

**As Reported by the House State Government Committee**

**125th General Assembly**

**Regular Session**

**2003-2004**

**Sub. S. B. No. 164**

**Senators Schuler, Blessing, Dann, Robert Gardner, Fingerhut, Hagan  
Representative Trakas**

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**A B I L L**

To amend sections 4301.22, 4303.07, 4303.10, 4303.17, 1  
and 4303.35 of the Revised Code to remove under 2  
specified conditions the prohibition against 3  
allowing liquor agency stores to sell spirituous 4  
liquor on Sunday, to authorize the sale of beer 5  
and wine under a D-4 permit under specified 6  
conditions after its location has been 7  
transferred, to generally authorize B-2 permit 8  
holders to sell wine to retail permit holders and 9  
B-5 permit holders to sell wine to wholesale and 10  
retail permit holders, and to generally require 11  
retail permit holders to purchase beer, wine, and 12  
mixed beverages from manufacturers and wholesalers 13  
that are A or B permit holders and to purchase 14  
spirituous liquor from the Division of Liquor 15  
Control. 16

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

**Section 1.** That sections 4301.22, 4303.07, 4303.10, 4303.17, 17  
and 4303.35 of the Revised Code be amended to read as follows: 18

**Sec. 4301.22.** Sales of beer and intoxicating liquor under all 19

classes of permits and from state liquor stores are subject to the 20  
following restrictions, in addition to those imposed by the rules 21  
or orders of the division of liquor control: 22

(A)(1) Except as otherwise provided in this chapter, no beer 23  
or intoxicating liquor shall be sold to any person under 24  
twenty-one years of age. 25

(2) No low-alcohol beverage shall be sold to any person under 26  
eighteen years of age. No permit issued by the division shall be 27  
suspended, revoked, or canceled because of a violation of division 28  
(A)(2) of this section. 29

(3) No intoxicating liquor shall be handled by any person 30  
under twenty-one years of age, except that a person eighteen years 31  
of age or older employed by a permit holder may handle or sell 32  
beer or intoxicating liquor in sealed containers in connection 33  
with wholesale or retail sales, and any person nineteen years of 34  
age or older employed by a permit holder may handle intoxicating 35  
liquor in open containers when acting in the capacity of a server 36  
in a hotel, restaurant, club, or night club, as defined in 37  
division (B) of section 4301.01 of the Revised Code, or in the 38  
premises of a D-7 permit holder. This section does not authorize 39  
persons under twenty-one years of age to sell intoxicating liquor 40  
across a bar. Any person employed by a permit holder may handle 41  
beer or intoxicating liquor in sealed containers in connection 42  
with manufacturing, storage, warehousing, placement, stocking, 43  
bagging, loading, or unloading, and may handle beer or 44  
intoxicating liquor in open containers in connection with cleaning 45  
tables or handling empty bottles or glasses. 46

(B) No permit holder and no agent or employee of a permit 47  
holder shall sell or furnish beer or intoxicating liquor to an 48  
intoxicated person. 49

(C) No sales of intoxicating liquor shall be made after 50

two-thirty a.m. on Sunday, ~~except that intoxicating~~ under either 51  
of the following circumstances: 52

(1) Intoxicating liquor may be sold on Sunday under authority 53  
of a permit that authorizes Sunday sale. 54

(2) Spirituous liquor may be sold on Sunday by any person 55  
awarded an agency contract under section 4301.17 of the Revised 56  
Code if the sale of spirituous liquor is authorized in the 57  
applicable precinct as the result of an election on question 58  
(B)(1) or (2) of section 4301.351 of the Revised Code and if the 59  
agency contract authorizes the sale of spirituous liquor on 60  
Sunday. 61

This section does not prevent a municipal corporation from 62  
adopting a closing hour for the sale of intoxicating liquor 63  
earlier than two-thirty a.m. on Sunday or to provide that no 64  
intoxicating liquor may be sold prior to that hour on Sunday. 65

(D) No holder of a permit shall give away any beer or 66  
intoxicating liquor of any kind at any time in connection with the 67  
permit holder's business. 68

(E) Except as otherwise provided in this division, no retail 69  
permit holder shall display or permit the display on the outside 70  
of any licensed retail premises, or on any lot of ground on which 71  
the licensed premises are situated, or on the exterior of any 72  
building of which the licensed premises are a part, any sign, 73  
illustration, or advertisement bearing the name, brand name, trade 74  
name, trade-mark, designation, or other emblem of or indicating 75  
the manufacturer, producer, distributor, place of manufacture, 76  
production, or distribution of any beer or intoxicating liquor. 77  
Signs, illustrations, or advertisements bearing the name, brand 78  
name, trade name, trade-mark, designation, or other emblem of or 79  
indicating the manufacturer, producer, distributor, place of 80  
manufacture, production, or distribution of beer or intoxicating 81

liquor may be displayed and permitted to be displayed on the 82  
interior or in the show windows of any licensed premises, if the 83  
particular brand or type of product so advertised is actually 84  
available for sale on the premises at the time of that display. 85  
The liquor control commission shall determine by rule the size and 86  
character of those signs, illustrations, or advertisements. 87

(F) No retail permit holder shall possess on the licensed 88  
premises any barrel or other container from which beer is drawn, 89  
unless there is attached to the spigot or other dispensing 90  
apparatus the name of the manufacturer of the product contained in 91  
the barrel or other container, provided that, if the beer is 92  
served at a bar, the manufacturer's name or brand ~~must~~ shall 93  
appear in full view of the purchaser. The commission shall 94  
regulate the size and character of the devices provided for in 95  
this section. 96

(G) Except as otherwise provided in this division, no sale of 97  
any gift certificate shall be permitted whereby beer or 98  
intoxicating liquor of any kind is to be exchanged for the 99  
certificate, unless the gift certificate can be exchanged only for 100  
food, and beer or intoxicating liquor, for on-premises consumption 101  
and the value of the beer or intoxicating liquor for which the 102  
certificate can be exchanged does not exceed more than thirty per 103  
cent of the total value of the gift certificate. The sale of gift 104  
certificates for the purchase of beer, wine, or mixed beverages 105  
shall be permitted for the purchase of beer, wine, or mixed 106  
beverages for off-premises consumption. Limitations on the use of 107  
a gift certificate for the purchase of beer, wine, or mixed 108  
beverages for off-premises consumption may be expressed by clearly 109  
stamping or typing on the face of the certificate that the 110  
certificate may not be used for the purchase of beer, wine, or 111  
mixed beverages. 112

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

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

**Sec. 4303.17.** (A)(1) Permit D-4 may be issued to a club that has been in existence for three years or more prior to the issuance of the permit to sell beer and any intoxicating liquor to its members only, in glass or container, for consumption on the premises where sold. The fee for this permit is four hundred sixty-nine dollars. ~~No such~~

No D-4 permit shall be granted or retained until all elected

officers of ~~such~~ the organization controlling ~~such~~ the club have 143  
filed with the division of liquor control a statement certifying 144  
that ~~such~~ the club is operated in the interest of the membership 145  
of a reputable organization, which is maintained by a dues paying 146  
membership, setting forth the amount of initiation fee and yearly 147  
dues. All such matters shall be contained in a statement signed 148  
under oath and accompanied by a surety bond in the sum of one 149  
thousand dollars. ~~Such~~ The bond shall be declared forfeited in the 150  
full amount of the penal sum of the bond for any false statement 151  
contained in ~~such certificate~~ that statement, and the surety shall 152  
pay the amount of the bond to the division. ~~The~~ 153

The roster of membership of a D-4 permit holder shall be 154  
submitted under oath on the request of the superintendent of 155  
liquor control. Any information acquired by the superintendent or 156  
the division with respect to ~~such~~ that membership shall not be 157  
open to public inspection or examination and may be divulged by 158  
the superintendent and the division only in hearings before the 159  
liquor control commission or in a court action in which the 160  
division or the superintendent is named a party. 161

(2) The requirement that a club shall have been in existence 162  
for three years in order to qualify for a D-4 permit does not 163  
apply to units of organizations chartered by congress or to a 164  
subsidiary unit of a national fraternal organization if the parent 165  
organization has been in existence for three years or more at the 166  
time application for a permit is made by such unit. 167

(B) No rule or order of the division or commission shall 168  
prohibit a charitable organization that holds a D-4 permit from 169  
selling or serving beer or intoxicating liquor under its permit in 170  
a portion of its premises merely because that portion of its 171  
premises is used at other times for the conduct of a bingo game as 172  
described in division (S) of section 2915.01 of the Revised Code. 173  
However, such an organization shall not sell or serve beer or 174

intoxicating liquor or permit beer or intoxicating liquor to be 175  
consumed or seen in the same location in its premises where a 176  
bingo game~~7~~ as described in division (S)(1) of section 2915.01 of 177  
the Revised Code~~7~~ is being conducted while the game is being 178  
conducted. As used in this ~~section~~ division, "charitable 179  
organization" has the same meaning as in division (H) of section 180  
2915.01 of the Revised Code. 181

(C) Notwithstanding any contrary provision of sections 182  
4301.32 to 4301.41, division (C)(1) of section 4303.29, and 183  
section 4305.14 of the Revised Code, the holder of a D-4 permit 184  
may transfer the location of the permit and sell beer and wine at 185  
the new location if that location is in an election precinct in 186  
which the sale of beer and wine, but not spirituous liquor, 187  
otherwise is permitted by law. 188

**Sec. 4303.35.** No holders of ~~A-1-A, C-1, C-2, D-1, D-2, D-3,~~ 189  
~~D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g,~~ 190  
~~D-5h, D-5i, D-5j, D-5k, F, F-3, F-5, or F-6~~ retail permits shall 191  
purchase any beer subject to the tax imposed by sections 4301.42 192  
and 4305.01 of the Revised Code or any wine or mixed beverage 193  
subject to the tax imposed by section 4301.43 of the Revised Code 194  
for resale, except from holders of A or B permits. 195

No holders of ~~A-1-A, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b,~~ 196  
~~D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, or D-5k~~ retail 197  
permits shall purchase spirituous liquor for resale except from 198  
the division of liquor control, unless with the special consent of 199  
the division under particular regulations and markup provisions 200  
prescribed by the superintendent of liquor control. 201

**Section 2.** That existing sections 4301.22, 4303.07, 4303.10, 202  
4303.17, and 4303.35 of the Revised Code are hereby repealed. 203