or in part of rentals for the use of the thing transferred, the 2119
tax, as regards ~~such~~ those rentals, shall be measured by the 2120
installments ~~thereof~~ of those rentals. 2121

In the case of a sale of a service defined under division 2122
(MM) or (NN) of section 5739.01 of the Revised Code, the price of 2123
which consists in whole or in part of a membership for the receipt 2124
of the benefit of the service, the tax applicable to the sale 2125
shall be measured by the installments thereof. 2126

(B) The tax does not apply to the following: 2127

(1) Sales to the state or any of its political subdivisions, 2128
or to any other state or its political subdivisions if the laws of 2129
that state exempt from taxation sales made to this state and its 2130

political subdivisions;	2131
(2) Sales of food for human consumption off the premises where sold;	2132 2133
(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;	2134 2135 2136
(4) Sales of newspapers, and of magazine subscriptions shipped by second class mail, and sales or transfers of magazines distributed as controlled circulation publications;	2137 2138 2139
(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;	2140 2141 2142 2143
(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;	2144 2145 2146 2147 2148 2149 2150 2151 2152
(7) Sales of natural gas by a natural gas company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telephone or telegraph company, all terms as defined in section 5727.01 of the Revised Code;	2153 2154 2155 2156 2157 2158
(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be	2159 2160 2161

titled under section 1548.06 of the Revised Code, watercraft 2162
documented with the United States coast guard, snowmobiles, and 2163
all-purpose vehicles as defined in section 4519.01 of the Revised 2164
Code; 2165

(9) Sales of services or tangible personal property, other 2166
than motor vehicles, mobile homes, and manufactured homes, by 2167
churches, organizations exempt from taxation under section 2168
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 2169
organizations operated exclusively for charitable purposes as 2170
defined in division (B)(12) of this section, provided that the 2171
number of days on which such tangible personal property or 2172
services, other than items never subject to the tax, are sold does 2173
not exceed six in any calendar year. If the number of days on 2174
which such sales are made exceeds six in any calendar year, the 2175
church or organization shall be considered to be engaged in 2176
business and all subsequent sales by it shall be subject to the 2177
tax. In counting the number of days, all sales by groups within a 2178
church or within an organization shall be considered to be sales 2179
of that church or organization, except that sales made by separate 2180
student clubs and other groups of students of a primary or 2181
secondary school, and sales made by a parent-teacher association, 2182
booster group, or similar organization that raises money to 2183
support or fund curricular or extracurricular activities of a 2184
primary or secondary school, shall not be considered to be sales 2185
of such school, and sales by each such club, group, association, 2186
or organization shall be counted separately for purposes of the 2187
six-day limitation. This division does not apply to sales by a 2188
noncommercial educational radio or television broadcasting 2189
station. 2190

(10) Sales not within the taxing power of this state under 2191
the Constitution of the United States; 2192

(11) The transportation of persons or property, unless the 2193

transportation is by a private investigation and security service; 2194

(12) Sales of tangible personal property or services to 2195
churches, to organizations exempt from taxation under section 2196
501(c)(3) of the Internal Revenue Code of 1986, and to any other 2197
nonprofit organizations operated exclusively for charitable 2198
purposes in this state, no part of the net income of which inures 2199
to the benefit of any private shareholder or individual, and no 2200
substantial part of the activities of which consists of carrying 2201
on propaganda or otherwise attempting to influence legislation; 2202
sales to offices administering one or more homes for the aged or 2203
one or more hospital facilities exempt under section 140.08 of the 2204
Revised Code; and sales to organizations described in division (D) 2205
of section 5709.12 of the Revised Code. 2206

"Charitable purposes" means the relief of poverty; the 2207
improvement of health through the alleviation of illness, disease, 2208
or injury; the operation of an organization exclusively for the 2209
provision of professional, laundry, printing, and purchasing 2210
services to hospitals or charitable institutions; the operation of 2211
a home for the aged, as defined in section 5701.13 of the Revised 2212
Code; the operation of a radio or television broadcasting station 2213
that is licensed by the federal communications commission as a 2214
noncommercial educational radio or television station; the 2215
operation of a nonprofit animal adoption service or a county 2216
humane society; the promotion of education by an institution of 2217
learning that maintains a faculty of qualified instructors, 2218
teaches regular continuous courses of study, and confers a 2219
recognized diploma upon completion of a specific curriculum; the 2220
operation of a parent-teacher association, booster group, or 2221
similar organization primarily engaged in the promotion and 2222
support of the curricular or extracurricular activities of a 2223
primary or secondary school; the operation of a community or area 2224
center in which presentations in music, dramatics, the arts, and 2225

related fields are made in order to foster public interest and 2226
education therein; the production of performances in music, 2227
dramatics, and the arts; or the promotion of education by an 2228
organization engaged in carrying on research in, or the 2229
dissemination of, scientific and technological knowledge and 2230
information primarily for the public. 2231

Nothing in this division shall be deemed to exempt sales to 2232
any organization for use in the operation or carrying on of a 2233
trade or business, or sales to a home for the aged for use in the 2234
operation of independent living facilities as defined in division 2235
(A) of section 5709.12 of the Revised Code. 2236

(13) Building and construction materials and services sold to 2237
construction contractors for incorporation into a structure or 2238
improvement to real property under a construction contract with 2239
this state or a political subdivision ~~thereof~~ of this state, or 2240
with the United States government or any of its agencies; building 2241
and construction materials and services sold to construction 2242
contractors for incorporation into a structure or improvement to 2243
real property that are accepted for ownership by this state or any 2244
of its political subdivisions, or by the United States government 2245
or any of its agencies at the time of completion of ~~such the~~ 2246
structures or improvements; building and construction materials 2247
sold to construction contractors for incorporation into a 2248
horticulture structure or livestock structure for a person engaged 2249
in the business of horticulture or producing livestock; building 2250
materials and services sold to a construction contractor for 2251
incorporation into a house of public worship or religious 2252
education, or a building used exclusively for charitable purposes 2253
under a construction contract with an organization whose purpose 2254
is as described in division (B)(12) of this section; building 2255
materials and services sold to a construction contractor for 2256
incorporation into a building under a construction contract with 2257

an organization exempt from taxation under section 501(c)(3) of 2258
the Internal Revenue Code of 1986 when the building is to be used 2259
exclusively for the organization's exempt purposes; building and 2260
construction materials sold for incorporation into the original 2261
construction of a sports facility under section 307.696 of the 2262
Revised Code; and building and construction materials and services 2263
sold to a construction contractor for incorporation into real 2264
property outside this state if such materials and services, when 2265
sold to a construction contractor in the state in which the real 2266
property is located for incorporation into real property in that 2267
state, would be exempt from a tax on sales levied by that state; 2268

(14) Sales of ships or vessels or rail rolling stock used or 2269
to be used principally in interstate or foreign commerce, and 2270
repairs, alterations, fuel, and lubricants for such ships or 2271
vessels or rail rolling stock; 2272

(15) Sales to persons engaged in any of the activities 2273
mentioned in division (E)(2) or (9) of section 5739.01 of the 2274
Revised Code, to persons engaged in making retail sales, or to 2275
persons who purchase for sale from a manufacturer tangible 2276
personal property that was produced by the manufacturer in 2277
accordance with specific designs provided by the purchaser, of 2278
packages, including material, labels, and parts for packages, and 2279
of machinery, equipment, and material for use primarily in 2280
packaging tangible personal property produced for sale, including 2281
any machinery, equipment, and supplies used to make labels or 2282
packages, to prepare packages or products for labeling, or to 2283
label packages or products, by or on the order of the person doing 2284
the packaging, or sold at retail. "Packages" includes bags, 2285
baskets, cartons, crates, boxes, cans, bottles, bindings, 2286
wrappings, and other similar devices and containers, and 2287
"packaging" means placing therein. 2288

(16) Sales of food to persons using food stamp benefits to 2289

purchase the food. As used in division (B)(16) of this section, 2290
"food" has the same meaning as in the "Food Stamp Act of 1977," 91 2291
Stat. 958, 7 U.S.C. 2012, as amended, and federal regulations 2292
adopted pursuant to that act. 2293

(17) Sales to persons engaged in farming, agriculture, 2294
horticulture, or floriculture, of tangible personal property for 2295
use or consumption directly in the production by farming, 2296
agriculture, horticulture, or floriculture of other tangible 2297
personal property for use or consumption directly in the 2298
production of tangible personal property for sale by farming, 2299
agriculture, horticulture, or floriculture; or material and parts 2300
for incorporation into any such tangible personal property for use 2301
or consumption in production; and of tangible personal property 2302
for such use or consumption in the conditioning or holding of 2303
products produced by and for such use, consumption, or sale by 2304
persons engaged in farming, agriculture, horticulture, or 2305
floriculture, except where such property is incorporated into real 2306
property; 2307

(18) Sales of drugs dispensed by a licensed pharmacist upon 2308
the order of a licensed health professional authorized to 2309
prescribe drugs to a human being, as the term "licensed health 2310
professional authorized to prescribe drugs" is defined in section 2311
4729.01 of the Revised Code; insulin as recognized in the official 2312
United States pharmacopoeia; urine and blood testing materials 2313
when used by diabetics or persons with hypoglycemia to test for 2314
glucose or acetone; hypodermic syringes and needles when used by 2315
diabetics for insulin injections; epoetin alfa when purchased for 2316
use in the treatment of persons with end-stage renal disease; 2317
hospital beds when purchased for use by persons with medical 2318
problems for medical purposes; and oxygen and oxygen-dispensing 2319
equipment when purchased for use by persons with medical problems 2320
for medical purposes; 2321

(19)(a) Sales of artificial limbs or portion thereof, breast 2322
prostheses, and other prosthetic devices for humans; braces or 2323
other devices for supporting weakened or nonfunctioning parts of 2324
the human body; crutches or other devices to aid human 2325
perambulation; and items of tangible personal property used to 2326
supplement impaired functions of the human body such as 2327
respiration, hearing, or elimination; 2328

(b) Sales of wheelchairs; items incorporated into or used in 2329
conjunction with a motor vehicle for the purpose of transporting 2330
wheelchairs, other than transportation conducted in connection 2331
with the sale or delivery of wheelchairs; and items incorporated 2332
into or used in conjunction with a motor vehicle that are 2333
specifically designed to assist a person with a disability to 2334
access or operate the motor vehicle. As used in this division, 2335
"person with a disability" means any person who has lost the use 2336
of one or both legs or one or both arms, who is blind, deaf, or 2337
disabled to the extent that the person is unable to move about 2338
without the aid of crutches or a wheelchair, or whose mobility is 2339
restricted by a permanent cardiovascular, pulmonary, or other 2340
disabling condition. 2341

(c) No exemption under this division shall be allowed for 2342
nonprescription drugs, medicines, or remedies; items or devices 2343
used to supplement vision; items or devices whose function is 2344
solely or primarily cosmetic; or physical fitness equipment. This 2345
division does not apply to sales to a physician or medical 2346
facility for use in the treatment of a patient. 2347

(20) Sales of emergency and fire protection vehicles and 2348
equipment to nonprofit organizations for use solely in providing 2349
fire protection and emergency services, including trauma care and 2350
emergency medical services, for political subdivisions of the 2351
state; 2352

(21) Sales of tangible personal property manufactured in this 2353

state, if sold by the manufacturer in this state to a retailer for 2354
use in the retail business of the retailer outside of this state 2355
and if possession is taken from the manufacturer by the purchaser 2356
within this state for the sole purpose of immediately removing the 2357
same from this state in a vehicle owned by the purchaser; 2358
2359

(22) Sales of services provided by the state or any of its 2360
political subdivisions, agencies, instrumentalities, institutions, 2361
or authorities, or by governmental entities of the state or any of 2362
its political subdivisions, agencies, instrumentalities, 2363
institutions, or authorities; 2364

(23) Sales of motor vehicles to nonresidents of this state 2365
upon the presentation of an affidavit executed in this state by 2366
the nonresident purchaser affirming that the purchaser is a 2367
nonresident of this state, that possession of the motor vehicle is 2368
taken in this state for the sole purpose of immediately removing 2369
it from this state, that the motor vehicle will be permanently 2370
titled and registered in another state, and that the motor vehicle 2371
will not be used in this state; 2372

(24) Sales to persons engaged in the preparation of eggs for 2373
sale of tangible personal property used or consumed directly in 2374
such preparation, including such tangible personal property used 2375
for cleaning, sanitizing, preserving, grading, sorting, and 2376
classifying by size; packages, including material and parts for 2377
packages, and machinery, equipment, and material for use in 2378
packaging eggs for sale; and handling and transportation equipment 2379
and parts therefor, except motor vehicles licensed to operate on 2380
public highways, used in intraplant or interplant transfers or 2381
shipment of eggs in the process of preparation for sale, when the 2382
plant or plants within or between which such transfers or 2383
shipments occur are operated by the same person. "Packages" 2384
includes containers, cases, baskets, flats, fillers, filler flats, 2385

cartons, closure materials, labels, and labeling materials, and	2386
"packaging" means placing therein.	2387
(25)(a) Sales of water to a consumer for residential use,	2388
except the sale of bottled water, distilled water, mineral water,	2389
carbonated water, or ice;	2390
(b) Sales of water by a nonprofit corporation engaged	2391
exclusively in the treatment, distribution, and sale of water to	2392
consumers, if such water is delivered to consumers through pipes	2393
or tubing.	2394
(26) Fees charged for inspection or reinspection of motor	2395
vehicles under section 3704.14 of the Revised Code;	2396
(27) Sales to persons licensed to conduct a food service	2397
operation pursuant to section 3717.43 of the Revised Code, of	2398
tangible personal property primarily used directly for the	2399
following:	2400
(a) To prepare food for human consumption for sale;	2401
(b) To preserve food that has been or will be prepared for	2402
human consumption for sale by the food service operator, not	2403
including tangible personal property used to display food for	2404
selection by the consumer;	2405
(c) To clean tangible personal property used to prepare or	2406
serve food for human consumption for sale.	2407
(28) Sales of animals by nonprofit animal adoption services	2408
or county humane societies;	2409
(29) Sales of services to a corporation described in division	2410
(A) of section 5709.72 of the Revised Code, and sales of tangible	2411
personal property that qualifies for exemption from taxation under	2412
section 5709.72 of the Revised Code;	2413
(30) Sales and installation of agricultural land tile, as	2414
defined in division (B)(5)(a) of section 5739.01 of the Revised	2415

Code;	2416
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	2417 2418 2419
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property by a person engaged in highway transportation for hire;	2420 2421 2422 2423
(33) Sales to the state headquarters of any veterans' organization in Ohio that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	2424 2425 2426 2427 2428
(34) Sales to a telecommunications service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in division (B)(34) of this section shall be in lieu of all other exceptions under division (E)(2) of section 5739.01 of the Revised Code to which a telecommunications service vendor may otherwise be entitled based upon the use of the thing purchased in providing the telecommunications service.	2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441
(35) Sales of investment metal bullion and investment coins. "Investment metal bullion" means any elementary precious metal that has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, and palladium, and which is in such state or condition that its value	2442 2443 2444 2445 2446

depends upon its content and not upon its form. "Investment metal
bullion" does not include fabricated precious metal that has been
processed or manufactured for one or more specific and customary
industrial, professional, or artistic uses. "Investment coins"
means numismatic coins or other forms of money and legal tender
manufactured of gold, silver, platinum, palladium, or other metal
under the laws of the United States or any foreign nation with a
fair market value greater than any statutory or nominal value of
such coins.

(36)(a) Sales where the purpose of the consumer is to use or
consume the things transferred in making retail sales and
consisting of newspaper inserts, catalogues, coupons, flyers, gift
certificates, or other advertising material that prices and
describes tangible personal property offered for retail sale.

(b) Sales to direct marketing vendors of preliminary
materials such as photographs, artwork, and typesetting that will
be used in printing advertising material; of printed matter that
offers free merchandise or chances to win sweepstake prizes and
that is mailed to potential customers with advertising material
described in division (B)(36)(a) of this section; and of equipment
such as telephones, computers, facsimile machines, and similar
tangible personal property primarily used to accept orders for
direct marketing retail sales.

(c) Sales of automatic food vending machines that preserve
food with a shelf life of forty-five days or less by refrigeration
and dispense it to the consumer.

For purposes of division (B)(36) of this section, "direct
marketing" means the method of selling where consumers order
tangible personal property by United States mail, delivery
service, or telecommunication and the vendor delivers or ships the
tangible personal property sold to the consumer from a warehouse,
catalogue distribution center, or similar fulfillment facility by

means of the United States mail, delivery service, or common	2479
carrier.	2480
(37) Sales to a person engaged in the business of	2481
horticulture or producing livestock of materials to be	2482
incorporated into a horticulture structure or livestock structure;	2483
(38) The sale of a motor vehicle that is used exclusively for	2484
a vanpool ridesharing arrangement to persons participating in the	2485
vanpool ridesharing arrangement when the vendor is selling the	2486
vehicle pursuant to a contract between the vendor and the	2487
department of transportation;	2488
(39) Sales of personal computers, computer monitors, computer	2489
keyboards, modems, and other peripheral computer equipment to an	2490
individual who is licensed or certified to teach in an elementary	2491
or a secondary school in this state for use by that individual in	2492
preparation for teaching elementary or secondary school students;	2493
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(40) Sales to a professional racing team of any of the	2495
following:	2496
(a) Motor racing vehicles;	2497
(b) Repair services for motor racing vehicles;	2498
(c) Items of property that are attached to or incorporated in	2499
motor racing vehicles, including engines, chassis, and all other	2500
components of the vehicles, and all spare, replacement, and	2501
rebuilt parts or components of the vehicles; except not including	2502
tires, consumable fluids, paint, and accessories consisting of	2503
instrumentation sensors and related items added to the vehicle to	2504
collect and transmit data by means of telemetry and other forms of	2505
communication.	2506
(41) Sales of used manufactured homes and used mobile homes,	2507
as defined in section 5739.0210 of the Revised Code, made on or	2508

after January 1, 2000;

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(42) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exceptions in division (E)(2) of section 5739.01 of the Revised Code to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

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For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

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As used in this section, except in division (B)(16) of this section, "food" includes cereals and cereal products, milk and milk products including ice cream, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruits, fruit products, and pure fruit juices, condiments, sugar and sugar products, coffee and coffee substitutes, tea, and cocoa and cocoa products. It does not include: spirituous ~~or malt~~ liquors or beer; soft drinks; sodas and beverages that are ordinarily dispensed at or in connection with bars and soda fountains ~~or in connection therewith~~, other

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than coffee, tea, and cocoa; root beer and root beer extracts; 2541
malt and malt extracts; mineral oils, cod liver oils, and halibut 2542
liver oil; medicines, including tonics, vitamin preparations, and 2543
other products sold primarily for their medicinal properties; and 2544
water, including mineral, bottled, and carbonated waters, and ice. 2545

(C) The levy of an excise tax on transactions by which 2546
lodging by a hotel is or is to be furnished to transient guests 2547
pursuant to this section and division (B) of section 5739.01 of 2548
the Revised Code does not prevent any of the following: 2549

(1) A municipal corporation or township from levying an 2550
excise tax for any lawful purpose not to exceed three per cent on 2551
transactions by which lodging by a hotel is or is to be furnished 2552
to transient guests in addition to the tax levied by this section. 2553
If a municipal corporation or township repeals a tax imposed under 2554
division (C)(1) of this section and a county in which the 2555
municipal corporation or township has territory has a tax imposed 2556
under division (C) of section 5739.024 of the Revised Code in 2557
effect, the municipal corporation or township may not reimpose its 2558
tax as long as that county tax remains in effect. A municipal 2559
corporation or township in which a tax is levied under division 2560
(B)(2) of section 351.021 of the Revised Code may not increase the 2561
rate of its tax levied under division (C)(1) of this section to 2562
any rate that would cause the total taxes levied under both of 2563
those divisions to exceed three per cent on any lodging 2564
transaction within the municipal corporation or township. 2565

(2) A municipal corporation or a township from levying an 2566
additional excise tax not to exceed three per cent on such 2567
transactions pursuant to division (B) of section 5739.024 of the 2568
Revised Code. Such tax is in addition to any tax imposed under 2569
division (C)(1) of this section. 2570

(3) A county from levying an excise tax pursuant to division 2571
(A) of section 5739.024 of the Revised Code. 2572

(4) A county from levying an excise tax not to exceed three 2573
per cent of such transactions pursuant to division (C) of section 2574
5739.024 of the Revised Code. Such a tax is in addition to any tax 2575
imposed under division (C)(3) of this section. 2576

(5) A convention facilities authority, as defined in division 2577
(A) of section 351.01 of the Revised Code, from levying the excise 2578
taxes provided for in division (B) of section 351.021 of the 2579
Revised Code. 2580

(6) A county from levying an excise tax not to exceed one and 2581
one-half per cent of such transactions pursuant to division (D) of 2582
section 5739.024 of the Revised Code. Such tax is in addition to 2583
any tax imposed under division (C)(3) or (4) of this section. 2584
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(7) A county from levying an excise tax not to exceed one and 2586
one-half per cent of such transactions pursuant to division (E) of 2587
section 5739.024 of the Revised Code. Such a tax is in addition to 2588
any tax imposed under division (C)(3), (4), or (6) of this 2589
section. 2590

(D) The levy of this tax on retail sales of recreation and 2591
sports club service shall not prevent a municipal corporation from 2592
levying any tax on recreation and sports club dues or on any 2593
income generated by recreation and sports club dues. 2594

Section 2. That existing sections 1333.82, 1502.07, 3719.44, 2595
4301.01, 4301.03, 4301.041, 4301.042, 4301.24, 4301.241, 4301.333, 2596
4301.355, 4301.365, 4301.402, 4301.42, 4301.47, 4301.54, 4301.55, 2597
4301.62, 4303.01, 4303.02, 4303.06, 4303.07, 4303.10, 4303.181, 2598
4303.182, 4303.22, 4303.29, 4303.30, 4303.332, 4303.35, 4305.01, 2599
4305.03, 4305.04, 4399.09, 4399.12, 4399.15, 5733.065, and 5739.02 2600
of the Revised Code are hereby repealed. 2601

Section 3. Section 5739.02 of the Revised Code is presented 2603
in this act as a composite of the section as amended by both Am. 2604
Sub. H.B. 94 and Sub. H.B. 117 of the 124th General Assembly. The 2605
General Assembly, applying the principle stated in division (B) of 2606
section 1.52 of the Revised Code that amendments are to be 2607
harmonized if reasonably capable of simultaneous operation, finds 2608
that the composite is the resulting version of the section in 2609
effect prior to the effective date of the section as presented in 2610
this act. 2611