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REPRESENTATIVES Trakas, DePiero, Evans, Husted, Schmidt, Setzer,
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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, 4303.184, 4303.22, 4303.29, 4303.30,	6
4303.332, 4303.35, 4305.01, 4305.03, 4305.04,	7
4399.09, 4399.12, 4399.15, 5703.21, 5733.065, and	8
5739.02 and to enact sections 4301.433 and 4303.204	9
of the Revised Code to revise the definition of	10
beer; to exempt the sale of beer and intoxicating	11
liquor at publicly owned golf courses from the	12
effects of local option elections and to allow	13
Sunday liquor sales at these golf courses whether	14
or not those sales have been approved at local	15
option elections; to forbid an employee of a	16
wholesale distributor from having any financial	17
interest in any retail dealer; to create the D-5k	18
permit to be issued to certain nonprofit	19
organizations that own or operate a botanical	20
garden; to create the F-4 permit to be issued for	21
certain events coordinated by nonprofit	22

associations and corporations; to make changes in 23
the Open Container Law and the law governing local 24
option elections on beer and liquor sales at a 25
specific premises; to require suppliers of wine 26
that is bottled outside this state to furnish 27
invoices to the Tax Commissioner for shipments into 28
this state and to specify that those invoices are 29
open to public inspection; and to make other 30
changes in the Liquor Control Law. 31

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

Section 1. That sections 1333.82, 1502.07, 3719.44, 4301.01, 32
4301.03, 4301.041, 4301.042, 4301.24, 4301.241, 4301.333, 33
4301.355, 4301.365, 4301.402, 4301.42, 4301.47, 4301.54, 4301.55, 34
4301.62, 4303.01, 4303.02, 4303.06, 4303.07, 4303.10, 4303.181, 35
4303.182, 4303.184, 4303.22, 4303.29, 4303.30, 4303.332, 4303.35, 36
4305.01, 4305.03, 4305.04, 4399.09, 4399.12, 4399.15, 5703.21, 37
5733.065, and 5739.02 be amended and sections 4301.433 and 38
4303.204 of the Revised Code be enacted to read as follows: 39

Sec. 1333.82. As used in sections 1333.82 to 1333.87 of the 40
Revised Code: 41

(A) "Alcoholic beverages" means beer, ~~malt beverages~~, and 42
wine as defined in section 4301.01 of the Revised Code. 43

(B) "Manufacturer" means a person, whether located in this 44
state or elsewhere, who manufactures or supplies alcoholic 45
beverages to distributors in this state. 46

(C) "Distributor" means a person who sells or distributes 47
alcoholic beverages to retail permit holders in the state, but 48
does not include the state or any of its political subdivisions. 49

(D) "Franchise" means a contract or any other legal device 50
used to establish a contractual relationship between a 51
manufacturer and a distributor. 52

(E) "Good faith" means the duty of any party to any 53
franchise, and all officers, employees, or agents of any party to 54
any franchise, to act in a fair and equitable manner toward each 55
other so as to guarantee each party freedom from coercion or 56
intimidation; except that recommendation, endorsement, exposition, 57
persuasion, urging, or argument shall not be considered to 58
constitute a lack of good faith or coercion. 59

(F) "Brand," as applied to wine, means a wine different from 60
any other wine in respect to type, brand, trade name, or container 61
size. 62

(G) "Sales area or territory" means an exclusive geographic 63
area or territory that is assigned to a particular A or B permit 64
holder and that either has one or more political subdivisions as 65
its boundaries or consists of an area of land with readily 66
identifiable geographic boundaries. "Sales area or territory" does 67
not include, however, any particular retail location in an 68
exclusive geographic area or territory that is assigned to another 69
A or B permit holder. 70

Sec. 1502.07. No person, agency of the state, municipal 72
corporation, county, or township shall sell or offer for sale any 73
beer, ~~malt beverage~~, or mixed beverages as defined in section 74
4301.01 of the Revised Code, or any soft drink as defined in 75
section 913.22 of the Revised Code, in a metal container that is 76
so designed that it may be opened by removing from the container a 77
part ~~thereof~~ of the container without using a separate opener. 78
However, nothing in this section prohibits the sale or offering 79
for sale of a container the only detachable part of which is a 80

piece of tape or other similar adhesive material. 81

Sec. 3719.44. (A) Pursuant to this section, and by rule 82
adopted in accordance with Chapter 119. of the Revised Code, the 83
state board of pharmacy may do any of the following with respect 84
to schedules I, II, III, IV, and V established in section 3719.41 85
of the Revised Code: 86

(1) Add a previously unscheduled compound, mixture, 87
preparation, or substance to any schedule; 88

(2) Transfer a compound, mixture, preparation, or substance 89
from one schedule to another, provided the transfer does not have 90
the effect under ~~Chapter 3719. of the Revised Code~~ this chapter of 91
providing less stringent control of the compound, mixture, 92
preparation, or substance than is provided under the federal drug 93
abuse control laws; 94

(3) Remove a compound, mixture, preparation, or substance 95
from the schedules where the board had previously added the 96
compound, mixture, preparation, or substance to the schedules, 97
provided that the removal shall not have the effect under ~~Chapter~~ 98
~~3719. of the Revised Code~~ this chapter of providing less stringent 99
control of the compound, mixture, preparation, or substance than 100
is provided under the federal drug abuse control laws. 101

(B) In making a determination to add, remove, or transfer 102
pursuant to division (A) of this section, the board shall consider 103
the following: 104

(1) The actual or relative potential for abuse; 105

(2) The scientific evidence of the pharmacological effect of 106
the substance, if known; 107

(3) The state of current scientific knowledge regarding the 108
substance; 109

(4) The history and current pattern of abuse;	110
(5) The scope, duration, and significance of abuse;	111
(6) The risk to the public health;	112
(7) The potential of the substance to produce psychic or physiological dependence liability;	113 114
(8) Whether the substance is an immediate precursor.	115
(C) The board may add or transfer a compound, mixture, preparation, or substance to schedule I when it appears that there is a high potential for abuse, that it has no accepted medical use in treatment in this state, or <u>that it</u> lacks accepted safety for use in treatment under medical supervision.	116 117 118 119 120
(D) The board may add or transfer a compound, mixture, preparation, or substance to schedule II when it appears that there is a high potential for abuse, that it has a currently accepted medical use in treatment in this state, or currently accepted medical use in treatment with severe restrictions, and that its abuse may lead to severe physical or severe psychological dependence.	121 122 123 124 125 126 127
(E) The board may add or transfer a compound, mixture, preparation, or substance to schedule III when it appears that there is a potential for abuse less than the substances included in schedules I and II, that it has a currently accepted medical use in treatment in this state, and that its abuse may lead to moderate or low physical or high psychological dependence.	128 129 130 131 132 133
(F) The board may add or transfer a compound, mixture, preparation, or substance to schedule IV when it appears that it has a low potential for abuse relative to substances included in schedule III, and that it has a currently accepted medical use in treatment in this state, and that its abuse may lead to limited physical or psychological dependence relative to the substances	134 135 136 137 138 139

included in schedule III. 140

(G) The board may add or transfer a compound, mixture, 141
preparation, or substance to schedule V when it appears that it 142
has lower potential for abuse than substances included in schedule 143
IV, ~~and~~ that it has currently accepted medical use in treatment in 144
this state, and that its abuse may lead to limited physical or 145
psychological dependence relative to substances included in 146
schedule IV. 147

(H) Even though a compound, mixture, preparation, or 148
substance does not otherwise meet the criteria in this section for 149
adding or transferring it to a schedule, the board may 150
nevertheless add or transfer it to a schedule as an immediate 151
precursor when all of the following apply: 152

(1) It is the principal compound used, or produced primarily 153
for use, in the manufacture of a controlled substance~~+~~. 154

(2) It is an immediate chemical intermediary used or likely 155
to be used in the manufacture of such a controlled substance~~+~~. 156

(3) Its control is necessary to prevent, curtail, or limit 157
the manufacture of the scheduled compound, mixture, preparation, 158
or substance of which it is the immediate precursor. 159

(I) Authority to control under this section does not extend 160
to distilled spirits, wine, or ~~malt-beverages~~ beer, as those terms 161
are defined or used in Chapter 4301. of the Revised Code. 162

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

actually meets the criteria listed in division (B) of this 171
section, place ~~such~~ the abused substance on a controlled substance 172
schedule. 173

(K)(1) A drug product containing ephedrine that is known as 174
one of the following and is in the form specified shall not be 175
considered a schedule V controlled substance: 176

- (a) Amesec capsules; 177
- (b) Bronitin tablets; 178
- (c) Bronkotabs; 179
- (d) Bronkolixir; 180
- (e) Bronkaid tablets; 181
- (f) Efedron nasal jelly; 182
- (g) Guiaphed elixir; 183
- (h) Haysma; 184
- (i) Pazo hemorrhoid ointment and suppositories; 185
- (j) Primatene "M" formula tablets; 186
- (k) Primatene "P" formula tablets; 187
- (l) Tedrigen tablets; 188
- (m) Tedral tablets, suspension and elixir; 189
- (n) T.E.P.; 190
- (o) Vatronol nose drops. 191

(2)(a) A product containing ephedrine shall not be considered 192
a controlled substance if the product is a food product or dietary 193
supplement that meets all of the following criteria: 194

(i) It contains, per dosage unit or serving, not more than 195
the lesser of twenty-five milligrams of ephedrine alkaloids or the 196
maximum amount of ephedrine alkaloids provided in applicable 197
regulations adopted by the United States food and drug 198

administration, and no other controlled substance. 199

(ii) It contains no hydrochloride or sulfate salts of 200
ephedrine alkaloids. 201

(iii) It is packaged with a prominent label securely affixed 202
to each package that states all of the following: the amount in 203
milligrams of ephedrine in a serving or dosage unit; the amount of 204
the food product or dietary supplement that constitutes a serving 205
or dosage unit; that the maximum recommended dosage of ephedrine 206
for a healthy adult human is the lesser of one hundred milligrams 207
in a twenty-four-hour period for not more than twelve weeks or the 208
maximum recommended dosage or period of use provided in applicable 209
regulations adopted by the United States food and drug 210
administration; and that improper use of the product may be 211
hazardous to a person's health. 212

(b)(i) Subject to division (K)(2)(b)(ii) of this section, no 213
person shall dispense, sell, or otherwise give a product described 214
in division (K)(2)(a) of this section to any individual under 215
eighteen years of age. 216

(ii) Division (K)(2)(b)(i) of this section does not apply to 217
a physician or pharmacist who dispenses, sells, or otherwise gives 218
a product described in division (K)(2)(a) of this section to an 219
individual under eighteen years of age, to a parent or guardian of 220
an individual under eighteen years of age who dispenses, sells, or 221
otherwise gives a product of that nature to the individual under 222
eighteen years of age, or to a person who, as authorized by the 223
individual's parent or legal guardian, dispenses, sells, or 224
otherwise gives a product of that nature to an individual under 225
eighteen years of age. 226

(c) No person in the course of selling, offering for sale, or 227
otherwise distributing a product described in division (K)(2)(a) 228
of this section shall advertise or represent in any manner that 229

the product causes euphoria, ecstasy, a "buzz" or "high," or an
altered mental state; heightens sexual performance; or, because it
contains ephedrine alkaloids, increased muscle mass.

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

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

(L) As used in this section:

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

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

(3) "Ephedrine alkaloids" means ephedrine, pseudoephedrine,
norephedrine, norpseudoephedrine, methylephedrine, and
methylpseudoephedrine.

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

(1) "Intoxicating liquor" and "liquor" include all liquids

and compounds, other than beer, containing one-half of one per
cent or more of alcohol by volume which are fit to use for
beverage purposes, from whatever source and by whatever process
produced, by whatever name called, and whether ~~the same~~ they are
medicated, proprietary, or patented. "Intoxicating liquor" and
"liquor" include wine even if it contains less than four per cent
of alcohol by volume, mixed beverages even if they contain less
than four per cent of alcohol by volume, cider, alcohol, and all
solids and confections which contain any alcohol.

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

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

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

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

denatured alcohol and wood alcohol. 292

(2) "Beer," ~~"malt liquor," or "malt beverages"~~ includes all 293
beverages brewed or fermented wholly or in part from malt products 294
and containing one-half of one per cent or more, but not more than 295
twelve per cent, of alcohol by volume ~~but not more than six per~~ 296
~~cent of alcohol by weight.~~ 297

(3) "Wine" includes all liquids fit to use for beverage 298
purposes containing not less than one-half of one per cent of 299
alcohol by volume and not more than twenty-one per cent of alcohol 300
by volume, which is made from the fermented juices of grapes, 301
fruits, or other agricultural products, except that as used in 302
sections 4301.13, 4301.421, 4301.422, 4301.432, and 4301.44 of the 303
Revised Code, and, for purposes of determining the rate of the tax 304
that applies, division (B) of section 4301.43 of the Revised Code, 305
"wine" does not include cider. 306

(4) "Mixed beverages," such as bottled and prepared cordials, 307
cocktails, and highballs, are products obtained by mixing any type 308
of whiskey, neutral spirits, brandy, gin, or other distilled 309
spirits with, or over, carbonated or plain water, pure juices from 310
flowers and plants, and other flavoring materials. The completed 311
product shall contain not less than one-half of one per cent of 312
alcohol by volume and not more than twenty-one per cent of alcohol 313
by volume. 314

(5) "Spirituous liquor" includes all intoxicating liquors 315
containing more than twenty-one per cent of alcohol by volume. 316

(6) "Sealed container" means any container having a capacity 317
of not more than one hundred twenty-eight fluid ounces, the 318
opening of which is closed to prevent the entrance of air. 319

(7) "Person" includes firms and corporations. 320

(8) "Manufacture" includes all processes by which beer or 321
intoxicating liquor is produced, whether by distillation, 322

rectifying, fortifying, blending, fermentation, or brewing, or in 323
any other manner. 324

(9) "Manufacturer" means any person engaged in the business 325
of manufacturing beer or intoxicating liquor. 326

(10) "Wholesale distributor" and "distributor" means a person 327
engaged in the business of selling to retail dealers for purposes 328
of resale. 329

(11) "Hotel" has the same meaning as in section 3731.01 of 330
the Revised Code, subject to the exceptions mentioned in section 331
3731.03 of the Revised Code. 332

(12) "Restaurant" means a place located in a permanent 333
building provided with space and accommodations wherein, in 334
consideration of the payment of money, hot meals are habitually 335
prepared, sold, and served at noon and evening, as the principal 336
business of the place. "Restaurant" does not include pharmacies, 337
confectionery stores, lunch stands, night clubs, and filling 338
stations. 339

(13) "Club" means a corporation or association of individuals 340
organized in good faith for social, recreational, benevolent, 341
charitable, fraternal, political, patriotic, or athletic purposes, 342
which is the owner, lessor, or occupant of a permanent building or 343
part of a permanent building operated solely for those purposes, 344
membership in which entails the prepayment of regular dues, and 345
includes the place so operated. 346

(14) "Night club" means a place operated for profit, where 347
food is served for consumption on the premises and one or more 348
forms of amusement are provided or permitted for a consideration 349
that may be in the form of a cover charge or may be included in 350
the price of the food and beverages, or both, purchased by 351
patrons. 352

(15) "At retail" means for use or consumption by the 353

purchaser and not for resale. 354

(16) "Pharmacy" means an establishment, as defined in section 355
4729.01 of the Revised Code, that is under the management or 356
control of a licensed pharmacist in accordance with section 357
4729.27 of the Revised Code. 358

(17) "Enclosed shopping center" means a group of retail sales 359
and service business establishments that face into an enclosed 360
mall, share common ingress, egress, and parking facilities, and 361
are situated on a tract of land that contains an area of not less 362
than five hundred thousand square feet. "Enclosed shopping center" 363
also includes not more than one business establishment that is 364
located within a free-standing building on such a tract of land, 365
so long as the sale of beer and intoxicating liquor on the tract 366
of land was approved in an election held under former section 367
4301.353 of the Revised Code. 368

(18) "Controlled access alcohol and beverage cabinet" means a 369
closed container, either refrigerated, in whole or in part, or 370
nonrefrigerated, access to the interior of which is restricted by 371
means of a device that requires the use of a key, magnetic card, 372
or similar device and from which beer, intoxicating liquor, other 373
beverages, or food may be sold. 374

(19) "Community facility" means either of the following: 375

(a) Any convention, sports, or entertainment facility or 376
complex, or any combination of these, that is used by or 377
accessible to the general public and that is owned or operated in 378
whole or in part by the state, a state agency, or a political 379
subdivision of the state or that is leased from, or located on 380
property owned by or leased from, the state, a state agency, a 381
political subdivision of the state, or a convention facilities 382
authority created pursuant to section 351.02 of the Revised Code; 383

(b) An area designated as a community entertainment district 384

pursuant to section 4301.80 of the Revised Code.

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

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

(22) "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. 4301.03. The liquor control commission may adopt and promulgate, repeal, rescind, and amend, in the manner required by this section, rules, standards, requirements, and orders necessary to carry out ~~Chapters 4301. this chapter~~ and ~~Chapter~~ 4303. of the Revised Code, but all rules of the board of liquor control which were in effect immediately prior to April 17, 1963, shall remain in full force and effect as rules of the liquor control commission until and unless amended or repealed by the liquor control

commission. The rules of the commission may include the following: 416
417

(A) Rules with reference to applications for and the issuance 418
of permits for the manufacture, distribution, transportation, and 419
sale of beer and intoxicating liquor, and the sale of alcohol; and 420
rules governing the procedure of the division of liquor control in 421
the suspension, revocation, and cancellation of ~~such~~ those 422
permits; 423

(B) Rules and orders providing in detail for the conduct of 424
any retail business authorized under permits issued pursuant to 425
~~such chapters~~ this chapter and Chapter 4303. of the Revised Code, 426
with a view to ensuring compliance with ~~such~~ those chapters and 427
laws relative ~~thereto~~ to them, and the maintenance of public 428
decency, sobriety, and good order in any place licensed under ~~such~~ 429
the permits. No rule or order shall prohibit the sale of lottery 430
tickets issued pursuant to Chapter 3770. of the Revised Code by 431
any retail business authorized under permits issued pursuant to 432
~~such~~ that chapter. 433

No rule or order shall prohibit pari-mutuel wagering on 434
simulcast horse races at a satellite facility that has been issued 435
a D liquor permit under Chapter 4303. of the Revised Code. No rule 436
or order shall prohibit a charitable organization that holds a D-4 437
permit from selling or serving beer or intoxicating liquor under 438
its permit in a portion of its premises merely because that 439
portion of its premises is used at other times for the conduct of 440
a charitable bingo game. However, such an organization shall not 441
sell or serve beer or intoxicating liquor or permit beer or 442
intoxicating liquor to be consumed or seen in the same location in 443
its premises where a charitable bingo game is being conducted 444
while the game is being conducted. As used in this division, 445
"charitable organization" has the same meaning as in division (H) 446
of section 2915.01 of the Revised Code, and "charitable bingo 447

game" has the same meaning as in division (R) of that section 448
~~2915.01 of the Revised Code~~. No rule or order pertaining to 449
visibility into the premises of a permit holder after the legal 450
hours of sale shall be adopted or maintained by the commission. 451

(C) Standards, not in conflict with those prescribed by any 452
law of this state or the United States, to secure the use of 453
proper ingredients and methods in the manufacture of beer, ~~malt~~ 454
~~liquor~~, mixed beverages, and wine to be sold within this state; 455

(D) Rules determining the nature, form, and capacity of all 456
packages and bottles to be used for containing beer or 457
intoxicating liquor except for spirituous liquor to be kept or 458
sold, governing the form of all seals and labels to be used 459
~~thereon~~ on those packages and bottles, and requiring the label on 460
every package, bottle, and container to state the ingredients in 461
the contents and, except on ~~malt beverages~~ beer, the terms of 462
weight, volume, or proof spirits, and whether the same is beer, 463
wine, alcohol, or any intoxicating liquor except for spirituous 464
liquor; 465

(E) Uniform rules governing all advertising with reference to 466
the sale of beer and intoxicating liquor throughout the state and 467
advertising upon and in the premises licensed for the sale of beer 468
or intoxicating liquor; 469

(F) Rules restricting and placing conditions upon the 470
transfer of permits; 471

(G) Rules and orders limiting the number of permits of any 472
class within the state or within any political subdivision of the 473
state; and, for ~~such~~ that purpose, adopting reasonable 474
classifications of persons or establishments to which any 475
authorized class of permits may be issued within any ~~such~~ 476
political subdivision; 477

(H) Rules and orders with reference to sales of beer and 478

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

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

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

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

constitutes sufficient notice to all persons affected by such rule 511
or order which is not required to be served. General rules of the 512
commission promulgated pursuant to this section shall be published 513
in ~~such a~~ the manner ~~as~~ the commission determines. 514

Sec. 4301.041. The liquor control commission may determine 515
and fix by ~~regulation~~ rule the minimum percentage mark-up for 516
sales at retail of beer, ~~lager beer, ale, stout, porter, or any~~ 517
~~other brewed or malt liquor or malt beverages,~~ whether in case lot 518
or less. 519

To determine the retail price of ~~such products~~ beer, the 520
minimum percentage mark-up may be applied to the wholesale price 521
of the manufacturer or wholesale distributor charged to the retail 522
permit holder. Such prices shall apply to sales made at retail by 523
a permit holder for off-premise consumption only. 524

Sec. 4301.042. The liquor control commission may adopt, 525
repeal, and amend rules providing for and controlling pricing 526
practices and the manner and frequency with which any person sets 527
or changes prices at which beer ~~and other malt beverages are~~ is 528
sold to or by the holders of B-1 permits, but the commission shall 529
not set prices or markups between manufacturers or other suppliers 530
and the holders of B-1 permits. 531

Sec. 4301.24. No manufacturer shall aid or assist the holder 532
of any permit for sale at wholesale, and no manufacturer or 533
wholesale distributor shall aid or assist the holder of any permit 534
for sale at retail, by gift or loan of any money or property of 535
any description or other valuable thing, or by giving premiums or 536
rebates. No holder of any such permit shall accept the same, 537
provided that the manufacturer or wholesale distributor may 538
furnish to a retail permittee the inside signs or advertising and 539
the tap signs or devices authorized by divisions (F) and (G) of 540

section 4301.22 of the Revised Code. 541

No manufacturer shall have any financial interest, directly 542
or indirectly, by stock ownership, or through interlocking 543
directors in a corporation, or otherwise, in the establishment, 544
maintenance, or promotion in the business of any wholesale 545
distributor. No retail permit holder shall have any interest, 546
directly or indirectly, in the operation of, or any ownership in, 547
the business of any wholesale distributor or manufacturer. 548

No manufacturer ~~or wholesale distributor~~ shall, except as 549
authorized by section 4303.021 of the Revised Code, have any 550
financial interest, directly or indirectly, by stock ownership, or 551
through interlocking directors in a corporation, or otherwise, in 552
the establishment, maintenance, or promotion of the business of 553
any retail dealer; ~~nor shall any.~~ No wholesale distributor or 554
employee of a wholesale distributor shall have any financial 555
interest, directly or indirectly, by stock ownership, interlocking 556
directors in a corporation, or otherwise, in the establishment, 557
maintenance, or promotion of the business of any retail dealer. No 558
manufacturer or wholesale distributor or any stockholder of a 559
manufacturer or wholesale distributor shall acquire, by ownership 560
in fee, leasehold, mortgage, or otherwise, directly or indirectly, 561
any interest in the premises on which the business of any other 562
person engaged in the business of trafficking in beer or 563
intoxicating liquor is conducted. All contracts, covenants, 564
conditions, and limitations whereby any person engaged or 565
proposing to engage in the sale of beer or intoxicating liquors 566
promises to confine the person's sales of a particular kind or 567
quality of beer or intoxicating liquor to one or more products, or 568
the products of a specified manufacturer or wholesale distributor, 569
or to give preference to those products, shall to the extent of 570
that promise be void. The making of a promise in any such form 571
shall be cause for the revocation or suspension of any permit 572

issued to any party. This section does not prevent the holder of 573
an A permit from securing and holding a wholesale distributor's 574
permit or permits and operating as a wholesale distributor. 575

No manufacturer shall sell or offer to sell to any wholesale 576
distributor or retail permit holder, ~~and~~ no wholesale distributor 577
shall sell or offer to sell to any retail permit holder, and no 578
wholesale distributor or retail permit holder shall purchase or 579
receive from any manufacturer or wholesale distributor, any ~~malt~~ 580
~~or beer,~~ brewed beverages, or wine manufactured in the United 581
States except for cash. No right of action shall exist to collect 582
any claims for credit extended contrary to this section. This 583
section does not prohibit a licensee from crediting to a purchaser 584
the actual prices charged for packages or containers returned by 585
the original purchaser as a credit on any sale or from refunding 586
to any purchaser the amount paid by that purchaser for containers 587
or as a deposit on containers when title is retained by the 588
vendor, if those containers or packages have been returned to the 589
manufacturer or distributor. This section does not prohibit a 590
manufacturer from extending usual and customary credit for ~~malt or~~ 591
~~beer,~~ brewed beverages, or wine manufactured in the United States 592
and sold to customers who live or maintain places of business 593
outside this state when the beverages so sold are actually 594
transported and delivered to points outside this state. No 595
wholesale or retail permit shall be issued to an applicant unless 596
the applicant has paid in full all accounts for beer ~~and malt~~ 597
~~beverages~~ or wine, manufactured in the United States, outstanding 598
as of September 6, 1939. No beer ~~or malt beverages~~ or wine 599
manufactured in the United States shall be imported into the state 600
unless the beer ~~or malt beverages~~ or wine has been paid for in 601
cash, and no consent to import any such beer ~~or malt beverages~~ or 602
wine manufactured in the United States shall be issued by the 603
division of liquor control until the A-2, B-1, or B-5 permit 604
holder establishes to the satisfaction of the division that the 605

beer ~~or malt beverages~~ or wine has been paid for in cash. 606

This section does not prevent a manufacturer from securing 607
and holding any financial interest, directly or indirectly, by 608
stock ownership or through interlocking directors in a 609
corporation, or otherwise, in the establishment, maintenance, or 610
promotion of the business or premises of any C or D permit holder, 611
provided that the following conditions are met: 612

(A) Either the manufacturer or one of its parent companies is 613
listed on a national securities exchange. 614

(B) All purchases of alcoholic beverages by the C or D permit 615
holder are made from wholesale distributors in this state or 616
agency stores licensed by the division of liquor control. 617

(C) If the C or D permit holder sells brands of alcoholic 618
beverages that are produced or distributed by the manufacturer 619
that holds the financial interest, the C or D permit holder also 620
sells other competing brands of alcoholic beverages produced by 621
other manufacturers, no preference is given to the products of the 622
manufacturer, and there is no exclusion, in whole or in part, of 623
products sold or offered for sale by other manufacturers, 624
suppliers, or importers of alcoholic beverages that constitutes a 625
substantial impairment of commerce. 626

(D) The primary purpose of the C or D permit premises is a 627
purpose other than to sell alcoholic beverages, and the sale of 628
other goods and services exceeds fifty per cent of the total gross 629
receipts of the C or D permit holder at its premises. 630

This section does not prevent a manufacturer from giving 631
financial assistance to the holder of a B permit for the purpose 632
of the holder purchasing an ownership interest in the business, 633
existing inventory and equipment, or property of another B permit 634
holder, including, but not limited to, participation in a limited 635
liability partnership, limited liability company, or any other 636

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.

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.

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:

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

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

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

store at a particular location within the precinct;

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

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

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

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

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

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

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

(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
the precinct on the day of the next general or primary election,
whichever occurs first, for the submission of the question or
questions set forth in section 4301.355 of the Revised Code.

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

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

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

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

electors of the precinct:

(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?"

(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

petition) at..... (insert address of the particular location 791
within the precinct) in this precinct?" 792

(C) If the sale of beer, wine and mixed beverages, or 793
intoxicating liquor has been approved at a particular location 794
within the precinct at a previous election held under this 795
section, the ballot also shall include the following statement: 796

"At a previous election held under section 4301.355 of the 797
Revised Code, the electors approved the sale of (insert 798
beer, wine and mixed beverages, or intoxicating liquor, as 799
appropriate) at(insert business name and address of the 800
particular location or locations within the precinct where ~~such~~ 801
that sale has been approved at a previous election under section 802
4301.355 of the Revised Code)." 803

(D) The board of elections shall furnish printed ballots at 804
the election as provided under section 3505.06 of the Revised 805
Code, except that a separate ballot shall be used for the election 806
under this section. The question and, if applicable, the statement 807
set forth in this section shall be printed on each ballot, and the 808
board shall insert in the question and statement appropriate words 809
to complete each. Votes shall be cast as provided under section 810
3505.06 of the Revised Code. 811

Sec. 4301.365. (A) If a majority of the electors in a 812
precinct vote "yes" on questions (B)(1) and (2) as set forth in 813
section 4301.355 of the Revised Code, the sale of beer, wine and 814
mixed beverages, or intoxicating liquor, whichever was the subject 815
of the election, shall be allowed at the particular location and 816
for the use, and during the hours on Sunday, specified in the 817
~~question~~ questions under each permit applied for by the petitioner 818
or at the address listed for the liquor agency store subject only 819
to Chapters 4301. and 4303. of the Revised Code. Failure to 820
continue to use the particular location for any proposed or stated 821

use set forth in the petition ~~shall constitute good cause is~~ 822
grounds for the denial of a renewal of the liquor permit under 823
division (A) of section 4303.271 of the Revised Code or ~~cause is~~ 824
grounds for the nonrenewal or cancellation of the liquor agency 825
store contract by the division of liquor control, except in the 826
case where the liquor permit holder or liquor agency store decides 827
to cease the sale of beer, wine and mixed beverages, or 828
intoxicating liquor, whichever was the subject of the election, on 829
Sundays. 830

(B) If a majority of the electors in a precinct vote "yes" on 831
question (B)(1) and "no" on question (B)(2) as set forth in 832
section 4301.355 of the Revised Code, the sale of beer, wine and 833
mixed beverages, or intoxicating liquor, whichever was the subject 834
of the election, shall be allowed at the particular location for 835
the use specified in question (B)(1) of section 4301.355 of the 836
Revised Code and under each permit applied for by the petitioner, 837
except for a D-6 permit, subject only to Chapters 4301. and 4303. 838
of the Revised Code. 839

(C) If a majority of the electors in a precinct vote "no" on 840
question (B)(1) as set forth in section 4301.355 of the Revised 841
Code, no sales of beer, wine and mixed beverages, or intoxicating 842
liquor, whichever was the subject of the election, shall be 843
allowed at the particular location for the use specified in the 844
petition during the period the election is in effect as defined in 845
section 4301.37 of the Revised Code. 846

(D) If a majority of the electors in a precinct vote only on 847
question (B)(2) as set forth in section 4301.355 of the Revised 848
Code and that vote results in a majority "yes" vote, sales of 849
beer, wine and mixed beverages, or intoxicating liquor, whichever 850
was the subject of the election, shall be allowed at the 851
particular location for the use and during the hours specified in 852
the petition on Sunday during the period the election is in effect 853

as defined in section 4301.37 of the Revised Code. 854

(E) If a majority of the electors in a precinct vote only on 855
question (B)(2) as set forth in section 4301.355 of the Revised 856
Code and that vote results in a majority "no" vote, no sales of 857
beer, wine and mixed beverages, or intoxicating liquor, whichever 858
was the subject of the election, shall be allowed at the 859
particular location for the use and during the hours specified in 860
the petition on Sunday during the period the election is in effect 861
as defined in section 4301.37 of the Revised Code. 862

(F) In case of elections in the same precinct for the 863
question or questions set forth in section 4301.355 of the Revised 864
Code and for a question or questions set forth in section 4301.35, 865
4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised 866
Code, the results of the election held on the question or 867
questions set forth in section 4301.355 of the Revised Code shall 868
apply to the particular location notwithstanding the results of 869
the election held on the question or questions set forth in 870
section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 871
of the Revised Code. 872

(G) Sections 4301.32 to 4301.41 of the Revised Code do not 873
prohibit the transfer of ownership of a permit that was issued to 874
a particular location as the result of an election held on sales 875
of beer, wine and mixed beverages, or intoxicating liquor at that 876
particular location as long as the general nature of the business 877
at that particular location described in the petition for that 878
election remains the same after the transfer. 879

Sec. 4301.402. Sections 4301.32 to 4301.391, 4301.41, and 880
4305.14 of the Revised Code and the provisions for local option 881
elections and the election on the question of the repeal of 882
Section 9 of Article XV, Ohio Constitution, in section 4303.29 of 883
the Revised Code, do not affect or prohibit the sale of beer or 884

intoxicating liquor at a golf course or at a hotel, motel, or 885
lodge required to be licensed under section 3731.03 of the Revised 886
Code that contains at least fifty rooms for registered transient 887
guests ~~and if the golf course, hotel, motel, or lodge~~ is owned by 888
the state or a ~~political subdivision or conservancy district, park~~ 889
~~district created under Chapter 1545. of the Revised Code, or other~~ 890
~~political subdivision~~ of the state, ~~provided that~~ and the permit 891
holder for the golf course, hotel, motel, or lodge operates 892
~~pursuant to~~ under the authority of ~~the~~ a liquor permit issued 893
~~pursuant to~~ under Chapter 4303. of the Revised Code. 894

Sec. 4301.42. For the purpose of providing revenue for the 895
support of the state, a tax is hereby levied on the sale of beer, 896
~~ale, porter, stout, and other malt liquor beverages~~ in sealed 897
bottles and cans having twelve ounces or less of liquid content, 898
at the rate of fourteen one-hundredths of one cent on each ounce 899
of liquid content or fractional part ~~thereof~~ of each ounce of 900
liquid content, and on such containers in excess of twelve ounces, 901
at the rate of eighty-four one-hundredths of one cent on each six 902
ounces of liquid content or fractional part ~~thereof~~ of each six 903
ounces of liquid content. Sections 4307.01 to 4307.12 of the 904
Revised Code apply in the administration of ~~said~~ that tax. 905
Manufacturers, bottlers, and canners of and wholesale dealers in 906
~~beer, ale, porter, stout, and other malt liquor beverages~~ have the 907
duty to pay the tax imposed by this section and are entitled to 908
the privileges in the manner provided in section 4303.33 of the 909
Revised Code. 910

Sec. 4301.433. In order to assist with the collection of the 911
tax levied under section 4301.43 of the Revised Code, a supplier 912
of wine that is bottled outside this state and that is shipped 913
into and intended for sale within this state shall furnish to the 914
tax commissioner two copies of the invoice for each shipment of 915

that wine into this state. The supplier may furnish the invoice
information electronically in a format prescribed by the tax
commissioner. All such invoices and invoice information shall be
open to public inspection during regular business hours.

Sec. 4301.47. Every class A-1, A-2, and A-4 permit holder and
each class B permit holder shall maintain and keep for a period of
three years a record of the beer, wine, ~~malt beverages~~, and mixed
beverages purchased, distributed, or sold within this state by the
permit holder, together with invoices, records, receipts, bills of
lading, and other pertinent papers required by the tax
commissioner and, upon demand by the tax commissioner, shall
produce these records for a three-year period prior to the demand
unless upon satisfactory proof it is shown that the ~~non-production~~
nonproduction is due to causes beyond ~~his~~ the permit holder's
control.

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

Such ~~The~~ additional taxes, fees, and charges shall be in 947
excess of those provided for in other sections of this chapter or 948
Chapters ~~4301.~~, 4303. and 4307. and section 4305.13 of the Revised 949
Code, in the same proportion or in the same amount as taxes, fees, 950
and charges levied and collected in ~~said the other~~ state, 951
territory, or nation upon the products of Ohio manufacturers of 952
wine or manufacturers or brewers of beer ~~and other malt liquor~~ are 953
in excess of those levied and collected on the products of 954
manufacturers and brewers of ~~said the other~~ state, territory, or 955
nation. 956

If the laws of another state, territory, or nation, or the 957
rules and regulations of ~~the an~~ administrative body ~~therein in~~ 958
another state, territory, or nation, provide for the levy and 959
collection of taxes, fees, or charges against Ohio ~~manufactures~~ 960
manufacturers of wine or ~~manufactures~~ manufacturers or brewers of 961
beer ~~and other malt liquor~~ for the privilege of doing business 962
~~therein in~~ that state, territory, or nation, like amounts shall be 963
levied and collected on manufacturers or brewers of ~~said that~~ 964
state, territory, or nation for the privilege of doing business in 965
this state. 966

Sec. 4301.55. If the laws of another state, territory, or 967
nation, or the rules and regulations of any administrative body 968
~~therein in~~ another state, territory, or nation, authorize or 969
impose any tax, fee, or charge upon the right to transport or 970
import into ~~such that~~ that state, territory, or nation any beer, ~~malt~~ 971
~~liquor~~, or wine manufactured in this state; or authorize or impose 972
any different warehousing requirements or higher warehousing or 973
inspection fees upon any beer, ~~malt liquor~~, or wine manufactured 974
in this state and imported into or sold in ~~such that~~ that state, 975
territory, or nation than are imposed upon beer, ~~malt liquor~~, and 976
wine manufactured in ~~such that~~ that state, territory, or nation; or 977
impose any higher fee for the privilege of selling or handling 978

beer, ~~malt liquor~~, or wine manufactured in this state than is 979
imposed for the privilege of handling or selling the same kind of 980
beverages manufactured within ~~such that~~ state, territory, or 981
nation or any other state, territory, or nation, the tax 982
commissioner shall levy and collect similar taxes, fees, and 983
charges from licensees or persons selling in ~~Ohio~~ this state beer, 984
~~malt liquor~~, and wine manufactured in ~~such that~~ other state, 985
territory, or nation. ~~Such~~ The taxes, fees, and charges shall be 986
in addition to the taxes, fees, and charges assessed and collected 987
by the commissioner under section 4301.54 of the Revised Code. 988

Sec. 4301.62. (A) As used in this section: 989

(1) "Chauffeured limousine" means a vehicle registered under 990
section 4503.24 of the Revised Code. 991

(2) "Street," "highway," and "motor vehicle" have the same 992
meanings as in section 4511.01 of the Revised Code. 993

(B) No person shall have in the person's possession an opened 994
container of beer or intoxicating liquor in any of the following 995
circumstances: 996

(1) In a state liquor store; 997

(2) Except as provided in division (C) of this section, on 998
the premises of the holder of any permit issued by the division of 999
liquor control; 1000

(3) In any other public place; 1001

(4) Except as provided in division (D) of this section, while 1002
operating or being a passenger in or on a motor vehicle on any 1003
street, highway, or other public or private property open to the 1004
public for purposes of vehicular travel or parking; 1005

(5) Except as provided in division (D) of this section, while 1006
being in or on a stationary motor vehicle on any street, highway, 1007

or other public or private property open to the public for 1008
purposes of vehicular travel or parking. 1009

(C)(1) A person may have in the person's possession an opened 1010
container of any of the following: 1011

(a) Beer or intoxicating liquor that has been lawfully 1012
purchased for consumption on the premises where bought from the 1013
holder of an A-1-A, A-2, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, 1014
D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 1015
D-7, D-8, E, F, or F-2 permit; 1016

(b) Beer, wine, or mixed beverages served for consumption on 1017
the premises by the holder of an F-3 permit or wine served for 1018
consumption on the premises by the holder of an F-4 permit; 1019

(c) Beer or intoxicating liquor consumed on the premises of a 1020
convention facility as provided in section 4303.201 of the Revised 1021
Code; 1022

(d) Beer or intoxicating liquor to be consumed during 1023
tastings and samplings approved by rule of the liquor control 1024
commission. 1025

(2) A person may have in the person's possession on an F 1026
liquor permit premises an opened container of beer or intoxicating 1027
liquor that was not purchased from the holder of the F permit if 1028
the premises for which the F permit is issued is a music festival 1029
and the holder of the F permit grants permission for that 1030
possession on the premises during the period for which the F 1031
permit is issued. As used in this division, "music festival" means 1032
a series of outdoor live musical performances, extending for a 1033
period of at least three consecutive days and located on an area 1034
of land of at least forty acres. 1035

(D) This section does not apply to a person who pays all or a 1036
portion of the fee imposed for the use of a chauffeured limousine 1037
pursuant to a prearranged contract, or the guest of the person, 1038

when all of the following apply: 1039

(1) The person or guest is a passenger in the limousine. 1040

(2) The person or guest is located in the limousine, but is 1041
not occupying a seat in the front compartment of the limousine 1042
where the operator of the limousine is located. 1043

(3) The limousine is located on any street, highway, or other 1044
public or private property open to the public for purposes of 1045
vehicular travel or parking. 1046

Sec. 4303.01. As used in sections 4303.01 to 4303.37 of the 1047
Revised Code, "intoxicating liquor," "liquor," "sale," "sell," 1048
"vehicle," "alcohol," "beer," ~~"malt liquor," "malt beverage,"~~ 1049
"wine," "mixed beverages," "spirituous liquor," "sealed 1050
container," "person," "manufacture," "manufacturer," "wholesale 1051
distributor," "distributor," "hotel," "restaurant," "club," "night 1052
club," "at retail," "pharmacy," and "enclosed shopping center" 1053
have the same meanings as in section 4301.01 of the Revised Code. 1054

Sec. 4303.02. Permit A-1 may be issued to a manufacturer to 1055
manufacture beer, ~~ale, stout, and other malt liquor containing not~~ 1056
~~more than six per cent of alcohol by weight~~ and sell such beer 1057
products in bottles or containers for home use and to retail and 1058
wholesale permit holders under ~~such rules as are~~ promulgated by 1059
the division of liquor control. The fee for this permit is three 1060
thousand one hundred twenty-five dollars for each plant during the 1061
year covered by the permit. 1062

Sec. 4303.06. Permit B-1 may be issued to a wholesale 1063
distributor of beer to purchase from the holders of A-1 permits 1064
and to import and distribute or sell beer, ~~ale, lager, stout, and~~ 1065
~~other malt liquors containing not more than six per cent of~~ 1066
~~alcohol by weight~~ for home use and to retail permit holders under 1067

~~such~~ rules ~~as are~~ adopted by the division of liquor control. The 1068
fee for this permit is two thousand five hundred dollars for each 1069
distributing plant or warehouse during the year covered by the 1070
permit. 1071

Sec. 4303.07. Permit B-2 may be issued to a wholesale 1072
distributor of wine to purchase from holders of A-2 and B-5 1073
permits and distribute or sell such product, in the original 1074
container in which it was placed by the B-5 permit holder or 1075
manufacturer at the place where manufactured, to A-1-A, C-2, D-2, 1076
D-3, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 1077
D-5h, D-5i, D-5j, D-5k, and E permit holders, and for home use. 1078
The fee for this permit is two hundred fifty dollars for each 1079
distributing plant or warehouse. The initial fee shall be 1080
increased ten cents per wine barrel of fifty gallons for all wine 1081
distributed and sold in this state in excess of twelve hundred 1082
fifty such barrels during the year covered by the permit. 1083

Sec. 4303.10. Permit B-5 may be issued to a wholesale 1084
distributor of wine to purchase wine from the holders of A-2 1085
permits, to purchase and import wine in bond or otherwise, in bulk 1086
or in containers of any size, and to bottle wine for distribution 1087
and sale to holders of A-1-A, B-2, B-3, B-5, C-2, D-2, D-3, D-4, 1088
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 1089
D-5j, D-5k, and E permits and for home use in sealed containers. 1090
No wine shall be bottled by a B-5 permit holder in containers 1091
supplied by any person who intends the wine for home use. The fee 1092
for this permit is one thousand two hundred fifty dollars. 1093

Sec. 4303.181. (A) Permit D-5a may be issued either to the 1094
owner or operator of a hotel or motel that is required to be 1095
licensed under section 3731.03 of the Revised Code, that contains 1096
at least fifty rooms for registered transient guests, and that 1097

qualifies under the other requirements of this section, or to the 1098
owner or operator of a restaurant specified under this section, to 1099
sell beer and any intoxicating liquor at retail, only by the 1100
individual drink in glass and from the container, for consumption 1101
on the premises where sold, and to registered guests in their 1102
rooms, which may be sold by means of a controlled access alcohol 1103
and beverage cabinet in accordance with division (B) of section 1104
4301.21 of the Revised Code; and to sell the same products in the 1105
same manner and amounts not for consumption on the premises as may 1106
be sold by holders of D-1 and D-2 permits. The premises of the 1107
hotel or motel shall include a retail food establishment or a food 1108
service operation licensed pursuant to Chapter 3717. of the 1109
Revised Code that operates as a restaurant for purposes of this 1110
chapter and that is affiliated with the hotel or motel and within 1111
or contiguous to the hotel or motel, and that serves food within 1112
the hotel or motel, but the principal business of the owner or 1113
operator of the hotel or motel shall be the accommodation of 1114
transient guests. In addition to the privileges authorized in this 1115
division, the holder of a D-5a permit may exercise the same 1116
privileges as the holder of a D-5 permit. 1117

The owner or operator of a hotel, motel, or restaurant who 1118
qualified for and held a D-5a permit on August 4, 1976, may, if 1119
the owner or operator held another permit before holding a D-5a 1120
permit, either retain a D-5a permit or apply for the permit 1121
formerly held, and the division of liquor control shall issue the 1122
permit for which the owner or operator applies and formerly held, 1123
notwithstanding any quota. 1124

A D-5a permit shall not be transferred to another location. 1125
No quota restriction shall be placed on the number of such permits 1126
that may be issued. 1127

The fee for this permit is one thousand eight hundred 1128
seventy-five dollars. 1129

(B) Permit D-5b may be issued to the owner, operator, tenant, lessee, or occupant of an enclosed shopping center to sell beer and 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 amount 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-5b permit may exercise the same privileges as a holder of a D-5 permit.

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

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.

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.

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
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 1194
glass and from the container, for consumption on the premises 1195
where sold, and to sell the same products in the same manner and 1196
amounts not for consumption on the premises as may be sold by 1197
holders of D-1 and D-2 permits. In addition to the privileges 1198
authorized in this division, the holder of a D-5c permit may 1199
exercise the same privileges as the holder of a D-5 permit. 1200

To qualify for a D-5c permit, the owner or operator of a 1201
retail food establishment or a food service operation licensed 1202
pursuant to Chapter 3717. of the Revised Code that operates as a 1203
restaurant for purposes of this chapter, shall have operated the 1204
restaurant at the proposed premises for not less than twenty-four 1205
consecutive months immediately preceding the filing of the 1206
application for the permit, have applied for a D-5 permit no later 1207
than December 31, 1988, and appear on the division's quota waiting 1208
list for not less than six months immediately preceding the filing 1209
of the application for the permit. In addition to these 1210
requirements, the proposed D-5c permit premises shall be located 1211
within a municipal corporation and further within an election 1212
precinct that, at the time of the application, has no more than 1213
twenty-five per cent of its total land area zoned for residential 1214
use. 1215

A D-5c permit shall not be transferred to another location. 1216
No quota restriction shall be placed on the number of such permits 1217
that may be issued. 1218

Any person who has held a D-5c permit for at least two years 1219
may apply for a D-5 permit, and the division of liquor control 1220
shall issue the D-5 permit notwithstanding the quota restrictions 1221
contained in section 4303.29 of the Revised Code or in any rule of 1222
the liquor control commission. 1223

The fee for this permit is one thousand two hundred fifty 1224
dollars. 1225

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

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

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

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

- (1) Is permanently docked at one location;
- (2) Is designated as an historical riverboat by the Ohio

historical society; 1257

(3) Contains not less than fifteen hundred square feet of 1258
floor area; 1259

(4) Has a seating capacity of fifty or more persons. 1260

The holder of a D-5e permit may sell beer and intoxicating 1261
liquor at retail, only by the individual drink in glass and from 1262
the container, for consumption on the premises where sold. 1263

A D-5e permit shall not be transferred to another location. 1264
No quota restriction shall be placed on the number of such permits 1265
that may be issued. The population quota restrictions contained in 1266
section 4303.29 of the Revised Code or in any rule of the liquor 1267
control commission shall not apply to this division, and the 1268
division shall issue a D-5e permit to any applicant who meets the 1269
requirements of this division. However, the division shall not 1270
issue a D-5e permit if the permit premises or proposed permit 1271
premises are located within an area in which the sale of 1272
spirituous liquor by the glass is prohibited. 1273

The fee for this permit is nine hundred seventy-five dollars. 1274

(F) Permit D-5f may be issued to the owner or operator of a 1275
retail food establishment or a food service operation licensed 1276
under Chapter 3717. of the Revised Code that operates as a 1277
restaurant for purposes of this chapter and that meets all of the 1278
following: 1279

(1) It contains not less than twenty-five hundred square feet 1280
of floor area. 1281

(2) It is located on or in, or immediately adjacent to, the 1282
shoreline of, a navigable river. 1283

(3) It provides docking space for twenty-five boats. 1284

(4) It provides entertainment and recreation, provided that 1285
not less than fifty per cent of the business on the permit 1286

premises shall be preparing and serving meals for a consideration. 1287

In addition, each application for a D-5f permit shall be 1288
accompanied by a certification from the local legislative 1289
authority that the issuance of the D-5f permit is not inconsistent 1290
with that political subdivision's comprehensive development plan 1291
or other economic development goal as officially established by 1292
the local legislative authority. 1293

The holder of a D-5f permit may sell beer and intoxicating 1294
liquor at retail, only by the individual drink in glass and from 1295
the container, for consumption on the premises where sold. 1296

A D-5f permit shall not be transferred to another location. 1297
~~No more than fifteen D-5f permits shall be issued by the division 1298~~
~~of liquor control, and no more than two such permits shall be 1299~~
~~issued in any county. However, the 1300~~

The division of liquor control shall not issue a D-5f permit 1301
if the permit premises or proposed permit premises are located 1302
within an area in which the sale of spirituous liquor by the glass 1303
is prohibited. 1304

A fee for this permit is one thousand eight hundred 1305
seventy-five dollars. 1306

As used in this division, "navigable river" means a river 1307
that is also a "navigable water" as defined in the "Federal Power 1308
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 1309

(G) Permit D-5g may be issued to a nonprofit corporation that 1310
is either the owner or the operator of a national professional 1311
sports museum. The holder of a D-5g permit may sell beer and any 1312
intoxicating liquor at retail, only by the individual drink in 1313
glass and from the container, for consumption on the premises 1314
where sold. The holder of a D-5g permit shall sell no beer or 1315
intoxicating liquor for consumption on the premises where sold 1316
after one a.m. A D-5g permit shall not be transferred to another 1317

location. No quota restrictions shall be placed on the number of 1318
D-5g permits that may be issued. The fee for this permit is one 1319
thousand five hundred dollars. 1320

(H) Permit D-5h may be issued to any nonprofit organization 1321
that is exempt from federal income taxation under the "Internal 1322
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 1323
amended, that owns or operates a fine arts museum and has no less 1324
than five thousand bona fide members possessing full membership 1325
privileges. The holder of a D-5h permit may sell beer and any 1326
intoxicating liquor at retail, only by the individual drink in 1327
glass and from the container, for consumption on the premises 1328
where sold. The holder of a D-5h permit shall sell no beer or 1329
intoxicating liquor for consumption on the premises where sold 1330
after one a.m. A D-5h permit shall not be transferred to another 1331
location. No quota restrictions shall be placed on the number of 1332
D-5h permits that may be issued. The fee for this permit is one 1333
thousand five hundred dollars. 1334

(I) Permit D-5i may be issued to the owner or operator of a 1335
retail food establishment or a food service operation licensed 1336
under Chapter 3717. of the Revised Code that operates as a 1337
restaurant for purposes of this chapter and that meets all of the 1338
following requirements: 1339

(1) It is located in a municipal corporation or a township 1340
with a population of fifty thousand or less. 1341

(2) It has inside seating capacity for at least one hundred 1342
forty persons. 1343

(3) It has at least four thousand square feet of floor area. 1344
1345

(4) It offers full-course meals, appetizers, and sandwiches. 1346

(5) Its receipts from beer and liquor sales do not exceed 1347
twenty-five per cent of its total gross receipts. 1348

(6) The value of its real and personal property exceeds seven 1349
hundred twenty-five thousand dollars. 1350

The holder of a D-5i permit shall cause an independent audit 1351
to be performed at the end of one full year of operation following 1352
issuance of the permit in order to verify the requirements of 1353
division (I)(5) of this section. The results of the independent 1354
audit shall be transmitted to the division. Upon determining that 1355
the receipts of the holder from beer and liquor sales exceeded 1356
twenty-five per cent of its total gross receipts, the division 1357
shall suspend the permit of the permit holder under section 1358
4301.25 of the Revised Code and may allow the permit holder to 1359
elect a forfeiture under section 4301.252 of the Revised Code. 1360

The holder of a D-5i permit may sell beer and any 1361
intoxicating liquor at retail, only by the individual drink in 1362
glass and from the container, for consumption on the premises 1363
where sold, and may sell the same products in the same manner and 1364
amounts not for consumption on the premises where sold as may be 1365
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 1366
permit shall sell no beer or intoxicating liquor for consumption 1367
on the premises where sold after two-thirty a.m. In addition to 1368
the privileges authorized in this division, the holder of a D-5i 1369
permit may exercise the same privileges as the holder of a D-5 1370
permit. 1371

A D-5i permit shall not be transferred to another location. 1372
The division of liquor control shall not renew a D-5i permit 1373
unless the food service operation for which it is issued continues 1374
to meet the requirements described in divisions (I)(1) to (6) of 1375
this section. No quota restrictions shall be placed on the number 1376
of D-5i permits that may be issued. The fee for this permit is one 1377
thousand eight hundred seventy-five dollars. 1378

(J)(1) Permit D-5j may be issued to the owner or the operator 1379
of a retail food establishment or a food service operation 1380

licensed under Chapter 3717. of the Revised Code to sell beer and
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 beer and intoxicating liquor in the same
manner and amounts not for consumption on the premises where sold
as may be sold by the holders of D-1 and D-2 permits. The holder
of a D-5j permit may exercise the same privileges, and shall
observe the same hours of operation, as the holder of a D-5
permit.

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

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

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

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

(K)(1) Permit D-5k may be issued to any nonprofit
organization that is exempt from federal income taxation under the
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A.
501(c)(3), as amended, that is the owner or operator of a
botanical garden recognized by the American association of

botanical gardens and arboreta, and that has not less than 1412
twenty-five hundred bona fide members. 1413

(2) The holder of a D-5k permit may sell beer and any 1414
intoxicating liquor at retail, only by the individual drink in 1415
glass and from the container, on the premises where sold. 1416

(3) The holder of a D-5k permit shall sell no beer or 1417
intoxicating liquor for consumption on the premises where sold 1418
after one a.m. 1419

(4) A D-5k permit shall not be transferred to another 1420
location. 1421

(5) No quota restrictions shall be placed on the number of 1422
D-5k permits that may be issued. 1423

(6) The fee for the D-5k permit is one thousand five hundred 1424
dollars. 1425

Sec. 4303.182. (A) Except as otherwise provided in divisions 1426
(B) to ~~(F)~~ (G) of this section, permit D-6 shall be issued to the 1427
holder of an A-1-A, A-2, C-2, D-2, D-3, D-4, D-4a, D-5, D-5a, 1428
D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, or D-7 1429
permit to allow sale under that permit between the hours of ten 1430
a.m. and midnight, or between the hours of one p.m. and midnight, 1431
on Sunday, as applicable, if that sale has been authorized under 1432
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 1433
Code and under the restrictions of that authorization. 1434

(B) Permit D-6 shall be issued to the holder of any permit, 1435
including a D-4a and D-5d permit, authorizing the sale of 1436
intoxicating liquor issued for a premises located at any publicly 1437
owned airport, as defined in section 4563.01 of the Revised Code, 1438
at which commercial airline companies operate regularly scheduled 1439
flights on which space is available to the public, to allow sale 1440
under such permit between the hours of ten a.m. and midnight on 1441

Sunday, whether or not that sale has been authorized under section 1442
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 1443

(C) Permit D-6 shall be issued to the holder of a D-5a 1444
permit, and to the holder of a D-3 or D-3a permit who is the owner 1445
or operator of a hotel or motel that is required to be licensed 1446
under section 3731.03 of the Revised Code, that contains at least 1447
fifty rooms for registered transient guests, and that has on its 1448
premises a retail food establishment or a food service operation 1449
licensed pursuant to Chapter 3717. of the Revised Code that 1450
operates as a restaurant for purposes of this chapter and is 1451
affiliated with the hotel or motel and within or contiguous to the 1452
hotel or motel and serving food within the hotel or motel, to 1453
allow sale under such permit between the hours of ten a.m. and 1454
midnight on Sunday, whether or not that sale has been authorized 1455
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 1456
Revised Code. 1457

(D) The holder of a D-6 permit that is issued to a sports 1458
facility may make sales under the permit between the hours of 1459
eleven a.m. and midnight on any Sunday on which a professional 1460
baseball, basketball, football, hockey, or soccer game is being 1461
played at the sports facility. As used in this division, "sports 1462
facility" means a stadium or arena that has a seating capacity of 1463
at least four thousand and that is owned or leased by a 1464
professional baseball, basketball, football, hockey, or soccer 1465
franchise or any combination of those franchises. 1466

(E) Permit D-6 shall be issued to the holder of any permit 1467
that authorizes the sale of beer or intoxicating liquor and that 1468
is issued to a premises located in or at the Ohio historical 1469
society area or the state fairgrounds, as defined in division (B) 1470
of section 4301.40 of the Revised Code, to allow sale under that 1471
permit between the hours of ten a.m. and midnight on Sunday, 1472
whether or not that sale has been authorized under section 1473

4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 1474

(F) Permit D-6 shall be issued to the holder of any permit 1475
that authorizes the sale of intoxicating liquor and that is issued 1476
to an outdoor performing arts center to allow sale under that 1477
permit between the hours of one p.m. and midnight on Sunday, 1478
whether or not that sale has been authorized under section 1479
4301.361 of the Revised Code. A D-6 permit issued under this 1480
division is subject to the results of an election, held after the 1481
D-6 permit is issued, on question (B)(4) as set forth in section 1482
4301.351 of the Revised Code. Following the end of the period 1483
during which an election may be held on question (B)(4) as set 1484
forth in that section, sales of intoxicating liquor may continue 1485
at an outdoor performing arts center under a D-6 permit issued 1486
under this division, unless an election on that question is held 1487
during the permitted period and a majority of the voters voting in 1488
the precinct on that question vote "no." 1489

As used in this division, "outdoor performing arts center" 1490
means an outdoor performing arts center that is located on not 1491
less than eight hundred acres of land and that is open for 1492
performances from the first day of April to the last day of 1493
October of each year. 1494

(G) Permit D-6 shall be issued to the holder of any permit 1495
that authorizes the sale of beer or intoxicating liquor and that 1496
is issued to a golf course owned by the state, a conservancy 1497
district, a park district created under Chapter 1545. of the 1498
Revised Code, or another political subdivision to allow sale under 1499
that permit between the hours of ten a.m. and midnight on Sunday, 1500
whether or not that sale has been authorized under section 1501
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 1502

(H) If the restriction to licensed premises where the sale of 1503
food and other goods and services exceeds fifty per cent of the 1504
total gross receipts of the permit holder at the premises is 1505

applicable, the division of liquor control may accept an affidavit 1506
from the permit holder to show the proportion of the permit 1507
holder's gross receipts derived from the sale of food and other 1508
goods and services. If the liquor control commission determines 1509
that affidavit to have been false, it shall revoke the permits of 1510
the permit holder at the premises concerned. 1511

~~(H)~~(I) The fee for the D-6 permit is two hundred fifty 1512
dollars when it is issued to the holder of an A-1-A, A-2, D-2, 1513
D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, 1514
D-5g, D-5h, D-5i, D-5j, D-5k, or D-7 permit. The fee for the D-6 1515
permit is two hundred dollars when it is issued to the holder of a 1516
C-2 permit. 1517

Sec. 4303.184. (A) ~~Permit~~ Subject to division (B) of this 1518
section, a D-8 permit may be issued to the holder of a C-1, C-2, 1519
or C-2x permit issued to a retail store that has either of the 1520
following characteristics: 1521

(1) The store has at least five thousand five hundred square 1522
feet of floor area, and it generates more than sixty per cent of 1523
its sales in general merchandise items and food for consumption 1524
off the premises where sold. 1525

(2) Wine constitutes at least sixty per cent of the value of 1526
the store's inventory. 1527

(B) A D-8 permit may be issued to the holder of a C-1, C-2, 1528
or C-2x permit only if the premises of the permit holder are 1529
located in a precinct, or at a particular location in a precinct, 1530
in which the sale of beer, wine, or mixed beverages is permitted 1531
for consumption off the premises where sold. Sales under a D-8 1532
permit are not affected by whether sales for consumption on the 1533
premises where sold are permitted in the precinct or at the 1534
particular location where the D-8 premises are located. 1535

(C) The holder of a D-8 permit may sell tasting samples of 1536

beer, wine, and mixed beverages, but not spirituous liquor, at 1537
retail, for consumption on the premises where sold in an amount 1538
not to exceed two ounces or another amount designated by rule of 1539
the liquor control commission. A tasting sample shall not be sold 1540
for general consumption. No D-8 permit holder shall allow any 1541
authorized purchaser to consume more than four tasting samples of 1542
beer, wine, or mixed beverages, or any combination of beer, wine, 1543
or mixed beverages, per day. 1544

~~(C)~~(D) The privileges authorized under a D-8 permit may only 1545
be exercised in conjunction with and during the hours of operation 1546
authorized by a C-1, C-2, C-2x, or D-6 permit. 1547

~~(D)~~(E) A D-8 permit shall not be transferred to another 1548
location. 1549

~~(E)~~(F) The fee for the D-8 permit is two hundred fifty 1550
dollars. 1551

~~(F)~~(G) The holder of a D-8 permit shall cause an independent 1552
audit to be performed at the end of the first full year of 1553
operation following issuance of the permit, and at the end of each 1554
second year thereafter, in order to verify that the permit holder 1555
satisfies the applicable requirement of division (A)(1) or (2) of 1556
this section. The permit holder shall transmit the results of the 1557
independent audit to the division of liquor control. If the 1558
results of the audit indicate noncompliance with division (A) of 1559
this section, the division shall not renew the D-8 permit of the 1560
permit holder. 1561

Sec. 4303.204. (A) The division of liquor control may issue 1562
an F-4 permit to an association or corporation organized 1563
not-for-profit in this state to conduct an event that includes the 1564
introduction, showcasing, or promotion of Ohio wines, if the event 1565
has all of the following characteristics: 1566

(1) It is coordinated by that association or corporation, and 1567

the association or corporation is responsible for the activities 1568
at it. 1569

(2) It has as one of its purposes the intent to introduce, 1570
showcase, or promote Ohio wines to persons who attend it. 1571

(3) It includes the sale of food for consumption on the 1572
premises where sold. 1573

(4) It features at least three A-2 permit holders who sell 1574
Ohio wine at it. 1575

(B) The holder of an F-4 permit may furnish, without charge, 1576
wine that it has obtained from the A-2 permit holders that are 1577
participating in the event for which the F-4 permit is issued, in 1578
two-ounce samples for consumption on the premises where furnished 1579
and may sell such wine by the glass for consumption on the 1580
premises where sold. The holder of an A-2 permit that is 1581
participating in the event for which the F-4 permit is issued may 1582
sell wine that it has manufactured, in sealed containers for 1583
consumption off the premises where sold. Wine may be furnished or 1584
sold on the premises of the event for which the F-4 permit is 1585
issued only where and when the sale of wine is otherwise permitted 1586
by law. 1587

(C) The premises of the event for which the F-4 permit is 1588
issued shall be clearly defined and sufficiently restricted to 1589
allow proper enforcement of the permit by state and local law 1590
enforcement officers. If an F-4 permit is issued for all or a 1591
portion of the same premises for which another class of permit is 1592
issued, that permit holder's privileges will be suspended in that 1593
portion of the premises in which the F-4 permit is in effect. 1594

(D) No F-4 permit shall be effective for more than 1595
seventy-two consecutive hours. No sales or furnishing of wine 1596
shall take place under an F-4 permit after one a.m. 1597

(E) The division shall not issue more than six F-4 permits to 1598

the same not-for-profit association or corporation in any one
calendar year.

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

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

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

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

(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
the payment of the permit fee, an H permit to any person,
partnership, firm, or corporation, licensed by any other state to
engage in the business of manufacturing and brewing or producing
beer, ~~malt liquor~~, wine, and mixed beverages or any person,
partnership, firm, or corporation, licensed by the United States
or any other state to engage in the business of importing beer,
~~malt liquor~~, wine, and mixed beverages manufactured outside the
United States. ~~Such~~ The manufacturer, brewer, or importer of
products manufactured outside the United States, upon the issuance

of an H permit, may transport, ship, and deliver only its own 1662
products to holders of B-1 or B-5 permits in Ohio in motor trucks 1663
and equipment owned and operated by such class H permit holder. No 1664
H permit shall be issued by the division to such applicant until 1665
the applicant files with the division a liability insurance 1666
certificate or policy satisfactory to the division, in a sum of 1667
not less than one thousand nor more than five thousand dollars for 1668
property damage and for not less than five thousand nor more than 1669
fifty thousand dollars for loss sustained by reason of injury or 1670
death and with such other terms as the division considers 1671
necessary to adequately protect the interest of the public, having 1672
due regard for the number of persons and amount of property 1673
affected. ~~Such~~ The certificate or policy shall insure the 1674
manufacturer, brewer, or importer of products manufactured outside 1675
the United States against loss sustained by reason of the death of 1676
or injury to persons, and for loss of or damage to property, from 1677
the negligence of such class H permit holder in the operation of 1678
its motor vehicles or equipment in this state. 1679

Sec. 4303.29. (A) No permit, other than an H permit, shall be 1680
issued to a firm or partnership unless all the members of ~~said the~~ 1681
firm or partnership are citizens of the United States and a 1682
majority have resided in this state for one year prior to 1683
application for ~~such the~~ permit. No permit, other than an H 1684
permit, shall be issued to an individual who is not a citizen of 1685
the United States who has resided in this state for at least one 1686
year prior to application for ~~such the~~ permit. No permit, other 1687
than an E or H permit, shall be issued to any corporation 1688
organized under the laws of any country, territory, or state other 1689
than ~~Ohio~~ this state until it has furnished the division of liquor 1690
control with evidence that it has complied with the laws of this 1691
state relating to the transaction of business in this state. 1692

The division may refuse to issue any permit to or refuse to 1693

renew any permit of any person convicted of any felony that is
reasonably related to the person's fitness to operate a liquor
permit business in this state. No holder of a permit shall sell,
assign, transfer, or pledge ~~such the~~ permit, without the written
consent of the division.

(B)(1) No more than one of each type of C or D ~~permits~~ permit
shall be issued to any one person, firm, or corporation in any
county having a population of less than twenty-five thousand, and
no more than one of each type of C or D ~~permits~~ permit shall be
issued to any one person, firm, or corporation for any additional
twenty-five thousand or major fraction thereof in any county
having a greater population than twenty-five thousand, provided
that, in the case of D-3, D-3a, D-4, and D-5 permits, no more than
one permit shall be issued to any one person, firm, or corporation
in any county having a population of less than fifty thousand, and
no more than one such permit shall be issued to any one person,
firm, or corporation for any additional fifty thousand or major
fraction thereof in any county having a greater population than
fifty thousand.

(2) No D-3 permit shall be issued to any club unless ~~such the~~
club has been continuously engaged in the activity specified in
section 4303.15 of the Revised Code, as a qualification for ~~such~~
that class of permit, for two years at the time ~~such the~~ permit is
issued.

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

Subject to division (B)(3)(b) of this section, not more than

one D-3, D-4, or D-5 permit shall be issued for each two thousand
population, or part thereof, of that population in any municipal
corporation and in the unincorporated area of any township, except
that, in any city of a population of fifty-five thousand or more,
one D-3 permit may be issued for each fifteen hundred population,
or part thereof of that population.

(b) ~~Nothing in division (i)~~ Division (B)(3)(a) of this
~~section shall be construed to~~ does not prohibit the transfer of
location or the transfer of ownership and location of a C-1, C-2,
D-1, D-2, D-3, or D-5 permit from a municipal corporation or the
unincorporated area of a township in which the number of permits
of that class exceeds the number of such permits authorized to be
issued under division (B)(3)(a) of this section to an economic
development project located in another municipal corporation or
the unincorporated area of another township in which no additional
permits of that class may be issued to the applicant under
division (B)(3)(a) of this section, but the transfer of location
or transfer of ownership and location of the permit may occur only
if the applicant notifies the municipal corporation or township to
which the location of the permit will be transferred regarding the
transfer and that municipal corporation or township acknowledges
in writing to the division of liquor control, at the time the
application for the transfer of location or transfer of ownership
and location of the permit is filed, that the transfer will be to
an economic development project. This acknowledgment by the
municipal corporation or township does not prohibit it from
requesting a hearing under section 4303.26 of the Revised Code.
The applicant is eligible to apply for and receive the transfer of
location of the permit under division (B)(3)(b) of this section if
all permits of that class that may be issued under division
(B)(3)(a) of this section in the applicable municipal corporation
or unincorporated area of the township have already been issued or

if the number of applications filed for permits of that class in 1758
that municipal corporation or the unincorporated area of that 1759
township exceed the number of permits of that class that may be 1760
issued there under division (B)(3)(a) of this section. 1761

A permit transferred under division (B)(3)(b) of this section 1762
may be subsequently transferred to a different owner at the same 1763
location, or to the same owner or a different owner at a different 1764
location in the same municipal corporation or in the 1765
unincorporated area of the same township, as long as the same or 1766
new location meets the economic development project criteria set 1767
forth in this section. 1768

(ii) Factors that shall be used to determine the designation 1769
of an economic development project include, but are not limited 1770
to, architectural certification of the plans and the cost of the 1771
project, the number of jobs that will be created by the project, 1772
projected earnings of the project, projected tax revenues for the 1773
political subdivisions in which the project will be located, and 1774
the amount of financial investment in the project. The 1775
superintendent of liquor control shall determine whether the 1776
existing or proposed business that is seeking a permit described 1777
in division (B)(3)(b) of this section qualifies as an economic 1778
development project and, if the superintendent determines that it 1779
so qualifies, shall designate the business as an economic 1780
development project. 1781

(4) Nothing in this section shall be construed to restrict 1782
the issuance of a permit to a municipal corporation for use at a 1783
municipally owned airport at which commercial airline companies 1784
operate regularly scheduled flights on which space is available to 1785
the public. A municipal corporation applying for a permit for such 1786
a municipally owned airport is exempt, in regard to that 1787
application, from the population restrictions contained in this 1788
section and from population quota restrictions contained in any 1789

rule of the liquor control commission. A municipal corporation
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a
municipally owned airport is subject to section 4303.31 of the
Revised Code.

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

(6) Nothing in this section shall be construed to restrict
the issuance of a permit for a premises located at a golf course
owned by a municipal corporation, township, or county, owned by a
park district created under Chapter 1545. of the Revised Code, or
owned by the state. The location of such a permit issued on or
after September 26, 1984, for a premises located at such a golf
course shall not be transferred. Any application for such a permit
is exempt from the population quota restrictions contained in this
section and from the population quota restrictions contained in
any rule of the liquor control commission. A municipal
corporation, township, county, park district, or state agency
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a golf
course is subject to section 4303.31 of the Revised Code.

(7) As used in division (B)(7) of this section, "fair" has
the same meaning as in section 991.01 of the Revised Code, "state

fairgrounds" means the property that is held by the state for the
purpose of conducting fairs, expositions, and exhibits and that is
maintained and managed by the Ohio expositions commission under
section 991.03 of the Revised Code, and "capitol square" has the
same meaning as in section 105.41 of the Revised Code.

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

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

(8) Nothing in this section shall be construed to prohibit
the issuance of a D permit for a premises located at a zoological
park at which sales have been approved in an election held under
former section 4301.356 of the Revised Code. An application for a
D permit for such a premises is exempt from the population
restrictions contained in this section, from the population quota
restrictions contained in any rule of the liquor control
commission, and from section 4303.31 of the Revised Code. The
location of a D permit issued for a premises at such a zoological
park shall not be transferred, and no quota or other restrictions
shall be placed on the number of D permits that may be issued for

a premises at such a zoological park.

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

Upon the petition of thirty-five per cent of the total number of voters voting in any such precinct for the office of governor 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,
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, or D-6 permit shall be
granted, upon application to the division of liquor control, 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 for each additional
fixed counter on the permit premises at which beer, ~~malt~~
~~beverages~~, mixed beverages, wine, or spirituous liquor is sold for
consumption on the premises, provided the application is made in
the same manner as an application for an original permit. The
application shall be identified with DUPLICATE printed on the

permit application form furnished by the department, in boldface 1917
type. The application shall identify by name, or otherwise amply 1918
describe, the room or place on the premises where the duplicate 1919
permit is to be operative. Each duplicate permit shall be issued 1920
only to the same individual, firm, or corporation as that of the 1921
original permit and shall be an exact duplicate in size and word 1922
content as the original permit, except that it shall show on it 1923
the name or other ample identification of the room, or place, for 1924
which it is issued and shall have DUPLICATE printed on it in 1925
boldface type. A duplicate permit shall bear the same number as 1926
the original permit. The fee for a duplicate permit is: D-1, one 1927
hundred dollars; D-2, one hundred dollars; D-3, four hundred 1928
dollars; D-3a, four hundred dollars; D-4, two hundred dollars; 1929
D-5, one thousand dollars; D-5a, one thousand dollars; D-5b, one 1930
thousand dollars; D-5c, four hundred dollars; D-5e, six hundred 1931
fifty dollars; D-5f, one thousand dollars; D-6, one hundred 1932
dollars when issued to the holder of a D-4a permit; and in all 1933
other cases one hundred dollars or an amount which is twenty per 1934
cent of the fees payable for the A-1-A, D-2, D-3, D-3a, D-4, D-5, 1935
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, and D-6 1936
permits issued to the same premises, whichever is higher. 1937
Application for a duplicate permit may be filed any time during 1938
the life of an original permit. The fee for each duplicate D-2, 1939
D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, 1940
D-5i, D-5j, D-5k, or D-6 permit shall accompany the application 1941
for each such duplicate permit. 1942

Sec. 4303.332. An A-1 permit holder in this state whose total 1943
production of beer ~~and malt beverages~~, wherever produced, does not 1944
exceed thirty-one million gallons in a calendar year, as reported 1945
under section 4303.33 of the Revised Code, shall receive a credit 1946
against taxes levied in the following calendar year under sections 1947
4301.42 and 4305.01 of the Revised Code on not more than nine 1948

million three hundred thousand gallons of beer ~~or malt beverages~~ 1949
sold or distributed in this state. The credit may be claimed 1950
monthly against taxes levied under one or more of ~~such~~ those 1951
sections as the reports required by section 4303.33 of the Revised 1952
Code are due. At the time the report for December is due for a 1953
calendar year during which a permit holder is eligible to receive 1954
a credit under this section, if the permit holder has claimed less 1955
than the credit due on nine million three hundred thousand 1956
gallons, including credit claimed on the December report, the 1957
permit holder may claim a refund of taxes previously reported and 1958
paid under section 4303.33 of the Revised Code during the calendar 1959
year on a number of gallons equal to the difference between nine 1960
million three hundred thousand gallons and the number of gallons 1961
for which a credit has been claimed under this section. For the 1962
purpose of providing this refund, taxes previously paid under 1963
section 4303.33 of the Revised Code during the calendar year shall 1964
not be considered final until the December report is filed. The 1965
tax commissioner shall prescribe forms for and allow the credits 1966
and refunds authorized by this section. 1967

Sec. 4303.35. No holders of A-1-A, C-1, C-2, D-1, D-2, D-3, 1968
D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 1969
D-5h, D-5i, D-5j, D-5k, F, or F-3 permits shall purchase any beer 1970
~~or malt beverage~~ subject to the tax imposed by sections 4301.42 1971
and 4305.01 of the Revised Code or any wine or mixed beverage 1972
subject to the tax imposed by section 4301.43 of the Revised Code 1973
for resale, except from holders of A or B permits. 1974

No holders of A-1-A, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, 1975
D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, ~~or~~ D-5j, or D-5k permits 1976
shall purchase spirituous liquor for resale except from the 1977
division of liquor control, unless with the special consent of the 1978
division under particular regulations and markup provisions 1979

prescribed by the superintendent of liquor control. 1980

Sec. 4305.01. For the purpose of reimbursing the state for 1981
the expenses of administering Chapters 4301. and 4303. of the 1982
Revised Code and to provide revenues for the support of the state, 1983
a tax is hereby levied on the sale or distribution in ~~Ohio~~ this 1984
state of beer, whether in barrels or other containers, excepting 1985
in sealed bottles or cans, at the rate of five dollars and 1986
fifty-eight cents per barrel of thirty-one gallons. 1987

The tax commissioner shall exercise, with respect to the 1988
administration of the tax imposed by this section, all the powers 1989
and duties vested in or imposed by sections 4307.04 to 4307.07 of 1990
the Revised Code, so far as consistent with this section. 1991
Manufacturers and consignees of beer in barrels or other 1992
containers, excepting in sealed bottles or cans, and railroad 1993
companies, express companies, and other public carriers 1994
transporting shipments of such beer are subject, with respect to 1995
such tax, to the same duties and entitled to the same privileges 1996
as are required or permitted by ~~such~~ those sections. 1997

The revenue derived from the tax on the sale and distribution 1998
of beer pursuant to this section and section 4301.42 of the 1999
Revised Code shall be for the use of the general revenue fund. 2000

The tax refund fund created by section 5703.052 of the 2001
Revised Code may be drawn upon by the tax commissioner for any 2002
refunds authorized to be made by ~~him~~ the commissioner in sections 2003
4303.33, 4307.05, and 4307.07 of the Revised Code for ~~malt~~ 2004
~~beverages~~ beer. 2005

Sec. 4305.03. No person shall make any false entry upon an 2006
invoice, or container of beer, ~~ale, porter, stout, or other malt~~ 2007
~~beverage,~~ when the entry is required to be made under section 2008
4305.01 of the Revised Code, or present any such false entry for 2009

the inspection of the tax commissioner. 2010

Sec. 4305.04. No person shall prevent or hinder the tax 2011
commissioner from making a full inspection of any place where 2012
~~beer, ale, porter, stout, or other malt beverages~~ subject to the 2013
tax imposed by section 4305.01 of the Revised Code ~~are~~ is sold or 2014
stored, or prevent or hinder the full inspection of invoices, 2015
books, records, or papers required to be kept under ~~such~~ that 2016
section. 2017

Sec. 4399.09. (A) No person shall keep a place where beer or 2018
intoxicating liquors are sold, furnished, or given away in 2019
violation of law. The court, on conviction for a subsequent 2020
~~offense~~ violation of this section, shall order the place where 2021
~~such~~ the beer or intoxicating liquor is sold, furnished, or given 2022
away to be abated as a nuisance, or shall order the person so 2023
convicted ~~for such offense~~ to give bond payable to the state in 2024
the sum of one thousand dollars, with sureties to the acceptance 2025
of the court, that ~~such~~ the person will not sell, furnish, or give 2026
away beer or intoxicating liquor in violation of law, and will pay 2027
all fines, costs, and damages assessed against ~~him~~ the person for 2028
~~such~~ that subsequent violation of this section. The giving away of 2029
beer or intoxicating liquors, or any other device to evade this 2030
~~section~~ division, constitutes unlawful selling. 2031

As used in this ~~section~~ division, "beer" has the same meaning 2032
~~set forth~~ as in section 4301.01 of the Revised Code. 2033

(B) Division (A) of this section does not apply to any 2034
premises for which a permit has been issued under Chapter 4303. of 2035
the Revised Code while that permit is in effect. 2036

Sec. 4399.12. No provision contained in Title XLIII of the 2037
Revised Code that prohibits the sale of intoxicating liquors in 2038

any of the circumstances described in section 4399.11 of the 2039
Revised Code extends to or prevents the holder of an A, B, C-2, 2040
D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, 2041
D-5h, D-5i, D-5j, D-5k, G, or I permit issued by the division of 2042
liquor control from distributing or selling intoxicating liquor at 2043
the place of business described in the permit of the holder. 2044

Sec. 4399.15. No person, for the purpose of sale, shall 2045
adulterate spirituous liquor, alcoholic liquor, or ~~malt liquor~~ 2046
beer used or intended for drink or medicinal or mechanical 2047
purposes, with cocculus indicus, vitriol, grains of paradise, 2048
opium, alum, capsicum, copperas, laurel water, logwood, 2049
Brazilwood, cochineal, sugar of lead, aloes, glucose, tannic acid, 2050
or any other substance ~~which~~ that is poisonous or injurious to 2051
health, or with a substance not a necessary ingredient in the 2052
manufacture ~~thereof~~ of the spirituous liquor, alcoholic liquor, or 2053
beer, or sell, offer, or keep for sale ~~liquors~~ spirituous liquor, 2054
alcoholic liquor, or beer that is so adulterated. 2055

In addition to the penalties provided in division (E) of 2056
section 4399.99 of the Revised Code, a person convicted of 2057
violating this section shall pay all necessary costs and expenses 2058
incurred in inspecting and analyzing ~~liquors~~ spirituous liquor, 2059
alcoholic liquor, or beer that is so adulterated, sold, kept, or 2060
offered for sale. 2061

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 2062
of this section, no agent of the department of taxation, except in 2063
the agent's report to the department or when called on to testify 2064
in any court or proceeding, shall divulge any information acquired 2065
by the agent as to the transactions, property, or business of any 2066
person while acting or claiming to act under orders of the 2067
department. Whoever violates this provision shall thereafter be 2068
disqualified from acting as an officer or employee or in any other 2069

capacity under appointment or employment of the department. 2070

2071

(B)(1) For purposes of an audit pursuant to section 117.15 of 2072
the Revised Code, or an audit of the department pursuant to 2073
Chapter 117. of the Revised Code, or an audit, pursuant to that 2074
chapter, the objective of which is to express an opinion on a 2075
financial report or statement prepared or issued pursuant to 2076
division (A)(7) or (9) of section 126.21 of the Revised Code, the 2077
officers and employees of the auditor of state charged with 2078
conducting the audit shall have access to and the right to examine 2079
any state tax returns and state tax return information in the 2080
possession of the department to the extent that the access and 2081
examination are necessary for purposes of the audit. Any 2082
information acquired as the result of that access and examination 2083
shall not be divulged for any purpose other than as required for 2084
the audit or unless the officers and employees are required to 2085
testify in a court or proceeding under compulsion of legal 2086
process. Whoever violates this provision shall thereafter be 2087
disqualified from acting as an officer or employee or in any other 2088
capacity under appointment or employment of the auditor of state. 2089

(2) As provided by section 6103(d)(2) of the Internal Revenue 2090
Code, any federal tax returns or federal tax information that the 2091
department has acquired from the internal revenue service, through 2092
federal and state statutory authority, may be disclosed to the 2093
auditor of state solely for purposes of an audit of the 2094
department. 2095

(C) Division (A) of this section does not prohibit any of the 2096
following: 2097

(1) Divulging information contained in applications, 2098
complaints, and related documents filed with the department under 2099
section 5715.27 of the Revised Code or in applications filed with 2100
the department under section 5715.39 of the Revised Code; 2101

(2) Providing information to the office of child support 2102
within the department of job and family services pursuant to 2103
section 3125.43 of the Revised Code; 2104

(3) Disclosing to the board of motor vehicle collision repair 2105
registration any information in the possession of the department 2106
that is necessary for the board to verify the existence of an 2107
applicant's valid vendor's license and current state tax 2108
identification number under section 4775.07 of the Revised Code; 2109

(4) Providing information to the administrator of workers' 2110
compensation pursuant to section 4123.591 of the Revised Code; 2111

(5) Providing to the attorney general information the 2112
department obtains under division (J) of section 1346.01 of the 2113
Revised Code; 2114

(6) Permitting properly authorized officers, employees, or 2115
agents of a municipal corporation from inspecting reports or 2116
information pursuant to rules adopted under section 5745.16 of the 2117
Revised Code; 2118

(7) Providing information regarding the name, account number, 2119
or business address of a holder of a vendor's license issued 2120
pursuant to section 5739.17 of the Revised Code, a holder of a 2121
direct payment permit issued pursuant to section 5739.031 of the 2122
Revised Code, or a seller having a use tax account maintained 2123
pursuant to section 5741.17 of the Revised Code, or information 2124
regarding the active or inactive status of a vendor's license, 2125
direct payment permit, or seller's use tax account; 2126

(8) Releasing invoices or invoice information furnished under 2127
section 4301.433 of the Revised Code pursuant to that section. 2128

Sec. 5733.065. (A) As used in this section, "litter stream 2129
products" means: 2130

(1) Intoxicating liquor, beer, ~~malt beverages~~, wine, mixed 2131

beverages, or spirituous liquor as defined in section 4301.01 of 2132
the Revised Code; 2133

(2) Soft drinks as defined in section 913.22 of the Revised 2134
Code; 2135

(3) Glass, metal, plastic, or fiber containers with a 2136
capacity of less than two gallons sold for the purpose of being 2137
incorporated into or becoming a part of a product enumerated in 2138
divisions (A)(1) and (2) of this section; 2139

(4) Container crowns and closures sold for the purpose of 2140
being incorporated into or becoming a part of a product enumerated 2141
in divisions (A)(1) and (2) of this section; 2142

(5) Packaging materials transferred or intended for transfer 2143
of use or possession in conjunction with retail sales of products 2144
enumerated in divisions (A)(1) and (2) of this section; 2145

(6) Packaging materials in the finished form in which they 2146
are to be used, including sacks, bags, cups, lids, straws, plates, 2147
wrappings, boxes, or containers of any type used in the packaging 2148
or serving of food or beverages, when the food or beverages are 2149
prepared for human consumption by a restaurant or take-out food 2150
outlet at the premises where sold at retail and are delivered to a 2151
purchaser for consumption off the premises where the food or 2152
beverages are sold; 2153

(7) Cigarettes, cigars, tobacco, matches, candy, and gum. 2154

(B) For the purpose of providing additional funding for the 2155
division of recycling and litter prevention under Chapter 1502. of 2156
the Revised Code, there is hereby levied an additional tax on 2157
corporations for the privilege of manufacturing or selling litter 2158
stream products in this state. The tax imposed by this section is 2159
in addition to the tax charged under section 5733.06 of the 2160
Revised Code, computed at the rate prescribed by section 5733.066 2161
of the Revised Code. This section does not apply for tax year 1981 2162

to a corporation whose taxable year for tax year 1981 ended on or 2163
before June 30, 1980. 2164

(C) The tax shall be imposed upon each corporation subject to 2165
the tax imposed by section 5733.06 of the Revised Code that 2166
manufactures or sells litter stream products in this state. The 2167
tax for each year shall be in an amount equal to the greater of 2168
either: 2169

(1) Twenty-two hundredths of one per cent upon the value of 2170
that portion of the taxpayer's issued and outstanding shares of 2171
stock as determined under division (B) of section 5733.05 of the 2172
Revised Code that is subject to the rate contained in division (B) 2173
of section 5733.06 of the Revised Code; 2174

(2) Fourteen one-hundredths of a mill times the value of the 2175
taxpayer's issued and outstanding shares of stock as determined 2176
under division (C) of section 5733.05 of the Revised Code. 2177

The additional tax charged any taxpayer or group of combined 2178
taxpayers pursuant to this section for any tax year shall not 2179
exceed five thousand dollars. 2180

(D)(1) In the case of a corporation engaged in the business 2181
of manufacturing litter stream products, no tax shall be due under 2182
this section unless the sale of litter stream products in this 2183
state during the taxable year exceeds five per cent of the total 2184
sales in this state of the corporation during that period or 2185
unless the total sales in this state of litter stream products by 2186
the corporation during the taxable year exceed ten million 2187
dollars. 2188

(2) In the case of a corporation engaged in the business of 2189
selling litter stream products in the form in which the item is or 2190
is to be received, no tax shall be due under this section unless 2191
the corporation's sales of litter stream products in this state 2192
during the taxable year constitute more than five per cent of its 2193

total sales in this state during that period. 2194

(3) In the case of a corporation transferring possession of 2195
litter stream products included in division (A)(6) of this 2196
section, in which food or beverages prepared for human consumption 2197
are placed, when the food or beverages are prepared for retail 2198
sale at the premises where sold and are delivered to a purchaser 2199
for consumption off the premises where the food or beverages are 2200
sold, no tax shall be due under this section unless such sales for 2201
off-premises consumption during the taxable year exceed five per 2202
cent of the corporation's total annual sales during the taxable 2203
year. 2204

(E)(1) The tax imposed by this section is due in the 2205
proportions and on the dates on which the tax imposed by section 2206
5733.06 of the Revised Code may be paid without penalty. 2207

(2) Payment of the tax and any reports or returns required to 2208
enable the tax commissioner to determine the correct amount of the 2209
tax shall be submitted with and are due at the same time as 2210
payments and reports required to be submitted under this chapter. 2211

(3) If the tax is not paid in full on or before the date 2212
required by division (E)(1) of this section, the unpaid portion of 2213
the tax due and unpaid shall be subject to all provisions of this 2214
chapter for the collection of unpaid, delinquent taxes imposed by 2215
section 5733.06 of the Revised Code, except that all such taxes, 2216
interest, and penalties, when collected, shall be treated as 2217
proceeds arising from the tax imposed by this section and shall be 2218
deposited in the general revenue fund. 2219

The tax levied on corporations under this section does not 2220
prohibit or otherwise limit the authority of municipal 2221
corporations to impose an income tax on the income of such 2222
corporations. 2223

Sec. 5739.02. For the purpose of providing revenue with which 2224
to meet the needs of the state, for the use of the general revenue 2225
fund of the state, for the purpose of securing a thorough and 2226
efficient system of common schools throughout the state, for the 2227
purpose of affording revenues, in addition to those from general 2228
property taxes, permitted under constitutional limitations, and 2229
from other sources, for the support of local governmental 2230
functions, and for the purpose of reimbursing the state for the 2231
expense of administering this chapter, an excise tax is hereby 2232
levied on each retail sale made in this state. 2233

(A) The tax shall be collected pursuant to the schedules in 2234
section 5739.025 of the Revised Code. 2235

The tax applies and is collectible when the sale is made, 2236
regardless of the time when the price is paid or delivered. 2237

In the case of a sale, the price of which consists in whole 2238
or in part of rentals for the use of the thing transferred, the 2239
tax, as regards ~~such~~ those rentals, shall be measured by the 2240
installments ~~thereof~~ of those rentals. 2241

In the case of a sale of a service defined under division 2242
(MM) or (NN) of section 5739.01 of the Revised Code, the price of 2243
which consists in whole or in part of a membership for the receipt 2244
of the benefit of the service, the tax applicable to the sale 2245
shall be measured by the installments thereof. 2246

(B) The tax does not apply to the following: 2247

(1) Sales to the state or any of its political subdivisions, 2248
or to any other state or its political subdivisions if the laws of 2249
that state exempt from taxation sales made to this state and its 2250
political subdivisions; 2251

(2) Sales of food for human consumption off the premises 2252
where sold; 2253

(3) Sales of food sold to students only in a cafeteria, 2254
dormitory, fraternity, or sorority maintained in a private, 2255
public, or parochial school, college, or university; 2256

(4) Sales of newspapers and of magazine subscriptions and 2257
sales or transfers of magazines distributed as controlled 2258
circulation publications; 2259

(5) The furnishing, preparing, or serving of meals without 2260
charge by an employer to an employee provided the employer records 2261
the meals as part compensation for services performed or work 2262
done; 2263

(6) Sales of motor fuel upon receipt, use, distribution, or 2264
sale of which in this state a tax is imposed by the law of this 2265
state, but this exemption shall not apply to the sale of motor 2266
fuel on which a refund of the tax is allowable under section 2267
5735.14 of the Revised Code; and the tax commissioner may deduct 2268
the amount of tax levied by this section applicable to the price 2269
of motor fuel when granting a refund of motor fuel tax pursuant to 2270
section 5735.14 of the Revised Code and shall cause the amount 2271
deducted to be paid into the general revenue fund of this state; 2272

(7) Sales of natural gas by a natural gas company, of water 2273
by a water-works company, or of steam by a heating company, if in 2274
each case the thing sold is delivered to consumers through pipes 2275
or conduits, and all sales of communications services by a 2276
telephone or telegraph company, all terms as defined in section 2277
5727.01 of the Revised Code; 2278

(8) Casual sales by a person, or auctioneer employed directly 2279
by the person to conduct such sales, except as to such sales of 2280
motor vehicles, watercraft or outboard motors required to be 2281
titled under section 1548.06 of the Revised Code, watercraft 2282
documented with the United States coast guard, snowmobiles, and 2283
all-purpose vehicles as defined in section 4519.01 of the Revised 2284

Code; 2285

(9) Sales of services or tangible personal property, other 2286
than motor vehicles, mobile homes, and manufactured homes, by 2287
churches, organizations exempt from taxation under section 2288
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 2289
organizations operated exclusively for charitable purposes as 2290
defined in division (B)(12) of this section, provided that the 2291
number of days on which such tangible personal property or 2292
services, other than items never subject to the tax, are sold does 2293
not exceed six in any calendar year. If the number of days on 2294
which such sales are made exceeds six in any calendar year, the 2295
church or organization shall be considered to be engaged in 2296
business and all subsequent sales by it shall be subject to the 2297
tax. In counting the number of days, all sales by groups within a 2298
church or within an organization shall be considered to be sales 2299
of that church or organization, except that sales made by separate 2300
student clubs and other groups of students of a primary or 2301
secondary school, and sales made by a parent-teacher association, 2302
booster group, or similar organization that raises money to 2303
support or fund curricular or extracurricular activities of a 2304
primary or secondary school, shall not be considered to be sales 2305
of such school, and sales by each such club, group, association, 2306
or organization shall be counted separately for purposes of the 2307
six-day limitation. This division does not apply to sales by a 2308
noncommercial educational radio or television broadcasting 2309
station. 2310

(10) Sales not within the taxing power of this state under 2311
the Constitution of the United States; 2312

(11) The transportation of persons or property, unless the 2313
transportation is by a private investigation and security service; 2314

(12) Sales of tangible personal property or services to 2315
churches, to organizations exempt from taxation under section 2316

501(c)(3) of the Internal Revenue Code of 1986, and to any other
nonprofit organizations operated exclusively for charitable
purposes in this state, no part of the net income of which inures
to the benefit of any private shareholder or individual, and no
substantial part of the activities of which consists of carrying
on propaganda or otherwise attempting to influence legislation;
sales to offices administering one or more homes for the aged or
one or more hospital facilities exempt under section 140.08 of the
Revised Code; and sales to organizations described in division (D)
of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the
improvement of health through the alleviation of illness, disease,
or injury; the operation of an organization exclusively for the
provision of professional, laundry, printing, and purchasing
services to hospitals or charitable institutions; the operation of
a home for the aged, as defined in section 5701.13 of the Revised
Code; the operation of a radio or television broadcasting station
that is licensed by the federal communications commission as a
noncommercial educational radio or television station; the
operation of a nonprofit animal adoption service or a county
humane society; the promotion of education by an institution of
learning that maintains a faculty of qualified instructors,
teaches regular continuous courses of study, and confers a
recognized diploma upon completion of a specific curriculum; the
operation of a parent-teacher association, booster group, or
similar organization primarily engaged in the promotion and
support of the curricular or extracurricular activities of a
primary or secondary school; the operation of a community or area
center in which presentations in music, dramatics, the arts, and
related fields are made in order to foster public interest and
education therein; the production of performances in music,
dramatics, and the arts; or the promotion of education by an

organization engaged in carrying on research in, or the 2349
dissemination of, scientific and technological knowledge and 2350
information primarily for the public. 2351

Nothing in this division shall be deemed to exempt sales to 2352
any organization for use in the operation or carrying on of a 2353
trade or business, or sales to a home for the aged for use in the 2354
operation of independent living facilities as defined in division 2355
(A) of section 5709.12 of the Revised Code. 2356

(13) Building and construction materials and services sold to 2357
construction contractors for incorporation into a structure or 2358
improvement to real property under a construction contract with 2359
this state or a political subdivision ~~thereof~~ of this state, or 2360
with the United States government or any of its agencies; building 2361
and construction materials and services sold to construction 2362
contractors for incorporation into a structure or improvement to 2363
real property that are accepted for ownership by this state or any 2364
of its political subdivisions, or by the United States government 2365
or any of its agencies at the time of completion of ~~such the~~ 2366
structures or improvements; building and construction materials 2367
sold to construction contractors for incorporation into a 2368
horticulture structure or livestock structure for a person engaged 2369
in the business of horticulture or producing livestock; building 2370
materials and services sold to a construction contractor for 2371
incorporation into a house of public worship or religious 2372
education, or a building used exclusively for charitable purposes 2373
under a construction contract with an organization whose purpose 2374
is as described in division (B)(12) of this section; building 2375
materials and services sold to a construction contractor for 2376
incorporation into a building under a construction contract with 2377
an organization exempt from taxation under section 501(c)(3) of 2378
the Internal Revenue Code of 1986 when the building is to be used 2379
exclusively for the organization's exempt purposes; building and 2380

construction materials sold for incorporation into the original 2381
construction of a sports facility under section 307.696 of the 2382
Revised Code; and building and construction materials and services 2383
sold to a construction contractor for incorporation into real 2384
property outside this state if such materials and services, when 2385
sold to a construction contractor in the state in which the real 2386
property is located for incorporation into real property in that 2387
state, would be exempt from a tax on sales levied by that state; 2388

(14) Sales of ships or vessels or rail rolling stock used or 2389
to be used principally in interstate or foreign commerce, and 2390
repairs, alterations, fuel, and lubricants for such ships or 2391
vessels or rail rolling stock; 2392

(15) Sales to persons engaged in any of the activities 2393
mentioned in division (E)(2) or (9) of section 5739.01 of the 2394
Revised Code, to persons engaged in making retail sales, or to 2395
persons who purchase for sale from a manufacturer tangible 2396
personal property that was produced by the manufacturer in 2397
accordance with specific designs provided by the purchaser, of 2398
packages, including material, labels, and parts for packages, and 2399
of machinery, equipment, and material for use primarily in 2400
packaging tangible personal property produced for sale, including 2401
any machinery, equipment, and supplies used to make labels or 2402
packages, to prepare packages or products for labeling, or to 2403
label packages or products, by or on the order of the person doing 2404
the packaging, or sold at retail. "Packages" includes bags, 2405
baskets, cartons, crates, boxes, cans, bottles, bindings, 2406
wrappings, and other similar devices and containers, and 2407
"packaging" means placing therein. 2408

(16) Sales of food to persons using food stamp benefits to 2409
purchase the food. As used in division (B)(16) of this section, 2410
"food" has the same meaning as in the "Food Stamp Act of 1977," 91 2411
Stat. 958, 7 U.S.C. 2012, as amended, and federal regulations 2412

adopted pursuant to that act. 2413

(17) Sales to persons engaged in farming, agriculture, 2414
horticulture, or floriculture, of tangible personal property for 2415
use or consumption directly in the production by farming, 2416
agriculture, horticulture, or floriculture of other tangible 2417
personal property for use or consumption directly in the 2418
production of tangible personal property for sale by farming, 2419
agriculture, horticulture, or floriculture; or material and parts 2420
for incorporation into any such tangible personal property for use 2421
or consumption in production; and of tangible personal property 2422
for such use or consumption in the conditioning or holding of 2423
products produced by and for such use, consumption, or sale by 2424
persons engaged in farming, agriculture, horticulture, or 2425
floriculture, except where such property is incorporated into real 2426
property; 2427

(18) Sales of drugs dispensed by a licensed pharmacist upon 2428
the order of a licensed health professional authorized to 2429
prescribe drugs to a human being, as the term "licensed health 2430
professional authorized to prescribe drugs" is defined in section 2431
4729.01 of the Revised Code; insulin as recognized in the official 2432
United States pharmacopoeia; urine and blood testing materials 2433
when used by diabetics or persons with hypoglycemia to test for 2434
glucose or acetone; hypodermic syringes and needles when used by 2435
diabetics for insulin injections; epoetin alfa when purchased for 2436
use in the treatment of persons with end-stage renal disease; 2437
hospital beds when purchased for use by persons with medical 2438
problems for medical purposes; and oxygen and oxygen-dispensing 2439
equipment when purchased for use by persons with medical problems 2440
for medical purposes; 2441

(19)(a) Sales of artificial limbs or portion thereof, breast 2442
prostheses, and other prosthetic devices for humans; braces or 2443
other devices for supporting weakened or nonfunctioning parts of 2444

the human body; crutches or other devices to aid human 2445
perambulation; and items of tangible personal property used to 2446
supplement impaired functions of the human body such as 2447
respiration, hearing, or elimination; 2448

(b) Sales of wheelchairs; items incorporated into or used in 2449
conjunction with a motor vehicle for the purpose of transporting 2450
wheelchairs, other than transportation conducted in connection 2451
with the sale or delivery of wheelchairs; and items incorporated 2452
into or used in conjunction with a motor vehicle that are 2453
specifically designed to assist a person with a disability to 2454
access or operate the motor vehicle. As used in this division, 2455
"person with a disability" means any person who has lost the use 2456
of one or both legs or one or both arms, who is blind, deaf, or 2457
disabled to the extent that the person is unable to move about 2458
without the aid of crutches or a wheelchair, or whose mobility is 2459
restricted by a permanent cardiovascular, pulmonary, or other 2460
disabling condition. 2461

(c) No exemption under this division shall be allowed for 2462
nonprescription drugs, medicines, or remedies; items or devices 2463
used to supplement vision; items or devices whose function is 2464
solely or primarily cosmetic; or physical fitness equipment. This 2465
division does not apply to sales to a physician or medical 2466
facility for use in the treatment of a patient. 2467

(20) Sales of emergency and fire protection vehicles and 2468
equipment to nonprofit organizations for use solely in providing 2469
fire protection and emergency services, including trauma care and 2470
emergency medical services, for political subdivisions of the 2471
state; 2472

(21) Sales of tangible personal property manufactured in this 2473
state, if sold by the manufacturer in this state to a retailer for 2474
use in the retail business of the retailer outside of this state 2475
and if possession is taken from the manufacturer by the purchaser 2476

within this state for the sole purpose of immediately removing the 2477
same from this state in a vehicle owned by the purchaser; 2478
2479

(22) Sales of services provided by the state or any of its 2480
political subdivisions, agencies, instrumentalities, institutions, 2481
or authorities, or by governmental entities of the state or any of 2482
its political subdivisions, agencies, instrumentalities, 2483
institutions, or authorities; 2484

(23) Sales of motor vehicles to nonresidents of this state 2485
upon the presentation of an affidavit executed in this state by 2486
the nonresident purchaser affirming that the purchaser is a 2487
nonresident of this state, that possession of the motor vehicle is 2488
taken in this state for the sole purpose of immediately removing 2489
it from this state, that the motor vehicle will be permanently 2490
titled and registered in another state, and that the motor vehicle 2491
will not be used in this state; 2492

(24) Sales to persons engaged in the preparation of eggs for 2493
sale of tangible personal property used or consumed directly in 2494
such preparation, including such tangible personal property used 2495
for cleaning, sanitizing, preserving, grading, sorting, and 2496
classifying by size; packages, including material and parts for 2497
packages, and machinery, equipment, and material for use in 2498
packaging eggs for sale; and handling and transportation equipment 2499
and parts therefor, except motor vehicles licensed to operate on 2500
public highways, used in intraplant or interplant transfers or 2501
shipment of eggs in the process of preparation for sale, when the 2502
plant or plants within or between which such transfers or 2503
shipments occur are operated by the same person. "Packages" 2504
includes containers, cases, baskets, flats, fillers, filler flats, 2505
cartons, closure materials, labels, and labeling materials, and 2506
"packaging" means placing therein. 2507

(25)(a) Sales of water to a consumer for residential use, 2508

except the sale of bottled water, distilled water, mineral water,	2509
carbonated water, or ice;	2510
(b) Sales of water by a nonprofit corporation engaged	2511
exclusively in the treatment, distribution, and sale of water to	2512
consumers, if such water is delivered to consumers through pipes	2513
or tubing.	2514
(26) Fees charged for inspection or reinspection of motor	2515
vehicles under section 3704.14 of the Revised Code;	2516
(27) Sales to persons licensed to conduct a food service	2517
operation pursuant to section 3717.43 of the Revised Code, of	2518
tangible personal property primarily used directly for the	2519
following:	2520
(a) To prepare food for human consumption for sale;	2521
(b) To preserve food that has been or will be prepared for	2522
human consumption for sale by the food service operator, not	2523
including tangible personal property used to display food for	2524
selection by the consumer;	2525
(c) To clean tangible personal property used to prepare or	2526
serve food for human consumption for sale.	2527
(28) Sales of animals by nonprofit animal adoption services	2528
or county humane societies;	2529
(29) Sales of services to a corporation described in division	2530
(A) of section 5709.72 of the Revised Code, and sales of tangible	2531
personal property that qualifies for exemption from taxation under	2532
section 5709.72 of the Revised Code;	2533
(30) Sales and installation of agricultural land tile, as	2534
defined in division (B)(5)(a) of section 5739.01 of the Revised	2535
Code;	2536
(31) Sales and erection or installation of portable grain	2537
bins, as defined in division (B)(5)(b) of section 5739.01 of the	2538

Revised Code; 2539

(32) The sale, lease, repair, and maintenance of, parts for, 2540
or items attached to or incorporated in, motor vehicles that are 2541
primarily used for transporting tangible personal property by a 2542
person engaged in highway transportation for hire; 2543

(33) Sales to the state headquarters of any veterans' 2544
organization in ~~Ohio~~ this state that is either incorporated and 2545
issued a charter by the congress of the United States or is 2546
recognized by the United States veterans administration, for use 2547
by the headquarters; 2548

(34) Sales to a telecommunications service vendor of tangible 2549
personal property and services used directly and primarily in 2550
transmitting, receiving, switching, or recording any interactive, 2551
two-way electromagnetic communications, including voice, image, 2552
data, and information, through the use of any medium, including, 2553
but not limited to, poles, wires, cables, switching equipment, 2554
computers, and record storage devices and media, and component 2555
parts for the tangible personal property. The exemption provided 2556
in division (B)(34) of this section shall be in lieu of all other 2557
exceptions under division (E)(2) of section 5739.01 of the Revised 2558
Code to which a telecommunications service vendor may otherwise be 2559
entitled based upon the use of the thing purchased in providing 2560
the telecommunications service. 2561

(35) Sales of investment metal bullion and investment coins. 2562
"Investment metal bullion" means any elementary precious metal 2563
that has been put through a process of smelting or refining, 2564
including, but not limited to, gold, silver, platinum, and 2565
palladium, and which is in such state or condition that its value 2566
depends upon its content and not upon its form. "Investment metal 2567
bullion" does not include fabricated precious metal that has been 2568
processed or manufactured for one or more specific and customary 2569
industrial, professional, or artistic uses. "Investment coins" 2570

means numismatic coins or other forms of money and legal tender 2571
manufactured of gold, silver, platinum, palladium, or other metal 2572
under the laws of the United States or any foreign nation with a 2573
fair market value greater than any statutory or nominal value of 2574
such coins. 2575

(36)(a) Sales where the purpose of the consumer is to use or 2576
consume the things transferred in making retail sales and 2577
consisting of newspaper inserts, catalogues, coupons, flyers, gift 2578
certificates, or other advertising material that prices and 2579
describes tangible personal property offered for retail sale. 2580

(b) Sales to direct marketing vendors of preliminary 2581
materials such as photographs, artwork, and typesetting that will 2582
be used in printing advertising material; of printed matter that 2583
offers free merchandise or chances to win sweepstake prizes and 2584
that is mailed to potential customers with advertising material 2585
described in division (B)(36)(a) of this section; and of equipment 2586
such as telephones, computers, facsimile machines, and similar 2587
tangible personal property primarily used to accept orders for 2588
direct marketing retail sales. 2589

(c) Sales of automatic food vending machines that preserve 2590
food with a shelf life of forty-five days or less by refrigeration 2591
and dispense it to the consumer. 2592

For purposes of division (B)(36) of this section, "direct 2593
marketing" means the method of selling where consumers order 2594
tangible personal property by United States mail, delivery 2595
service, or telecommunication and the vendor delivers or ships the 2596
tangible personal property sold to the consumer from a warehouse, 2597
catalogue distribution center, or similar fulfillment facility by 2598
means of the United States mail, delivery service, or common 2599
carrier. 2600

(37) Sales to a person engaged in the business of 2601

horticulture or producing livestock of materials to be 2602
incorporated into a horticulture structure or livestock structure; 2603

(38) The sale of a motor vehicle that is used exclusively for 2604
a vanpool ridesharing arrangement to persons participating in the 2605
vanpool ridesharing arrangement when the vendor is selling the 2606
vehicle pursuant to a contract between the vendor and the 2607
department of transportation; 2608

(39) Sales of personal computers, computer monitors, computer 2609
keyboards, modems, and other peripheral computer equipment to an 2610
individual who is licensed or certified to teach in an elementary 2611
or a secondary school in this state for use by that individual in 2612
preparation for teaching elementary or secondary school students; 2613
2614

(40) Sales to a professional racing team of any of the 2615
following: 2616

(a) Motor racing vehicles; 2617

(b) Repair services for motor racing vehicles; 2618

(c) Items of property that are attached to or incorporated in 2619
motor racing vehicles, including engines, chassis, and all other 2620
components of the vehicles, and all spare, replacement, and 2621
rebuilt parts or components of the vehicles; except not including 2622
tires, consumable fluids, paint, and accessories consisting of 2623
instrumentation sensors and related items added to the vehicle to 2624
collect and transmit data by means of telemetry and other forms of 2625
communication. 2626

(41) Sales of used manufactured homes and used mobile homes, 2627
as defined in section 5739.0210 of the Revised Code, made on or 2628
after January 1, 2000; 2629

(42) Sales of tangible personal property and services to a 2630
provider of electricity used or consumed directly and primarily in 2631

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.

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.

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, wine, mixed beverages, 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 than coffee, tea, and cocoa; root beer
and root beer extracts; malt and malt extracts; mineral oils, cod
liver oils, and halibut liver oil; medicines, including tonics,

vitamin preparations, and other products sold primarily for their 2664
medicinal properties; and water, including mineral, bottled, and 2665
carbonated waters, and ice. 2666

(C) The levy of this tax on retail sales of recreation and 2667
sports club service shall not prevent a municipal corporation from 2668
levying any tax on recreation and sports club dues or on any 2669
income generated by recreation and sports club dues. 2670

Section 2. That existing sections 1333.82, 1502.07, 3719.44, 2671
4301.01, 4301.03, 4301.041, 4301.042, 4301.24, 4301.241, 4301.333, 2672
4301.355, 4301.365, 4301.402, 4301.42, 4301.47, 4301.54, 4301.55, 2673
4301.62, 4303.01, 4303.02, 4303.06, 4303.07, 4303.10, 4303.181, 2674
4303.182, 4303.184, 4303.22, 4303.29, 4303.30, 4303.332, 4303.35, 2675
4305.01, 4305.03, 4305.04, 4399.09, 4399.12, 4399.15, 5703.21, 2676
5733.065, and 5739.02 of the Revised Code are hereby repealed. 2677