

As Passed by the Senate

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Sub. H. B. No. 209

**Representatives Combs, Carano, Chandler, C. Evans, Harwood, Martin,
Perry, Trakas, Daniels, Fende, Yuko, Wolpert, Allen, Barrett, Blessing,
Bocchieri, Brown, Distel, Domenick, D. Evans, Flowers, Hughes, Kearns, Key,
Otterman, Reidelbach, Schneider, Seaver, Seitz, Webster, Yates**

Senator Mumper

—

A B I L L

To amend sections 4301.24 and 4303.181 and to enact 1
section 4301.242 of the Revised Code to allow 2
manufacturers and wholesale distributors of 3
alcohol to provide to other manufacturers or 4
wholesale distributors travel, lodging, food, and 5
beverages and to liquor permit holders food, 6
beverages, and recreational activities, to qualify 7
the owner or operator of a community arts center 8
or a community theater meeting specified 9
qualifications for issuance of a D-5h liquor 10
permit, to exclude wine sales from the total gross 11
receipts requirement governing the issuance of a 12
D-5i liquor permit, to modify the population 13
requirements for the issuance of a D-5i liquor 14
permit, and to create an additional qualification 15
under which a D-5j liquor permit may be issued 16
within a community entertainment district. 17

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

Section 1. That sections 4301.24 and 4303.181 be amended and 18
section 4301.242 of the Revised Code be enacted read as follows: 19

Sec. 4301.24. ~~No~~ Except as provided in section 4301.242 of 20
the Revised Code, no manufacturer shall aid or assist the holder 21
of any permit for sale at wholesale, and no manufacturer or 22
wholesale distributor shall aid or assist the holder of any permit 23
for sale at retail, by gift or loan of any money or property of 24
any description or other valuable thing, or by giving premiums or 25
rebates. ~~No~~ Except as provided in section 4301.242 of the Revised 26
Code, no holder of any such permit shall accept the same, provided 27
that the manufacturer or wholesale distributor may furnish to a 28
retail permittee the inside signs or advertising and the tap signs 29
or devices authorized by divisions (E) and (F) of section 4301.22 30
of the Revised Code. 31

No manufacturer shall have any financial interest, directly 32
or indirectly, by stock ownership, or through interlocking 33
directors in a corporation, or otherwise, in the establishment, 34
maintenance, or promotion in the business of any wholesale 35
distributor. No retail permit holder shall have any interest, 36
directly or indirectly, in the operation of, or any ownership in, 37
the business of any wholesale distributor or manufacturer. 38

No manufacturer shall, except as authorized by section 39
4303.021 of the Revised Code, have any financial interest, 40
directly or indirectly, by stock ownership, or through 41
interlocking directors in a corporation, or otherwise, in the 42
establishment, maintenance, or promotion of the business of any 43
retail dealer. No wholesale distributor or employee of a wholesale 44
distributor shall have any financial interest, directly or 45
indirectly, by stock ownership, interlocking directors in a 46
corporation, or otherwise, in the establishment, maintenance, or 47

promotion of the business of any retail dealer. No manufacturer or
wholesale distributor or any stockholder of a manufacturer or
wholesale distributor shall acquire, by ownership in fee,
leasehold, mortgage, or otherwise, directly or indirectly, any
interest in the premises on which the business of any other person
engaged in the business of trafficking in beer or intoxicating
liquor is conducted. All contracts, covenants, conditions, and
limitations whereby any person engaged or proposing to engage in
the sale of beer or intoxicating liquors promises to confine the
person's sales of a particular kind or quality of beer or
intoxicating liquor to one or more products, or the products of a
specified manufacturer or wholesale distributor, or to give
preference to those products, shall to the extent of that promise
be void. The making of a promise in any such form shall be cause
for the revocation or suspension of any permit issued to any
party. This section does not prevent the holder of an A permit
from securing and holding a wholesale distributor's permit or
permits and operating as a wholesale distributor.

No manufacturer shall sell or offer to sell to any wholesale
distributor or retail permit holder, no wholesale distributor
shall sell or offer to sell to any retail permit holder, and no
wholesale distributor or retail permit holder shall purchase or
receive from any manufacturer or wholesale distributor, any beer,
brewed beverages, or wine manufactured in the United States except
for cash. No right of action shall exist to collect any claims for
credit extended contrary to this section. This section does not
prohibit a licensee from crediting to a purchaser the actual
prices charged for packages or containers returned by the original
purchaser as a credit on any sale or from refunding to any
purchaser the amount paid by that purchaser for containers or as a
deposit on containers when title is retained by the vendor, if
those containers or packages have been returned to the

manufacturer or distributor. This section does not prohibit a
manufacturer from extending usual and customary credit for beer,
brewed beverages, or wine manufactured in the United States and
sold to customers who live or maintain places of business outside
this state when the beverages so sold are actually transported and
delivered to points outside this state. No wholesale or retail
permit shall be issued to an applicant unless the applicant has
paid in full all accounts for beer or wine, manufactured in the
United States, outstanding as of September 6, 1939. No beer or
wine manufactured in the United States shall be imported into the
state unless the beer or wine has been paid for in cash, and no
supplier registration for any such beer or wine manufactured in
the United States shall be issued by the division of liquor
control until the A-2, B-1, or B-5 permit holder establishes to
the satisfaction of the division that the beer or wine has been
paid for in cash.

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

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

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

(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

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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. 4301.242. (A) Notwithstanding the restrictions placed on
manufacturers, wholesale distributors, and holders of permits for
sale at retail or wholesale in section 4301.24 of the Revised
Code, a manufacturer or wholesale distributor may engage in the
following conduct, provided that the conduct does not lead to
control of a permit holder by another person:

(1) A manufacturer or wholesale distributor may accept from
or provide to a manufacturer or wholesale distributor travel,
lodging, food, and beverages.

(2) A manufacturer or wholesale distributor may provide to a
retail permit holder or the permit holder's employees or agents

food, beverages, and recreational activities under either of the 141
following circumstances: 142

(a) Food and beverages are provided by the manufacturer or 143
wholesale distributor or the manufacturer's or wholesale 144
distributor's employees or agents during a business meeting with a 145
retail permit holder or the permit holder's employees or agents. 146

(b) Recreational activities are enjoyed in the presence of 147
the retail permit holder or the permit holder's employees or 148
agents and the manufacturer or wholesale distributor or the 149
manufacturer's or wholesale distributor's employees or agents who 150
are paying for the recreational activities. 151

(B) As used in this section, "recreational activities" 152
includes sporting events, concerts, theatrical performances, and 153
other forms of entertainment. 154

Sec. 4303.181. (A) Permit D-5a may be issued either to the 155
owner or operator of a hotel or motel that is required to be 156
licensed under section 3731.03 of the Revised Code, that contains 157
at least fifty rooms for registered transient guests or is owned 158
by a state institution of higher education as defined in section 159
3345.011 of the Revised Code or a private college or university, 160
and that qualifies under the other requirements of this section, 161
or to the owner or operator of a restaurant specified under this 162
section, to sell beer and any intoxicating liquor at retail, only 163
by the individual drink in glass and from the container, for 164
consumption on the premises where sold, and to registered guests 165
in their rooms, which may be sold by means of a controlled access 166
alcohol and beverage cabinet in accordance with division (B) of 167
section 4301.21 of the Revised Code; and to sell the same products 168
in the same manner and amounts not for consumption on the premises 169
as may be sold by holders of D-1 and D-2 permits. The premises of 170
the hotel or motel shall include a retail food establishment or a 171

food service operation licensed pursuant to Chapter 3717. of the 172
Revised Code that operates as a restaurant for purposes of this 173
chapter and that is affiliated with the hotel or motel and within 174
or contiguous to the hotel or motel, and that serves food within 175
the hotel or motel, but the principal business of the owner or 176
operator of the hotel or motel shall be the accommodation of 177
transient guests. In addition to the privileges authorized in this 178
division, the holder of a D-5a permit may exercise the same 179
privileges as the holder of a D-5 permit. 180

The owner or operator of a hotel, motel, or restaurant who 181
qualified for and held a D-5a permit on August 4, 1976, may, if 182
the owner or operator held another permit before holding a D-5a 183
permit, either retain a D-5a permit or apply for the permit 184
formerly held, and the division of liquor control shall issue the 185
permit for which the owner or operator applies and formerly held, 186
notwithstanding any quota. 187

A D-5a permit shall not be transferred to another location. 188
No quota restriction shall be placed on the number of D-5a permits 189
that may be issued. 190

The fee for this permit is two thousand three hundred 191
forty-four dollars. 192

(B) Permit D-5b may be issued to the owner, operator, tenant, 193
lessee, or occupant of an enclosed shopping center to sell beer 194
and intoxicating liquor at retail, only by the individual drink in 195
glass and from the container, for consumption on the premises 196
where sold; and to sell the same products in the same manner and 197
amount not for consumption on the premises as may be sold by 198
holders of D-1 and D-2 permits. In addition to the privileges 199
authorized in this division, the holder of a D-5b permit may 200
exercise the same privileges as a holder of a D-5 permit. 201

A D-5b permit shall not be transferred to another location. 202

One D-5b permit may be issued at an enclosed shopping center 203
containing at least two hundred twenty-five thousand, but less 204
than four hundred thousand, square feet of floor area. 205

Two D-5b permits may be issued at an enclosed shopping center 206
containing at least four hundred thousand square feet of floor 207
area. No more than one D-5b permit may be issued at an enclosed 208
shopping center for each additional two hundred thousand square 209
feet of floor area or fraction of that floor area, up to a maximum 210
of five D-5b permits for each enclosed shopping center. The number 211
of D-5b permits that may be issued at an enclosed shopping center 212
shall be determined by subtracting the number of D-3 and D-5 213
permits issued in the enclosed shopping center from the number of 214
D-5b permits that otherwise may be issued at the enclosed shopping 215
center under the formulas provided in this division. Except as 216
provided in this section, no quota shall be placed on the number 217
of D-5b permits that may be issued. Notwithstanding any quota 218
provided in this section, the holder of any D-5b permit first 219
issued in accordance with this section is entitled to its renewal 220
in accordance with section 4303.271 of the Revised Code. 221

The holder of a D-5b permit issued before April 4, 1984, 222
whose tenancy is terminated for a cause other than nonpayment of 223
rent, may return the D-5b permit to the division of liquor 224
control, and the division shall cancel that permit. Upon 225
cancellation of that permit and upon the permit holder's payment 226
of taxes, contributions, premiums, assessments, and other debts 227
owing or accrued upon the date of cancellation to this state and 228
its political subdivisions and a filing with the division of a 229
certification of that payment, the division shall issue to that 230
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 231
that person requests. The division shall issue the D-5 permit, or 232
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 233
D-3, or D-5 permits currently issued in the municipal corporation 234

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

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

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

To qualify for a D-5c permit, the owner or operator of a
retail food establishment or a food service operation licensed
pursuant to Chapter 3717. of the Revised Code that operates as a
restaurant for purposes of this chapter, shall have operated the
restaurant at the proposed premises for not less than twenty-four
consecutive months immediately preceding the filing of the

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

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

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

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

(D) Permit D-5d may be issued to the owner or operator of a
retail food establishment or a food service operation licensed
pursuant to Chapter 3717. of the Revised Code that operates as a
restaurant for purposes of this chapter and that is located at an
airport operated by a board of county commissioners pursuant to
section 307.20 of the Revised Code, 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;

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

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.

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 328
requirements of this division. However, the division shall not 329
issue a D-5e permit if the permit premises or proposed permit 330
premises are located within an area in which the sale of 331
spirituous liquor by the glass is prohibited. 332

The fee for this permit is one thousand two hundred nineteen 333
dollars. 334

(F) Permit D-5f may be issued to the owner or operator of a 335
retail food establishment or a food service operation licensed 336
under Chapter 3717. of the Revised Code that operates as a 337
restaurant for purposes of this chapter and that meets all of the 338
following: 339

(1) It contains not less than twenty-five hundred square feet 340
of floor area. 341

(2) It is located on or in, or immediately adjacent to, the 342
shoreline of, a navigable river. 343

(3) It provides docking space for twenty-five boats. 344

(4) It provides entertainment and recreation, provided that 345
not less than fifty per cent of the business on the permit 346
premises shall be preparing and serving meals for a consideration. 347

In addition, each application for a D-5f permit shall be 348
accompanied by a certification from the local legislative 349
authority that the issuance of the D-5f permit is not inconsistent 350
with that political subdivision's comprehensive development plan 351
or other economic development goal as officially established by 352
the local legislative authority. 353

The holder of a D-5f permit may sell beer and intoxicating 354
liquor at retail, only by the individual drink in glass and from 355
the container, for consumption on the premises where sold. 356

A D-5f permit shall not be transferred to another location. 357

The division of liquor control shall not issue a D-5f permit 358
if the permit premises or proposed permit premises are located 359
within an area in which the sale of spirituous liquor by the glass 360
is prohibited. 361

A fee for this permit is two thousand three hundred 362
forty-four dollars. 363

As used in this division, "navigable river" means a river 364
that is also a "navigable water" as defined in the "Federal Power 365
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 366

(G) Permit D-5g may be issued to a nonprofit corporation that 367
is either the owner or the operator of a national professional 368
sports museum. The holder of a D-5g permit may sell beer and any 369
intoxicating liquor at retail, only by the individual drink in 370
glass and from the container, for consumption on the premises 371
where sold. The holder of a D-5g permit shall sell no beer or 372
intoxicating liquor for consumption on the premises where sold 373
after one a.m. A D-5g permit shall not be transferred to another 374
location. No quota restrictions shall be placed on the number of 375
D-5g permits that may be issued. The fee for this permit is one 376
thousand eight hundred seventy-five dollars. 377

(H)(1) Permit D-5h may be issued to any nonprofit 378
organization that is exempt from federal income taxation under the 379
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 380
501(c)(3), as amended, that owns or operates a any of the 381
following: 382

(a) A fine arts museum and, provided that the nonprofit 383
organization has no less than five thousand bona fide members 384
possessing full membership privileges. ~~The;~~ 385

(b) A community arts center. As used in division (H)(1)(b) of 386
this section, "community arts center" means a facility that 387
provides arts programming to the community in more than one arts 388

discipline, including, but not limited to, exhibits of works of
art and performances by both professional and amateur artists.

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(c) A community theater, provided that the nonprofit
organization is a member of the Ohio arts council and the American
community theatre association and has been in existence for not
less than ten years. As used in division (H)(1)(c) of this
section, "community theater" means a facility that contains at
least one hundred fifty seats and has a primary function of
presenting live theatrical performances and providing recreational
opportunities to the community.

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(2) The holder of a D-5h 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. The holder of a D-5h permit shall sell no beer or
intoxicating liquor for consumption on the premises where sold
after one a.m. A D-5h permit shall not be transferred to another
location. No quota restrictions shall be placed on the number of
D-5h permits that may be issued. ~~The~~

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(3) The fee for ~~this~~ a D-5h permit is one thousand eight
hundred seventy-five dollars.

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(I) Permit D-5i 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 requirements:

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

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

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

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(4) It offers full-course meals, appetizers, and sandwiches.	419
(5) Its receipts from beer and liquor sales, <u>excluding wine sales</u> , do not exceed twenty-five per cent of its total gross receipts.	420 421 422
(6) It has at least one of the following characteristics:	423
(a) The value of its real and personal property exceeds seven hundred twenty-five thousand dollars.	424 425
(b) It is located on property that is owned or leased by the state or a state agency, and its owner or operator has authorization from the state or the state agency that owns or leases the property to obtain a D-5i permit.	426 427 428 429
The holder of a D-5i permit shall cause an independent audit to be performed at the end of one full year of operation following issuance of the permit in order to verify the requirements of division (I)(5) of this section. The results of the independent audit shall be transmitted to the division. Upon determining that the receipts of the holder from beer and liquor sales, <u>excluding wine sales</u> , exceeded twenty-five per cent of its total gross receipts, the division shall suspend the permit of the permit holder under section 4301.25 of the Revised Code and may allow the permit holder to elect a forfeiture under section 4301.252 of the Revised Code.	430 431 432 433 434 435 436 437 438 439 440
The holder of a D-5i 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. The holder of a D-5i permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. In addition to the privileges authorized in this division, the holder of a D-5i	441 442 443 444 445 446 447 448 449

permit may exercise the same privileges as the holder of a D-5 450
permit. 451

A D-5i permit shall not be transferred to another location. 452
The division of liquor control shall not renew a D-5i permit 453
unless the retail food establishment or food service operation for 454
which it is issued continues to meet the requirements described in 455
divisions (I)(1) to (6) of this section. No quota restrictions 456
shall be placed on the number of D-5i permits that may be issued. 457
The fee for the D-5i permit is two thousand three hundred 458
forty-four dollars. 459

(J)(1) Permit D-5j may be issued to the owner or the operator 460
of a retail food establishment or a food service operation 461
licensed under Chapter 3717. of the Revised Code to sell beer and 462
intoxicating liquor at retail, only by the individual drink in 463
glass and from the container, for consumption on the premises 464
where sold and to sell beer and intoxicating liquor in the same 465
manner and amounts not for consumption on the premises where sold 466
as may be sold by the holders of D-1 and D-2 permits. The holder 467
of a D-5j permit may exercise the same privileges, and shall 468
observe the same hours of operation, as the holder of a D-5 469
permit. 470

(2) The D-5j permit shall be issued only within a community 471
entertainment district that is designated under section 4301.80 of 472
the Revised Code and that meets one of the following 473
qualifications: 474

(a) It is located in a municipal corporation with a 475
population of at least one hundred thousand. 476

(b) It is located in a municipal corporation with a 477
population of at least twenty thousand, and either of the 478
following applies: 479

(i) It contains an amusement park the rides of which have 480

been issued a permit by the department of agriculture under 481
Chapter 1711. of the Revised Code. 482

(ii) Not less than fifty million dollars will be invested in 483
development and construction in the community entertainment 484
district's area located in the municipal corporation. 485

(c) It is located in a township with a population of at least 486
forty thousand. 487

(d) It is located in a municipal corporation with a 488
population of at least ten thousand, and not less than seventy 489
million dollars will be invested in development and construction 490
in the community entertainment district's area located in the 491
municipal corporation. 492

(3) The location of a D-5j permit may be transferred only 493
within the geographic boundaries of the community entertainment 494
district in which it was issued and shall not be transferred 495
outside the geographic boundaries of that district. 496

(4) Not more than one D-5j permit shall be issued within each 497
community entertainment district for each five acres of land 498
located within the district. Not more than fifteen D-5j permits 499
may be issued within a single community entertainment district. 500
Except as otherwise provided in division (J)(4) of this section, 501
no quota restrictions shall be placed upon the number of D-5j 502
permits that may be issued. 503

(5) The fee for a D-5j permit is two thousand three hundred 504
forty-four dollars. 505

(K)(1) Permit D-5k may be issued to any nonprofit 506
organization that is exempt from federal income taxation under the 507
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 508
501(c)(3), as amended, that is the owner or operator of a 509
botanical garden recognized by the American association of 510

botanical gardens and arboreta, and that has not less than 511
twenty-five hundred bona fide members. 512

(2) The holder of a D-5k permit may sell beer and any 513
intoxicating liquor at retail, only by the individual drink in 514
glass and from the container, on the premises where sold. 515

(3) The holder of a D-5k permit shall sell no beer or 516
intoxicating liquor for consumption on the premises where sold 517
after one a.m. 518

(4) A D-5k permit shall not be transferred to another 519
location. 520

(5) No quota restrictions shall be placed on the number of 521
D-5k permits that may be issued. 522

(6) The fee for the D-5k permit is one thousand eight hundred 523
seventy-five dollars. 524

Section 2. That existing sections 4301.24 and 4303.181 of the 525
Revised Code are hereby repealed. 526