

As Introduced

**126th General Assembly
Regular Session
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S. B. No. 131

Senators Mumper, Dann, Zurz

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A B I L L

To amend sections 4301.333, 4301.334, 4301.351, 1
4301.354, 4301.355, 4301.356, 4301.361, 4301.364, 2
4301.365, 4301.366, 4301.62, 4301.99, and 4303.182 3
and to enact section 4301.65 of the Revised Code 4
to authorize certain Sunday liquor sales to begin 5
at 11 a.m. even if these sales previously were 6
approved by the voters to commence at 1 p.m., to 7
change from 1 p.m. to 11 a.m. the time at which 8
Sunday liquor sales may start as specified in 9
certain local option questions submitted to the 10
voters, to prohibit the sale, offering for sale, 11
purchase, and use of alcohol vaporizing devices, 12
and to allow opened bottles of wine that are 13
purchased at restaurants to be transported in 14
vehicles under certain conditions. 15

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

Section 1. That sections 4301.333, 4301.334, 4301.351, 16
4301.354, 4301.355, 4301.356, 4301.361, 4301.364, 4301.365, 17
4301.366, 4301.62, 4301.99, and 4303.182 be amended and section 18
4301.65 of the Revised Code be enacted to read as follows: 19

Sec. 4301.333. (A) The privilege of local option conferred by 20

section 4301.323 of the Revised Code may be exercised if, not 21
later than four p.m. of the seventy-fifth day before the day of a 22
general or primary election, a petition is presented to the board 23
of elections of the county in which the precinct is situated by a 24
petitioner who is one of the following: 25

(1) An applicant for the issuance or transfer of a liquor 26
permit at, or to, a particular location within the precinct; 27

(2) The holder of a liquor permit at a particular location 28
within the precinct; 29

(3) A person who operates or seeks to operate a liquor agency 30
store at a particular location within the precinct; 31

(4) The designated agent for an applicant, liquor permit 32
holder, or liquor agency store described in division (A)(1), (2), 33
or (3) of this section. 34

(B) The petition shall be signed by the electors of the 35
precinct equal in number to at least thirty-five per cent of the 36
total number of votes cast in the precinct for the office of 37
governor at the preceding general election for that office and 38
shall contain all of the following: 39

(1) A notice that the petition is for the submission of the 40
question or questions set forth in section 4301.355 of the Revised 41
Code; 42

(2) The name of the applicant for the issuance or transfer, 43
or the holder, of the liquor permit or, if applicable, the name of 44
the liquor agency store, including any trade or fictitious names 45
under which the applicant, holder, or liquor agency store either 46
intends to do or does business at the particular location; 47

(3) The address and proposed use of the particular location 48
within the election precinct to which the results of the question 49
or questions specified in section 4301.355 of the Revised Code 50

shall apply. For purposes of this division, "use" means all of the following:

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

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

(c) A description of the general nature of the business of the applicant, liquor permit holder, or liquor agency store.

(4) If the petition seeks approval of Sunday sales under question (B)(2) as set forth in section 4301.355 of the Revised Code, a statement indicating whether the hours of sale sought are between ten a.m. and midnight or between ~~one p.m.~~ eleven a.m. and midnight.

(C)(1) At the time the petitioner files the petition with the board of elections, the petitioner shall provide to the board both of the following:

(a) An affidavit that is signed by the petitioner and that states the proposed use of the location following the election held to authorize the sale of beer or intoxicating liquor authorized by each permit as provided in sections 4303.11 to 4303.183 of the Revised Code;

(b) Written evidence of the designation of an agent by the applicant, liquor permit holder, or liquor agency store described in division (A)(1), (2), or (3) of this section for the purpose of petitioning for the local option election, if the petitioner is the designated agent of the applicant, liquor permit holder, or

liquor agency store.

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(2) Failure to supply the affidavit, or the written evidence
of the designation of the agent if the petitioner for the local
option election is the agent of the applicant, liquor permit
holder, or liquor agency store described in division (A)(1), (2),
or (3) of this section, at the time the petition is filed
invalidates the entire petition.

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(D) Not later than the sixty-sixth day before the day of the
next general or primary election, whichever occurs first, the
board shall examine and determine the sufficiency of the
signatures and the validity of the petition. If the board finds
that the petition contains sufficient signatures and in other
respects is valid, it shall order the holding of an election in
the precinct on the day of the next general or primary election,
whichever occurs first, for the submission of the question or
questions set forth in section 4301.355 of the Revised Code.

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

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

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specified in the petition and to the elector who filed the
protest. At the time and place established in the notice, the
election officials shall hear the protest and determine the
validity of the petition.

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Sec. 4301.334. (A) The privilege of local option conferred by
section 4301.324 of the Revised Code may be exercised if, not
later than four p.m. of the seventy-fifth day before the day of a
general or primary election, a petition and other information
required by division (B) of this section are presented to the
board of elections of the county in which the community facility
named in the petition is located. The petition shall be signed by
electors of the municipal corporation or unincorporated area of
the township in which the community facility is located equal in
number to at least ten per cent of the total number of votes cast
in the municipal corporation or unincorporated area of the
township in which the community facility is located for the office
of governor at the most recent general election for that office
and shall contain both of the following:

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(1) A notice that the petition is for the submission of the
question set forth in section 4301.356 of the Revised Code and a
statement indicating whether the hours of Sunday sales sought in
the local option election are between ten a.m. and midnight or
between eleven a.m. and midnight;

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(2) The name and address of the community facility for which
the local option election is sought and, if the community facility
is a community entertainment district, the boundaries of the
district.

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(B) Upon the request of a petitioner, a board of elections of
a county shall furnish to the petitioner a copy of the
instructions prepared by the secretary of state under division (P)
of section 3501.05 of the Revised Code and, within fifteen days

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after the request, a certificate indicating the number of valid
signatures that will be required on a petition to hold an election
in the municipal corporation or unincorporated area of the
township in which the community facility is located on the
question specified in section 4301.356 of the Revised Code.

The petitioner shall, not less than thirty days before the
petition-filing deadline for an election on the question specified
in section 4301.356 of the Revised Code, specify to the division
of liquor control the name and address of the community facility
for which the election is sought and, if the community facility is
a community entertainment district, the boundaries of the
district, the municipal corporation or unincorporated area of a
township in which the election is sought, and the filing deadline.
The division shall, within a reasonable period of time and not
later than ten days before the filing deadline, supply the
petitioner with the name and address of any permit holder for or
within the community facility.

The petitioner shall file the name and address of any permit
holder who would be affected by the election at the time the
petitioner files the petition with the board of elections. Within
five days after receiving the petition, the board shall give
notice by certified mail to any permit holder within the community
facility that it has received the petition. Failure of the
petitioner to supply the name and address of any permit holder for
or within the community facility as furnished to the petitioner by
the division invalidates the petition.

(C) Not later than the sixty-sixth day before the day of the
next general or primary election, whichever occurs first, the
board shall examine and determine the sufficiency of the
signatures on the petition. If the board finds that the petition
is valid, it shall order the holding of an election in the
municipal corporation or unincorporated area of a township on the

day of the next general or primary election, whichever occurs 175
first, for the submission of the question set forth in section 176
4301.356 of the Revised Code. 177

(D) A petition filed with a board of elections under this 178
section shall be open to public inspection under rules adopted by 179
the board. 180

(E) An elector who is eligible to vote on the question set 181
forth in section 4301.356 of the Revised Code or any permit holder 182
for or within the community facility may, not later than four p.m. 183
of the sixty-fourth day before the day of the election at which 184
the question will be submitted to the electors, file a written 185
protest against the local option petition with the board of 186
elections with which the petition was filed. Upon the filing of 187
the protest, the board shall promptly fix a time and place for 188
hearing the protest and shall mail notice of the time and place to 189
the person who filed the petition and to the person who filed the 190
protest. At the time and place fixed, the board shall hear the 191
protest and determine the validity of the petition. 192

Sec. 4301.351. (A) If a petition is for submission of the 193
question of whether the sale of intoxicating liquor shall be 194
permitted on Sunday, a special election shall be held in the 195
precinct at the time fixed as provided in section 4301.33 of the 196
Revised Code. The expenses of holding the election shall be 197
charged to the municipal corporation or township of which the 198
precinct is a part. 199

(B) At the election, one or more of the following questions, 200
question (B)(1), (B)(2), or (B)(3) as designated in a valid 201
petition or question (B)(4) as submitted by the legislative 202
authority of a municipal corporation or the board of trustees of a 203
township, shall be submitted to the electors of the precinct: 204

(1) "Shall the sale of intoxicating liquor, of the same types 205
as may be legally sold in this precinct on other days of the week, 206
be permitted in this for consumption on the premises 207
where sold, between the hours of ~~one p.m.~~ eleven a.m. and midnight 208
on Sunday?" 209

(2) "Shall the sale of intoxicating liquor, of the same types 210
as may be legally sold in this precinct on other days of the week, 211
be permitted in this for consumption on the premises 212
where sold, between the hours of ~~one p.m.~~ eleven a.m. and midnight 213
on Sunday, at licensed premises where the sale of food and other 214
goods and services exceeds fifty per cent of the total gross 215
receipts of the permit holder at the premises?" 216

(3) "Shall the sale of wine and mixed beverages, of the same 217
types as may be legally sold in this precinct on other days of the 218
week, be permitted in this for consumption off the 219
premises where sold, between the hours of ~~one p.m.~~ eleven a.m. and 220
midnight on Sunday?" 221

(4) "Shall the sale of intoxicating liquor, of the same types 222
as may be legally sold in this precinct on other days of the week, 223
be permitted in this for consumption on the premises where 224
sold, between the hours of one p.m. and midnight on Sunday, at 225
outdoor performing arts centers, as defined in section 4303.182 of 226
the Revised Code, that have been issued a D-6 permit?" 227

Question (B)(4) shall be presented to the electors of a 228
precinct in which an outdoor performing arts center is located 229
only if the legislative authority of the municipal corporation in 230
which, or the board of trustees of the township in which, the 231
outdoor performing arts center is located submits, not later than 232
four p.m. of the seventy-fifth day before the day of a primary or 233
general election that occurs within two years after ~~the effective~~ 234
~~date of this amendment~~ April 9, 2001, to the board of elections of 235

the county in which the precinct is located, a copy of an 236
ordinance or resolution requesting the submission of that question 237
to the electors of the precinct. An election on question (B)(4) 238
may not be sought by a petition under section 4301.33 of the 239
Revised Code. 240

(C) At the election, one or more of the following questions, 241
as designated in a valid petition, shall be submitted to the 242
electors of the precinct: 243

(1) "Shall the sale of intoxicating liquor, of the same types 244
as may be legally sold in this precinct on other days of the week, 245
be permitted in this for consumption on the premises 246
where sold, between the hours of ten a.m. and midnight on Sunday?" 247

(2) "Shall the sale of intoxicating liquor, of the same types 248
as may be legally sold in this precinct on other days of the week, 249
be permitted in this for consumption on the premises 250
where sold, between the hours of ten a.m. and midnight on Sunday, 251
at licensed premises where the sale of food and other goods and 252
services exceeds fifty per cent of the total gross receipts of the 253
permit holder at the premises?" 254

(3) "Shall the sale of wine and mixed beverages, of the same 255
types as may be legally sold in this precinct on other days of the 256
week, be permitted in this for consumption off the 257
premises where sold, between the hours of ten a.m. and midnight on 258
Sunday?" 259

(D) No C or D permit holder who first applied for such a 260
permit after April 15, 1982, shall sell beer on Sunday unless the 261
sale of intoxicating liquor is authorized in the precinct or 262
portion of the precinct at an election on question (B)(1), (B)(2), 263
or (B)(3) of this section, on question (C)(1), (C)(2), or (C)(3) 264
of this section, on question (B)(1), (B)(2), or (B)(3) of section 265
4301.354 of the Revised Code, on question (C)(1), (C)(2), or 266

(C)(3) of section 4301.354 of the Revised Code, or on question 267
(B)(2) of section 4301.355 of the Revised Code. No D-6 permit is 268
required for the sale of beer on Sunday. 269

The board of elections to which the petition is presented 270
shall furnish printed ballots at the election in accordance with 271
section 3505.06 of the Revised Code, and separate ballots shall be 272
used for the special election under this section. One or more of 273
the questions prescribed by divisions (B) and (C) of this section, 274
as designated in the petition, shall be set forth on each ballot, 275
and the board shall insert in each question the name or an 276
accurate description of the precinct in which the election is to 277
be held. Votes shall be cast as provided in section 3505.06 of the 278
Revised Code. 279

Sec. 4301.354. (A) If a petition is filed under section 280
4301.332 of the Revised Code for the submission of one or more 281
questions set forth in this section, a special election shall be 282
held in the precinct as ordered by the board of elections under 283
that section. The expense of holding the special election shall be 284
charged to the municipal corporation or township of which the 285
precinct is a part. 286

(B) At the election, one or more of the following questions, 287
as designated in a valid petition, shall be submitted to the 288
electors of the precinct concerning Sunday sales: 289

(1) "Shall the sale of intoxicating liquor be permitted in a 290
portion of this precinct between the hours of ~~one p.m.~~ eleven a.m. 291
and midnight on Sunday for consumption on the premises where sold, 292
where the status of such Sunday sales as allowed or prohibited is 293
inconsistent with the status of such Sunday sales in the remainder 294
of the precinct?" 295

(2) "Shall the sale of intoxicating liquor be permitted in a 296

portion of this precinct between the hours of ~~one p.m.~~ eleven a.m. 297
and midnight on Sunday for consumption on the premises where sold 298
at licensed premises where the sale of food and other goods 299
exceeds fifty per cent of the total gross receipts of the permit 300
holder at the premises, where the status of such Sunday sales as 301
allowed or prohibited is inconsistent with the status of such 302
Sunday sales in the remainder of the precinct?" 303

(3) "Shall the sale of wine and mixed beverages be permitted 304
in a portion of this precinct between the hours of ~~one p.m.~~ eleven 305
a.m. and midnight on Sunday for consumption off the premises where 306
sold, where the status of such Sunday sales as allowed or 307
prohibited is inconsistent with the status of such Sunday sales in 308
the remainder of the precinct?" 309

(C) At the election, one or more of the following questions, 310
as designated in a valid petition, shall be submitted to the 311
electors of the precinct concerning Sunday sales: 312

(1) "Shall the sale of intoxicating liquor be permitted in a 313
portion of this precinct between the hours of ten a.m. and 314
midnight on Sunday for consumption on the premises where sold, 315
where the status of such Sunday sales as allowed or prohibited is 316
inconsistent with the status of such Sunday sales in the remainder 317
of the precinct?" 318

(2) "Shall the sale of intoxicating liquor be permitted in a 319
portion of this precinct between the hours of ten a.m. and 320
midnight on Sunday for consumption on the premises where sold at 321
licensed premises where the sale of food and other goods exceeds 322
fifty per cent of the total gross receipts of the permit holder at 323
the premises, where the status of such Sunday sales as allowed or 324
prohibited is inconsistent with the status of such Sunday sales in 325
the remainder of the precinct?" 326

(3) "Shall the sale of wine and mixed beverages be permitted 327

in a portion of this precinct between the hours of ten a.m. and 328
midnight on Sunday for consumption off the premises where sold, 329
where the status of such Sunday sales as allowed or prohibited is 330
inconsistent with the status of such Sunday sales in the remainder 331
of the precinct?" 332

(D) The board of elections shall furnish printed ballots at 333
the special election as provided under section 3505.06 of the 334
Revised Code, except that a separate ballot shall be used for the 335
special election. The one or more questions set forth in divisions 336
(B) and (C) of this section shall be printed on each ballot, and 337
the board shall insert in the ~~question and statement~~ questions 338
appropriate words to complete each and a description of the 339
portion of the precinct that would be affected by the results of 340
the election. 341

The description of the portion of the precinct shall include 342
either the complete listing of street addresses in that portion or 343
a condensed text that accurately describes the boundaries of the 344
portion of the precinct by street name or by another name 345
generally known by the residents of the portion of the precinct. 346
If other than a full street listing is used, the full street 347
listing also shall be posted in each polling place in a location 348
that is easily accessible to all voters. Failure of the board of 349
elections to completely and accurately list all street addresses 350
in the affected area of the precinct does not affect the validity 351
of the election at which the failure occurred and is not grounds 352
for contesting an election under section 3515.08 of the Revised 353
Code. Votes shall be cast as provided under section 3505.06 of the 354
Revised Code. 355

Sec. 4301.355. (A) If a petition is filed under section 356
4301.333 of the Revised Code for the submission of the question or 357
questions set forth in this section, it shall be held in the 358

precinct as ordered by the board of elections under that section. 359
The expense of holding the election shall be charged to the 360
municipal corporation or township of which the precinct is a part. 361

(B) At the election, one or more of the following questions, 362
as designated in a valid petition, shall be submitted to the 363
electors of the precinct: 364

(1) "Shall the sale of (insert beer, wine and 365
mixed beverages, or spirituous liquor) be permitted by 366
(insert name of applicant, liquor permit holder, or liquor agency 367
store, including trade or fictitious name under which applicant 368
for, or holder of, liquor permit or liquor agency store either 369
intends to do, or does, business at the particular location), an 370
..... (insert "applicant for" or "holder of" or "operator 371
of") a (insert class name of liquor permit or permits 372
followed by the words "liquor permit(s)" or, if appropriate, the 373
words "liquor agency store for the State of Ohio"), who is engaged 374
in the business of (insert general nature of the 375
business in which applicant or liquor permit holder is engaged or 376
will be engaged in at the particular location, as described in the 377
petition) at (insert address of the particular location 378
within the precinct as set forth in the petition) in this 379
precinct?" 380

(2) "Shall the sale of (insert beer, wine and 381
mixed beverages, or spirituous liquor) be permitted for sale on 382
Sunday between the hours of (insert "ten a.m. and 383
midnight" or "~~one p.m.~~ eleven a.m. and midnight") by 384
(insert name of applicant, liquor permit holder, or liquor agency 385
store, including trade or fictitious name under which applicant 386
for, or holder of, liquor permit or liquor agency store either 387
intends to do, or does, business at the particular location), an 388
..... (insert "applicant for a D-6 liquor permit," "holder of a 389
D-6 liquor permit," "applicant for or holder of an A-1-A, A-2, 390

C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, 391
D-5g, D-5h, D-5i, D-5j, D-5k, or D-7 liquor permit," if only the 392
approval of beer sales is sought, or "liquor agency store") who is 393
engaged in the business of (insert general nature of 394
the business in which applicant or liquor permit holder is engaged 395
or will be engaged in at the particular location, as described in 396
the petition) at (insert address of the particular 397
location within the precinct) in this precinct?" 398

(C) The board of elections shall furnish printed ballots at 399
the election as provided under section 3505.06 of the Revised 400
Code, except that a separate ballot shall be used for the election 401
under this section. The question set forth in this section shall 402
be printed on each ballot, and the board shall insert in the 403
question appropriate words to complete it. Votes shall be cast as 404
provided under section 3505.06 of the Revised Code. 405

Sec. 4301.356. If a petition is filed under section 4301.334 406
of the Revised Code for the submission of the question set forth 407
in this section, an election shall be held in the municipal 408
corporation or unincorporated area of a township as ordered by the 409
board of elections under that section. 410

Except as otherwise provided in this section, if the 411
legislative authority of a municipal corporation in whose 412
territory, or the board of township trustees of a township in 413
whose unincorporated area, a community facility is located 414
submits, not later than four p.m. of the seventy-fifth day before 415
the day of a primary or general election, to the board of 416
elections of the county in which the community facility is located 417
an ordinance or resolution requesting the submission of the 418
question set forth in this section to the electors of the 419
municipal corporation or unincorporated area of the township, the 420
board of elections shall order that an election be held on that 421

question in the municipal corporation or the unincorporated area 422
of the township on the day of the next primary or general 423
election, whichever occurs first. The legislative authority or 424
board of township trustees shall submit the name and address of 425
any permit holder who would be affected by the results of the 426
election to the board of elections at the same time it submits the 427
ordinance or resolution. The board of elections, within five days 428
after receiving the name and address, shall give notice by 429
certified mail to each permit holder that it has received the 430
ordinance or resolution. Failure of the legislative authority or 431
board of township trustees to supply the name and address of each 432
permit holder to the board of elections invalidates the effect of 433
the ordinance or resolution. 434

At the election, the following question shall be submitted to 435
the electors of the municipal corporation or unincorporated area 436
of a township: 437

"Shall the sale of beer and intoxicating liquor be permitted 438
on days of the week other than Sunday and between the hours of ~~one~~ 439
~~p.m.~~ (insert "ten a.m." or "eleven a.m.") and midnight 440
on Sunday, at (insert name of community facility), a 441
community facility as defined by section 4301.01 of the Revised 442
Code, and located at (insert the address of the community 443
facility and, if the community facility is a community 444
entertainment district, the boundaries of the district, as set 445
forth in the petition)?" 446

The board of elections shall furnish printed ballots at the 447
election as provided under section 3505.06 of the Revised Code, 448
except that a separate ballot shall be used for the election under 449
this section. The question set forth in this section shall be 450
printed on each ballot, and the board shall insert in the question 451
appropriate words to complete ~~each~~ it, subject to the approval of 452
the secretary of state. Votes shall be cast as provided under 453

section 3505.06 of the Revised Code.

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Sec. 4301.361. (A) If a majority of the electors voting on questions set forth in section 4301.351 of the Revised Code in a precinct vote "yes" on question (B)(1) or (C)(1), or, if both questions (B)(1) and (B)(2), or questions (C)(1) and (C)(2), are submitted, "yes" on both questions or "yes" on question (B)(1) or (C)(1) but "no" on question (B)(2) or (C)(2), sales of intoxicating liquor shall be allowed on Sunday in the manner and under the conditions specified in question (B)(1) or (C)(1), under a D-6 permit, within the precinct concerned, during the hours specified in division (A) of section 4303.182 of the Revised Code and during the period the election is in effect as defined in section 4301.37 of the Revised Code.

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(B) If only question (B)(2) or (C)(2) is submitted to the voters or if questions (B)(2) and (B)(3) or (C)(2) and (C)(3) are submitted and a majority of the electors voting in a precinct vote "yes" on question (B)(2) or (C)(2) as set forth in section 4301.351 of the Revised Code, sales of intoxicating liquor shall be allowed on Sunday in the manner and under the conditions specified in question (B)(2) or (C)(2), under a D-6 permit, within the precinct concerned, during the hours specified in division (A) of section 4303.182 of the Revised Code and during the period the election is in effect as defined in section 4301.37 of the Revised Code, even if question (B)(1) or (C)(1) was also submitted and a majority of the electors voting in the precinct voted "no."

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(C) If question (B)(3) or (C)(3) is submitted and a majority of electors voting on question (B)(3) or (C)(3) as set forth in section 4301.351 of the Revised Code in a precinct vote "yes," sales of wine and mixed beverages shall be allowed on Sunday in the manner and under the conditions specified in question (B)(3) or (C)(3), under a D-6 permit, within the precinct concerned,

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during the hours specified in division (A) of section 4303.182 of 485
the Revised Code and during the period the election is in effect 486
as defined in section 4301.37 of the Revised Code. 487

(D) If questions (B)(1), (B)(2), and (B)(3), or questions 488
(C)(1), (C)(2), and (C)(3), as set forth in section 4301.351 of 489
the Revised Code, are all submitted and a majority of the electors 490
voting in such precinct vote "no" on all three questions, no sales 491
of intoxicating liquor shall be made within the precinct concerned 492
after two-thirty a.m. on Sunday as specified in the questions 493
submitted, during the period the election is in effect as defined 494
in section 4301.37 of the Revised Code. 495

(E) If question (C)(1) as set forth in section 4301.351 of 496
the Revised Code is submitted to the voters in a precinct in which 497
question (B)(1) as set forth in that section previously was 498
submitted and approved, and the results of the election on 499
question (B)(1) are still in effect in the precinct; or if 500
question (C)(2) as set forth in that section is submitted to the 501
voters in a precinct in which question (B)(2) as set forth in that 502
section previously was submitted and approved, and the results of 503
the election on question (B)(2) are still in effect in the 504
precinct; or if question (C)(3) as set forth in that section is 505
submitted to the voters in a precinct in which question (B)(3) as 506
set forth in that section previously was submitted and approved, 507
and the results of the election on question (B)(3) are still in 508
effect in the precinct; and if a majority of the electors voting 509
on question (C)(1), (C)(2), or (C)(3) vote "no," then sales shall 510
continue to be allowed in the precinct in the manner and under the 511
conditions specified in the previously approved question (B)(1), 512
(B)(2), or (B)(3), as applicable. 513

(F) If question (B)(4) as set forth in section 4301.351 of 514
the Revised Code is submitted and a majority of the electors 515
voting in the precinct vote "yes," sales of intoxicating liquor 516

shall be allowed on Sunday at outdoor performing arts centers in
the manner and under the conditions specified in question (B)(4)
under a D-6 permit, within the precinct concerned, during the
hours specified in division (F) of section 4303.182 of the Revised
Code and during the period the election is in effect as defined in
section 4301.37 of the Revised Code. If question (B)(4) as set
forth in section 4301.351 of the Revised Code is submitted and a
majority of the electors voting in the precinct vote "no," no
sales of intoxicating liquor shall be allowed at outdoor
performing arts centers in the precinct concerned under a D-6
permit, after 2:30 a.m. on Sunday, during the period the election
is in effect as defined in section 4301.37 of the Revised Code.

Sec. 4301.364. (A) If a majority of the electors in a
precinct vote "yes" on question (B)(1) or (C)(1) as set forth in
section 4301.354 of the Revised Code, the sale of intoxicating
liquor, of the same types as may be legally sold in the precinct
on other days of the week, shall be permitted on Sunday in the
portion of the precinct affected by the results of the election
during the hours specified in division (A) of section 4303.182 of
the Revised Code and in the manner and under the conditions
specified in the question, subject only to this chapter and
Chapter 4303. of the Revised Code.

(B) If a majority of the electors in a precinct vote "yes" on
question (B)(2) or (C)(2) as set forth in section 4301.354 of the
Revised Code, the sale of intoxicating liquor, of the same types
as may be legally sold in the precinct on other days of the week,
shall be permitted on Sunday in the portion of the precinct
affected by the results of the election during the hours specified
in division (A) of section 4303.182 of the Revised Code and in the
manner and under the conditions specified in the question, subject
only to this chapter and Chapter 4303. of the Revised Code.

(C) If a majority of the electors in a precinct vote "yes" on 548
question (B)(3) or (C)(3) as set forth in section 4301.354 of the 549
Revised Code, the sale of wine and mixed beverages shall be 550
permitted on Sunday in the portion of the precinct affected by the 551
results of the election during the hours specified in division (A) 552
of section 4303.182 of the Revised Code and in the manner and 553
under the conditions specified in the question, subject only to 554
this chapter and Chapter 4303. of the Revised Code. 555

(D) If a majority of the electors in a precinct vote "no" on 556
question (B)(1) or (C)(1) as set forth in section 4301.354 of the 557
Revised Code, no sale of intoxicating liquor shall be permitted on 558
Sunday in the manner and under the conditions specified in the 559
question in the portion of the precinct affected by the results of 560
the election. 561

(E) If a majority of the electors in a precinct vote "no" on 562
question (B)(2) or (C)(2) as set forth in section 4301.354 of the 563
Revised Code, no sale of intoxicating liquor shall be permitted on 564
Sunday in the manner and under the conditions specified in the 565
question in the portion of the precinct affected by the results of 566
the election. 567

(F) If a majority of the electors in a precinct vote "no" on 568
question (B)(3) or (C)(3) as set forth in section 4301.354 of the 569
Revised Code, no sale of wine or mixed beverages shall be 570
permitted on Sunday in the manner and under the conditions 571
specified in the question in the portion of the precinct affected 572
by the results of the election. 573

(G) If question (C)(1) as set forth in section 4301.354 of 574
the Revised Code is submitted to the voters in a precinct in which 575
question (B)(1) as set forth in that section previously was 576
submitted and approved, and the results of the election on 577
question (B)(1) are still in effect in the precinct; or if 578

question (C)(2) as set forth in that section is submitted to the
voters in a precinct in which question (B)(2) as set forth in that
section previously was submitted and approved, and the results of
the election on question (B)(2) are still in effect in the
precinct; or if question (C)(3) as set forth in that section is
submitted to the voters in a precinct in which question (B)(3) as
set forth in that section previously was submitted and approved,
and the results of the election on question (B)(3) are still in
effect in the precinct; and if a majority of the electors voting
on question (C)(1), (C)(2), or (C)(3) vote "no," then sales shall
continue to be allowed in the precinct in the manner and under the
conditions specified in the previously approved question (B)(1),
(B)(2), or (B)(3), as applicable.

Sec. 4301.365. (A) If a majority of the electors in a
precinct vote "yes" on questions (B)(1) and (2) as set forth in
section 4301.355 of the Revised Code, the sale of beer, wine and
mixed beverages, or spirituous liquor, whichever was the subject
of the election, shall be allowed at the particular location and
for the use, ~~and during the hours on Sunday,~~ specified in the
questions under each permit applied for by the petitioner or at
the address listed for the liquor agency store, and, in relation
to question (B)(2), during the hours on Sunday specified in
division (A) of section 4303.182 of the Revised Code, subject only
to this chapter and Chapter 4303. of the Revised Code. Failure to
continue to use the particular location for any proposed or stated
use set forth in the petition is grounds for the denial of a
renewal of the liquor permit under division (A) of section
4303.271 of the Revised Code or is grounds for the nonrenewal or
cancellation of the liquor agency store contract by the division
of liquor control, except in the case where the liquor permit
holder or liquor agency store decides to cease the sale of beer,
wine and mixed beverages, or spirituous liquor, whichever was the

subject of the election, on Sundays. 611

(B) Except as otherwise provided in division (H) of this 612
section, if a majority of the electors in a precinct vote "yes" on 613
question (B)(1) and "no" on question (B)(2) as set forth in 614
section 4301.355 of the Revised Code, the sale of beer, wine and 615
mixed beverages, or spirituous liquor, whichever was the subject 616
of the election, shall be allowed at the particular location for 617
the use specified in question (B)(1) of section 4301.355 of the 618
Revised Code and under each permit applied for by the petitioner, 619
except for a D-6 permit, subject only to this chapter and Chapter 620
4303. of the Revised Code. 621

(C) If a majority of the electors in a precinct vote "no" on 622
question (B)(1) as set forth in section 4301.355 of the Revised 623
Code, no sales of beer, wine and mixed beverages, or spirituous 624
liquor, whichever was the subject of the election, shall be 625
allowed at the particular location for the use specified in the 626
petition during the period the election is in effect as defined in 627
section 4301.37 of the Revised Code. 628

(D) If a majority of the electors in a precinct vote only on 629
question (B)(2) as set forth in section 4301.355 of the Revised 630
Code and that vote results in a majority "yes" vote, sales of 631
beer, wine and mixed beverages, or spirituous liquor, whichever 632
was the subject of the election, shall be allowed at the 633
particular location for the use ~~and during the hours~~ specified in 634
the petition on Sunday during the hours specified in division (A) 635
of section 4303.182 of the Revised Code and during the period the 636
election is in effect as defined in section 4301.37 of the Revised 637
Code. 638

(E) Except as otherwise provided in division (H) of this 639
section, if a majority of the electors in a precinct vote only on 640
question (B)(2) as set forth in section 4301.355 of the Revised 641
Code and that vote results in a majority "no" vote, no sales of 642

beer, wine and mixed beverages, or spirituous liquor, whichever
was the subject of the election, shall be allowed at the
particular location for the use and during the hours specified in
the petition on Sunday during the period the election is in effect
as defined in section 4301.37 of the Revised Code.

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

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

(H) If question (B)(2) as set forth in section 4301.355 of
the Revised Code is submitted to the electors of a precinct
proposing to authorize the sale of beer, wine and mixed beverages,
or spirituous liquor between the hours of ten a.m. and midnight at
a particular location at which the sale of beer, wine and mixed
beverages, spirituous liquor, or intoxicating liquor is already
allowed between the hours of eleven a.m. and midnight or one p.m.
and midnight and the question submitted is defeated, the sale of
beer, wine and mixed beverages, spirituous liquor, or intoxicating

liquor between the hours of eleven a.m. and midnight or one p.m. 675
and midnight, as applicable, shall continue at that particular 676
location. 677

Sec. 4301.366. If a majority of the electors voting on the 678
question specified in section 4301.356 of the Revised Code vote 679
"yes," the sale of beer and intoxicating liquor shall be allowed 680
at the community facility ~~and~~ on days of the week other than 681
Sunday and during the hours on Sunday specified in division (A) of 682
section 4303.182 of the Revised Code, for the use specified in the 683
question, subject only to this chapter and Chapter 4303. of the 684
Revised Code. Failure to continue to use the location as a 685
community facility constitutes good cause for rejection of the 686
renewal of the liquor permit under division (A) of section 687
4303.271 of the Revised Code. 688

If a majority of the electors voting on the question 689
specified in section 4301.356 of the Revised Code vote "no," no 690
sales of beer or intoxicating liquor shall be made at or within 691
the community facility during the period the election is in effect 692
as defined in section 4301.37 of the Revised Code. 693

Sec. 4301.62. (A) As used in this section: 694

(1) "Chauffeured limousine" means a vehicle registered under 695
section 4503.24 of the Revised Code. 696

(2) "Street," "highway," and "motor vehicle" have the same 697
meanings as in section 4511.01 of the Revised Code. 698

(B) No person shall have in the person's possession an opened 699
container of beer or intoxicating liquor in any of the following 700
circumstances: 701

(1) In a state liquor store; 702

(2) Except as provided in division (C) of this section, on 703

the premises of the holder of any permit issued by the division of 704
liquor control; 705

(3) In any other public place; 706

(4) Except as provided in division (D) or (E) of this 707
section, while operating or being a passenger in or on a motor 708
vehicle on any street, highway, or other public or private 709
property open to the public for purposes of vehicular travel or 710
parking; 711

(5) Except as provided in division (D) or (E) of this 712
section, while being in or on a stationary motor vehicle on any 713
street, highway, or other public or private property open to the 714
public for purposes of vehicular travel or parking. 715

(C)(1) A person may have in the person's possession an opened 716
container of any of the following: 717

(a) Beer or intoxicating liquor that has been lawfully 718
purchased for consumption on the premises where bought from the 719
holder of an A-1-A, A-2, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, 720
D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 721
D-7, D-8, E, F, F-2, or F-5 permit; 722

(b) Beer, wine, or mixed beverages served for consumption on 723
the premises by the holder of an F-3 permit or wine served for 724
consumption on the premises by the holder of an F-4 or F-6 permit; 725

(c) Beer or intoxicating liquor consumed on the premises of a 726
convention facility as provided in section 4303.201 of the Revised 727
Code; 728

(d) Beer or intoxicating liquor to be consumed during 729
tastings and samplings approved by rule of the liquor control 730
commission. 731

(2) A person may have in the person's possession on an F 732
liquor permit premises an opened container of beer or intoxicating 733

liquor that was not purchased from the holder of the F permit if
the premises for which the F permit is issued is a music festival
and the holder of the F permit grants permission for that
possession on the premises during the period for which the F
permit is issued. As used in this division, "music festival" means
a series of outdoor live musical performances, extending for a
period of at least three consecutive days and located on an area
of land of at least forty acres.

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

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

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

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

(E) This section does not apply to a person who has in a
motor vehicle that the person is operating an opened bottle of
wine that was purchased from the holder of a D permit issued to a
restaurant and that is stored in the trunk of the motor vehicle
or, if the motor vehicle does not have a trunk, behind the last
upright seat or in an area not normally occupied by the driver or
passengers.

Sec. 4301.65. (A) As used in this section, "alcohol
vaporizing device" means a machine or other device that mixes beer
or intoxicating liquor with pure oxygen or any other gas to
produce a vaporized product for the purpose of consumption by

inhalation.

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(B) No person shall sell or offer for sale an alcohol
vaporizing device.

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(C) No person shall purchase or use an alcohol vaporizing
device.

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Sec. 4301.99. (A) Whoever violates section 4301.47, 4301.48,
4301.49, 4301.62, or 4301.70 or division (C) of section 4301.65 or
division (B) of section 4301.691 of the Revised Code is guilty of
a minor misdemeanor.

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

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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.

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(C) Whoever violates division (D) of section 4301.21, 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

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4301.69, or division (C), (D), (E), (F), (G), or (I) of section 794
4301.691 of the Revised Code is guilty of a misdemeanor of the 795
first degree. 796

If an offender who violates division (E)(1) of section 797
4301.69 of the Revised Code was under the age of eighteen years at 798
the time of the offense and the offense occurred while the 799
offender was the operator of or a passenger in a motor vehicle, 800
the court, in addition to any other penalties it imposes upon the 801
offender, shall suspend the offender's temporary instruction 802
permit or probationary driver's license for a period of not less 803
than six months and not more than one year. If the offender is 804
fifteen years and six months of age or older and has not been 805
issued a temporary instruction permit or probationary driver's 806
license, the offender shall not be eligible to be issued such a 807
license or permit for a period of six months. If the offender has 808
not attained the age of fifteen years and six months, the offender 809
shall not be eligible to be issued a temporary instruction permit 810
until the offender attains the age of sixteen years. 811

(D) Whoever violates division (B) of section 4301.14, or 812
division (A)(1) or (3) or (B) of section 4301.22 of the Revised 813
Code is guilty of a misdemeanor of the third degree. 814

(E) Whoever violates section 4301.63 or division (B) of 815
section 4301.631 of the Revised Code shall be fined not less than 816
twenty-five nor more than one hundred dollars. The court imposing 817
a fine for a violation of section 4301.63 or division (B) of 818
section 4301.631 of the Revised Code may order that the fine be 819
paid by the performance of public work at a reasonable hourly rate 820
established by the court. The court shall designate the time 821
within which the public work shall be completed. 822

(F)(1) Whoever violates section 4301.634 of the Revised Code 823
is guilty of a misdemeanor of the first degree. If, in committing 824

a first violation of that section, the offender presented to the
permit holder or the permit holder's employee or agent a false,
fictitious, or altered identification card, a false or fictitious
driver's license purportedly issued by any state, or a driver's
license issued by any state that has been altered, the offender is
guilty of a misdemeanor of the first degree and shall be fined not
less than two hundred fifty and not more than one thousand
dollars, and may be sentenced to a term of imprisonment of not
more than six months.

(2) On a second violation in which, for the second time, the
offender presented to the permit holder or the permit holder's
employee or agent a false, fictitious, or altered identification
card, a false or fictitious driver's license purportedly issued by
any state, or a driver's license issued by any state that has been
altered, the offender is guilty of a misdemeanor of the first
degree and shall be fined not less than five hundred nor more than
one thousand dollars, and may be sentenced to a term of
imprisonment of not more than six months. The court also may
impose a class seven suspension of the offender's driver's or
commercial driver's license or permit or nonresident operating
privilege from the range specified in division (A)(7) of section
4510.02 of the Revised Code.

(3) On a third or subsequent violation in which, for the
third or subsequent time, the offender presented to the permit
holder or the permit holder's employee or agent a false,
fictitious, or altered identification card, a false or fictitious
driver's license purportedly issued by any state, or a driver's
license issued by any state that has been altered, the offender is
guilty of a misdemeanor of the first degree and shall be fined not
less than five hundred nor more than one thousand dollars, and may
be sentenced to a term of imprisonment of not more than six
months. The court also shall impose a class six suspension of the

offender's driver's or commercial driver's license or permit or
nonresident operating privilege from the range specified in
division (A)(6) of section 4510.02 of the Revised Code, and the
court may order that the suspension or denial remain in effect
until the offender attains the age of twenty-one years. The court
also may order the offender to perform a determinate number of
hours of community service, with the court determining the actual
number of hours and the nature of the community service the
offender shall perform.

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

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

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

(J) Whoever violates division (B) of section 4301.65 of the
Revised Code is guilty of a misdemeanor of the third degree. For a
second or subsequent violation occurring within a period of five
consecutive years after the first violation, a person is guilty of
a misdemeanor of the first degree.

Sec. 4303.182. (A) Except as otherwise provided in divisions
(B) to (G) of this section, permit D-6 shall be issued to the
holder of an A-1-A, A-2, 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-5h, D-5i, D-5j, D-5k, or D-7

permit to allow sale under that permit ~~between~~ as follows:

(1) Between the hours of ten a.m. and midnight, ~~or between on~~ Sunday if sale during those hours has been approved under question (C)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B)(2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, under the restrictions of that authorization;

(2) Between the hours of ~~one p.m.~~ eleven a.m. and midnight, on Sunday, ~~as applicable,~~ if that sale during those hours has been approved on or after the effective date of this amendment under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B)(2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code and, under the restrictions of that authorization;

(3) Between the hours of eleven a.m. and midnight on Sunday if sale between the hours of one p.m. and midnight was approved before the effective date of this amendment under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B)(2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, under the other restrictions of that authorization.

(B) Permit D-6 shall be issued to the holder of any permit, including a D-4a and D-5d permit, authorizing the sale of intoxicating liquor issued for a premises located at any publicly owned airport, as defined in section 4563.01 of the Revised Code, at which commercial airline companies operate regularly scheduled flights on which space is available to the public, to allow sale

under such permit between the hours of ten a.m. and midnight on 918
Sunday, whether or not that sale has been authorized under section 919
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 920

(C) Permit D-6 shall be issued to the holder of a D-5a 921
permit, and to the holder of a D-3 or D-3a permit who is the owner 922
or operator of a hotel or motel that is required to be licensed 923
under section 3731.03 of the Revised Code, that contains at least 924
fifty rooms for registered transient guests, and that has on its 925
premises a retail food establishment or a food service operation 926
licensed pursuant to Chapter 3717. of the Revised Code that 927
operates as a restaurant for purposes of this chapter and is 928
affiliated with the hotel or motel and within or contiguous to the 929
hotel or motel and serving food within the hotel or motel, to 930
allow sale under such permit between the hours of ten a.m. and 931
midnight on Sunday, whether or not that sale has been authorized 932
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 933
Revised Code. 934

(D) The holder of a D-6 permit that is issued to a sports 935
facility may make sales under the permit between the hours of 936
eleven a.m. and midnight on any Sunday on which a professional 937
baseball, basketball, football, hockey, or soccer game is being 938
played at the sports facility. As used in this division, "sports 939
facility" means a stadium or arena that has a seating capacity of 940
at least four thousand and that is owned or leased by a 941
professional baseball, basketball, football, hockey, or soccer 942
franchise or any combination of those franchises. 943

(E) Permit D-6 shall be issued to the holder of any permit 944
that authorizes the sale of beer or intoxicating liquor and that 945
is issued to a premises located in or at the Ohio historical 946
society area or the state fairgrounds, as defined in division (B) 947
of section 4301.40 of the Revised Code, to allow sale under that 948
permit between the hours of ten a.m. and midnight on Sunday, 949

whether or not that sale has been authorized under section 950
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 951

(F) Permit D-6 shall be issued to the holder of any permit 952
that authorizes the sale of intoxicating liquor and that is issued 953
to an outdoor performing arts center to allow sale under that 954
permit between the hours of one p.m. and midnight on Sunday, 955
whether or not that sale has been authorized under section 956
4301.361 of the Revised Code. A D-6 permit issued under this 957
division is subject to the results of an election, held after the 958
D-6 permit is issued, on question (B)(4) as set forth in section 959
4301.351 of the Revised Code. Following the end of the period 960
during which an election may be held on question (B)(4) as set 961
forth in that section, sales of intoxicating liquor may continue 962
at an outdoor performing arts center under a D-6 permit issued 963
under this division, unless an election on that question is held 964
during the permitted period and a majority of the voters voting in 965
the precinct on that question vote "no." 966

As used in this division, "outdoor performing arts center" 967
means an outdoor performing arts center that is located on not 968
less than eight hundred acres of land and that is open for 969
performances from the first day of April to the last day of 970
October of each year. 971

(G) Permit D-6 shall be issued to the holder of any permit 972
that authorizes the sale of beer or intoxicating liquor and that 973
is issued to a golf course owned by the state, a conservancy 974
district, a park district created under Chapter 1545. of the 975
Revised Code, or another political subdivision to allow sale under 976
that permit between the hours of ten a.m. and midnight on Sunday, 977
whether or not that sale has been authorized under section 978
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 979

(H) Permit D-6 shall be issued to the holder of a D-5g permit 980

to allow sale under that permit between the hours of ten a.m. and 981
midnight on Sunday, whether or not that sale has been authorized 982
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 983
Revised Code. 984

(I) If the restriction to licensed premises where the sale of 985
food and other goods and services exceeds fifty per cent of the 986
total gross receipts of the permit holder at the premises is 987
applicable, the division of liquor control may accept an affidavit 988
from the permit holder to show the proportion of the permit 989
holder's gross receipts derived from the sale of food and other 990
goods and services. If the liquor control commission determines 991
that affidavit to have been false, it shall revoke the permits of 992
the permit holder at the premises concerned. 993

(J) The fee for the D-6 permit is five hundred dollars when 994
it is issued to the holder of an A-1-A, A-2, D-2, D-3, D-3a, D-4, 995
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 996
D-5j, D-5k, or D-7 permit. The fee for the D-6 permit is four 997
hundred dollars when it is issued to the holder of a C-2 permit. 998

Section 2. That existing sections 4301.333, 4301.334, 999
4301.351, 4301.354, 4301.355, 4301.356, 4301.361, 4301.364, 1000
4301.365, 4301.366, 4301.62, 4301.99, and 4303.182 of the Revised 1001
Code are hereby repealed. 1002

Section 3. If a petition seeks the holding of an election on 1003
Sunday liquor sales on or after the effective date of this section 1004
under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 1005
of the Revised Code, under question (B)(2) of section 4301.355 of 1006
the Revised Code, or under section 4301.356 of the Revised Code 1007
and the petition contains signatures that were placed on it before 1008
the effective date of this section, the petition is not invalid 1009
merely because the question or questions sought to be submitted to 1010

the electors and contained in the petition state that Sunday 1011
liquor sales may commence beginning at 1 p.m. rather than 11 a.m. 1012

Section 4. (A) Notwithstanding division (A)(3) of section 1013
4303.182 of the Revised Code, as amended by this act, the electors 1014
in a precinct in which the first hour of sale on Sunday was 1015
changed from one p.m. to eleven a.m. by operation of that division 1016
may petition to hold an election to revert that first hour of sale 1017
to one p.m. That election shall be held under the following 1018
conditions: 1019

(1) At the first general election that occurs after the 1020
effective date of this act unless that general election will be 1021
held less than one hundred thirty-five days after that date, in 1022
which case the election shall be held at the immediately following 1023
general election; 1024

(2) Under division (B)(1), (2), or (3) of section 4301.351 or 1025
4301.354 of the Revised Code, under division (B)(2) of section 1026
4301.355 of the Revised Code, or under section 4301.356 of the 1027
Revised Code, as applicable, except that the starting time for 1028
sales under the question shall be one p.m. rather than eleven 1029
a.m.; 1030

(3) In accordance with the applicable requirements and 1031
provisions governing elections that are held under those divisions 1032
or that section and that are established under Chapter 4301. of 1033
the Revised Code. 1034

(B) Not later than forty-five days after the effective date 1035
of this act, the Superintendent of Liquor Control shall publish 1036
notice of the provisions of division (A) of this section in a 1037
newspaper of general circulation in each county of the state. 1038