

As Passed by the Senate

**125th General Assembly
Regular Session
2003-2004**

Sub. S. B. No. 164

Senators Schuler, Blessing, Dann, Robert Gardner, Fingerhut, Hagan

A B I L L

To amend section 4301.22 of the Revised Code to 1
remove under specified conditions the prohibition 2
against allowing liquor agency stores to sell 3
spirituous liquor on Sunday. 4

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

Section 1. That section 4301.22 of the Revised Code be 5
amended to read as follows: 6

Sec. 4301.22. Sales of beer and intoxicating liquor under all 7
classes of permits and from state liquor stores are subject to the 8
following restrictions, in addition to those imposed by the rules 9
or orders of the division of liquor control: 10

(A)(1) Except as otherwise provided in this chapter, no beer 11
or intoxicating liquor shall be sold to any person under 12
twenty-one years of age. 13

(2) No low-alcohol beverage shall be sold to any person under 14
eighteen years of age. No permit issued by the division shall be 15
suspended, revoked, or canceled because of a violation of division 16
(A)(2) of this section. 17

(3) No intoxicating liquor shall be handled by any person 18
under twenty-one years of age, except that a person eighteen years 19

of age or older employed by a permit holder may handle or sell 20
beer or intoxicating liquor in sealed containers in connection 21
with wholesale or retail sales, and any person nineteen years of 22
age or older employed by a permit holder may handle intoxicating 23
liquor in open containers when acting in the capacity of a server 24
in a hotel, restaurant, club, or night club, as defined in 25
division (B) of section 4301.01 of the Revised Code, or in the 26
premises of a D-7 permit holder. This section does not authorize 27
persons under twenty-one years of age to sell intoxicating liquor 28
across a bar. Any person employed by a permit holder may handle 29
beer or intoxicating liquor in sealed containers in connection 30
with manufacturing, storage, warehousing, placement, stocking, 31
bagging, loading, or unloading, and may handle beer or 32
intoxicating liquor in open containers in connection with cleaning 33
tables or handling empty bottles or glasses. 34

(B) No permit holder and no agent or employee of a permit 35
holder shall sell or furnish beer or intoxicating liquor to an 36
intoxicated person. 37

(C) No intoxicating liquor shall be sold to any individual 38
who habitually drinks intoxicating liquor to excess, or to whom 39
the division has, after investigation, determined to prohibit the 40
sale of such intoxicating liquor, because of cause shown by the 41
husband, wife, father, mother, brother, sister, or other person 42
dependent upon, or in charge of such individual, or by the mayor 43
of any municipal corporation, or a township trustee of any 44
township in which the individual resides. The order of the 45
division in such case shall remain in effect until revoked by the 46
division. 47

(D) No sales of intoxicating liquor shall be made after 48
two-thirty a.m. on Sunday, ~~except that intoxicating~~ under either 49
of the following circumstances: 50

(1) Intoxicating liquor may be sold on Sunday under authority 51

of a permit which authorizes Sunday sale. 52

(2) Spirituous liquor may be sold on Sunday by any person 53
awarded an agency contract under section 4301.17 of the Revised 54
Code if the sale of spirituous liquor is authorized in the 55
applicable precinct as the result of an election on question 56
(B)(1) or (2) of section 4301.351 of the Revised Code and if the 57
agency contract authorizes the sale of spirituous liquor on 58
Sunday. 59

This section does not prevent a municipal corporation from 60
adopting a closing hour for the sale of intoxicating liquor 61
earlier than two-thirty a.m. on Sunday or to provide that no 62
intoxicating liquor may be sold prior to that hour on Sunday. 63

(E) No holder of a permit shall give away any beer or 64
intoxicating liquor of any kind at any time in connection with the 65
permit holder's business. 66

(F) Except as otherwise provided in this division, no retail 67
permit holder shall display or permit the display on the outside 68
of any licensed retail premises, or on any lot of ground on which 69
the licensed premises are situated, or on the exterior of any 70
building of which ~~said~~ the licensed premises are a part, any sign, 71
illustration, or advertisement bearing the name, brand name, trade 72
name, trade-mark, designation, or other emblem of or indicating 73
the manufacturer, producer, distributor, place of manufacture, 74
production, or distribution of any beer or intoxicating liquor. 75
Signs, illustrations, or advertisements bearing the name, brand 76
name, trade name, trade-mark, designation, or other emblem of or 77
indicating the manufacturer, producer, distributor, place of 78
manufacture, production, or distribution of beer or intoxicating 79
liquor may be displayed and permitted to be displayed on the 80
interior or in the show windows of any licensed premises, if the 81
particular brand or type of product so advertised is actually 82
available for sale on the premises at the time of such display. 83

The liquor control commission shall determine by rule the size and character of such signs, illustrations, or advertisements. 84
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(G) No retail permit holder shall possess on the licensed premises any barrel or other container from which beer is drawn, unless there is attached to the spigot or other dispensing apparatus the name of the manufacturer of the product contained therein, provided that where such beer is served at a bar the manufacturer's name or brand ~~must~~ shall appear in full view of the purchaser. The commission shall regulate the size and character of the devices provided for in this section. 86
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(H) Except as otherwise provided in this division, no sale of any gift certificate shall be permitted whereby beer or intoxicating liquor of any kind is to be exchanged for such certificate, unless the gift certificate can be exchanged only for food, and beer or intoxicating liquor, for on-premises consumption 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. 94
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Section 2. That existing section 4301.22 of the Revised Code is hereby repealed. 110
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