

As Reported by the Senate Agriculture Committee

125th General Assembly

Regular Session

2003-2004

Am. Sub. H. B. No. 306

Representatives Wolpert, Aslanides, Barrett, Carmichael, Collier, DeBose,
C. Evans, Flowers, Key, Martin, T. Patton, Price, S. Smith, D. Stewart,
Woodard, Yates

A BILL

To amend sections 109.572, 121.08, 307.697, 351.26, 1
924.51, 1333.83, 2933.41, 4301.07, 4301.10, 2
4301.19, 4301.20, 4301.22, 4301.24, 4301.29, 3
4301.30, 4301.39, 4301.41, 4301.424, 4301.99, 4
4303.03, 4303.07, 4303.09, 4303.181, 4303.203, 5
4303.204, 4303.231, 4303.24, 4303.25, 4303.27, 6
4303.271, 4303.292, 4303.293, 4303.30, 4399.02, 7
4399.04, 4399.07, 4399.08, and 4399.18, to enact 8
section 4301.77, and to repeal section 4399.01 of 9
the Revised Code to eliminate the authority of the 10
Division of Liquor Control to order liquor permit 11
holders to stop selling intoxicating liquor to 12
certain persons; to authorize the Division to 13
share social security numbers with other state or 14
local law enforcement agencies for specific 15
purposes; to authorize the Department of Commerce 16
or, if acting with authorization on the 17
Department's behalf, the Division to seek BCII or 18
FBI criminal records checks for certain 19
individuals associated with the issuance or 20
transfer of permits, licenses, or certifications; 21
to modify provisions relating to the annual permit 22
fees for A-2, B-2, and B-4 permit holders; to 23

change the name of the out-of-state supplier 24
"consent to import"; to change the registration 25
fee for agents, solicitors, and sales persons of 26
beer or intoxicating liquor manufacturers, 27
suppliers, brokers, or wholesale distributors to a 28
biennial fee; to revise the deadline for paying a 29
permit fee when a person applies for a liquor 30
permit; to change provisions that require the 31
disclosure of shareholders of or holders of 32
membership interests in a corporation or limited 33
liability company applying for a liquor permit; to 34
correct references to the "Department of Liquor 35
Control" and "Director of Liquor Control;" to 36
change the manner in which beer, intoxicating 37
liquor, and alcohol seized by a law enforcement 38
agency is disposed of; to revise when duplicate 39
permit fees are paid; to change the qualifications 40
for issuance of the D-5a and D-5i permits; and to 41
revise other provisions of the Liquor Control Law. 42

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

Section 1. That sections 109.572, 121.08, 307.697, 351.26, 43
924.51, 1333.83, 2933.41, 4301.07, 4301.10, 4301.19, 4301.20, 44
4301.22, 4301.24, 4301.29, 4301.30, 4301.39, 4301.41, 4301.424, 45
4301.99, 4303.03, 4303.07, 4303.09, 4303.181, 4303.203, 4303.204, 46
4303.231, 4303.24, 4303.25, 4303.27, 4303.271, 4303.292, 4303.293, 47
4303.30, 4399.02, 4399.04, 4399.07, 4399.08, and 4399.18 be 48
amended and section 4301.77 of the Revised Code be enacted to read 49
as follows: 50

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 51
section 121.08, 2151.86, 3301.32, 3301.541, 3319.39, 5104.012, 52

5104.013, or 5153.111 of the Revised Code, a completed form 53
prescribed pursuant to division (C)(1) of this section, and a set 54
of fingerprint impressions obtained in the manner described in 55
division (C)(2) of this section, the superintendent of the bureau 56
of criminal identification and investigation shall conduct a 57
criminal records check in the manner described in division (B) of 58
this section to determine whether any information exists that 59
indicates that the person who is the subject of the request 60
previously has been convicted of or pleaded guilty to any of the 61
following: 62

(a) A violation of section 2903.01, 2903.02, 2903.03, 63
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 64
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 65
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 66
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 67
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 68
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 69
2925.06, or 3716.11 of the Revised Code, felonious sexual 70
penetration in violation of former section 2907.12 of the Revised 71
Code, a violation of section 2905.04 of the Revised Code as it 72
existed prior to July 1, 1996, a violation of section 2919.23 of 73
the Revised Code that would have been a violation of section 74
2905.04 of the Revised Code as it existed prior to July 1, 1996, 75
had the violation been committed prior to that date, or a 76
violation of section 2925.11 of the Revised Code that is not a 77
minor drug possession offense; 78

(b) A violation of an existing or former law of this state, 79
any other state, or the United States that is substantially 80
equivalent to any of the offenses listed in division (A)(1)(a) of 81
this section. 82

(2) On receipt of a request pursuant to section 5123.081 of 83

the Revised Code with respect to an applicant for employment in
any position with the department of mental retardation and
developmental disabilities, pursuant to section 5126.28 of the
Revised Code with respect to an applicant for employment in any
position with a county board of mental retardation and
developmental disabilities, or pursuant to section 5126.281 of the
Revised Code with respect to an applicant for employment in a
direct services position with an entity contracting with a county
board for employment, a completed form prescribed pursuant to
division (C)(1) of this section, and a set of fingerprint
impressions obtained in the manner described in division (C)(2) of
this section, the superintendent of the bureau of criminal
identification and investigation shall conduct a criminal records
check. The superintendent shall conduct the criminal records check
in the manner described in division (B) of this section to
determine whether any information exists that indicates that the
person who is the subject of the request has been convicted of or
pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04,
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21,
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322,
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22,
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or
3716.11 of the Revised Code;

(b) An existing or former municipal ordinance or law of this
state, any other state, or the United States that is substantially
equivalent to any of the offenses listed in division (A)(2)(a) of
this section.

(3) On receipt of a request pursuant to section 173.41,
3712.09, 3721.121, or 3722.151 of the Revised Code, a completed

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form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position that involves providing direct care to an older adult. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(3)(a) of this section.

(4) On receipt of a request pursuant to section 3701.881 of the Revised Code with respect to an applicant for employment with a home health agency as a person responsible for the care, custody, or control of a child, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the

criminal records check in the manner described in division (B) of 148
this section to determine whether any information exists that 149
indicates that the person who is the subject of the request 150
previously has been convicted of or pleaded guilty to any of the 151
following: 152

(a) A violation of section 2903.01, 2903.02, 2903.03, 153
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 154
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 155
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 156
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 157
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 158
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 159
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 160
violation of section 2925.11 of the Revised Code that is not a 161
minor drug possession offense; 162

(b) An existing or former law of this state, any other state, 163
or the United States that is substantially equivalent to any of 164
the offenses listed in division (A)(4)(a) of this section. 165

(5) On receipt of a request pursuant to section 5111.95 or 166
5111.96 of the Revised Code with respect to an applicant for 167
employment with a waiver agency participating in a department of 168
job and family services administered home and community-based 169
waiver program or an independent provider participating in a 170
department administered home and community-based waiver program in 171
a position that involves providing home and community-based waiver 172
services to consumers with disabilities, a completed form 173
prescribed pursuant to division (C)(1) of this section, and a set 174
of fingerprint impressions obtained in the manner described in 175
division (C)(2) of this section, the superintendent of the bureau 176
of criminal identification and investigation shall conduct a 177
criminal records check. The superintendent shall conduct the 178
criminal records check in the manner described in division (B) of 179

this section to determine whether any information exists that 180
indicates that the person who is the subject of the request 181
previously has been convicted of or pleaded guilty to any of the 182
following: 183

(a) A violation of section 2903.01, 2903.02, 2903.03, 184
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 185
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 186
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 187
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 188
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 189
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 190
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 191
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 192
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 193
Revised Code, felonious sexual penetration in violation of former 194
section 2907.12 of the Revised Code, a violation of section 195
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 196
violation of section 2919.23 of the Revised Code that would have 197
been a violation of section 2905.04 of the Revised Code as it 198
existed prior to July 1, 1996, had the violation been committed 199
prior to that date; 200

(b) An existing or former law of this state, any other state, 201
or the United States that is substantially equivalent to any of 202
the offenses listed in division (A)(5)(a) of this section. 203

(6) On receipt of a request pursuant to section 3701.881 of 204
the Revised Code with respect to an applicant for employment with 205
a home health agency in a position that involves providing direct 206
care to an older adult, a completed form prescribed pursuant to 207
division (C)(1) of this section, and a set of fingerprint 208
impressions obtained in the manner described in division (C)(2) of 209
this section, the superintendent of the bureau of criminal 210
identification and investigation shall conduct a criminal records 211

check. The superintendent shall conduct the criminal records check 212
in the manner described in division (B) of this section to 213
determine whether any information exists that indicates that the 214
person who is the subject of the request previously has been 215
convicted of or pleaded guilty to any of the following: 216

(a) A violation of section 2903.01, 2903.02, 2903.03, 217
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 218
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 219
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 220
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 221
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 222
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 223
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 224
2925.22, 2925.23, or 3716.11 of the Revised Code; 225

(b) An existing or former law of this state, any other state, 226
or the United States that is substantially equivalent to any of 227
the offenses listed in division (A)(6)(a) of this section. 228

(7) When conducting a criminal records check upon a request 229
pursuant to section 3319.39 of the Revised Code for an applicant 230
who is a teacher, in addition to the determination made under 231
division (A)(1) of this section, the superintendent shall 232
determine whether any information exists that indicates that the 233
person who is the subject of the request previously has been 234
convicted of or pleaded guilty to any offense specified in section 235
3319.31 of the Revised Code. 236

(8) When conducting a criminal records check on a request 237
pursuant to section 2151.86 of the Revised Code for a person who 238
is a prospective foster caregiver or who is eighteen years old or 239
older and resides in the home of a prospective foster caregiver, 240
the superintendent, in addition to the determination made under 241
division (A)(1) of this section, shall determine whether any 242

information exists that indicates that the person has been 243
convicted of or pleaded guilty to a violation of any of the 244
following: 245

(a) Section 2909.02 or 2909.03 of the Revised Code; 246

(b) An existing or former law of this state, any other state, 247
or the United States that is substantially equivalent to section 248
2909.02 or 2909.03 of the Revised Code. 249

(9) Not later than thirty days after the date the 250
superintendent receives the request, completed form, and 251
fingerprint impressions, the superintendent shall send the person, 252
board, or entity that made the request any information, other than 253
information the dissemination of which is prohibited by federal 254
law, the superintendent determines exists with respect to the 255
person who is the subject of the request that indicates that the 256
person previously has been convicted of or pleaded guilty to any 257
offense listed or described in division (A)(1), (2), (3), (4), 258
(5), (6), (7), or (8) of this section, as appropriate. The 259
superintendent shall send the person, board, or entity that made 260
the request a copy of the list of offenses specified in division 261
(A)(1), (2), (3), (4), (5), (6), (7), or (8) of this section, as 262
appropriate. If the request was made under section 3701.881 of the 263
Revised Code with regard to an applicant who may be both 264
responsible for the care, custody, or control of a child and 265
involved in providing direct care to an older adult, the 266
superintendent shall provide a list of the offenses specified in 267
divisions (A)(4) and (6) of this section. 268

(B) The superintendent shall conduct any criminal records 269
check requested under section 121.08, 173.41, 2151.86, 3301.32, 270
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 271
5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, 272
or 5153.111 of the Revised Code as follows: 273

(1) The superintendent shall review or cause to be reviewed 274
any relevant information gathered and compiled by the bureau under 275
division (A) of section 109.57 of the Revised Code that relates to 276
the person who is the subject of the request, including any 277
relevant information contained in records that have been sealed 278
under section 2953.32 of the Revised Code; 279

(2) If the request received by the superintendent asks for 280
information from the federal bureau of investigation, the 281
superintendent shall request from the federal bureau of 282
investigation any information it has with respect to the person 283
who is the subject of the request and shall review or cause to be 284
reviewed any information the superintendent receives from that 285
bureau. 286

(3) The superintendent or the superintendent's designee may 287
request criminal history records from other states of the federal 288
government pursuant to the national crime prevention and privacy 289
compact set forth in section 109.571 of the Revised Code. 290

(C)(1) The superintendent shall prescribe a form to obtain 291
the information necessary to conduct a criminal records check from 292
any person for whom a criminal records check is required by 293
section 121.08, 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 294
3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 295
5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the 296
Revised Code. The form that the superintendent prescribes pursuant 297
to this division may be in a tangible format, in an electronic 298
format, or in both tangible and electronic formats. 299

(2) The superintendent shall prescribe standard impression 300
sheets to obtain the fingerprint impressions of any person for 301
whom a criminal records check is required by section 121.08, 302
173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 303
3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 304

5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. Any 305
person for whom a records check is required by any of those 306
sections shall obtain the fingerprint impressions at a county 307
sheriff's office, municipal police department, or any other entity 308
with the ability to make fingerprint impressions on the standard 309
impression sheets prescribed by the superintendent. The office, 310
department, or entity may charge the person a reasonable fee for 311
making the impressions. The standard impression sheets the 312
superintendent prescribes pursuant to this division may be in a 313
tangible format, in an electronic format, or in both tangible and 314
electronic formats. 315

(3) Subject to division (D) of this section, the 316
superintendent shall prescribe and charge a reasonable fee for 317
providing a criminal records check requested under section 121.08, 318
173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 319
3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 320
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 321
person making a criminal records request under section 121.08, 322
173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 323
3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 324
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code shall 325
pay the fee prescribed pursuant to this division. A person making 326
a request under section 3701.881 of the Revised Code for a 327
criminal records check for an applicant who may be both 328
responsible for the care, custody, or control of a child and 329
involved in providing direct care to an older adult shall pay one 330
fee for the request. 331

(4) The superintendent of the bureau of criminal 332
identification and investigation may prescribe methods of 333
forwarding fingerprint impressions and information necessary to 334
conduct a criminal records check, which methods shall include, but 335
not be limited to, an electronic method. 336

(D) A determination whether any information exists that 337
indicates that a person previously has been convicted of or 338
pleaded guilty to any offense listed or described in division 339
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 340
(b), (A)(5)(a) or (b), (A)(6), (A)(7)(a) or (b), or (A)(8)(a) or 341
(b) of this section that is made by the superintendent with 342
respect to information considered in a criminal records check in 343
accordance with this section is valid for the person who is the 344
subject of the criminal records check for a period of one year 345
from the date upon which the superintendent makes the 346
determination. During the period in which the determination in 347
regard to a person is valid, if another request under this section 348
is made for a criminal records check for that person, the 349
superintendent shall provide the information that is the basis for 350
the superintendent's initial determination at a lower fee than the 351
fee prescribed for the initial criminal records check. 352

(E) As used in this section: 353

(1) "Criminal records check" means any criminal records check 354
conducted by the superintendent of the bureau of criminal 355
identification and investigation in accordance with division (B) 356
of this section. 357

(2) "Home and community-based waiver services" and "waiver 358
agency" have the same meanings as in section 5111.95 of the 359
Revised Code. 360

(3) "Independent provider" has the same meaning as in section 361
5111.96 of the Revised Code. 362

(4) "Minor drug possession offense" has the same meaning as 363
in section 2925.01 of the Revised Code. 364

(5) "Older adult" means a person age sixty or older. 365

Sec. 121.08. (A) There is hereby created in the department of 366

commerce the position of deputy director of administration. This 367
officer shall be appointed by the director of commerce, serve 368
under the director's direction, supervision, and control, perform 369
~~such~~ the duties as the director prescribes, and hold office during 370
the director's pleasure. The director of commerce may designate an 371
assistant director of commerce to serve as the deputy director of 372
administration. The deputy director of administration shall 373
perform ~~such~~ the duties as ~~are~~ prescribed by the director of 374
commerce in supervising the activities of the division of 375
administration of the department of commerce. 376

(B) Except as provided in section 121.07 of the Revised Code, 377
the department of commerce shall have all powers and perform all 378
duties vested in the deputy director of administration, the state 379
fire marshal, the superintendent of financial institutions, the 380
superintendent of real estate and professional licensing, the 381
superintendent of liquor control, the superintendent of the 382
division of industrial compliance, the superintendent of labor and 383
worker safety, and the commissioner of securities, and shall have 384
all powers and perform all duties vested by law in all officers, 385
deputies, and employees of ~~such~~ those offices. Except as provided 386
in section 121.07 of the Revised Code, wherever powers are 387
conferred or duties imposed upon any of ~~such~~ those officers, ~~such~~ 388
the powers and duties shall be construed as vested in the 389
department of commerce. 390

(C)(1) There is hereby created in the department of commerce 391
a division of financial institutions, which shall have all powers 392
and perform all duties vested by law in the superintendent of 393
financial institutions. Wherever powers are conferred or duties 394
imposed upon the superintendent of financial institutions, ~~such~~ 395
those powers and duties shall be construed as vested in the 396
division of financial institutions. The division of financial 397
institutions shall be administered by a superintendent of 398

financial institutions. 399

(2) All provisions of law governing the superintendent of 400
financial institutions shall apply to and govern the 401
superintendent of financial institutions provided for in this 402
section; all authority vested by law in the superintendent of 403
financial institutions with respect to the management of the 404
division of financial institutions shall be construed as vested in 405
the superintendent of financial institutions created by this 406
section with respect to the division of financial institutions 407
provided for in this section; and all rights, privileges, and 408
emoluments conferred by law upon the superintendent of financial 409
institutions shall be construed as conferred upon the 410
superintendent of financial institutions as head of the division 411
of financial institutions. The director of commerce shall not 412
transfer from the division of financial institutions any of the 413
functions specified in division (C)(2) of this section. 414

(D) ~~Beginning on July 1, 1997, there~~ There is hereby created 415
in the department of commerce a division of liquor control, which 416
shall have all powers and perform all duties vested by law in the 417
superintendent of liquor control. Wherever powers are conferred or 418
duties are imposed upon the superintendent of liquor control, 419
those powers and duties shall be construed as vested in the 420
division of liquor control. The division of liquor control shall 421
be administered by a superintendent of liquor control. 422

(E) The director of commerce shall not be interested, 423
directly or indirectly, in any firm or corporation which is a 424
dealer in securities as defined in sections 1707.01 and 1707.14 of 425
the Revised Code, or in any firm or corporation licensed under 426
sections 1321.01 to 1321.19 of the Revised Code. 427

(F) The director of commerce shall not have any official 428
connection with a savings and loan association, a savings bank, a 429
bank, a bank holding company, a savings and loan association 430

holding company, a consumer finance company, or a credit union 431
that is under the supervision of the division of financial 432
institutions, or a subsidiary of any of the preceding entities, or 433
be interested in the business thereof. 434

(G) There is hereby created in the state treasury the 435
division of administration fund. The fund shall receive 436
assessments on the operating funds of the department of commerce 437
in accordance with procedures prescribed by the director of 438
commerce and approved by the director of budget and management. 439
All operating expenses of the division of administration shall be 440
paid from the division of administration fund. 441

(H) There is hereby created in the department of commerce a 442
division of real estate and professional licensing, which shall be 443
under the control and supervision of the director of commerce. The 444
division of real estate and professional licensing shall be 445
administered by a superintendent of real estate and professional 446
licensing. The superintendent of real estate and professional 447
licensing shall exercise the powers and perform the functions and 448
duties delegated to the superintendent under Chapters 4735., 449
4749., 4763., and 4767. of the Revised Code. 450

(I) There is hereby created in the department of commerce a 451
division of labor and worker safety, which shall have all powers 452
and perform all duties vested by law in the superintendent of 453
labor and worker safety. Wherever powers are conferred or duties 454
imposed upon the superintendent of labor and worker safety, ~~such~~ 455
those powers and duties shall be construed as vested in the 456
division of labor and worker safety. The division of labor and 457
worker safety ~~is~~ shall be under the control and supervision of the 458
director of commerce, and be administered by a superintendent of 459
labor and worker safety. The superintendent of labor and worker 460
safety shall exercise the powers and perform the duties delegated 461
to the superintendent by the director under Chapters 4109., 4111., 462

4115., and 4167. of the Revised Code. 463

(J) The department of commerce or a division of the 464
department created by the Revised Code that is acting with 465
authorization on the departments's behalf may request from the 466
bureau of criminal identification and investigation pursuant to 467
section 109.572 of the Revised Code, or coordinate with 468
appropriate federal, state, and local government agencies to 469
accomplish, criminal records checks for the persons whose 470
identities are required to be disclosed by an applicant for the 471
issuance or transfer of a permit, license, or certification issued 472
or transferred by the department or division. At or before the 473
time of making a request for a criminal records check, the 474
department or division may require any person whose identity is 475
required to be disclosed by an applicant for the issuance or 476
transfer of such a license, permit, or certification to submit to 477
the department or division valid fingerprint impressions in a 478
format and by any media or means acceptable to the bureau of 479
criminal identification and investigation and, when applicable, 480
the federal bureau of investigation. The department or division 481
may cause the bureau of criminal identification and investigation 482
to conduct a criminal records check through the federal bureau of 483
investigation only if the person for whom the criminal records 484
check would be conducted resides or works outside of this state or 485
has resided or worked outside of this state during the preceding 486
five years, or if a criminal records check conducted by the bureau 487
of criminal identification and investigation within this state 488
indicates that the person may have a criminal record outside of 489
this state. 490

In the case of a criminal records check under section 109.572 491
of the Revised Code, the department or division shall forward to 492
the bureau of criminal identification and investigation the 493
requisite form, fingerprint impressions, and fee described in 494

division (C) of that section. When requested by the department or 495
division in accordance with this section, the bureau of criminal 496
identification and investigation shall request from the federal 497
bureau of investigation any information it has with respect to the 498
person who is the subject of the requested criminal records check 499
and shall forward the requisite fingerprint impressions and 500
information to the federal bureau of investigation for that 501
criminal records check. After conducting a criminal records check 502
or receiving the results of a criminal records check from the 503
federal bureau of investigation, the bureau of criminal 504
identification and investigation shall provide the results to the 505
department or division. 506

The department or division may require any person about whom 507
a criminal records check is requested to pay to the department or 508
division the amount necessary to cover the fee charged to the 509
department or division by the bureau of criminal identification 510
and investigation under division (C)(3) of section 109.572 of the 511
Revised Code, including, when applicable, any fee for a criminal 512
records check conducted by the federal bureau of investigation. 513

Sec. 307.697. (A) For the purpose of section 307.696 of the 514
Revised Code and to pay any or all of the charge the board of 515
elections makes against the county to hold the election on the 516
question of levying the tax, or for those purposes and to provide 517
revenues to the county for permanent improvements, the board of 518
county commissioners of a county may levy a tax not to exceed 519
three dollars on each gallon of spirituous liquor sold to or 520
purchased by liquor permit holders for resale, and sold at retail 521
by the division of liquor control, in the county. The tax shall be 522
levied on the number of gallons so sold. The tax may be levied for 523
any number of years not exceeding twenty. 524

The tax shall be levied pursuant to a resolution of the board 525

of county commissioners approved by a majority of the electors in 526
the county voting on the question of levying the tax, which 527
resolution shall specify the rate of the tax, the number of years 528
the tax will be levied, and the purposes for which the tax is 529
levied. The election may be held on the date of a general or 530
special election held not sooner than seventy-five days after the 531
date the board certifies its resolution to the board of elections. 532
If approved by the electors, the tax takes effect on the first day 533
of the month specified in the resolution but not sooner than the 534
first day of the month that is at least sixty days after the 535
certification of the election results by the board of elections. A 536
copy of the resolution levying the tax shall be certified to the 537
division of liquor control at least sixty days prior to the date 538
on which the tax is to become effective. 539

(B) A resolution under this section may be joined on the 540
ballot as a single question with a resolution adopted under 541
section 4301.421 or 5743.024 of the Revised Code to levy a tax for 542
the same purposes, and for the purpose of paying the expenses of 543
administering that tax. 544

(C) The form of the ballot in an election held pursuant to 545
this section or section 4301.421 or 5743.024 of the Revised Code 546
shall be as follows or in any other form acceptable to the 547
secretary of state: 548

"For the purpose of paying not more than one-half of the 549
costs of providing a public sports facility together with related 550
redevelopment and economic development projects, shall (an) excise 551
tax(es) be levied by county at the rate of 552
(dollars on each gallon of spirituous liquor sold in the county by 553
the Ohio division of liquor control, cents per gallon on the sale 554
of beer at wholesale in the county, cents per gallon on the sale 555
of wine and mixed beverages at wholesale in the county, cents per 556
gallon on the sale of cider at wholesale in the county, or mills 557

per cigarette on the sale of cigarettes at wholesale in the 558
county), for years? 559

	Yes	
	No	"

560
561
562
563
For an election in which questions under this section or 564
section 4301.421 or 5743.024 of the Revised Code are joined as a 565
single question, the form of the ballot shall be as above, except 566
each of the proposed taxes shall be listed. 567

(D) The board of county commissioners of a county in which a 568
tax is imposed under this section on ~~the effective date of this~~ 569
~~amendment July 19, 1995,~~ may levy a tax for the purpose of section 570
307.673 of the Revised Code regardless of whether or not the 571
cooperative agreement authorized under that section has been 572
entered into prior to the day the resolution adopted under 573
division (D)(1) or (2) of this section is adopted, and for the 574
purpose of reimbursing a county for costs incurred in the 575
construction of a sports facility pursuant to an agreement entered 576
into by the county under section 307.696 of the Revised Code. The 577
tax shall be levied and approved in one of the manners prescribed 578
by division (D)(1) or (2) of this section. 579

(1) The tax may be levied pursuant to a resolution adopted by 580
a majority of the members of the board of county commissioners not 581
later than forty-five days after ~~the effective date of this~~ 582
~~amendment July 19, 1995.~~ A board of county commissioners approving 583
a tax under division (D)(1) of this section may approve a tax 584
under division (B)(1) of section 4301.421 or division (C)(1) of 585
section 5743.024 of the Revised Code at the same time. Subject to 586
the resolution being submitted to a referendum under sections 587
305.31 to 305.41 of the Revised Code, the resolution shall take 588

effect immediately, but the tax levied pursuant to the resolution 589
shall not be levied prior to the day following the last day the 590
tax levied pursuant to divisions (A), (B), and (C) of this section 591
may be levied. 592

(2) The tax may be levied pursuant to a resolution adopted by 593
a majority of the members of the board of county commissioners not 594
later than forty-five days after ~~the effective date of this~~ 595
~~amendment~~ July 19, 1995, and approved by a majority of the 596
electors of the county voting on the question of levying the tax 597
at the next succeeding general election following ~~the effective~~ 598
~~date of this amendment~~ July 19, 1995. The board of county 599
commissioners shall certify a copy of the resolution to the board 600
of elections immediately upon adopting a resolution under division 601
(D)(2) of this section, and the board of elections shall place the 602
question of levying the tax on the ballot at that election. The 603
form of the ballot shall be as prescribed by division (C) of this 604
section, except that the phrase "paying not more than one-half of 605
the costs of providing a sports facility together with related 606
redevelopment and economic development projects" shall be replaced 607
by the phrase "paying the costs of constructing or renovating a 608
sports facility and reimbursing a county for costs incurred by the 609
county in the construction of a sports facility," and the phrase 610
", beginning (here insert the earliest date the tax 611
would take effect)" shall be appended after "years." A board of 612
county commissioners submitting the question of a tax under 613
division (D)(2) of this section may submit the question of a tax 614
under division (B)(2) of section 4301.421 or division (C)(2) of 615
section 5743.024 of the Revised Code as a single question, and the 616
form of the ballot shall include each of the proposed taxes. 617

If approved by a majority of electors voting on the question, 618
the tax shall take effect on the day specified on the ballot, 619
which shall not be earlier than the day following the last day the 620

tax levied pursuant to divisions (A), (B), and (C) of this section 621
may be levied. 622

The rate of a tax levied pursuant to division (D)(1) or (2) 623
of this section shall not exceed the rate specified in division 624
(A) of this section. A tax levied pursuant to division (D)(1) or 625
(2) of this section may be levied for any number of years not 626
exceeding twenty. 627

A board of county commissioners adopting a resolution under 628
division (D)(1) or (2) of this section shall certify a copy of the 629
resolution to the ~~department~~ division of liquor control 630
immediately upon adoption of the resolution. 631

Sec. 351.26. (A) The board of directors of a convention 632
facilities authority may adopt a resolution requesting the board 633
of county commissioners of the county in which the convention 634
facilities authority has its territory to propose the question of 635
a tax to be levied pursuant to this section and section 4301.424 636
or sections 5743.026 and 5743.324 of the Revised Code for the 637
purpose of construction or renovation of a sports facility. The 638
board of directors shall certify a copy of the resolution to the 639
board of county commissioners not later than ninety days prior to 640
the day of the election at which the board of directors requests 641
the board of county commissioners to submit the question of the 642
tax. The resolution shall state the rate at which the tax would be 643
levied, the purpose for which the tax would be levied, the number 644
of years the tax would be levied, the section of the Revised Code 645
under which the tax would be levied, and the date of the election 646
at which the board of directors requests the board of county 647
commissioners to submit the question of the tax, all of which are 648
subject to the limitations of this section and section 4301.424 or 649
sections 5743.026 and 5743.324 of the Revised Code. 650

Upon receiving a copy of such a resolution from the board of 651

directors, the board of county commissioners shall adopt a 652
resolution either approving or rejecting the proposal, and certify 653
a copy of its resolution to the board of directors. If the board 654
of county commissioners approves the proposal, the board of county 655
commissioners shall propose the question of levying a tax pursuant 656
to section 4301.424 of the Revised Code or pursuant to sections 657
5743.026 and 5743.324 of the Revised Code, as specified in the 658
board of directors' resolution, for the purpose of construction or 659
renovation of a sports facility. 660

(B) The form of the ballot in an election held on the 661
question of levying a tax proposed pursuant to section 4301.424 or 662
5743.026 of the Revised Code shall be as follows or in any other 663
form acceptable to the secretary of state: 664

"For the purpose of paying the costs of 665
(constructing or renovating) a sports facility, shall (an) excise 666
tax(es) be levied by the county for the convention 667
facilities authority of county at the rate of 668
(dollars on each gallon of spirituous liquor sold in the county by 669
the Ohio ~~department~~ division of liquor control, cents per gallon 670
on the sale of beer at wholesale in the county, cents per gallon 671
on the sale of wine and mixed beverages at wholesale in the 672
county, or mills per cigarette on the sale of cigarettes at 673
wholesale in the county), for years? 674

	Yes
	No

"

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676
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678
For an election in which questions under section 4301.424 or 679
5743.026 of the Revised Code are joined as a single question, the 680
form of the ballot shall be as above, except each of the proposed 681
taxes shall be listed. 682

Sec. 924.51. (A) There is hereby created the Ohio grape 683
industries committee consisting of nine members. The members shall 684
be the director of agriculture or the director's designee, who 685
shall chair the committee, the ~~director~~ superintendent of liquor 686
control or the ~~director's superintendent's~~ designee, the chief of 687
the division of markets of the department of agriculture, the 688
viticulture extension specialist of the Ohio agricultural research 689
and development center, who shall be a nonvoting member, and five 690
members who shall be appointed by the director of agriculture. 691

(B) Of the five members of the committee appointed by the 692
director of agriculture, two shall be persons who receive the 693
major portion of their income from the production of grapes. The 694
term of one of these members shall begin January 1, 1982, and end 695
December 31, 1982, and the second member's term shall begin 696
January 1, 1982, and end December 31, 1983. Two members shall be 697
persons who receive the major portion of their income from the 698
production of wine from raw grape or fruit products in either raw 699
fruit or fresh juice form. The term of one of these members shall 700
begin January 1, 1982, and end December 31, 1982, and the second 701
member's term shall begin January 1, 1982, and end December 31, 702
1983. One member shall be a person the major portion of whose 703
income is from the production of grape products other than wine, 704
such as juice, jams, or jellies; that member's term shall begin 705
January 1, 1982, and end December 31, 1984. Thereafter, the terms 706
for each appointed member of the committee shall be for three 707
years, commencing on the first day of January and ending on the 708
thirty-first day of December. No appointed member shall serve more 709
than two consecutive terms. The director may remove any appointed 710
member for cause. 711

(C) Members shall be appointed to fill vacancies caused by 712
death, resignation, or removal in the same manner prescribed for 713

regular appointment to the committee. Any member appointed to fill 714
a vacancy occurring prior to the expiration of the term for which 715
the member's predecessor was appointed shall hold office for the 716
remainder of the term. Any member shall continue in office 717
subsequent to the expiration date of that member's term until that 718
member's successor takes office, or until a period of sixty days 719
has elapsed, whichever occurs first. 720

(D) All members of the committee are entitled to their actual 721
and necessary expenses incurred in the performance of their duties 722
as members, payable from moneys received from the Ohio grape 723
industries fund created under section 924.54 of the Revised Code. 724

(E) A majority of the committee constitutes a quorum. 725

Sec. 1333.83. Every manufacturer of alcoholic beverages shall 726
contract with or offer in good faith to its distributors a written 727
franchise providing for, and specifying the rights and duties of 728
both parties in effecting, the sale of the specified brands or 729
products of the manufacturer. Any provision of a franchise 730
agreement that waives any of the prohibitions of, or fails to 731
comply with, sections 1333.82 to 1333.87 of the Revised Code is 732
void and unenforceable. Any notice or acceptance required to be 733
given or made by either party to the franchise shall be in writing 734
and signed by the authorized representative of the parties. Any 735
breach, actual or claimed, of a franchise made pursuant to this 736
section shall not be grounds for suspension or revocation of any 737
permit or ~~consent to import~~ supplier registration issued by the 738
division of liquor control. When a distributor of beer or wine for 739
a manufacturer, or the successors or assigns of the manufacturer, 740
distributes the beer or wine for ninety days or more without a 741
written contract, a franchise relationship is established between 742
the parties, and sections 1333.82 to 1333.87 of the Revised Code 743
apply to the manufacturer, its successor or assigns, and the 744

distributor. 745

Sec. 2933.41. (A)(1) Any property, other than contraband that 746
is subject to the provisions of section 2913.34 or 2933.43 of the 747
Revised Code, other than property that is subject to section 748
3719.141 of the Revised Code, other than property that is 749
forfeited under sections 2923.44 to 2923.47 or 2925.41 to 2925.45 750
of the Revised Code, other than a vehicle that is criminally 751
forfeited under an order issued under section 4503.233 or 4503.234 752
of the Revised Code and that is to be disposed of under section 753
4503.234 of the Revised Code, other than property that has been 754
lawfully seized under sections 2933.71 to 2933.75 of the Revised 755
Code in relation to a medicaid fraud offense, and other than 756
property that has been lawfully seized in relation to a violation 757
of section 2923.32 of the Revised Code, that has been lost, 758
abandoned, stolen, seized pursuant to a search warrant, or 759
otherwise lawfully seized or forfeited, and that is in the custody 760
of a law enforcement agency shall be kept safely pending the time 761
it no longer is needed as evidence and shall be disposed of 762
pursuant to this section. Each law enforcement agency that has 763
custody of any property that is subject to this section shall 764
adopt a written internal control policy that addresses the keeping 765
of detailed records as to the amount of property taken in by the 766
agency, that addresses the agency's disposition of the property 767
under this section, that provides for the keeping of detailed 768
records of the disposition of the property, and that provides for 769
the keeping of detailed financial records of the amount and 770
disposition of any proceeds of a sale of the property under 771
division (D)(8) of this section and of the general types of 772
expenditures made out of the proceeds retained by the agency and 773
the specific amount expended on each general type of expenditure. 774
The policy shall not provide for or permit the identification of 775

any specific expenditure that is made in an ongoing investigation. 776
The policy is a public record open for inspection under section 777
149.43 of the Revised Code. 778

(2)(a) Every law enforcement agency that has any lost, 779
abandoned, stolen, seized, or forfeited property as described in 780
division (A)(1) of this section in its custody shall comply with 781
its written internal control policy adopted under that division 782
relative to the property. Each agency that has any such property 783
in its custody, except for property to be disposed of under 784
division (D)(4) of this section, shall maintain an accurate 785
record, in accordance with its written internal control policy, of 786
each item of the property. The record shall include the date on 787
which each item of property came into the agency's custody, the 788
manner in which it was disposed of, the date of its disposition, 789
the name of the person who received the property if it was not 790
destroyed, and all other information required by the agency's 791
written internal control policy; however, the record shall not 792
identify or enable the identification of the individual officer 793
who seized any item of property. The record of any property that 794
no longer is needed as evidence, and all financial records of the 795
amount and disposition of any proceeds of a sale under division 796
(D)(8) of this section and of the general types of expenditures 797
made out of the proceeds retained by the agency and the specific 798
amount of each general type of expenditure, shall be open to 799
public inspection during the agency's regular business hours. 800

Each law enforcement agency that, during any calendar year, 801
has any seized or forfeited property as described in division 802
(A)(1) of this section in its custody shall prepare a report 803
covering the calendar year that cumulates all of the information 804
contained in all of the records kept by the agency pursuant to 805
this division for that calendar year and shall send a copy of the 806
cumulative report, no later than the first day of March in the 807

calendar year following the calendar year covered by the report, 808
to the attorney general. Each report received by the attorney 809
general is a public record open for inspection under section 810
149.43 of the Revised Code. 811

(b) Each law enforcement agency that receives in any calendar 812
year any proceeds of a sale under division (D)(8) of this section 813
shall prepare a report covering the calendar year that cumulates 814
all of the information contained in all of the public financial 815
records kept by the agency pursuant to division (D)(2)(a) of this 816
section for that calendar year and shall send a copy of the 817
cumulative report, no later than the first day of March in the 818
calendar year following the calendar year covered by the report, 819
to the attorney general. Each report received by the attorney 820
general is a public record open for inspection under section 821
149.43 of the Revised Code. 822

(c) Not later than the fifteenth day of April in the calendar 823
year in which reports are sent to the attorney general under 824
divisions (A)(2)(a) and (b) of this section, the attorney general 825
shall send to the president of the senate and the speaker of the 826
house of representatives a written notification that does all of 827
the following: 828

(i) Indicates that the attorney general has received from law 829
enforcement agencies reports of the type described in division 830
(A)(2)(a), (A)(2)(b), or both (A)(2)(a) and (b) of this section, 831
whichever is applicable, that cover the previous calendar year and 832
indicates that the reports were received under division (A)(2)(a), 833
(A)(2)(b), or both (A)(2)(a) and (b) of this section, whichever is 834
applicable; 835

(ii) Indicates that the reports are open for inspection under 836
section 149.43 of the Revised Code; 837

(iii) Indicates that the attorney general will provide a copy 838

of any or all of the reports to the president of the senate or the 839
speaker of the house of representatives upon request. 840

(B) A law enforcement agency that has property in its 841
possession that is required to be disposed of pursuant to this 842
section shall make a reasonable effort to locate the persons 843
entitled to possession of the property in its custody, to notify 844
them of when and where it may be claimed, and to return the 845
property to them at the earliest possible time. In the absence of 846
evidence identifying persons entitled to possession, it is 847
sufficient notice to advertise in a newspaper of general 848
circulation in the county, briefly describing the nature of the 849
property in custody and inviting persons to view and establish 850
their right to it. 851

(C) A person loses any right that the person may have to the 852
possession, or the possession and ownership, of property if any of 853
the following applies: 854

(1) The property was the subject, or was used in a conspiracy 855
or attempt to commit, or in the commission, of an offense other 856
than a traffic offense, and the person is a conspirator, 857
accomplice, or offender with respect to the offense. 858

(2) A court determines that the property should be forfeited 859
because, in light of the nature of the property or the 860
circumstances of the person, it is unlawful for the person to 861
acquire or possess the property. 862

(D) Unclaimed or forfeited property in the custody of a law 863
enforcement agency, other than contraband that is subject to the 864
provisions of section 2913.34 or 2933.43 of the Revised Code, 865
other than property forfeited under sections 2923.44 to 2923.47 or 866
2925.41 to 2925.45 of the Revised Code, and other than property 867
that has been lawfully seized in relation to a violation of 868
section 2923.32 of the Revised Code, shall be disposed of on 869

application to and order of any court of record that has 870
territorial jurisdiction over the political subdivision in which 871
the law enforcement agency has jurisdiction to engage in law 872
enforcement activities, as follows: 873

(1) Drugs shall be disposed of pursuant to section 3719.11 of 874
the Revised Code or placed in the custody of the secretary of the 875
treasury of the United States for disposal or use for medical or 876
scientific purposes under applicable federal law. 877

(2) Firearms and dangerous ordnance suitable for police work 878
may be given to a law enforcement agency for that purpose. 879
Firearms suitable for sporting use or as museum pieces or 880
collectors' items may be sold at public auction pursuant to 881
division (D)(8) of this section. Other firearms and dangerous 882
ordnance shall be destroyed by the agency or shall be sent to the 883
bureau of criminal identification and investigation for 884
destruction by the bureau. 885

(3) Obscene materials shall be destroyed. 886

(4) ~~Beer, Except as otherwise provided in division (D)(4) of~~ 887
~~this section, beer or intoxicating liquor, or alcohol seized from~~ 888
~~by a person who is not the holder of a permit issued under~~ 889
~~Chapters 4301. and 4303. of the Revised Code or is an offender and~~ 890
~~forfeited to the state under section 4301.45 or 4301.53 of the~~ 891
~~Revised Code either law enforcement agency shall be sold by the~~ 892
~~division of liquor control, if the division determines that the~~ 893
~~beer, intoxicating liquor, or alcohol is fit for sale, or shall be~~ 894
~~placed in the custody of destroyed. Intoxicating liquor seized by~~ 895
~~the investigations investigative unit in the department of public~~ 896
~~safety and may be used distributed for training relating to law~~ 897
~~enforcement activities. The department, with the assistance of the~~ 898
~~division of liquor control, shall adopt Pursuant to rules the~~ 899
~~department adopts in accordance with Chapter 119. of the Revised~~ 900
~~Code to, the department shall provide for the distribution of such~~ 901

~~beer, seized intoxicating liquor, or alcohol that is not
distributed for training relating to its law enforcement
activities, to state or local law enforcement agencies, upon their
request, for training related to their law enforcement activities.
If any tax imposed under Title XLIII of the Revised Code has not
been paid in relation to the beer, intoxicating liquor, or
alcohol, the proceeds of the sale shall first be used to pay the
tax. All other money collected under division (D)(4) of this
section shall be paid into the state treasury. Any such beer,
intoxicating liquor, or alcohol that the division determines to be
unfit for sale shall be destroyed.~~

(5) Money received by an inmate of a correctional institution
from an unauthorized source or in an unauthorized manner shall be
returned to the sender, if known, or deposited in the inmates'
industrial and entertainment fund if the sender is not known.

(6) Vehicles and vehicle parts forfeited under sections
4549.61 to 4549.63 of the Revised Code may be given to a law
enforcement agency for use in the performance of its duties. Those
parts may be incorporated into any other official vehicle. Parts
that do not bear vehicle identification numbers or derivatives of
them may be sold or disposed of as provided by rules of the
director of public safety. Parts from which a vehicle
identification number or derivative of it has been removed,
defaced, covered, altered, or destroyed and that are not suitable
for police work or incorporation into an official vehicle shall be
destroyed and sold as junk or scrap.

(7)(a) Computers, computer networks, computer systems, and
computer software suitable for police work may be given to a law
enforcement agency for that purpose. Other computers, computer
networks, computer systems, and computer software shall be
disposed of pursuant to division (D)(8) of this section.

(b) As used in this section, "computers," "computer

networks," "computer systems," and "computer software" have the 934
same meanings as in section 2913.01 of the Revised Code. 935

(8) Other unclaimed or forfeited property, including personal 936
property that is abandoned or relinquished by an inmate of a state 937
correctional institution, with the approval of the court, may be 938
used by the law enforcement agency that has possession of it. If 939
the other unclaimed or forfeited property is not used by the law 940
enforcement agency, it may be sold, without appraisal, at a public 941
auction to the highest bidder for cash, or, in the case of other 942
unclaimed or forfeited moneys, disposed of in another manner that 943
the court considers proper in the circumstances. 944

(E)(1)(a) If the property was in the possession of the law 945
enforcement agency in relation to a delinquent child proceeding in 946
a juvenile court, ten per cent of the proceeds from property 947
disposed of pursuant to this section shall be applied to one or 948
more alcohol and drug addiction treatment programs that are 949
certified by the department of alcohol and drug addiction services 950
under section 3793.06 of the Revised Code and that are specified 951
by the court in its order issued under division (D) of this 952
section. A juvenile court shall not specify an alcohol or drug 953
addiction treatment program in the order unless the program is a 954
certified alcohol and drug addiction treatment program and, except 955
as provided in division (E)(1)(a) of this section, unless the 956
program is located in the county in which the court that issues 957
the orders is located or in a contiguous county. If no certified 958
alcohol and drug addiction treatment program is located in any of 959
those counties, the juvenile court may specify in the order a 960
certified alcohol and drug addiction treatment program located 961
anywhere within this state. The remaining ninety per cent of the 962
proceeds shall be applied as provided in division (E)(1)(b) of 963
this section. 964

If the property was in the possession of the law enforcement 965

agency other than in relation to a delinquent child proceeding in 966
a juvenile court, all of the proceeds from property disposed of 967
pursuant to this section shall be applied as provided in division 968
(E)(1)(b) of this section. 969

(b) Except as provided in divisions (D)(4), (5), and (E)(2) 970
of this section and after compliance with division (E)(1)(a) of 971
this section when that division is applicable, the proceeds from 972
property disposed of pursuant to this section shall be placed in 973
the general fund of the state, the county, the township, or the 974
municipal corporation, of which the law enforcement agency 975
involved is an agency. 976

(2) Each board of county commissioners that recognizes a 977
citizens' reward program as provided in section 9.92 of the 978
Revised Code shall notify each law enforcement agency of that 979
county and each law enforcement agency of a township or municipal 980
corporation wholly located in that county of the official 981
recognition of the citizens' reward program by filing a copy of 982
its resolution conferring that recognition with each of those law 983
enforcement agencies. When the board of county commissioners of a 984
county recognizes a citizens' reward program and the county 985
includes a part, but not all, of the territory of a municipal 986
corporation, the board shall so notify the law enforcement agency 987
of that municipal corporation of the official recognition of the 988
citizens' reward program only if the county contains the highest 989
percentage of the municipal corporation's population. Upon receipt 990
of a notice described in this division, each law enforcement 991
agency shall pay twenty-five per cent of the proceeds from each 992
sale of property disposed of pursuant to this section to the 993
citizens' reward program for use exclusively for the payment of 994
rewards. No part of those funds may be used to pay for the 995
administrative expenses or any other expenses associated with a 996
citizens' reward program. If a citizens' reward program that 997

operates in more than one county or in another state or states in 998
addition to this state receives funds pursuant to this section, 999
the funds shall be used to pay rewards only for tips and 1000
information to law enforcement agencies concerning felonies, 1001
offenses of violence, or misdemeanors that have been committed in 1002
the county from which the funds were received. 1003

(F) This section does not apply to the collection, storage, 1004
or disposal of abandoned junk motor vehicles. This section shall 1005
not be construed to rescind or restrict the authority of a 1006
municipal law enforcement agency to keep and dispose of lost, 1007
abandoned, stolen, seized, or forfeited property under an 1008
ordinance of the municipal corporation or under sections 737.29 to 1009
737.33 of the Revised Code, provided that, when a municipal 1010
corporation that has received notice as provided in division 1011
(E)(2) of this section disposes of property under an ordinance, it 1012
shall pay twenty-five per cent of the proceeds from any sale or 1013
auction to the citizens' reward program as provided under that 1014
division. 1015

(G) The receipt of funds by a citizens' reward program 1016
pursuant to division (E) of this section does not make it a 1017
governmental unit for purposes of section 149.43 of the Revised 1018
Code and does not subject it to the disclosure provisions of that 1019
section. 1020

(H) This section does not apply to the disposal of stolen or 1021
other property recovered by township law enforcement agencies 1022
pursuant to sections 505.105 to 505.109 of the Revised Code. 1023

(I)(1) Subject to divisions (D)(1) to (7) of this section, 1024
and otherwise notwithstanding the provisions of this section, 1025
personal property that is subject to this section and that is 1026
abandoned or relinquished by an inmate of a state correctional 1027
institution may be destroyed or used by order of the warden of the 1028
institution, if either of the following apply: 1029

(a) The value of the item is one hundred dollars or less, the state correctional institution has attempted to contact or identify the owner of the personal property, and those attempts have been unsuccessful.

(b) The inmate who owns the personal property agrees in writing to the disposal of the personal property in question.

(2) The department of rehabilitation and correction shall record the seizure and disposition of any personal property pursuant to division (I)(1) of this section, any attempts to contact or identify the owner of the personal property pursuant to division (I)(1)(a) of this section, and any agreement made pursuant to division (I)(1)(b) of this section.

(J) For purposes of this section, "law enforcement agency" includes correctional institutions, and "citizens' reward program" has the same meaning as in section 9.92 of the Revised Code. As used in division (H) of this section, "township law enforcement agencies" means an organized police department of a township, a township police district, a joint township police district, or the office of a township constable.

Sec. 4301.07. Each member of the liquor control commission shall devote ~~his~~ the member's entire time to the duties of ~~his~~ office and shall hold no other public position of trust or profit. No member of the commission, nor the ~~director~~ superintendent of liquor control, nor any of the ~~appointees~~ or employees of the commission or of the ~~department~~ division of liquor control, shall have any direct financial interest, ~~directly or indirectly,~~ in, or any interest otherwise prohibited by Chapter 102. or section 2921.42 or 2921.43 of the Revised Code in, the manufacture, distribution, or sale of beer or intoxicating liquor.

Each member of the commission, ~~and the chairman~~ chairperson

shall receive a salary fixed pursuant to division (J) of section 1060
124.15 of the Revised Code. In addition ~~thereto~~ to that salary, 1061
each member shall receive ~~the~~ actual and necessary travel expenses 1062
in connection with commission hearings and business. The ~~chairman~~ 1063
chairperson shall be an attorney at law who has had five years of 1064
active law practice. 1065

Sec. 4301.10. (A) The division of liquor control shall do all 1066
of the following: 1067

(1) Control the traffic in beer and intoxicating liquor in 1068
this state, including the manufacture, importation, and sale of 1069
beer and intoxicating liquor; 1070

(2) Grant or refuse permits for the manufacture, 1071
distribution, transportation, and sale of beer and intoxicating 1072
liquor and the sale of alcohol, as authorized or required by this 1073
chapter and Chapter 4303. of the Revised Code; ~~and a. A~~ 1074
certificate, signed by the superintendent of liquor control and to 1075
which is affixed the official seal of the division, stating that 1076
it appears from the records of the division that no permit has 1077
been issued to the person specified in the certificate, or that a 1078
permit, if issued, has been revoked, canceled, or suspended, shall 1079
be received as prima-facie evidence of the facts recited in the 1080
certificate in any court, or before any officer of this state; 1081

(3) Put into operation, manage, and control a system of state 1082
liquor stores for the sale of spirituous liquor at retail and to 1083
holders of permits authorizing the sale of spirituous liquor; 1084
however, the division shall not establish any drive-in state 1085
liquor stores; and by means of those types of stores, and any 1086
manufacturing plants, distributing and bottling plants, 1087
warehouses, and other facilities that it considers expedient, 1088
establish and maintain a state monopoly of the distribution of 1089
spirituous liquor and its sale in packages or containers; and for 1090

that purpose manufacture, buy, import, possess, and sell 1091
spirituous liquors as provided in this chapter and Chapter 4303. 1092
of the Revised Code, and in the rules promulgated by the 1093
superintendent of liquor control pursuant to those chapters; 1094
lease, or in any manner acquire the use of any land or building 1095
required for any of those purposes; purchase any equipment that is 1096
required; and borrow money to carry on its business, and issue, 1097
sign, endorse, and accept notes, checks, and bills of exchange; 1098
but all obligations of the division created under authority of 1099
this division shall be a charge only upon the moneys received by 1100
the division from the sale of spirituous liquor and its other 1101
business transactions in connection with the sale of spirituous 1102
liquor, and shall not be general obligations of the state; 1103

(4) Enforce the administrative provisions of this chapter and 1104
Chapter 4303. of the Revised Code, and the rules and orders of the 1105
liquor control commission and the superintendent relating to the 1106
manufacture, importation, transportation, distribution, and sale 1107
of beer and intoxicating liquors; ~~and the~~. The attorney general, 1108
any prosecuting attorney, and any prosecuting officer of a 1109
municipal corporation or a municipal court shall, at the request 1110
of the division of liquor control or the department of public 1111
safety, prosecute any person charged with the violation of any 1112
provision in those chapters or of any section of the Revised Code 1113
relating to the manufacture, importation, transportation, 1114
distribution, and sale of beer and intoxicating liquor; ~~and~~. 1115

(5) Determine the locations of all state liquor stores and 1116
manufacturing, distributing, and bottling plants required in 1117
connection ~~therewith~~ with those stores, subject to this chapter 1118
and Chapter 4303. of the Revised Code; 1119

(6) Conduct inspections of liquor permit premises to 1120
determine compliance with the administrative provisions of this 1121
chapter and Chapter 4303. of the Revised Code and the rules 1122

adopted under those provisions by the liquor control commission. 1123

Except as otherwise provided in division (A)(6) of this 1124
section, those inspections may be conducted only during those 1125
hours in which the permit holder is open for business and only by 1126
authorized agents or employees of the division or by any peace 1127
officer, as defined in section 2935.01 of the Revised Code. 1128
Inspections may be conducted at other hours only to determine 1129
compliance with laws or commission rules that regulate the hours 1130
of sale of beer and intoxicating liquor and only if the 1131
investigator has reasonable cause to believe that those laws or 1132
rules are being violated. Any inspection conducted pursuant to 1133
division (A)(6) of this section is subject to all of the following 1134
requirements: 1135

(a) The only property that may be confiscated is contraband, 1136
as defined in section 2901.01 of the Revised Code, or property 1137
that is otherwise necessary for evidentiary purposes. 1138

(b) A complete inventory of all property confiscated from the 1139
premises shall be given to the permit holder or the permit 1140
holder's agent or employee by the confiscating agent or officer at 1141
the conclusion of the inspection. At that time, the inventory 1142
shall be signed by the confiscating agent or officer, and the 1143
agent or officer shall give the permit holder or the permit 1144
holder's agent or employee the opportunity to sign the inventory. 1145

(c) Inspections conducted pursuant to division (A)(6) of this 1146
section shall be conducted in a reasonable manner. A finding by 1147
any court of competent jurisdiction that the inspection was not 1148
conducted in a reasonable manner in accordance with this section 1149
or any rules promulgated by the commission may be considered 1150
grounds for suppression of evidence. A finding by the liquor 1151
control commission that the inspection was not conducted in a 1152
reasonable manner in accordance with this section or any rules 1153
promulgated by the commission may be considered grounds for 1154

dismissal of the commission case. 1155

If any court of competent jurisdiction finds that property 1156
confiscated as the result of an administrative inspection is not 1157
necessary for evidentiary purposes and is not contraband, as 1158
defined in section 2901.01 of the Revised Code, the court shall 1159
order the immediate return of the confiscated property, provided 1160
that property is not otherwise subject to forfeiture, to the 1161
permit holder. However, the return of this property is not grounds 1162
for dismissal of the case. The commission likewise may order the 1163
return of confiscated property if no criminal prosecution is 1164
pending or anticipated. 1165

(7) Delegate to any of its agents or employees any power of 1166
investigation that the division possesses with respect to the 1167
enforcement of any of the administrative laws relating to beer and 1168
intoxicating liquor, provided that this division does not 1169
authorize the division to designate any agent or employee to serve 1170
as an enforcement agent. The employment and designation of 1171
enforcement agents shall be within the exclusive authority of the 1172
director of public safety pursuant to sections 5502.13 to 5502.19 1173
of the Revised Code. 1174

(8) ~~Except as otherwise provided in division (A)(8) of this~~ 1175
~~section, collect~~ Collect the following fees: 1176

(a) ~~An annual twenty five~~ A biennial fifty dollar 1177
registration fee for each ~~representative agent, solicitor, or~~ 1178
salesperson, registered pursuant to section 4303.25 of the Revised 1179
Code, of a beer or intoxicating liquor manufacturer, supplier, 1180
broker, or wholesale distributor doing business in this state; 1181

(b) A fifty-dollar product registration fee for each new beer 1182
or intoxicating liquor product sold in this state. The product 1183
registration fee shall be accompanied by a copy of the federal 1184
label and product approval for the new product. 1185

(c) An annual three-hundred-dollar ~~out-of-state~~ supplier
consent to import registration fee from each manufacturer or
supplier ~~not subject to division (A)(8)(c) of this section~~ that
produces and ships into this state, or ships into this state,
intoxicating liquor or beer, in addition to an initial application
fee of one hundred dollars; 1186
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~~(d) An annual twenty-five-dollar registration fee for coil
cleaners of beer dispensing equipment doing business in this
state.~~ 1192
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1194

~~(e) An annual one-hundred-dollar out-of-state
consent to import fee, in addition to an initial application fee
of one hundred dollars, from any manufacturer or out-of-state
supplier that produced or shipped into this state in the
immediately preceding calendar year a total of five hundred or
fewer cases of seven-hundred-fifty milliliter equivalent of
intoxicating liquor and twelve-ounce equivalent of beer.~~ 1195
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Each ~~consent to import, representative's~~ supplier, agent,
solicitor, or salesperson registration, ~~and coil cleaner
registration~~ issued under this division (A)(8) ~~of this section~~
authorizes shall authorize the person named to carry on the
activity specified in the registration. Each agent, solicitor, or
salesperson registration is valid for two years or for the
unexpired portion of a two-year registration period. Each supplier
registration is valid for one year, ~~or for the unexpired portion~~
of ~~the a one-year, ending~~ registration period. Registrations shall
end on the their respective uniform expiration date ~~for each,~~
which shall be designated by the division, and ~~is~~ are subject to
suspension, revocation, cancellation, or fine as authorized by
this chapter and Chapter 4303. of the Revised Code. 1202
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(9) Establish a system of electronic data interchange within 1215
the division and regulate the electronic transfer of information 1216

and funds among persons and governmental entities engaged in the 1217
manufacture, distribution, and retail sale of alcoholic beverages; 1218

(10) Exercise all other powers expressly or by necessary 1219
implication conferred upon the division by this chapter and 1220
Chapter 4303. of the Revised Code, and all powers necessary for 1221
the exercise or discharge of any power, duty, or function 1222
expressly conferred or imposed upon the division by those 1223
chapters. 1224

(B) The division may do all of the following: 1225

(1) Sue, but may be sued only in connection with the 1226
execution of leases of real estate and the purchases and contracts 1227
necessary for the operation of the state liquor stores that are 1228
made under this chapter and Chapter 4303. of the Revised Code; 1229

(2) Enter into leases and contracts of all descriptions and 1230
acquire and transfer title to personal property with regard to the 1231
sale, distribution, and storage of spirituous liquor within the 1232
state; 1233

(3) Terminate at will any lease entered into pursuant to 1234
division (B)(2) of this section upon first giving ninety days' 1235
notice in writing to the lessor of its intention to do so; 1236

(4) Fix the wholesale and retail prices at which the various 1237
classes, varieties, and brands of spirituous liquor shall be sold 1238
by the division. Those retail prices shall be the same at all 1239
state liquor stores, except to the extent that a price 1240
differential is required to collect a county sales tax levied 1241
pursuant to section 5739.021 of the Revised Code and for which tax 1242
the tax commissioner has authorized prepayment pursuant to section 1243
5739.05 of the Revised Code. In fixing selling prices, the 1244
division shall compute an anticipated gross profit at least 1245
sufficient to provide in each calendar year all costs and expenses 1246
of the division and also an adequate working capital reserve for 1247

the division. The gross profit shall not exceed forty per cent of 1248
the retail selling price based on costs of the division, and in 1249
addition the sum required by section 4301.12 of the Revised Code 1250
to be paid into the state treasury. An amount equal to one and 1251
one-half per cent of that gross profit shall be paid into the 1252
statewide treatment and prevention fund created by section 4301.30 1253
of the Revised Code and be appropriated by the general assembly 1254
from the fund to the department of alcohol and drug addiction 1255
services as provided in section 4301.30 of the Revised Code. 1256

On spirituous liquor manufactured in ~~Ohio~~ this state from the 1257
juice of grapes or fruits grown in ~~Ohio~~ this state, the division 1258
shall compute an anticipated gross profit of not to exceed ten per 1259
cent. The wholesale prices shall be at a discount of not less than 1260
twelve and one-half per cent of the retail selling prices as 1261
determined by the division in accordance with this section. 1262

(C) The division may approve the expansion or diminution of a 1263
premises to which a liquor permit has been issued and may adopt 1264
standards governing such an expansion or diminution. 1265

Sec. 4301.19. The division of liquor control shall sell 1266
spirituous liquor only, whether from a warehouse or from a state 1267
liquor store or agency store. All sales shall be in sealed 1268
containers and for resale as authorized by this chapter and 1269
Chapter 4303. of the Revised Code or for consumption off the 1270
premises only. Except as otherwise provided in this section, sale 1271
of containers holding one-half pint or less of spirituous liquor 1272
by the division shall be made at retail only, and not for the 1273
purpose of resale by any purchaser, by special order placed with a 1274
state ~~retail~~ liquor store or agency store and subject to rules 1275
established by the superintendent of liquor control. The division 1276
may sell at wholesale spirituous liquor in fifty milliliter sealed 1277
containers to any holder of a permit issued under Chapter 4303. of 1278

the Revised Code that authorizes the sale of spirituous liquor for 1279
consumption on the premises where sold. A person appointed by the 1280
division to act as an agent for the sale of spirituous liquor 1281
pursuant to section 4301.17 of the Revised Code may provide and 1282
accept gift certificates and may accept credit cards and debit 1283
cards for the retail purchase of spirituous liquor. Deliveries 1284
shall be made in the manner the superintendent determines by rule. 1285

If any person desires to purchase any variety or brand of 1286
spirituous liquor which is not in stock at the state liquor store 1287
or agency store where the variety or brand is ordered, the 1288
division shall immediately procure the variety or brand ~~after a~~ 1289
~~reasonable deposit is made by the purchaser in such proportion of~~ 1290
~~the approximate cost of the order as is prescribed by the rules of~~ 1291
~~the superintendent.~~ The purchaser shall be immediately notified 1292
upon the arrival of the spirituous liquor at the store at which it 1293
was ordered. Unless the purchaser pays for the variety or brand 1294
and accepts delivery within five days after the giving of the 1295
notice, the division may place the spirituous liquor in stock for 1296
general sale, ~~and the deposit of the purchaser shall be forfeited.~~ 1297

Sec. 4301.20. ~~Chapters 4301.~~ This chapter and Chapter 4303. 1298
of the Revised Code do not prevent the following: 1299

(A) The storage of intoxicating liquor in bonded warehouses, 1300
established in accordance with the acts of congress and under the 1301
regulation of the United States, located in this state, or the 1302
transportation of intoxicating liquor to or from bonded warehouses 1303
of the United States wherever located; 1304

(B) A bona fide resident of this state who is the owner of a 1305
warehouse receipt from obtaining or transporting to the ~~person's~~ 1306
resident's residence for the ~~person's~~ resident's own consumption 1307
and not for resale spirituous liquor stored in a government bonded 1308

warehouse in this state or in another state prior to December, 1309
1933, subject to such terms as are prescribed by the division of 1310
liquor control; 1311

(C) The manufacture of cider from fruit for the purpose of 1312
making vinegar, and nonintoxicating cider and fruit juices for use 1313
and sale; 1314

(D) A licensed physician or dentist from administering or 1315
dispensing intoxicating liquor or alcohol to a patient in good 1316
faith in the actual course of the practice of the physician's or 1317
dentist's profession; 1318

(E) The sale of alcohol to physicians, dentists, druggists, 1319
veterinary surgeons, manufacturers, hospitals, infirmaries, or 1320
medical or educational institutions using the ~~same~~ alcohol for 1321
medicinal, mechanical, chemical, or scientific purposes; 1322

(F) The sale, gift, or keeping for sale by druggists and 1323
others of any of the medicinal preparations manufactured in 1324
accordance with the formulas prescribed by the United States 1325
Pharmacopoeia and National Formulary, patent or proprietary 1326
preparations, and other bona fide medicinal and technical 1327
preparations, which contain no more alcohol than is necessary to 1328
hold the medicinal agents in solution and to preserve the same, 1329
which are manufactured and sold as medicine and not as beverages, 1330
are unfit for use for beverage purposes, and the sale of which 1331
does not require the payment of a United States liquor dealer's 1332
tax; 1333

(G) The manufacture and sale of tinctures or of toilet, 1334
medicinal, and antiseptic preparations and solutions not intended 1335
for internal human use nor to be sold as beverages, and which are 1336
unfit for beverage purposes, if upon the outside of each bottle, 1337
box, or package of which there is printed in the English language, 1338
conspicuously and legibly, the quantity by volume of alcohol in 1339

~~such~~ the preparation or solution; 1340

(H) The manufacture and keeping for sale of the food products 1341
known as flavoring extracts when manufactured and sold for 1342
cooking, culinary, or flavoring purposes, and which are unfit for 1343
use for beverage purposes; 1344

(I) The lawful sale of wood alcohol or of ethyl alcohol for 1345
external use when combined with ~~such~~ other substances as to make 1346
it unfit for internal use; 1347

(J) The purchase and importation into this state of 1348
intoxicating liquor for use in manufacturing processes of 1349
nonbeverage food products under ~~such~~ terms ~~as are~~ prescribed by 1350
the division, provided that the terms prescribed by the division 1351
shall not increase the cost of ~~such~~ the intoxicating ~~liquors~~ 1352
liquor to any person, firm, or corporation purchasing and 1353
importing ~~the same~~ it into this state for ~~any such~~ that use; 1354

(K) Any resident of this state or any member of the armed 1355
forces of the United States, who has attained the age of 1356
twenty-one years, from bringing into this state, for personal use 1357
and not for resale, not more than one liter of spirituous liquor 1358
in any thirty-day period, and the same is free of any tax consent 1359
fee when ~~such~~ the resident or member of the armed forces 1360
physically possesses and accompanies ~~such~~ the spirituous liquor on 1361
returning from a foreign country, another state, or an insular 1362
possession of the United States; 1363

(L) Persons, at least twenty-one years of age, who collect 1364
ceramic commemorative bottles containing spirituous liquor which 1365
have unbroken federal tax stamps ~~thereon~~ on them from selling or 1366
trading ~~such~~ the bottles to other collectors. ~~Such~~ The bottles 1367
must originally have been purchased at retail from the division, 1368
legally imported under division (K) of this section, or legally 1369
imported pursuant to a ~~consent to import~~ supplier registration 1370

issued by the division. ~~Such~~ The sales shall be for the purpose of 1371
exchanging a ceramic commemorative bottle between private 1372
collectors and shall not be for the purpose of selling the 1373
spirituous liquor for personal consumption. The sale or exchange 1374
authorized by this division shall not occur on the premises of any 1375
permit holder, shall not be made in connection with the business 1376
of any permit holder, and shall not be made in connection with any 1377
mercantile business. 1378

Sec. 4301.22. Sales of beer and intoxicating liquor under all 1379
classes of permits and from state liquor stores are subject to the 1380
following restrictions, in addition to those imposed by the rules 1381
or orders of the division of liquor control: 1382

(A)(1) Except as otherwise provided in this chapter, no beer 1383
or intoxicating liquor shall be sold to any person under 1384
twenty-one years of age. 1385

(2) No low-alcohol beverage shall be sold to any person under 1386
eighteen years of age. No permit issued by the division shall be 1387
suspended, revoked, or canceled because of a violation of division 1388
(A)(2) of this section. 1389

(3) No intoxicating liquor shall be handled by any person 1390
under twenty-one years of age, except that a person eighteen years 1391
of age or older employed by a permit holder may handle or sell 1392
beer or intoxicating liquor in sealed containers in connection 1393
with wholesale or retail sales, and any person nineteen years of 1394
age or older employed by a permit holder may handle intoxicating 1395
liquor in open containers when acting in the capacity of a server 1396
in a hotel, restaurant, club, or night club, as defined in 1397
division (B) of section 4301.01 of the Revised Code, or in the 1398
premises of a D-7 permit holder. This section does not authorize 1399
persons under twenty-one years of age to sell intoxicating liquor 1400
across a bar. Any person employed by a permit holder may handle 1401

beer or intoxicating liquor in sealed containers in connection 1402
with manufacturing, storage, warehousing, placement, stocking, 1403
bagging, loading, or unloading, and may handle beer or 1404
intoxicating liquor in open containers in connection with cleaning 1405
tables or handling empty bottles or glasses. 1406

(B) No permit holder and no agent or employee of a permit 1407
holder shall sell or furnish beer or intoxicating liquor to an 1408
intoxicated person. 1409

~~(C) No intoxicating liquor shall be sold to any individual 1410
who habitually drinks intoxicating liquor to excess, or to whom 1411
the division has, after investigation, determined to prohibit the 1412
sale of such intoxicating liquor, because of cause shown by the 1413
husband, wife, father, mother, brother, sister, or other person 1414
dependent upon, or in charge of such individual, or by the mayor 1415
of any municipal corporation, or a township trustee of any 1416
township in which the individual resides. The order of the 1417
division in such case shall remain in effect until revoked by the 1418
division. 1419~~

~~(D)~~ No sales of intoxicating liquor shall be made after 1420
two-thirty a.m. on Sunday, except that intoxicating liquor may be 1421
sold on Sunday under authority of a permit ~~which~~ that authorizes 1422
Sunday sale. 1423

This section does not prevent a municipal corporation from 1424
adopting a closing hour for the sale of intoxicating liquor 1425
earlier than two-thirty a.m. on Sunday or to provide that no 1426
intoxicating liquor may be sold prior to that hour on Sunday. 1427

~~(E)~~(D) No holder of a permit shall give away any beer or 1428
intoxicating liquor of any kind at any time in connection with 1429
permit holder's business. 1430

~~(F)~~(E) Except as otherwise provided in this division, no 1431
retail permit holder shall display or permit the display on the 1432

outside of any licensed retail premises, or on any lot of ground 1433
on which the licensed premises are situated, or on the exterior of 1434
any building of which ~~said~~ the licensed premises are a part, any 1435
sign, illustration, or advertisement bearing the name, brand name, 1436
trade name, trade-mark, designation, or other emblem of or 1437
indicating the manufacturer, producer, distributor, place of 1438
manufacture, production, or distribution of any beer or 1439
intoxicating liquor. Signs, illustrations, or advertisements 1440
bearing the name, brand name, trade name, trade-mark, designation, 1441
or other emblem of or indicating the manufacturer, producer, 1442
distributor, place of manufacture, production, or distribution of 1443
beer or intoxicating liquor may be displayed and permitted to be 1444
displayed on the interior or in the show windows of any licensed 1445
premises, if the particular brand or type of product so advertised 1446
is actually available for sale on the premises at the time of ~~such~~ 1447
that display. The liquor control commission shall determine by 1448
rule the size and character of ~~such~~ those signs, illustrations, or 1449
advertisements. 1450

~~(G)~~(F) No retail permit holder shall possess on the licensed 1451
premises any barrel or other container from which beer is drawn, 1452
unless there is attached to the spigot or other dispensing 1453
apparatus the name of the manufacturer of the product contained 1454
~~therein in the barrel or other container~~, provided that ~~where~~ 1455
~~such~~, if the beer is served at a bar, the manufacturer's name or 1456
brand must appear in full view of the purchaser. The commission 1457
shall regulate the size and character of the devices provided for 1458
in this section. 1459

~~(H)~~(G) Except as otherwise provided in this division, no sale 1460
of any gift certificate shall be permitted whereby beer or 1461
intoxicating liquor of any kind is to be exchanged for ~~such~~ the 1462
certificate, unless the gift certificate can be exchanged only for 1463
food, and beer or intoxicating liquor, for on-premises consumption 1464

and the value of the beer or intoxicating liquor for which the
certificate can be exchanged does not exceed more than thirty per
cent of the total value of the gift certificate. The sale of gift
certificates for the purchase of beer, wine, or mixed beverages
shall be permitted for the purchase of beer, wine, or mixed
beverages for off-premises consumption. Limitations on the use of
a gift certificate for the purchase of beer, wine, or mixed
beverages for off-premises consumption may be expressed by clearly
stamping or typing on the face of the certificate that the
certificate may not be used for the purchase of beer, wine, or
mixed beverages.

Sec. 4301.24. No manufacturer shall aid or assist the holder
of any permit for sale at wholesale, and no manufacturer or
wholesale distributor shall aid or assist the holder of any permit
for sale at retail, by gift or loan of any money or property of
any description or other valuable thing, or by giving premiums or
rebates. No holder of any such permit shall accept the same,
provided that the manufacturer or wholesale distributor may
furnish to a retail permittee the inside signs or advertising and
the tap signs or devices authorized by divisions (E) and (F) ~~and~~
~~(G)~~ of section 4301.22 of the Revised Code.

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

No manufacturer shall, except as authorized by section
4303.021 of the Revised Code, have any financial interest,
directly or indirectly, by stock ownership, or through

interlocking directors in a corporation, or otherwise, in the 1496
establishment, maintenance, or promotion of the business of any 1497
retail dealer. No wholesale distributor or employee of a wholesale 1498
distributor shall have any financial interest, directly or 1499
indirectly, by stock ownership, interlocking directors in a 1500
corporation, or otherwise, in the establishment, maintenance, or 1501
promotion of the business of any retail dealer. No manufacturer or 1502
wholesale distributor or any stockholder of a manufacturer or 1503
wholesale distributor shall acquire, by ownership in fee, 1504
leasehold, mortgage, or otherwise, directly or indirectly, any 1505
interest in the premises on which the business of any other person 1506
engaged in the business of trafficking in beer or intoxicating 1507
liquor is conducted. All contracts, covenants, conditions, and 1508
limitations whereby any person engaged or proposing to engage in 1509
the sale of beer or intoxicating liquors promises to confine the 1510
person's sales of a particular kind or quality of beer or 1511
intoxicating liquor to one or more products, or the products of a 1512
specified manufacturer or wholesale distributor, or to give 1513
preference to those products, shall to the extent of that promise 1514
be void. The making of a promise in any such form shall be cause 1515
for the revocation or suspension of any permit issued to any 1516
party. This section does not prevent the holder of an A permit 1517
from securing and holding a wholesale distributor's permit or 1518
permits and operating as a wholesale distributor. 1519

No manufacturer shall sell or offer to sell to any wholesale 1520
distributor or retail permit holder, no wholesale distributor 1521
shall sell or offer to sell to any retail permit holder, and no 1522
wholesale distributor or retail permit holder shall purchase or 1523
receive from any manufacturer or wholesale distributor, any beer, 1524
brewed beverages, or wine manufactured in the United States except 1525
for cash. No right of action shall exist to collect any claims for 1526
credit extended contrary to this section. This section does not 1527
prohibit a licensee from crediting to a purchaser the actual 1528

prices charged for packages or containers returned by the original 1529
purchaser as a credit on any sale or from refunding to any 1530
purchaser the amount paid by that purchaser for containers or as a 1531
deposit on containers when title is retained by the vendor, if 1532
those containers or packages have been returned to the 1533
manufacturer or distributor. This section does not prohibit a 1534
manufacturer from extending usual and customary credit for beer, 1535
brewed beverages, or wine manufactured in the United States and 1536
sold to customers who live or maintain places of business outside 1537
this state when the beverages so sold are actually transported and 1538
delivered to points outside this state. No wholesale or retail 1539
permit shall be issued to an applicant unless the applicant has 1540
paid in full all accounts for beer or wine, manufactured in the 1541
United States, outstanding as of September 6, 1939. No beer or 1542
wine manufactured in the United States shall be imported into the 1543
state unless the beer or wine has been paid for in cash, and no 1544
~~consent to import~~ supplier registration for any such beer or wine 1545
manufactured in the United States shall be issued by the division 1546
of liquor control until the A-2, B-1, or B-5 permit holder 1547
establishes to the satisfaction of the division that the beer or 1548
wine has been paid for in cash. 1549

This section does not prevent a manufacturer from securing 1550
and holding any financial interest, directly or indirectly, by 1551
stock ownership or through interlocking directors in a 1552
corporation, or otherwise, in the establishment, maintenance, or 1553
promotion of the business or premises of any C or D permit holder, 1554
provided that the following conditions are met: 1555

(A) Either the manufacturer or one of its parent companies is 1556
listed on a national securities exchange. 1557

(B) All purchases of alcoholic beverages by the C or D permit 1558
holder are made from wholesale distributors in this state or 1559
agency stores licensed by the division of liquor control. 1560

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

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

This section does not prevent a manufacturer from giving financial assistance to the holder of a B permit for the purpose of the holder purchasing an ownership interest in the business, existing inventory and equipment, or property of another B permit holder, including, but not limited to, participation in a limited liability partnership, limited liability company, or any other 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. 4301.29. (A) Whenever the department of public safety seizes beer, ~~or intoxicating liquor, or alcohol pursuant to Chapters 4301. and 4303. of the Revised Code,~~ the department shall ~~forthwith~~ destroy any ~~or distribute the~~ beer, or intoxicating liquor, ~~or alcohol, unless it is determined to be fit for sale. If the beer, intoxicating liquor, or alcohol is determined to be fit for sale, it shall be transferred to the department or, beginning on July 1, 1997, the division of liquor control for disposition~~

~~under in accordance with division (D)(4) of section 2933.41 of the~~ 1592
Revised Code. 1593

(B)(1) In case of any seizure of beer, or intoxicating 1594
liquor, ~~or alcohol~~ under execution of any judgment rendered 1595
against the holder of a permit, ~~or in case of relation to the~~ 1596
foreclosure of any lien on any beer, or intoxicating liquor, ~~or~~ 1597
~~alcohol~~ belonging to ~~any such a holder of a permit, or in case of~~ 1598
relation to the insolvency or bankruptcy of such a holder of a 1599
permit, or in any other case in which judicial process is employed 1600
to subject any beer, or intoxicating liquor, ~~or alcohol~~ belonging 1601
to or in the possession of the holder of a permit to any ~~claims~~ 1602
~~whatsoever claim~~, the ~~officer person~~ seizing ~~such the~~ beer, or 1603
intoxicating liquor, ~~or alcohol or taking possession thereof~~ 1604
~~pursuant to such process shall deliver to the department or~~ 1605
~~division all beer, intoxicating liquor, or alcohol found in the~~ 1606
~~possession of the judgment debtor, bankrupt, or person for whom~~ 1607
~~the officer has been appointed as a receiver. Thereupon the~~ 1608
~~department or division shall sell such beer, intoxicating liquor,~~ 1609
~~or alcohol and pay the proceeds of the sale thereof to the officer~~ 1610
~~holding the process to be disposed of by the officer according to~~ 1611
or the person's designee may sell it, subject to division (B)(2) 1612
of this section, after obtaining the written consent of the 1613
division of liquor control. Proceeds from the sale of the beer or 1614
intoxicating liquor shall be paid in accordance with the 1615
applicable law and the orders of the court issuing such the 1616
process. 1617

(2) Beer or intoxicating liquor that is sold under division 1618
(B)(1) of this section shall not be sold to or purchased by the 1619
holder of a liquor permit, an applicant for a liquor permit, or 1620
any other business. 1621

Sec. 4301.30. All fees collected by the division of liquor 1622

control shall be deposited in the state treasury to the credit of 1623
the undivided liquor permit fund, which is hereby created, at the 1624
time prescribed under section 4301.12 of the Revised Code. Each 1625
payment shall be accompanied by a statement showing separately the 1626
amount collected for each class of permits in each municipal 1627
corporation and in each township outside the limits of any 1628
municipal corporation in such township. An amount equal to 1629
forty-five per cent of the fund shall be paid from the fund into 1630
the general revenue fund. 1631

Twenty per cent of the undivided liquor permit fund shall be 1632
paid into the statewide treatment and prevention fund, which is 1633
hereby created in the state treasury. This amount shall be 1634
appropriated by the general assembly, together with an amount 1635
equal to one and one-half per cent of the gross profit of the 1636
division of liquor control derived under division (B)(4) of 1637
section 4301.10 of the Revised Code, to the department of alcohol 1638
and drug addiction services. In planning for the allocation of and 1639
in allocating these amounts for the purposes of Chapter 3793. of 1640
the Revised Code, the department of alcohol and drug addiction 1641
services shall comply with the nondiscrimination provisions of 1642
Title VI of the Civil Rights Act of 1964, and any rules adopted 1643
under that act. 1644

Thirty-five per cent of the undivided liquor permit fund 1645
shall be distributed by the superintendent of liquor control at 1646
quarterly calendar periods as follows: 1647

(A) To each municipal corporation, the aggregate amount shown 1648
by the statements to have been collected from permits in the 1649
municipal corporation, for the use of the general fund of the 1650
municipal corporation; 1651

(B) To each township, the aggregate amount shown by the 1652
statements to have been collected from permits in its territory, 1653

outside the limits of any municipal corporation located in the 1654
township, for the use of the general fund of the township, or for 1655
fire protection purposes, including buildings and equipment in the 1656
township or in an established fire district within the township, 1657
to the extent that the funds are derived from liquor permits 1658
within the territory comprising such fire district. 1659

For the purpose of the distribution required by this section, 1660
E, H, and D permits covering boats or vessels are deemed to have 1661
been issued in the municipal corporation or township wherein the 1662
owner or operator of the vehicle, boat, vessel, or dining car 1663
equipment to which the permit relates has the owner's or 1664
operator's principal office or place of business within the state. 1665

~~Such distributions are subject to diminutions for refunds as~~ 1666
~~prescribed in section 4301.41 of the Revised Code.~~ If the liquor 1667
control commission ~~is of the opinion~~ determines that the police or 1668
other officers of any municipal corporation or township entitled 1669
to share in such ~~a distribution~~ distributions are refusing or 1670
culpably neglecting to enforce this chapter and Chapter 4303. of 1671
the Revised Code, or the penal laws of this state relating to the 1672
manufacture, importation, transportation, distribution, and sale 1673
of beer and intoxicating liquors, or if the prosecuting officer of 1674
a municipal corporation or a municipal court fails to comply with 1675
the request of the commission authorized by division (A)(4) of 1676
section 4301.10 of the Revised Code, the commission, by certified 1677
mail, may notify the chief executive officer of the municipal 1678
corporation or the board of township trustees of the township of 1679
the failure and require the immediate cooperation of the 1680
responsible officers of the municipal corporation or township with 1681
the division of liquor control in the enforcement of those 1682
chapters and penal laws. Within thirty days after the notice is 1683
served, the commission shall determine whether the requirement has 1684
been complied with. If the commission determines that the 1685

requirement has not been complied with, it may issue an order to 1686
the superintendent to withhold the distributive share of the 1687
municipal corporation or township until further order of the 1688
commission. This action of the commission is reviewable within 1689
thirty days thereafter in the court of common pleas of Franklin 1690
county. 1691

Sec. 4301.39. (A) When the board of elections of any county 1692
determines that a petition for a local option election, presented 1693
pursuant to section 4301.33, 4301.331, 4301.332, 4301.333, 1694
4303.29, or 4305.14 of the Revised Code is sufficient, it shall 1695
forthwith, by mail, notify the division of liquor control of the 1696
fact that ~~such a~~ the petition has been filed and approved by it. 1697
Upon the determination of the results of any such election, the 1698
board shall forthwith notify the division by mail of the result 1699
and shall forward with the notice a plat of the precinct in which 1700
the election was held and, if applicable, shall separately 1701
identify the portion of the precinct affected by the election. 1702

(B) On the plat of a precinct, forwarded with the results of 1703
an election that was held under section 4301.35, 4301.351, 1704
4301.353, 4301.354, or 4303.29 of the Revised Code, the board 1705
shall show and designate all of the streets and highways in the 1706
precinct or relevant portion ~~thereof~~ of the precinct. 1707

(C) On the plat of a precinct, forwarded with the results of 1708
an election that was held under section 4301.352 of the Revised 1709
Code, the board shall show and designate all of the following: 1710

(1) All of the streets and highways in the precinct; 1711

(2) The permit premises designated in the petition that was 1712
filed under section 4301.331 of the Revised Code; 1713

(3) A class C or D permit holder's personal or corporate 1714
name, and, if it is different from the permit holder's personal or 1715

corporate name, the name of the business conducted by the permit holder on the designated premises;

(4) The address of the designated premises.

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

(1) All streets and highways in the precinct;

(2) The address of the particular location within the precinct to which the election results will apply as designated in the petition that was filed under section 4301.333 of the Revised Code;

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

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

(1) Each permit premises designated in the petition;

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

(F) If an application for recount is filed with the board ~~of elections~~ pursuant to section 3515.02 of the Revised Code or if an election contest is commenced pursuant to section 3515.09 of the Revised Code, the board ~~of elections~~ shall send written notice of

the recount or contest, by certified mail, to the superintendent 1746
of liquor control within two days from the date of the filing of 1747
the application for recount or the commencement of an election 1748
contest. Upon the final determination of an election recount or 1749
contest, the board ~~of elections~~ shall send notice of the final 1750
determination, by certified mail, to the superintendent and the 1751
liquor control commission. 1752

(G) If, as the result of a local option election held 1753
pursuant to section 4301.35, 4301.351, 4301.353, 4301.354, 1754
4303.29, or 4305.14 of the Revised Code, the use of a permit is 1755
made partially unlawful, the division shall, within thirty days 1756
after receipt of the final notice of the result of the election, 1757
pick up ~~and the permit,~~ amend ~~the permit~~ it by inserting 1758
appropriate restrictions on ~~the permit~~ it, and forthwith reissue 1759
~~the permit~~ it without charge or refund to the permit holder, 1760
unless, prior to thirty days after receipt of the final notice of 1761
the result of ~~such~~ the election, both of the following occur: 1762

(1) A petition is filed with the board ~~of elections~~ pursuant 1763
to section 4301.333 of the Revised Code; 1764

(2) A copy of the petition filed with the board ~~of elections~~ 1765
pursuant to section 4301.333 of the Revised Code, bearing the file 1766
stamp of the board ~~of elections~~, is filed with the superintendent 1767
of ~~the division of~~ liquor control. 1768

If both of those conditions are met, the results of the 1769
election held pursuant to section 4301.35, 4301.351, 4301.353, 1770
4301.354, 4303.29, or 4305.14 of the Revised Code shall not take 1771
effect as to the liquor permit holder specified in the petition 1772
filed pursuant to section 4301.333 of the Revised Code until the 1773
earlier of a determination by the board ~~of elections~~ and receipt 1774
of notification ~~of~~ by the superintendent of ~~the division of~~ liquor 1775
control of notice that the petition is invalid or receipt by the 1776
superintendent of final notice of the result of an election held 1777

pursuant to section 4301.355 of the Revised Code concerning the 1778
holder of the liquor permit that resulted in a majority "no" vote. 1779

(H) If, as the result of a local option election, except a 1780
local option election held pursuant to section 4301.352 of the 1781
Revised Code, the use of a permit is made wholly unlawful, the 1782
permit holder may, within thirty days after the certification of 1783
~~such that~~ final result by the board ~~of elections~~ to the division, 1784
deliver the permit holder's permit to the division for safekeeping 1785
as provided in section 4303.272 of the Revised Code, or the permit 1786
holder may avail itself of the remedy set forth in divisions 1787
(G)(1) and (2) of this section. In such event, the results of the 1788
election shall not take effect as to the liquor permit holder 1789
specified in the petition pursuant to section 4301.333 of the 1790
Revised Code until the earlier of a determination by the board ~~of~~ 1791
~~elections~~ and receipt by the superintendent of ~~the division of~~ 1792
liquor control of notice that the petition is invalid or receipt 1793
by the superintendent of the final notice of the result of an 1794
election held pursuant to section 4301.355 of the Revised Code 1795
concerning the holder of the liquor permit that resulted in a 1796
majority "no" vote. 1797

~~(I) If a municipal corporation or township has been paid all 1798
the moneys due it from permit fees under section 4301.30 of the 1799
Revised Code, it shall refund to the division ninety per cent of 1800
the money attributed to the unexpired portion of all permits which 1801
are still in force at the time of a local option election that 1802
makes use of the permits unlawful, except that no refund shall be 1803
made for the unexpired portion of a license year that is less than 1804
thirty days. Failure of the municipal corporation or township to 1805
refund the amount due entitles the permit holders to operate under 1806
their permits until the refund has been made. 1807~~

~~(J) If a municipal corporation or township has been paid all 1808
the money due it from permit fees under section 4301.30 of the 1809~~

~~Revised Code, it shall refund to the division ninety per cent of
the money attributable to the unexpired portion of a permit at the
time a local option election under section 4301.352 of the Revised
Code makes use of the permit unlawful, except that no refund shall
be made for the unexpired portion of a license year that is less
than thirty days. Failure of the municipal corporation or township
to refund the amount due entitles the permit holder to operate
under the permit until the refund has been made.~~

Sec. 4301.41. ~~Whenever the division of liquor control cancels
a permit, the division shall refund to its holder, or to the
holder's executors, administrators, receivers, or trustees in
bankruptcy, or to an assignee for the benefit of the holder's
creditors, a proportionate amount representing the unexpired
portion of the holder's permit year, except that such refund shall
in no event be more than ninety per cent of such fee, and if the
unexpired portion of the license year is less than thirty days, no
refund shall be made. When the superintendent of liquor control
considers it advisable to cancel the unexpired portion of an
outstanding a permit in order that such the permit ~~or permits,~~
held by the permittee, may be issued on a uniform expiration date
designated by the superintendent, the division of liquor control
may credit ~~or refund~~ the unexpired portion of permit fees
outstanding or collect any additional amounts due resulting from
the uniform expiration date so fixed. Notice of ~~such~~ a change of
~~the~~ expiration date and ~~such of a~~ credit, ~~refund,~~ or additional
amounts to be ~~credited, refunded, or~~ paid shall be given by the
division to the ~~permittee~~ holder of the permit at least thirty
days prior to the due date. ~~Such refund shall be made subject to
the order of the division, and at the next distribution of permit
fee revenues, the amount refunded shall be withheld from the
moneys due to the subdivision which received the original permit
fee.~~~~

Sec. 4301.424. (A) For the purpose of section 351.26 of the Revised Code and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, the board of county commissioners, in the manner prescribed by division (A) of section 351.26 of the Revised Code, may levy a tax on each gallon of spirituous liquor; on the sale of beer; and on the sale of wine and mixed beverages. The tax on spirituous liquor shall be imposed on spirituous liquor sold to or purchased by liquor permit holders for resale, and sold at retail by the ~~department~~ division of liquor control, in the county at a rate not greater than three dollars per gallon; the tax on beer, wine, and mixed beverages shall be imposed on all beer, wine, and mixed beverages sold for resale at retail in the county, and on all beer, wine, and mixed beverages sold at retail in the county by the manufacturer, bottler, importer, or other person and upon which the tax has not been paid. The rate of the tax on beer shall not exceed sixteen cents per gallon, and the rate of the tax on wine and mixed beverages shall not exceed thirty-two cents per gallon. Only one sale of the same article shall be used in computing, reporting, and paying the amount of tax due. The tax may be levied for any number of years not exceeding twenty.

The tax shall be levied pursuant to a resolution of the board of county commissioners adopted as prescribed by division (A) of section 351.26 of the Revised Code and approved by a majority of the electors in the county voting on the question of levying the tax. The resolution shall specify the rates of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. Such election may be held on the date of a general or special election held not sooner than seventy-five days after the date the board certifies its resolution to the board of elections. If approved by the electors, the tax takes effect on

the first day of the month specified in the resolution but not 1874
sooner than the first day of the month that is at least sixty days 1875
after the certification of the election results by the board of 1876
elections. A copy of the resolution levying the tax shall be 1877
certified to the ~~department~~ division of liquor control and the tax 1878
commissioner at least sixty days prior to the date on which the 1879
tax is to become effective. 1880

(B) A resolution under this section may be joined on the 1881
ballot as a single question with a resolution adopted under 1882
section 5743.026 of the Revised Code to levy a tax for the same 1883
purposes, and for the purpose of paying the expenses of 1884
administering that tax. 1885

(C) The form of the ballot in an election held on the 1886
question of levying a tax proposed pursuant to this section shall 1887
be as prescribed by section 351.26 of the Revised Code. 1888

Sec. 4301.77. The division of liquor control may provide the 1889
social security number of an individual that the division 1890
possesses to the department of public safety, the department of 1891
taxation, the office of the attorney general, or any other state 1892
or local law enforcement agency if the department, office, or 1893
other state or local law enforcement agency requests the social 1894
security number from the division to conduct an investigation, 1895
implement an enforcement action, or collect taxes. 1896

Sec. 4301.99. (A) Whoever violates section 4301.47, 4301.48, 1897
4301.49, 4301.62, or 4301.70 or division (B) of section 4301.691 1898
of the Revised Code is guilty of a minor misdemeanor. 1899

(B) Whoever violates section 4301.15, division (A)(2) or ~~(D)~~ 1900
(C) of section 4301.22, division (C), (D), (E), (F), (G), (H), or 1901
(I) of section 4301.631, or section 4301.64 or 4301.67 of the 1902
Revised Code is guilty of a misdemeanor of the fourth degree. 1903

If an offender who violates section 4301.64 of the Revised Code was under the age of eighteen years at the time of the offense, the court, in addition to any other penalties it imposes upon the offender, shall suspend the offender's temporary instruction permit, probationary driver's license, or driver's license for a period of not less than six months and not more than one year. If the offender is fifteen years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has not attained the age of fifteen years and six months, the offender shall not be eligible to be issued a temporary instruction permit until the offender attains the age of sixteen years.

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

If an offender who violates division (E)(1) of section 4301.69 of the Revised Code was under the age of eighteen years at the time of the offense and the offense occurred while the offender was the operator of or a passenger in a motor vehicle, the court, in addition to any other penalties it imposes upon the offender, shall suspend the offender's temporary instruction permit or probationary driver's license for a period of not less than six months and not more than one year. If the offender is fifteen years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has

not attained the age of fifteen years and six months, the offender 1936
shall not be eligible to be issued a temporary instruction permit 1937
until the offender attains the age of sixteen years. 1938

(D) Whoever violates division (B) of section 4301.14, or 1939
division (A)(1) or (3), or (B), ~~or (C)~~ of section 4301.22 of the 1940
Revised Code is guilty of a misdemeanor of the third degree. 1941

(E) Whoever violates section 4301.63 or division (B) of 1942
section 4301.631 of the Revised Code shall be fined not less than 1943
twenty-five nor more than one hundred dollars. The court imposing 1944
a fine for a violation of section 4301.63 or division (B) of 1945
section 4301.631 of the Revised Code may order that the fine be 1946
paid by the performance of public work at a reasonable hourly rate 1947
established by the court. The court shall designate the time 1948
within which the public work shall be completed. 1949

(F)(1) Whoever violates section 4301.634 of the Revised Code 1950
is guilty of a misdemeanor of the first degree. If, in committing 1951
a first violation of that section, the offender presented to the 1952
permit holder or the permit holder's employee or agent a false, 1953
fictitious, or altered identification card, a false or fictitious 1954
driver's license purportedly issued by any state, or a driver's 1955
license issued by any state that has been altered, the offender is 1956
guilty of a misdemeanor of the first degree and shall be fined not 1957
less than two hundred fifty and not more than one thousand 1958
dollars, and may be sentenced to a term of imprisonment of not 1959
more than six months. 1960

(2) On a second violation in which, for the second time, the 1961
offender presented to the permit holder or the permit holder's 1962
employee or agent a false, fictitious, or altered identification 1963
card, a false or fictitious driver's license purportedly issued by 1964
any state, or a driver's license issued by any state that has been 1965
altered, the offender is guilty of a misdemeanor of the first 1966
degree and shall be fined not less than five hundred nor more than 1967

one thousand dollars, and may be sentenced to a term of 1968
imprisonment of not more than six months. The court also may 1969
impose a class seven suspension of the offender's driver's or 1970
commercial driver's license or permit or nonresident operating 1971
privilege from the range specified in division (A)(7) of section 1972
4510.02 of the Revised Code. 1973

(3) On a third or subsequent violation in which, for the 1974
third or subsequent time, the offender presented to the permit 1975
holder or the permit holder's employee or agent a false, 1976
fictitious, or altered identification card, a false or fictitious 1977
driver's license purportedly issued by any state, or a driver's 1978
license issued by any state that has been altered, the offender is 1979
guilty of a misdemeanor of the first degree and shall be fined not 1980
less than five hundred nor more than one thousand dollars, and may 1981
be sentenced to a term of imprisonment of not more than six 1982
months. The court also shall impose a class six suspension of the 1983
offender's driver's or commercial driver's license or permit or 1984
nonresident operating privilege from the range specified in 1985
division (A)(6) of section 4510.02 of the Revised Code, and the 1986
court may order that the suspension or denial remain in effect 1987
until the offender attains the age of twenty-one years. The court 1988
also may order the offender to perform a determinate number of 1989
hours of community service, with the court determining the actual 1990
number of hours and the nature of the community service the 1991
offender shall perform. 1992

(G) Whoever violates section 4301.636 of the Revised Code is 1993
guilty of a felony of the fifth degree. 1994

(H) Whoever violates division (A)(1) of section 4301.22 of 1995
the Revised Code is guilty of a misdemeanor, shall be fined not 1996
less than five hundred and not more than one thousand dollars, 1997
and, in addition to the fine, may be imprisoned for a definite 1998
term of not more than sixty days. 1999

(I) Whoever violates division (A) of section 4301.69 or 2000
division (H) of section 4301.691 of the Revised Code is guilty of 2001
a misdemeanor, shall be fined not less than five hundred and not 2002
more than one thousand dollars, and, in addition to the fine, may 2003
be imprisoned for a definite term of not more than six months. 2004

Sec. 4303.03. Permit A-2 may be issued to a manufacturer to 2005
manufacture wine from grapes or other fruits ~~grown in the state,~~ 2006
~~if obtainable, otherwise to import such fruits after submitting an~~ 2007
~~affidavit of nonavailability to the division of liquor control;~~ to 2008
import and purchase wine in bond for blending purposes, the total 2009
amount of wine so imported during the year covered by the permit 2010
not to exceed forty per cent of all the wine manufactured and 2011
imported; to manufacture, purchase, and import brandy for 2012
fortifying purposes; and to sell ~~such~~ those products either in 2013
glass or container for consumption on the premises where 2014
manufactured, for home use, and to retail and wholesale permit 2015
holders under ~~such~~ the rules ~~as are~~ adopted by the division. 2016

The fee for this permit is one hundred twenty-six dollars for 2017
each plant ~~producing one hundred wine barrels, of fifty gallons~~ 2018
~~each, or less annually. This initial fee shall be increased at the~~ 2019
~~rate of ten cents per such barrel for all wine manufactured in~~ 2020
~~excess of one hundred barrels during the year covered by the~~ to 2021
which this permit is issued. 2022

Sec. 4303.07. Permit B-2 may be issued to a wholesale 2023
distributor of wine to purchase from holders of A-2 and B-5 2024
permits and distribute or sell ~~such~~ that product, in the original 2025
container in which it was placed by the B-5 permit holder or 2026
manufacturer at the place where manufactured, to A-1-A, C-2, D-2, 2027
D-3, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 2028
D-5h, D-5i, D-5j, D-5k, and E permit holders, and for home use. 2029

The fee for this permit is five hundred dollars for each 2030
distributing plant or warehouse. ~~The initial fee shall be~~ 2031
~~increased ten cents per wine barrel of fifty gallons for all wine~~ 2032
~~distributed and sold in this state in excess of twelve hundred~~ 2033
~~fifty such barrels during the year covered by the permit.~~ 2034

Sec. 4303.09. Permit B-4 may be issued to a wholesale 2035
distributor to purchase from the holders of A-4 permits and to 2036
import, distribute, and sell prepared and bottled highballs, 2037
cocktails, cordials, and other mixed beverages containing not less 2038
than four per cent of alcohol by volume and not more than 2039
twenty-one per cent of alcohol by volume to retail permit holders, 2040
and for home use, under rules adopted by the division of liquor 2041
control. The formula and samples of all ~~such~~ of those beverages to 2042
be handled by the permit holder shall be submitted to the division 2043
for its analysis and ~~the approval of the division~~ before ~~such~~ 2044
those beverages may be sold and distributed in this state. All 2045
labels and advertising matter used by the holders of this permit 2046
shall be approved by the division before they may be used in this 2047
state. The fee for this permit ~~shall be computed on the basis of~~ 2048
~~annual sales, and the initial fee~~ is five hundred dollars for each 2049
distributing plant or warehouse. ~~The initial fee shall be~~ 2050
~~increased at the rate of ten cents per wine barrel of fifty~~ 2051
~~gallons for all such beverages distributed and sold in this state~~ 2052
~~in excess of one thousand such barrels during the year covered by~~ 2053
~~the permit.~~ 2054

Sec. 4303.181. (A) Permit D-5a may be issued either to the 2055
owner or operator of a hotel or motel that is required to be 2056
licensed under section 3731.03 of the Revised Code, that contains 2057
at least fifty rooms for registered transient guests or is owned 2058
by a state institution of higher education as defined in section 2059

3345.011 of the Revised Code or a private college or university, 2060
and that qualifies under the other requirements of this section, 2061
or to the owner or operator of a restaurant specified under this 2062
section, to sell beer and any intoxicating liquor at retail, only 2063
by the individual drink in glass and from the container, for 2064
consumption on the premises where sold, and to registered guests 2065
in their rooms, which may be sold by means of a controlled access 2066
alcohol and beverage cabinet in accordance with division (B) of 2067
section 4301.21 of the Revised Code; and to sell the same products 2068
in the same manner and amounts not for consumption on the premises 2069
as may be sold by holders of D-1 and D-2 permits. The premises of 2070
the hotel or motel shall include a retail food establishment or a 2071
food service operation licensed pursuant to Chapter 3717. of the 2072
Revised Code that operates as a restaurant for purposes of this 2073
chapter and that is affiliated with the hotel or motel and within 2074
or contiguous to the hotel or motel, and that serves food within 2075
the hotel or motel, but the principal business of the owner or 2076
operator of the hotel or motel shall be the accommodation of 2077
transient guests. In addition to the privileges authorized in this 2078
division, the holder of a D-5a permit may exercise the same 2079
privileges as the holder of a D-5 permit. 2080

The owner or operator of a hotel, motel, or restaurant who 2081
qualified for and held a D-5a permit on August 4, 1976, may, if 2082
the owner or operator held another permit before holding a D-5a 2083
permit, either retain a D-5a permit or apply for the permit 2084
formerly held, and the division of liquor control shall issue the 2085
permit for which the owner or operator applies and formerly held, 2086
notwithstanding any quota. 2087

A D-5a permit shall not be transferred to another location. 2088
No quota restriction shall be placed on the number of ~~such~~ D-5a 2089
permits that may be issued. 2090

The fee for this permit is two thousand three hundred 2091
forty-four dollars. 2092

(B) Permit D-5b may be issued to the owner, operator, tenant, 2093
lessee, or occupant of an enclosed shopping center to sell beer 2094
and intoxicating liquor at retail, only by the individual drink in 2095
glass and from the container, for consumption on the premises 2096
where sold; and to sell the same products in the same manner and 2097
amount not for consumption on the premises as may be sold by 2098
holders of D-1 and D-2 permits. In addition to the privileges 2099
authorized in this division, the holder of a D-5b permit may 2100
exercise the same privileges as a holder of a D-5 permit. 2101

A D-5b permit shall not be transferred to another location. 2102

One D-5b permit may be issued at an enclosed shopping center 2103
containing at least two hundred twenty-five thousand, but less 2104
than four hundred thousand, square feet of floor area. 2105

Two D-5b permits may be issued at an enclosed shopping center 2106
containing at least four hundred thousand square feet of floor 2107
area. No more than one D-5b permit may be issued at an enclosed 2108
shopping center for each additional two hundred thousand square 2109
feet of floor area or fraction of that floor area, up to a maximum 2110
of five D-5b permits for each enclosed shopping center. The number 2111
of D-5b permits that may be issued at an enclosed shopping center 2112
shall be determined by subtracting the number of D-3 and D-5 2113
permits issued in the enclosed shopping center from the number of 2114
D-5b permits that otherwise may be issued at the enclosed shopping 2115
center under the formulas provided in this division. Except as 2116
provided in this section, no quota shall be placed on the number 2117
of D-5b permits that may be issued. Notwithstanding any quota 2118
provided in this section, the holder of any D-5b permit first 2119
issued in accordance with this section is entitled to its renewal 2120
in accordance with section 4303.271 of the Revised Code. 2121

The holder of a D-5b permit issued before April 4, 1984, 2122
whose tenancy is terminated for a cause other than nonpayment of 2123
rent, may return the D-5b permit to the division of liquor 2124
control, and the division shall cancel that permit. Upon 2125
cancellation of that permit and upon the permit holder's payment 2126
of taxes, contributions, premiums, assessments, and other debts 2127
owing or accrued upon the date of cancellation to this state and 2128
its political subdivisions and a filing with the division of a 2129
certification of that payment, the division shall issue to that 2130
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 2131
that person requests. The division shall issue the D-5 permit, or 2132
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 2133
D-3, or D-5 permits currently issued in the municipal corporation 2134
or in the unincorporated area of the township where that person's 2135
proposed premises is located equals or exceeds the maximum number 2136
of such permits that can be issued in that municipal corporation 2137
or in the unincorporated area of that township under the 2138
population quota restrictions contained in section 4303.29 of the 2139
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 2140
be transferred to another location. If a D-5b permit is canceled 2141
under the provisions of this paragraph, the number of D-5b permits 2142
that may be issued at the enclosed shopping center for which the 2143
D-5b permit was issued, under the formula provided in this 2144
division, shall be reduced by one if the enclosed shopping center 2145
was entitled to more than one D-5b permit under the formula. 2146

The fee for this permit is two thousand three hundred 2147
forty-four dollars. 2148

(C) Permit D-5c may be issued to the owner or operator of a 2149
retail food establishment or a food service operation licensed 2150
pursuant to Chapter 3717. of the Revised Code that operates as a 2151
restaurant for purposes of this chapter and that qualifies under 2152
the other requirements of this section to sell beer and any 2153

intoxicating liquor at retail, only by the individual drink in 2154
glass and from the container, for consumption on the premises 2155
where sold, and to sell the same products in the same manner and 2156
amounts not for consumption on the premises as may be sold by 2157
holders of D-1 and D-2 permits. In addition to the privileges 2158
authorized in this division, the holder of a D-5c permit may 2159
exercise the same privileges as the holder of a D-5 permit. 2160

To qualify for a D-5c permit, the owner or operator of a 2161
retail food establishment or a food service operation licensed 2162
pursuant to Chapter 3717. of the Revised Code that operates as a 2163
restaurant for purposes of this chapter, shall have operated the 2164
restaurant at the proposed premises for not less than twenty-four 2165
consecutive months immediately preceding the filing of the 2166
application for the permit, have applied for a D-5 permit no later 2167
than December 31, 1988, and appear on the division's quota waiting 2168
list for not less than six months immediately preceding the filing 2169
of the application for the permit. In addition to these 2170
requirements, the proposed D-5c permit premises shall be located 2171
within a municipal corporation and further within an election 2172
precinct that, at the time of the application, has no more than 2173
twenty-five per cent of its total land area zoned for residential 2174
use. 2175

A D-5c permit shall not be transferred to another location. 2176
No quota restriction shall be placed on the number of such permits 2177
that may be issued. 2178

Any person who has held a D-5c permit for at least two years 2179
may apply for a D-5 permit, and the division of liquor control 2180
shall issue the D-5 permit notwithstanding the quota restrictions 2181
contained in section 4303.29 of the Revised Code or in any rule of 2182
the liquor control commission. 2183

The fee for this permit is one thousand five hundred 2184
sixty-three dollars. 2185

(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, at an airport operated by a port authority pursuant to Chapter 4582. of the Revised Code, or at an airport operated by a regional airport authority pursuant to Chapter 308. of the Revised Code. 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. No quota restrictions shall be placed on the number of such permits that may be issued.

The fee for this permit is two thousand three hundred forty-four 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;

(3) Contains not less than fifteen hundred square feet of floor area;	2217 2218
(4) Has a seating capacity of fifty or more persons.	2219
The holder of a D-5e permit may 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.	2220 2221 2222
A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.	2223 2224 2225 2226 2227 2228 2229 2230 2231 2232
The fee for this permit is one thousand two hundred nineteen dollars.	2233 2234
(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:	2235 2236 2237 2238 2239
(1) It contains not less than twenty-five hundred square feet of floor area.	2240 2241
(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.	2242 2243
(3) It provides docking space for twenty-five boats.	2244
(4) It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit	2245 2246

premises shall be preparing and serving meals for a consideration. 2247

In addition, each application for a D-5f permit shall be 2248
accompanied by a certification from the local legislative 2249
authority that the issuance of the D-5f permit is not inconsistent 2250
with that political subdivision's comprehensive development plan 2251
or other economic development goal as officially established by 2252
the local legislative authority. 2253

The holder of a D-5f permit may sell beer and intoxicating 2254
liquor at retail, only by the individual drink in glass and from 2255
the container, for consumption on the premises where sold. 2256

A D-5f permit shall not be transferred to another location. 2257

The division of liquor control shall not issue a D-5f permit 2258
if the permit premises or proposed permit premises are located 2259
within an area in which the sale of spirituous liquor by the glass 2260
is prohibited. 2261

A fee for this permit is two thousand three hundred 2262
forty-four dollars. 2263

As used in this division, "navigable river" means a river 2264
that is also a "navigable water" as defined in the "Federal Power 2265
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 2266

(G) Permit D-5g may be issued to a nonprofit corporation that 2267
is either the owner or the operator of a national professional 2268
sports museum. The holder of a D-5g permit may sell beer and any 2269
intoxicating liquor at retail, only by the individual drink in 2270
glass and from the container, for consumption on the premises 2271
where sold. The holder of a D-5g permit shall sell no beer or 2272
intoxicating liquor for consumption on the premises where sold 2273
after one a.m. A D-5g permit shall not be transferred to another 2274
location. No quota restrictions shall be placed on the number of 2275
D-5g permits that may be issued. The fee for this permit is one 2276
thousand eight hundred seventy-five dollars. 2277

(H) Permit D-5h may be issued to any nonprofit organization 2278
that is exempt from federal income taxation under the "Internal 2279
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 2280
amended, that owns or operates a fine arts museum and has no less 2281
than five thousand bona fide members possessing full membership 2282
privileges. The holder of a D-5h permit may sell beer and any 2283
intoxicating liquor at retail, only by the individual drink in 2284
glass and from the container, for consumption on the premises 2285
where sold. The holder of a D-5h permit shall sell no beer or 2286
intoxicating liquor for consumption on the premises where sold 2287
after one a.m. A D-5h permit shall not be transferred to another 2288
location. No quota restrictions shall be placed on the number of 2289
D-5h permits that may be issued. The fee for this permit is one 2290
thousand eight hundred seventy-five dollars. 2291

(I) Permit D-5i may be issued to the owner or operator of a 2292
retail food establishment or a food service operation licensed 2293
under Chapter 3717. of the Revised Code that operates as a 2294
restaurant for purposes of this chapter and that meets all of the 2295
following requirements: 2296

(1) It is located in a municipal corporation or a township 2297
with a population of seventy-five thousand or less. 2298

(2) It has inside seating capacity for at least one hundred 2299
forty persons. 2300

(3) It has at least four thousand square feet of floor area. 2301

(4) It offers full-course meals, appetizers, and sandwiches. 2302

(5) Its receipts from beer and liquor sales do not exceed 2303
twenty-five per cent of its total gross receipts. 2304

(6) ~~The~~ It has at least one of the following characteristics: 2305

(a) The value of its real and personal property exceeds seven 2306
hundred twenty-five thousand dollars. 2307

(b) It is located on property that is owned or leased by the 2308
state or a state agency, and its owner or operator has 2309
authorization from the state or the state agency that owns or 2310
leases the property to obtain a D-5i permit. 2311

The holder of a D-5i permit shall cause an independent audit 2312
to be performed at the end of one full year of operation following 2313
issuance of the permit in order to verify the requirements of 2314
division (I)(5) of this section. The results of the independent 2315
audit shall be transmitted to the division. Upon determining that 2316
the receipts of the holder from beer and liquor sales exceeded 2317
twenty-five per cent of its total gross receipts, the division 2318
shall suspend the permit of the permit holder under section 2319
4301.25 of the Revised Code and may allow the permit holder to 2320
elect a forfeiture under section 4301.252 of the Revised Code. 2321

The holder of a D-5i permit may sell beer and any 2322
intoxicating liquor at retail, only by the individual drink in 2323
glass and from the container, for consumption on the premises 2324
where sold, and may sell the same products in the same manner and 2325
amounts not for consumption on the premises where sold as may be 2326
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 2327
permit shall sell no beer or intoxicating liquor for consumption 2328
on the premises where sold after two-thirty a.m. In addition to 2329
the privileges authorized in this division, the holder of a D-5i 2330
permit may exercise the same privileges as the holder of a D-5 2331
permit. 2332

A D-5i permit shall not be transferred to another location. 2333
The division of liquor control shall not renew a D-5i permit 2334
unless the retail food establishment or food service operation for 2335
which it is issued continues to meet the requirements described in 2336
divisions (I)(1) to (6) of this section. No quota restrictions 2337
shall be placed on the number of D-5i permits that may be issued. 2338
The fee for ~~this~~ the D-5i permit is two thousand three hundred 2339

forty-four dollars. 2340

(J)(1) Permit D-5j may be issued to the owner or the operator 2341
of a retail food establishment or a food service operation 2342
licensed under Chapter 3717. of the Revised Code to sell beer and 2343
intoxicating liquor at retail, only by the individual drink in 2344
glass and from the container, for consumption on the premises 2345
where sold and to sell beer and intoxicating liquor in the same 2346
manner and amounts not for consumption on the premises where sold 2347
as may be sold by the holders of D-1 and D-2 permits. The holder 2348
of a D-5j permit may exercise the same privileges, and shall 2349
observe the same hours of operation, as the holder of a D-5 2350
permit. 2351

(2) The D-5j permit shall be issued only within a community 2352
entertainment district that is designated under section 4301.80 of 2353
the Revised Code and that meets one of the following 2354
qualifications: 2355

(a) It is located in a municipal corporation with a 2356
population of at least one hundred thousand. 2357

(b) It is located in a municipal corporation with a 2358
population of at least twenty thousand, and either of the 2359
following applies: 2360

(i) It contains an amusement park the rides of which have 2361
been issued a permit by the department of agriculture under 2362
Chapter 1711. of the Revised Code. 2363

(ii) Not less than fifty million dollars will be invested in 2364
development and construction in the community entertainment 2365
district's area located in the municipal corporation. 2366

(c) It is located in a township with a population of at least 2367
forty thousand. 2368

(3) The location of a D-5j permit may be transferred only 2369

within the geographic boundaries of the community entertainment 2370
district in which it was issued and shall not be transferred 2371
outside the geographic boundaries of that district. 2372

(4) Not more than one D-5j permit shall be issued within each 2373
community entertainment district for each five acres of land 2374
located within the district. Not more than fifteen D-5j permits 2375
may be issued within a single community entertainment district. 2376
Except as otherwise provided in division (J)(4) of this section, 2377
no quota restrictions shall be placed upon the number of D-5j 2378
permits that may be issued. 2379

(5) The fee for a D-5j permit is two thousand three hundred 2380
forty-four dollars. 2381

(K)(1) Permit D-5k may be issued to any nonprofit 2382
organization that is exempt from federal income taxation under the 2383
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 2384
501(c)(3), as amended, that is the owner or operator of a 2385
botanical garden recognized by the American association of 2386
botanical gardens and arboreta, and that has not less than 2387
twenty-five hundred bona fide members. 2388

(2) The holder of a D-5k permit may sell beer and any 2389
intoxicating liquor at retail, only by the individual drink in 2390
glass and from the container, on the premises where sold. 2391

(3) The holder of a D-5k permit shall sell no beer or 2392
intoxicating liquor for consumption on the premises where sold 2393
after one a.m. 2394

(4) A D-5k permit shall not be transferred to another 2395
location. 2396

(5) No quota restrictions shall be placed on the number of 2397
D-5k permits that may be issued. 2398

(6) The fee for the D-5k permit is one thousand eight hundred 2399

seventy-five dollars. 2400

Sec. 4303.203. (A) As used in this section: 2401

(1) "Convention facility" and "nonprofit corporation" have 2402
the same meanings as in section 4303.201 of the Revised Code. 2403

(2) "Hotel" means a hotel described in section 3731.01 of the 2404
Revised Code that has at least fifty rooms for registered 2405
transient guests and that is required to be licensed pursuant to 2406
section 3731.03 of the Revised Code. 2407

(B) An F-3 permit may be issued to an organization whose 2408
primary purpose is to support, promote, and educate members of the 2409
beer, wine, or mixed beverage industries, to allow the 2410
organization to bring beer, wine, or mixed beverages in their 2411
original packages or containers into a convention facility or 2412
hotel for consumption in the facility or hotel, if all of the 2413
following requirements are met: 2414

(1) The superintendent of liquor control is satisfied that 2415
the organization is a nonprofit organization and that the 2416
organization's membership is in excess of two hundred fifty 2417
persons. 2418

(2) The general manager or the equivalent officer of the 2419
convention facility or hotel provides a written consent for the 2420
use of a portion of the facility or hotel by the organization and 2421
a written statement that the facility's or hotel's permit 2422
privileges will be suspended in the portion of the facility or 2423
hotel in which the F-3 permit is in force. 2424

(3) The organization provides a written description that 2425
clearly sets forth the portion of the convention facility or hotel 2426
in which the F-3 permit will be used. 2427

(4) The organization provides a written statement as to its 2428
primary purpose and the purpose of its event at the convention 2429

facility or hotel.	2430
(5) Division (C) of this section does not apply.	2431
(C) No F-3 permit shall be issued to any nonprofit organization that is created by or for a specific manufacturer, supplier, distributor, or retailer of beer, wine, or mixed beverages.	2432 2433 2434 2435
(D) Notwithstanding division (E) (D) of section 4301.22 of the Revised Code, a holder of an F-3 permit may obtain by donation beer, wine, or mixed beverages from any manufacturer or producer of beer, wine, or mixed beverages.	2436 2437 2438 2439
(E) Nothing in this chapter prohibits the holder of an F-3 permit from bringing into the portion of the convention facility or hotel covered by the permit beer, wine, or mixed beverages otherwise not approved for sale in this state.	2440 2441 2442 2443
(F) Notwithstanding division (E) (D) of section 4301.22 of the Revised Code, no holder of an F-3 permit shall make any charge for any beer, wine, or mixed beverage served by the drink, or in its original package or container, in connection with the use of the portion of the convention facility or hotel covered by the permit.	2444 2445 2446 2447 2448
(G) The division of liquor control shall prepare and make available an F-3 permit application form and may require applicants for the permit to provide information, in addition to that required by this section, that is necessary for the administration of this section.	2449 2450 2451 2452 2453
(H) An F-3 permit shall be effective for a period not to exceed five consecutive days. The division of liquor control shall not issue more than three F-3 permits per calendar year to the same nonprofit organization. The fee for an F-3 permit is three hundred dollars.	2454 2455 2456 2457 2458
Sec. 4303.204. (A) The division of liquor control may issue	2459

an F-4 permit to an association or corporation organized 2460
not-for-profit in this state to conduct an event that includes the 2461
introduction, showcasing, or promotion of Ohio wines, if the event 2462
has all of the following characteristics: 2463

(1) It is coordinated by that association or corporation, and 2464
the association or corporation is responsible for the activities 2465
at it. 2466

(2) It has as one of its purposes the intent to introduce, 2467
showcase, or promote Ohio wines to persons who attend it. 2468

(3) It includes the sale of food for consumption on the 2469
premises where sold. 2470

(4) It features at least three A-2 permit holders who sell 2471
Ohio wine at it. 2472

(B) The holder of an F-4 permit may furnish, with or without 2473
charge, wine that it has obtained from the A-2 permit holders that 2474
are participating in the event for which the F-4 permit is issued, 2475
in two-ounce samples for consumption on the premises where 2476
furnished and may sell such wine by the glass for consumption on 2477
the premises where sold. The holder of an A-2 permit that is 2478
participating in the event for which the F-4 permit is issued may 2479
sell wine that it has manufactured, in sealed containers for 2480
consumption off the premises where sold. Wine may be furnished or 2481
sold on the premises of the event for which the F-4 permit is 2482
issued only where and when the sale of wine is otherwise permitted 2483
by law. 2484

(C) The premises of the event for which the F-4 permit is 2485
issued shall be clearly defined and sufficiently restricted to 2486
allow proper enforcement of the permit by state and local law 2487
enforcement officers. If an F-4 permit is issued for all or a 2488
portion of the same premises for which another class of permit is 2489

issued, that permit holder's privileges will be suspended in that 2490
portion of the premises in which the F-4 permit is in effect. 2491

(D) No F-4 permit shall be effective for more than 2492
seventy-two consecutive hours. No sales or furnishing of wine 2493
shall take place under an F-4 permit after one a.m. 2494

(E) The division shall not issue more than six F-4 permits to 2495
the same not-for-profit association or corporation in any one 2496
calendar year. 2497

(F) An applicant for an F-4 permit shall apply for the permit 2498
not later than thirty days prior to the first day of the event for 2499
which the permit is sought. The application for the permit shall 2500
list all of the A-2 permit holders that will participate in the 2501
event for which the F-4 permit is sought. The fee for the F-4 2502
permit is sixty dollars per day. 2503

The division shall prepare and make available an F-4 permit 2504
application form and may require applicants for and holders of the 2505
F-4 permit to provide information that is in addition to that 2506
required by this section and that is necessary for the 2507
administration of this section. 2508

(G)(1) The holder of an F-4 permit is responsible for, and is 2509
subject to penalties for, any violations of this chapter or 2510
Chapter 4301. of the Revised Code or the rules adopted under this 2511
and that chapter. 2512

(2) An F-4 permit holder shall not allow an A-2 permit holder 2513
to participate in the event for which the F-4 permit is issued if 2514
the A-2 or A-1-A permit of that A-2 permit holder is under 2515
suspension. 2516

(3) The division may refuse to issue an F-4 permit to an 2517
applicant who has violated any provision of this chapter or 2518
Chapter 4301. of the Revised Code during the applicant's previous 2519
operation under an F-4 permit, for a period of up to two years 2520

after the date of the violation. 2521

(H)(1) Notwithstanding division ~~(E)~~(D) of section 4301.22 of 2522
the Revised Code, an A-2 permit holder that participates in an 2523
event for which an F-4 permit is issued may donate wine that it 2524
has manufactured to the holder of that F-4 permit. The holder of 2525
an F-4 permit may return unused and sealed containers of wine to 2526
the A-2 permit holder that donated the wine at the conclusion of 2527
the event for which the F-4 permit was issued. 2528

(2) The participation by an A-2 permit holder or its 2529
employees in an event for which an F-4 permit is issued does not 2530
violate section 4301.24 of the Revised Code. 2531

Sec. 4303.231. Permit W may be issued to a manufacturer or 2532
supplier of beer or intoxicating liquor to operate a warehouse for 2533
the storage of beer or intoxicating liquor within this state and 2534
to sell those products from the warehouse only to holders of B 2535
permits in this state and to other customers outside this state 2536
under rules ~~promulgated~~ adopted by the liquor control commission. 2537
Each holder of a B permit with a ~~consent to import~~ supplier 2538
registration on file with the division of liquor control may 2539
purchase beer or intoxicating liquor if designated by the permit 2540
to make those purchases, from the holder of a W permit. The fee 2541
for a W permit is one thousand five hundred sixty-three dollars 2542
for each warehouse during the year covered by the permit. 2543

Sec. 4303.24. All ~~initial application~~ fees ~~prescribed by~~ 2544
~~sections 4303.02 to 4303.23 of the Revised Code,~~ shall be remitted 2545
to the division of liquor control when applications are filed. The 2546
pendency, priority, or validity of an application for a permit or 2547
duplicate permit received by the division ~~prior to or after~~ 2548
~~January 1, 1948~~ shall not be affected because the division did not 2549
issue the permit applied for or the applicant failed to appeal to 2550

the liquor control commission. ~~If a permit is not issued within~~ 2551
~~one hundred twenty days from the date of such remittance, such~~ 2552
~~initial fee shall be returned to the applicant. Such return shall~~ 2553
~~not affect the priority of the application in the municipal~~ 2554
~~corporation or unincorporated area of a county exclusive of any~~ 2555
~~municipal corporation, wherein the proposed permit premises are~~ 2556
~~located. The~~ 2557

The division, prior to the granting of ~~the a permit or~~ 2558
duplicate permit applied for, shall notify, by certified mail, the 2559
applicant or the applicant's authorized agent; ~~and the.~~ The 2560
applicant or the applicant's authorized agent ~~shall,~~ within thirty 2561
days after the mailing of ~~such~~ that notice, ~~redeposit the required~~ 2562
~~fee, which shall include any fee increases that have occurred~~ 2563
~~since the initial remission of the fee, with~~ shall pay to the 2564
division the entire amount of the requisite permit fee required by 2565
sections 4303.02 to 4303.231 or, in the case of a duplicate 2566
permit, section 4303.30 of the Revised Code, if the permit or 2567
duplicate permit is issued during the first six months of the year 2568
the permit or duplicate permit covers, or one-half of the amount 2569
of the requisite permit fee, if the permit or duplicate permit is 2570
issued during the last six months of the year the permit or 2571
duplicate permit covers. If ~~such~~ the applicant fails to ~~make such~~ 2572
~~redeposit~~ pay the applicable amount of that requisite permit fee 2573
within those thirty days, the division shall cancel the 2574
applicant's application ~~shall be canceled.~~ The procedure 2575
~~prescribed in this section for return of permit fees shall not~~ 2576
~~apply to an application for renewal of a permit. All.~~ 2577

All other fees shall be paid at ~~such~~ the time and in ~~such~~ the 2578
manner ~~as is~~ prescribed by the division. The liquor control 2579
commission may ~~promulgate~~ adopt rules requiring reports or returns 2580
for the purpose of determining the amounts of additional permit 2581
fees. 2582

Sec. 4303.25. No person ~~by himself or herself~~ personally or 2583
by the person's clerk, agent, or employee shall manufacture, 2584
manufacture for sale, offer, keep, or possess for sale, furnish or 2585
sell, or solicit the purchase or sale of any beer or intoxicating 2586
liquor in this state, or transport, ~~or~~ import, or cause to be 2587
transported or imported any beer, intoxicating liquor, or alcohol 2588
in or into this state for delivery, use, or sale, unless ~~such the~~ 2589
person has fully complied with ~~Chapters~~ this chapter and Chapter 2590
4301. ~~and 4303.~~ of the Revised Code or is the holder of a permit 2591
issued by the division of liquor control and in force at the time. 2592

The superintendent of liquor control may adopt rules 2593
requiring ~~persons~~ a person acting ~~in capacities only as sales~~ 2594
~~representatives as an agent, solicitor, or salesperson for a~~ 2595
manufacturer, supplier, broker, or wholesale distributor, who 2596
~~solicit~~ solicits permit holders authorized to deal in beer and 2597
intoxicating ~~liquors~~ liquor, to be registered with the division 2598
and may cite ~~for revocation such the~~ registrant to the liquor 2599
control commission for a violation of ~~such chapters~~ this chapter, 2600
Chapter 4301. of the Revised Code, or ~~of~~ the rules adopted by the 2601
commission or superintendent. 2602

Sec. 4303.27. Each permit issued under sections 4303.02 to 2603
4303.23 of the Revised Code, shall authorize the person named to 2604
carry on the business specified at the place or in the boat, 2605
vessel, or classes of dining car equipment described, and shall be 2606
issued for one year, or part ~~thereof~~ of one year, commencing on 2607
the day after the uniform expiration dates designated by the 2608
division of liquor control, or for the unexpired portion of such 2609
year, and no longer, subject to suspension, revocation, or 2610
cancellation as authorized or required by ~~Chapters~~ this chapter or 2611
Chapter 4301. ~~and 4303.~~ of the Revised Code. Upon application by a 2612
permit holder, the superintendent of liquor control may expand 2613

during specified seasons of the year the premises for which the 2614
permit holder's permit was issued to include a premises 2615
immediately adjacent to the premises for which the permit was 2616
issued, so long as the immediately adjacent premises is under the 2617
permit holder's ownership and control and is located in an area 2618
where sales under the permit are not prohibited because of a local 2619
option election. Whenever the superintendent considers it 2620
advisable to cancel the unexpired portion of an outstanding permit 2621
in order that the permit may be issued on one of the uniform 2622
expiration dates designated by the superintendent, the 2623
superintendent shall ~~refund~~ credit to the holder a proportionate 2624
amount representing the unexpired portion of the permit year 2625
pursuant to section 4301.41 of the Revised Code. Such permit does 2626
not authorize the person named to carry on the business specified 2627
at any place or in any vehicle, boat, vessel, or class of dining 2628
car equipment other than that named, nor does it authorize any 2629
person other than the one named in such permit to carry on ~~such~~ 2630
that business at the place or in the vehicle, boat, vessel, or 2631
class of dining car equipment named, except pursuant to compliance 2632
with the rules and orders of the division governing the assignment 2633
and transfer of permits, and with the consent of the division. The 2634
holder of a G permit may substitute the name of another licensed 2635
pharmacist for that entered on the permit, subject to rules of the 2636
division. 2637

~~Chapters~~ This chapter and Chapter 4301. ~~and 4303.~~ of the 2638
Revised Code do not prohibit the holder of an A, B, C, or D permit 2639
from making deliveries of beer or intoxicating liquor containing 2640
not more than twenty-one per cent of alcohol by volume, or 2641
prohibit the holder of an A or B permit from selling or 2642
distributing beer or intoxicating liquor to a person at a place 2643
outside this state, or prohibit the holder of any such a permit, 2644
or an H permit, from delivering any beer or intoxicating liquor so 2645

sold from a point in this state to a point outside this state. 2646

Sec. 4303.271. (A) Except as provided in divisions (B) and 2647
(D) of this section, the holder of a permit issued under sections 2648
4303.02 to 4303.23 of the Revised Code, who files an application 2649
for the renewal of the same class of permit for the same premises, 2650
shall be entitled to the renewal of the permit. The division of 2651
liquor control shall renew the permit unless the division rejects 2652
for good cause any renewal application, subject to the right of 2653
the applicant to appeal the rejection to the liquor control 2654
commission. 2655

(B) The legislative authority of the municipal corporation, 2656
the board of township trustees, or the board of county 2657
commissioners of the county in which a permit premises is located 2658
may object to the renewal of a permit issued under sections 2659
4303.11 to 4303.183 of the Revised Code for any of the reasons 2660
contained in division (A) of section 4303.292 of the Revised Code. 2661
Any objection shall be made no later than thirty days prior to the 2662
expiration of the permit, and the ~~department~~ division shall accept 2663
the objection if it is postmarked no later than thirty days prior 2664
to the expiration of the permit. The objection shall be made by a 2665
resolution specifying the reasons for objecting to the renewal and 2666
requesting a hearing, but no objection shall be based upon 2667
noncompliance of the permit premises with local zoning regulations 2668
~~which~~ that prohibit the sale of beer or intoxicating liquor in an 2669
area zoned for commercial or industrial uses, for a permit 2670
premises that would otherwise qualify for a proper permit issued 2671
by the division. The resolution shall be accompanied by a 2672
statement by the chief legal officer of the political subdivision 2673
that, in the chief legal officer's opinion, the objection is based 2674
upon substantial legal grounds within the meaning and intent of 2675
division (A) of section 4303.292 of the Revised Code. 2676

Upon receipt of a resolution of a legislative authority or 2677
board objecting to the renewal of a permit and a statement from 2678
the chief legal officer, the division shall set a time for the 2679
hearing and send by certified mail to the permit holder, at the 2680
permit holder's usual place of business, a copy of the resolution 2681
and notice of the hearing. The division shall then hold a hearing 2682
in the central office of the division, except that, upon written 2683
request of the legislative authority or board, the hearing shall 2684
be held in the county seat of the county in which the permit 2685
premises is located, to determine whether the renewal shall be 2686
denied for any of the reasons contained in division (A) of section 2687
4303.292 of the Revised Code. Only the reasons for refusal 2688
contained in division (A) of section 4303.292 of the Revised Code 2689
and specified in the resolution of objection shall be considered 2690
at the hearing. 2691

The permit holder and the objecting legislative authority or 2692
board shall be parties to the proceedings under this section and 2693
shall have the right to be present, to be represented by counsel, 2694
to offer evidence, to require the attendance of witnesses, and to 2695
cross-examine witnesses at the hearing. 2696

(C) An application for renewal of a permit shall be filed 2697
with the division at least fifteen days prior to the expiration of 2698
an existing permit, and the existing permit shall continue in 2699
effect as provided in section 119.06 of the Revised Code until the 2700
application is approved or rejected by the division. Any holder of 2701
a permit, which has expired through failure to be renewed as 2702
provided in this section, shall obtain a renewal of the permit, 2703
upon filing an application for renewal with the division, at any 2704
time within thirty days from the date of the expired permit. A 2705
penalty of ten per cent of the permit fee shall be paid by the 2706
permit holder if the application for renewal is not filed at least 2707
fifteen days prior to the expiration of the permit. 2708

(D)(1) Annually, ~~beginning in 1988~~, the tax commissioner 2709
shall cause the sales and withholding tax records in the 2710
department of taxation for each holder of a permit issued under 2711
sections 4303.02 to 4303.23 of the Revised Code to be examined to 2712
determine if the permit holder is delinquent in filing any sales 2713
or withholding tax returns or has any outstanding liability for 2714
sales or withholding tax, penalties, or interest imposed pursuant 2715
to Chapter 5739. or sections 5747.06 and 5747.07 of the Revised 2716
Code. If any delinquency or liability exists, the commissioner 2717
shall send a notice of that fact by certified mail, return receipt 2718
requested, to the permit holder at the mailing address shown in 2719
the records of the department. The notice shall specify, in as 2720
much detail as is possible, the periods for which returns have not 2721
been filed and the nature and amount of unpaid assessments and 2722
other liabilities and shall be sent on or before the first day of 2723
the third month preceding the month in which the permit expires. 2724
The commissioner also shall notify the division of liquor control 2725
of the delinquency or liability, identifying the permit holder by 2726
name and permit number. 2727

(2)(a) Except as provided in division (D)(4) of this section, 2728
the division of liquor control shall not renew the permit of any 2729
permit holder the tax commissioner has identified as being 2730
delinquent in filing any sales or withholding tax returns or as 2731
being liable for outstanding sales or withholding tax, penalties, 2732
or interest as of the first day of the sixth month preceding the 2733
month in which the permit expires, or of any permit holder the 2734
commissioner has identified as having been assessed by the 2735
department on or before the first day of the third month preceding 2736
the month in which the permit expires, until the division is 2737
notified by the tax commissioner that the delinquency, liability, 2738
or assessment has been resolved. 2739

(b)(i) Within ninety days after the date on which the permit 2740

expires, any permit holder whose permit is not renewed under this 2741
division may file an appeal with the liquor control commission. 2742
The commission shall notify the tax commissioner regarding the 2743
filing of any such appeal. During the period in which the appeal 2744
is pending, the permit shall not be renewed by the division. The 2745
permit shall be reinstated if the permit holder and the tax 2746
commissioner or the attorney general demonstrate to the liquor 2747
control commission that the commissioner's notification of a 2748
delinquency or assessment was in error or that the issue of the 2749
delinquency or assessment has been resolved. 2750

(ii) A permit holder who has filed an appeal under division 2751
(D)(2)(b)(i) of this section may file a motion to withdraw the 2752
appeal. The division of liquor control may renew a permit holder's 2753
permit if the permit holder has withdrawn such an appeal and the 2754
division receives written certification from the tax commissioner 2755
that the permit holder's delinquency or assessment has been 2756
resolved. 2757

(3) A permit holder notified of delinquency or liability 2758
under this section may protest the notification to the tax 2759
commissioner on the basis that no returns are delinquent and no 2760
tax, penalties, or interest is outstanding. The commissioner shall 2761
expeditiously consider any evidence submitted by the permit holder 2762
and, if it is determined that the notification was in error, 2763
immediately shall inform the division of liquor control that the 2764
renewal application may be granted. The renewal shall not be 2765
denied if the delinquency or unreported liability is the subject 2766
of a bona fide dispute pursuant to section 5717.02, 5717.04, 2767
5739.13, or 5747.13 of the Revised Code. 2768

(4) If the commissioner concludes that under the 2769
circumstances the permit holder's delinquency or liability has 2770
been conditionally resolved, the commissioner shall allow the 2771
permit to be renewed, conditioned upon the permit holder's 2772

continuing performance in satisfying the delinquency and 2773
liability. The conditional nature of the renewal shall be 2774
specified in the notification given to the division of liquor 2775
control under division (D)(1) of this section. Upon receipt of 2776
notice of the resolution, the division shall issue a conditional 2777
renewal. If the taxpayer defaults on any agreement to pay the 2778
delinquency or liability or fails to keep subsequent tax payments 2779
current, the liquor control commission, upon request and proof of 2780
the default or failure to keep subsequent tax payments current, 2781
shall indefinitely suspend the permit holder's permit until all 2782
taxes and interest due are paid. 2783

(5) The commissioner may adopt rules to assist in 2784
administering the duties imposed by this section. 2785

Sec. 4303.292. (A) The division of liquor control may refuse 2786
to issue, transfer the ownership of, or renew, and shall refuse to 2787
transfer the location of, any retail permit issued under this 2788
chapter if it finds either of the following: 2789

(1) That the applicant, or any partner, member, officer, 2790
director, or manager thereof of the applicant, or, if the 2791
applicant is a corporation or limited liability company, any 2792
shareholder owning ten five per cent or more of its the 2793
applicant's capital stock in the corporation or any member owning 2794
five per cent or more of either the voting interests or membership 2795
interests in the limited liability company: 2796

(a) Has been convicted at any time of a crime ~~which~~ that 2797
relates to fitness to operate a liquor establishment; 2798

(b) Has operated liquor permit businesses in a manner that 2799
demonstrates a disregard for the laws, regulations, or local 2800
ordinances of this state or any other state; 2801

(c) Has misrepresented a material fact in applying to the 2802

division for a permit; or 2803

(d) Is in the habit of using alcoholic beverages or dangerous 2804
drugs to excess, or is addicted to the use of narcotics. 2805

(2) That the place for which the permit is sought: 2806

(a) Does not conform to the building, safety, or health 2807
requirements of the governing body of the county or ~~municipality~~ 2808
municipal corporation in which the place is located. As used in 2809
division (A)(2)(a) of this section, "building, safety, or health 2810
requirements" does not include local zoning ordinances. The 2811
validity of local zoning regulations shall not be affected by this 2812
section. 2813

(b) Is so constructed or arranged that law enforcement 2814
officers and duly authorized agents of the division are prevented 2815
from reasonable access to rooms within which beer or intoxicating 2816
liquor is to be sold or consumed; i 2817

(c) Is so located with respect to the neighborhood that 2818
substantial interference with public decency, sobriety, peace, or 2819
good order would result from the issuance, renewal, transfer of 2820
location, or transfer of ownership of the permit and operation 2821
~~thereunder~~ under it by the applicant; or 2822

(d) Has been declared a nuisance pursuant to Chapter 3767. of 2823
the Revised Code since the time of the most recent issuance, 2824
renewal, or transfer of ownership or location of the liquor 2825
permit. 2826

(B) The division of liquor control may refuse to issue or 2827
transfer the ownership of, and shall refuse to transfer the 2828
location of, any retail permit issued under this chapter if it 2829
finds either of the following: 2830

(1) That the place for which the permit is sought is so 2831
situated with respect to any school, church, library, public 2832

playground, or hospital that the operation of the liquor 2833
establishment will substantially and adversely affect or interfere 2834
with the normal, orderly conduct of the affairs of those 2835
facilities or institutions. ~~i~~ 2836

(2) That the number of permits already existent in the 2837
neighborhood is such that the issuance or transfer of location of 2838
a permit would be detrimental to and substantially interfere with 2839
the morals, safety, or welfare of the public, ~~and, in.~~ In reaching 2840
a conclusion in this respect, the division shall consider, in 2841
light of the purposes of this chapter and Chapters 4301., ~~4303.,~~ 2842
and 4399. of the Revised Code, the character and population of the 2843
neighborhood, the number and location of similar permits in the 2844
neighborhood, the number and location of all other permits in the 2845
neighborhood, and the effect the issuance or transfer of location 2846
of a permit would have on the neighborhood. 2847

(C) The division of liquor control shall not transfer the 2848
location or transfer the ownership and location of a permit under 2849
division (B)(3)(b) of section 4303.29 of the Revised Code unless 2850
the permit is transferred to an economic development project. 2851

(D) The division of liquor control shall refuse to issue, 2852
renew, transfer the ownership of, or transfer the location of a 2853
retail permit under this chapter if the applicant is or has been 2854
convicted of a violation of division (C)(1) of section 2913.46 of 2855
the Revised Code. 2856

(E) The division of liquor control shall refuse to transfer 2857
the ownership of or transfer the location of a retail permit under 2858
this chapter while criminal proceedings are pending against the 2859
holder of the permit for a violation of division (C)(1) of section 2860
2913.46 of the Revised Code. The department of ~~job and family~~ 2861
~~services~~ public safety shall notify the division of ~~liquor control~~ 2862
whenever criminal proceedings have commenced for a violation of 2863
division (C)(1) of section 2913.46 of the Revised Code. 2864

(F) The division of liquor control shall refuse to issue, 2865
renew, or transfer the ownership or location of a retail permit 2866
under this chapter if the applicant has been found to be 2867
maintaining a nuisance under section 3767.05 of the Revised Code 2868
at the premises for which the issuance, renewal, or transfer of 2869
ownership or location of the retail permit is sought. 2870

Sec. 4303.293. (A) Any person making application concerning a 2871
permit to conduct a business for which a permit is required under 2872
this chapter shall list on the application the name and address of 2873
each person having a legal or beneficial interest in the ownership 2874
of the business, including contracts for purchase on an 2875
installment basis. If any person is a corporation or limited 2876
liability company, the applicant shall list the names of each 2877
officer of the corporation ~~and; the names of each officer of the~~ 2878
limited liability company, if the limited liability company has 2879
officers, and the names of the managing members of the company or 2880
the managers of the company, if the management of the company is 2881
not reserved to its members; the names of each person owning or 2882
controlling ~~ten~~ five per cent or more of the capital stock of the 2883
corporation; ~~if~~ and the names of each person owning or controlling 2884
five per cent or more of either the voting interests or membership 2885
interests in the limited liability company. If any person is a 2886
partnership or association, the applicant shall list the names of 2887
each partner or member of the association. Any person having a 2888
legal or beneficial interest in the ownership of the business, 2889
other than a bank as defined in section 1101.01 of the Revised 2890
Code or a building and loan association as defined in section 2891
1151.01 of the Revised Code, shall notify the division of liquor 2892
control of the interest ~~in such ownership~~, including contracts for 2893
purchase on an installment basis, occurring after the application 2894
for, or the issuance of, the permit. ~~Such~~ The notification shall 2895
be given within fifteen days of the change. Whenever the person to 2896

whom a permit has been issued is a corporation or limited 2897
liability company and any transfer of that corporation's stock or 2898
that limited liability company's membership interests is proposed 2899
such that, following the transfer, the owner of the majority or 2900
plurality of shares of stock in the corporation would change or 2901
the owner of the majority or plurality of the limited liability 2902
company's membership interests would change, ~~such~~ the proposed 2903
transfer of stock or membership interests shall be considered a 2904
proposed transfer of ownership of the permit, and application 2905
shall be made to the division of liquor control for a transfer of 2906
ownership. The application shall be subject to the notice and 2907
hearing requirements of section 4303.26 of the Revised Code and to 2908
the restrictions imposed by section 4303.29 and division (A)(1) of 2909
section 4303.292 of the Revised Code. 2910

(B) Whoever violates this section is guilty of a misdemeanor 2911
of the first degree. 2912

Sec. 4303.30. The rights granted by any D-2, D-3, D-3a, D-4, 2913
D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 2914
or D-6 permit shall be exercised at not more than two fixed 2915
counters, commonly known as bars, in rooms or places on the permit 2916
premises, where beer, mixed beverages, wine, or spirituous liquor 2917
is sold to the public for consumption on the premises. For each 2918
additional fixed counter on the permit premises where those 2919
beverages are sold for consumption on the premises, the permit 2920
holder shall obtain a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 2921
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, or D-6 2922
permit. 2923

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, 2924
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, or D-6 permit shall be 2925
granted, upon application to the division of liquor control, a 2926
duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, 2927

D-5g, D-5h, D-5i, D-5j, D-5k, or D-6 permit for each additional 2928
fixed counter on the permit premises at which beer, mixed 2929
beverages, wine, or spirituous liquor is sold for consumption on 2930
the premises, provided the application is made in the same manner 2931
as an application for an original permit. The application shall be 2932
identified with DUPLICATE printed on the permit application form 2933
furnished by the department, in boldface type. The application 2934
shall identify by name, or otherwise amply describe, the room or 2935
place on the premises where the duplicate permit is to be 2936
operative. Each duplicate permit shall be issued only to the same 2937
individual, firm, or corporation as that of the original permit 2938
and shall be an exact duplicate in size and word content as the 2939
original permit, except that it shall show on it the name or other 2940
ample identification of the room, or place, for which it is issued 2941
and shall have DUPLICATE printed on it in boldface type. A 2942
duplicate permit shall bear the same number as the original 2943
permit. The fee for a duplicate permit is: D-1, one hundred 2944
dollars; D-2, one hundred dollars; D-3, four hundred dollars; 2945
D-3a, four hundred dollars; D-4, two hundred dollars; D-5, one 2946
thousand dollars; D-5a, one thousand dollars; D-5b, one thousand 2947
dollars; D-5c, four hundred dollars; D-5e, six hundred fifty 2948
dollars; D-5f, one thousand dollars; D-6, one hundred dollars when 2949
issued to the holder of a D-4a permit; and in all other cases one 2950
hundred dollars or an amount which is twenty per cent of the fees 2951
payable for the A-1-A, D-2, D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5e, 2952
D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, and D-6 permits issued to the 2953
same premises, whichever is higher. Application for a duplicate 2954
permit may be filed any time during the life of an original 2955
permit. The fee for each duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 2956
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, or D-6 2957
permit shall ~~accompany the application for each such duplicate~~ 2958
~~permit~~ be paid in accordance with section 4303.24 of the Revised 2959
Code. 2960

Sec. 4399.02. The owner of a building or premises, and the person renting or leasing them ~~who know, if the owner or person knows~~ that intoxicating liquors are to be sold ~~therein in the building or premises~~ in violation of law, ~~or, having leased them for other purposes, who knowingly permit intoxicating liquors to be sold therein which cause the intoxication, in whole or in part, of a person described in section 4399.01 of the Revised Code,~~ shall be liable is severally or jointly liable with the person selling ~~or giving such~~ the intoxicating liquors for all damages sustained, as well as exemplary damages.

Sec. 4399.04. Fines, costs, and damages assessed against a person in consequence of the sale of intoxicating liquors, as provided in sections ~~4399.01~~ 4399.02 to 4399.08 of the Revised Code, and the penal statutes relating ~~thereto~~ to the sale, shall be a lien upon the real estate of the person. The real estate and personal property of the person shall be liable to execution for the fines, costs, and damages without exception or exemption, except ~~such~~ for personal property ~~as~~ that is exempt by law.

Sec. 4399.07. All damages recovered by a minor under sections ~~4399.01~~ 4399.02 to 4399.08, ~~inclusive,~~ of the Revised Code, shall be paid either to ~~such~~ the minor, or to ~~his~~ the minor's parent, guardian, or next friend, as the court directs.

Sec. 4399.08. A suit for damages under sections ~~4399.01~~ 4399.02 to 4399.08, ~~inclusive,~~ of the Revised Code, shall be by a civil action in any court having jurisdiction ~~thereof~~ over the action.

Sec. 4399.18. Notwithstanding division (A) of section 2307.60 of the Revised Code and except as otherwise provided in this

~~section and in section 4399.01 of the Revised Code, no person, and~~ 2989
no executor or administrator of the person, who suffers personal 2990
injury, death, or property damage as a result of the actions of an 2991
intoxicated person has a cause of action against any liquor permit 2992
holder or an employee of a liquor permit holder who sold beer or 2993
intoxicating liquor to the intoxicated person unless the personal 2994
injury, death, or property damage occurred on the permit holder's 2995
premises or in a parking lot under the control of the permit 2996
holder and was proximately caused by the negligence of the permit 2997
holder or an employee of the permit holder. A person has a cause 2998
of action against a permit holder or an employee of a permit 2999
holder for personal injury, death, or property damage caused by 3000
the negligent actions of an intoxicated person occurring off the 3001
premises or away from a parking lot under the permit holder's 3002
control only when both of the following can be shown by a 3003
preponderance of the evidence: 3004

(A) The permit holder or an employee of the permit holder 3005
knowingly sold an intoxicating beverage to at least one of the 3006
following: 3007

(1) A noticeably intoxicated person in violation of division 3008
(B) of section 4301.22 of the Revised Code; 3009

~~(2) A person in violation of division (C) of section 4301.22~~ 3010
~~of the Revised Code;~~ 3011

~~(3) A person in violation of section 4301.69 of the Revised~~ 3012
Code. 3013

(B) The person's intoxication proximately caused the personal 3014
injury, death, or property damage. 3015

Notwithstanding sections 4399.02 and 4399.05 of the Revised 3016
Code, no person, and no executor or administrator of the person, 3017
who suffers personal injury, death, or property damage as a result 3018

of the actions of an intoxicated person has a cause of action 3019
against the owner of a building or premises who rents or leases 3020
the building or premises to a liquor permit holder against whom a 3021
cause of action may be brought under this section, except when the 3022
owner and the permit holder are the same person. 3023

Section 2. That existing sections 109.572, 121.08, 307.697, 3024
351.26, 924.51, 1333.83, 2933.41, 4301.07, 4301.10, 4301.19, 3025
4301.20, 4301.22, 4301.24, 4301.29, 4301.30, 4301.39, 4301.41, 3026
4301.424, 4301.99, 4303.03, 4303.07, 4303.09, 4303.181, 4303.203, 3027
4303.204, 4303.231, 4303.24, 4303.25, 4303.27, 4303.271, 4303.292, 3028
4303.293, 4303.30, 4399.02, 4399.04, 4399.07, 4399.08, and 4399.18 3029
and section 4399.01 of the Revised Code are hereby repealed. 3030

Section 3. Section 307.697 of the Revised Code is presented 3031
in this act as a composite of the section as amended by Am. Sub. 3032
H.B. 239, Am. Sub. S.B. 162, and Am. Sub. S.B. 188 of the 121st 3033
General Assembly. Section 4301.20 of the Revised Code is presented 3034
in this act as a composite of the section as amended by both Am. 3035
Sub. S.B. 149 and Am. Sub. S.B. 162 of the 121st General Assembly. 3036
Section 4301.99 of the Revised Code is presented in this act as a 3037
composite of the section as amended by both Am. Sub. H.B. 17 and 3038
Am. Sub. S.B. 123 of the 124th General Assembly. Sections 4303.24 3039
and 4303.293 of the Revised Code are presented in this act as 3040
composites of the sections as amended by both Am. Sub. S.B. 149 3041
and Am. Sub. S.B. 162 of the 121st General Assembly. The General 3042
Assembly, applying the principle stated in division (B) of section 3043
1.52 of the Revised Code that amendments are to be harmonized if 3044
reasonably capable of simultaneous operation, finds that the 3045
composite versions of these sections are the resulting versions of 3046
the sections in effect prior to the effective date of the sections 3047
as presented in this act. 3048