

As Passed by the Senate

**126th General Assembly
Regular Session
2005-2006**

Sub. S. B. No. 131

Senators Mumper, Dann, Zurz, Schuler

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A B I L L

To amend sections 4301.17, 4301.62, 4301.99, 1
4303.181, 4303.29, and 4303.292, to enact section 2
4301.65, and to repeal section 4303.273 of the 3
Revised Code to revise the laws governing liquor 4
control. 5

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

Section 1. That sections 4301.17, 4301.62, 4301.99, 4303.181, 6
4303.29, and 4303.292 be amended and section 4301.65 of the 7
Revised Code be enacted to read as follows: 8

Sec. 4301.17. (A)(1) Subject to local option as provided in 9
sections 4301.32 to 4301.40 of the Revised Code, five state liquor 10
stores or agencies may be established in each county. One 11
additional store may be established in any county for each 12
twenty-five thousand of population of that county or major 13
fraction thereof in excess of the first forty thousand, according 14
to the last preceding federal decennial census or according to the 15
population estimates certified by the department of development 16
between decennial censuses. A person engaged in a mercantile 17
business may act as the agent for the division of liquor control 18
for the sale of spirituous liquor in a municipal corporation, in 19
the unincorporated area of a township, or in an area designated 20

and approved as a resort area under section 4303.262 of the
Revised Code. The division shall fix the compensation for such an
agent in the manner it considers best, but the compensation shall
not exceed seven per cent of the gross sales made by the agent in
any one year.

(2) The division shall adopt rules in accordance with Chapter
119. of the Revised Code governing the allocation and equitable
distribution of agency store contracts. The division shall comply
with the rules when awarding a contract under division (A)(1) of
this section.

(3) Except as otherwise provided in this section, no
mercantile business that sells beer or intoxicating liquor for
consumption on the premises under a permit issued by the division
shall operate an agency store at the premises. An agency to which
a D-1 permit has been issued may offer for sale tasting samples of
beer, an agency to which a D-2 permit has been issued may offer
for sale tasting samples of wine and mixed beverages, and an
agency to which a D-5 permit has been issued may offer for sale
tasting samples of beer, wine, and mixed beverages, but not
spirituous liquor. A tasting sample shall not be sold for the
purpose of general consumption. As used in this section, "tasting
sample" means a small amount of beer, wine, or mixed beverages
that is provided in not more than four servings of not more than
two ounces each to an authorized purchaser and that allows the
purchaser to determine, by tasting only, the quality and character
of the beverage.

(B) When an agency contract is proposed ~~or~~, when an existing
agency contract is assigned, when an existing agency proposes to
relocate, or when an existing agency is relocated and assigned,
before entering into any contract ~~or~~, consenting to any
assignment, or consenting to any relocation, the division shall
notify the legislative authority of the municipal corporation in

which the agency store is to be located, or the board of county 53
commissioners and the board of township trustees of the county and 54
the township in which the agency store is to be located if the 55
agency store is to be located outside the corporate limits of a 56
municipal corporation, of the proposed contract ~~or~~, assignment, or 57
relocation, and an opportunity shall be provided officials or 58
employees of the municipal corporation or county and township for 59
a complete hearing upon the advisability of entering into the 60
contract or consenting to the assignment or relocation. When the 61
division sends notice to the legislative authority of the 62
political subdivision, the division shall notify, by certified 63
mail or by personal service, the chief peace officer of the 64
political subdivision, who may appear and testify, either in 65
person or through a representative, at any hearing held on the 66
advisability of entering into the contract or consenting to the 67
assignment or relocation. 68

If the proposed agency store, the assignment of an agency 69
contract, or the relocation of an agency store would be located 70
within five hundred feet of a school, church, library, public 71
playground, or township park, the division shall not enter into an 72
agency contract until it has provided notice of the proposed 73
contract to the authorities in control of the school, church, 74
library, public playground, or township park and has provided 75
those authorities with an opportunity for a complete hearing upon 76
the advisability of entering into the contract. If an agency store 77
so located is operating under an agency contract, the division may 78
consent to relocation of the agency store or to the assignment of 79
that contract to operate an agency store at the same location, ~~but~~ 80
~~the~~. The division may also consent to the assignment of an 81
existing agency contract simultaneously with the relocation of the 82
agency store. In any such assignment or relocation, the assignee 83
and the location shall be subject to the same requirements that 84
the existing location met at the time that the contract was first 85

entered into as well as any additional requirements imposed by the 86
division in rules adopted by the superintendent of liquor control. 87
The division shall not consent to an assignment or relocation of 88
an agency store until it has notified the authorities in control 89
of the school, church, library, public playground, or township 90
park and has provided those authorities with an opportunity for a 91
complete hearing upon the advisability of consenting to the 92
assignment or relocation. 93

Any hearing provided for in this division shall be held in 94
the central office of the division, except that upon written 95
request of the legislative authority of the municipal corporation, 96
the board of county commissioners, the board of township trustees, 97
or the authorities in control of the school, church, library, 98
public playground, or township park, the hearing shall be held in 99
the county seat of the county where the proposed agency store is 100
to be located. 101

(C) All agency contracts entered into by the division 102
pursuant to this section shall be in writing and shall contain a 103
clause providing for the termination of the contract at will by 104
the division upon its giving ninety days' notice in writing to the 105
agent of its intention to do so. Any agency contract may include a 106
clause requiring the agent to report to the appropriate law 107
enforcement agency the name and address of any individual under 108
twenty-one years of age who attempts to make an illegal purchase. 109

An agent may engage in the selling of beer, mixed beverages, 110
and wine pursuant to permits issued to the agent under Chapter 111
4303. of the Revised Code. 112

The division shall issue a C-1 and C-2 permit to each agent 113
who prior to November 1, 1994, had not been issued both of these 114
permits, notwithstanding the population quota restrictions 115
contained in section 4303.29 of the Revised Code or in any rule of 116
the liquor control commission and notwithstanding the requirements 117

of section 4303.31 of the Revised Code. The location of a C-1 or
C-2 permit issued to such an agent shall not be transferred. The
division shall revoke any C-1 or C-2 permit issued to an agent
under this paragraph if the agent no longer operates an agency
store.

The division may enter into agreements with the department of
development to implement a minority loan program to provide
low-interest loans to minority business enterprises, as defined in
section 122.71 of the Revised Code, that are awarded liquor agency
contracts or assignments.

(D) If the division closes a state liquor store and replaces
that store with an agency store, any employees of the division
employed at that state liquor store who lose their jobs at that
store as a result shall be given preference by the agent who
operates the agency store in filling any vacancies that occur
among the agent's employees, if that preference does not conflict
with the agent's obligations pursuant to a collective bargaining
agreement.

If the division closes a state liquor store and replaces the
store with an agency store, any employees of the division employed
at the state liquor store who lose their jobs at that store as a
result may displace other employees as provided in sections
124.321 to 124.328 of the Revised Code. If an employee cannot
displace other employees and is laid off, the employee shall be
reinstated in another job as provided in sections 124.321 to
124.328 of the Revised Code, except that the employee's rights of
reinstatement in a job at a state liquor store shall continue for
a period of two years after the date of the employee's layoff and
shall apply to jobs at state liquor stores located in the
employee's layoff jurisdiction and any layoff jurisdiction
adjacent to the employee's layoff jurisdiction.

(E) The division shall require every agent to give bond with 149
surety to the satisfaction of the division, in the amount the 150
division fixes, conditioned for the faithful performance of the 151
agent's duties as prescribed by the division. 152

Sec. 4301.62. (A) As used in this section: 153

(1) "Chauffeured limousine" means a vehicle registered under 154
section 4503.24 of the Revised Code. 155

(2) "Street," "highway," and "motor vehicle" have the same 156
meanings as in section 4511.01 of the Revised Code. 157

(B) No person shall have in the person's possession an opened 158
container of beer or intoxicating liquor in any of the following 159
circumstances: 160

(1) In a state liquor store; 161

(2) Except as provided in division (C) of this section, on 162
the premises of the holder of any permit issued by the division of 163
liquor control; 164

(3) In any other public place; 165

(4) Except as provided in division (D) or (E) of this 166
section, while operating or being a passenger in or on a motor 167
vehicle on any street, highway, or other public or private 168
property open to the public for purposes of vehicular travel or 169
parking; 170

(5) Except as provided in division (D) or (E) of this 171
section, while being in or on a stationary motor vehicle on any 172
street, highway, or other public or private property open to the 173
public for purposes of vehicular travel or parking. 174

(C)(1) A person may have in the person's possession an opened 175
container of any of the following: 176

(a) Beer or intoxicating liquor that has been lawfully 177

purchased for consumption on the premises where bought from the 178
holder of an A-1-A, A-2, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, 179
D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 180
D-7, D-8, E, F, F-2, or F-5 permit; 181

(b) Beer, wine, or mixed beverages served for consumption on 182
the premises by the holder of an F-3 permit or wine served for 183
consumption on the premises by the holder of an F-4 or F-6 permit; 184

(c) Beer or intoxicating liquor consumed on the premises of a 185
convention facility as provided in section 4303.201 of the Revised 186
Code; 187

(d) Beer or intoxicating liquor to be consumed during 188
tastings and samplings approved by rule of the liquor control 189
commission. 190

(2) A person may have in the person's possession on an F 191
liquor permit premises an opened container of beer or intoxicating 192
liquor that was not purchased from the holder of the F permit if 193
the premises for which the F permit is issued is a music festival 194
and the holder of the F permit grants permission for that 195
possession on the premises during the period for which the F 196
permit is issued. As used in this division, "music festival" means 197
a series of outdoor live musical performances, extending for a 198
period of at least three consecutive days and located on an area 199
of land of at least forty acres. 200

(D) This section does not apply to a person who pays all or a 201
portion of the fee imposed for the use of a chauffeured limousine 202
pursuant to a prearranged contract, or the guest of the person, 203
when all of the following apply: 204

(1) The person or guest is a passenger in the limousine. 205

(2) The person or guest is located in the limousine, but is 206
not occupying a seat in the front compartment of the limousine 207

where the operator of the limousine is located.

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(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.

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(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply:

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(1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with.

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(2) The opened bottle of wine that is resealed in accordance with division (E)(1) of this section is stored in the trunk of a 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 and not easily accessible by the driver.

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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,

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4301.49, 4301.62, or 4301.70 or division (C) of section 4301.65 or 237
division (B) of section 4301.691 of the Revised Code is guilty of 238
a minor misdemeanor. 239

(B) Whoever violates section 4301.15, division (A)(2) or (C) 240
of section 4301.22, division (C), (D), (E), (F), (G), (H), or (I) 241
of section 4301.631, or section 4301.64 or 4301.67 of the Revised 242
Code is guilty of a misdemeanor of the fourth degree. 243

If an offender who violates section 4301.64 of the Revised 244
Code was under the age of eighteen years at the time of the 245
offense, the court, in addition to any other penalties it imposes 246
upon the offender, shall suspend the offender's temporary 247
instruction permit, probationary driver's license, or driver's 248
license for a period of not less than six months and not more than 249
one year. If the offender is fifteen years and six months of age 250
or older and has not been issued a temporary instruction permit or 251
probationary driver's license, the offender shall not be eligible 252
to be issued such a license or permit for a period of six months. 253
If the offender has not attained the age of fifteen years and six 254
months, the offender shall not be eligible to be issued a 255
temporary instruction permit until the offender attains the age of 256
sixteen years. 257

(C) Whoever violates division (D) of section 4301.21, section 258
4301.251, 4301.58, 4301.59, 4301.60, 4301.633, 4301.66, 4301.68, 259
or 4301.74, division (B), (C), (D), (E)(1), or (F) of section 260
4301.69, or division (C), (D), (E), (F), (G), or (I) of section 261
4301.691 of the Revised Code is guilty of a misdemeanor of the 262
first degree. 263

If an offender who violates division (E)(1) of section 264
4301.69 of the Revised Code was under the age of eighteen years at 265
the time of the offense and the offense occurred while the 266
offender was the operator of or a passenger in a motor vehicle, 267

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

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

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

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

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(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.

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(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

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

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(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.

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(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.

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(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.

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Sec. 4303.181. (A) Permit D-5a may be issued either to the
owner or operator of a hotel or motel that is required to be
licensed under section 3731.03 of the Revised Code, that contains
at least fifty rooms for registered transient guests or is owned
by a state institution of higher education as defined in section
3345.011 of the Revised Code or a private college or university,
and that qualifies under the other requirements of this section,
or to the owner or operator of a restaurant specified under 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 registered guests
in their rooms, which may be sold by means of a controlled access

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alcohol and beverage cabinet in accordance with division (B) of 362
section 4301.21 of the Revised Code; and to sell the same products 363
in the same manner and amounts not for consumption on the premises 364
as may be sold by holders of D-1 and D-2 permits. The premises of 365
the hotel or motel shall include a retail food establishment or a 366
food service operation licensed pursuant to Chapter 3717. of the 367
Revised Code that operates as a restaurant for purposes of this 368
chapter and that is affiliated with the hotel or motel and within 369
or contiguous to the hotel or motel, and that serves food within 370
the hotel or motel, but the principal business of the owner or 371
operator of the hotel or motel shall be the accommodation of 372
transient guests. In addition to the privileges authorized in this 373
division, the holder of a D-5a permit may exercise the same 374
privileges as the holder of a D-5 permit. 375

The owner or operator of a hotel, motel, or restaurant who 376
qualified for and held a D-5a permit on August 4, 1976, may, if 377
the owner or operator held another permit before holding a D-5a 378
permit, either retain a D-5a permit or apply for the permit 379
formerly held, and the division of liquor control shall issue the 380
permit for which the owner or operator applies and formerly held, 381
notwithstanding any quota. 382

A D-5a permit shall not be transferred to another location. 383
No quota restriction shall be placed on the number of D-5a permits 384
that may be issued. 385

The fee for this permit is two thousand three hundred 386
forty-four dollars. 387

(B) Permit D-5b may be issued to the owner, operator, tenant, 388
lessee, or occupant of an enclosed shopping center to sell beer 389
and intoxicating liquor at retail, only by the individual drink in 390
glass and from the container, for consumption on the premises 391
where sold; and to sell the same products in the same manner and 392
amount not for consumption on the premises as may be sold by 393

holders of D-1 and D-2 permits. In addition to the privileges 394
authorized in this division, the holder of a D-5b permit may 395
exercise the same privileges as a holder of a D-5 permit. 396

A D-5b permit shall not be transferred to another location. 397

One D-5b permit may be issued at an enclosed shopping center 398
containing at least two hundred twenty-five thousand, but less 399
than four hundred thousand, square feet of floor area. 400

Two D-5b permits may be issued at an enclosed shopping center 401
containing at least four hundred thousand square feet of floor 402
area. No more than one D-5b permit may be issued at an enclosed 403
shopping center for each additional two hundred thousand square 404
feet of floor area or fraction of that floor area, up to a maximum 405
of five D-5b permits for each enclosed shopping center. The number 406
of D-5b permits that may be issued at an enclosed shopping center 407
shall be determined by subtracting the number of D-3 and D-5 408
permits issued in the enclosed shopping center from the number of 409
D-5b permits that otherwise may be issued at the enclosed shopping 410
center under the formulas provided in this division. Except as 411
provided in this section, no quota shall be placed on the number 412
of D-5b permits that may be issued. Notwithstanding any quota 413
provided in this section, the holder of any D-5b permit first 414
issued in accordance with this section is entitled to its renewal 415
in accordance with section 4303.271 of the Revised Code. 416

The holder of a D-5b permit issued before April 4, 1984, 417
whose tenancy is terminated for a cause other than nonpayment of 418
rent, may return the D-5b permit to the division of liquor 419
control, and the division shall cancel that permit. Upon 420
cancellation of that permit and upon the permit holder's payment 421
of taxes, contributions, premiums, assessments, and other debts 422
owing or accrued upon the date of cancellation to this state and 423
its political subdivisions and a filing with the division of a 424

certification of that payment, the division shall issue to that
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as
that person requests. The division shall issue the D-5 permit, or
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2,
D-3, or D-5 permits currently issued in the municipal corporation
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 457
pursuant to Chapter 3717. of the Revised Code that operates as a 458
restaurant for purposes of this chapter, shall have operated the 459
restaurant at the proposed premises for not less than twenty-four 460
consecutive months immediately preceding the filing of the 461
application for the permit, have applied for a D-5 permit no later 462
than December 31, 1988, and appear on the division's quota waiting 463
list for not less than six months immediately preceding the filing 464
of the application for the permit. In addition to these 465
requirements, the proposed D-5c permit premises shall be located 466
within a municipal corporation and further within an election 467
precinct that, at the time of the application, has no more than 468
twenty-five per cent of its total land area zoned for residential 469
use. 470

A D-5c permit shall not be transferred to another location. 471
No quota restriction shall be placed on the number of such permits 472
that may be issued. 473

Any person who has held a D-5c permit for at least two years 474
may apply for a D-5 permit, and the division of liquor control 475
shall issue the D-5 permit notwithstanding the quota restrictions 476
contained in section 4303.29 of the Revised Code or in any rule of 477
the liquor control commission. 478

The fee for this permit is one thousand five hundred 479
sixty-three dollars. 480

(D) Permit D-5d may be issued to the owner or operator of a 481
retail food establishment or a food service operation licensed 482
pursuant to Chapter 3717. of the Revised Code that operates as a 483
restaurant for purposes of this chapter and that is located at an 484
airport operated by a board of county commissioners pursuant to 485
section 307.20 of the Revised Code, at an airport operated by a 486
port authority pursuant to Chapter 4582. of the Revised Code, or 487

at an airport operated by a regional airport authority pursuant to 488
Chapter 308. of the Revised Code. The holder of a D-5d permit may 489
sell beer and any intoxicating liquor at retail, only by the 490
individual drink in glass and from the container, for consumption 491
on the premises where sold, and may sell the same products in the 492
same manner and amounts not for consumption on the premises where 493
sold as may be sold by the holders of D-1 and D-2 permits. In 494
addition to the privileges authorized in this division, the holder 495
of a D-5d permit may exercise the same privileges as the holder of 496
a D-5 permit. 497

A D-5d permit shall not be transferred to another location. 498
No quota restrictions shall be placed on the number of such 499
permits that may be issued. 500

The fee for this permit is two thousand three hundred 501
forty-four dollars. 502

(E) Permit D-5e may be issued to any nonprofit organization 503
that is exempt from federal income taxation under the "Internal 504
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 505
amended, or that is a charitable organization under any chapter of 506
the Revised Code, and that owns or operates a riverboat that meets 507
all of the following: 508

(1) Is permanently docked at one location; 509

(2) Is designated as an historical riverboat by the Ohio 510
historical society; 511

(3) Contains not less than fifteen hundred square feet of 512
floor area; 513

(4) Has a seating capacity of fifty or more persons. 514

The holder of a D-5e permit may sell beer and intoxicating 515
liquor at retail, only by the individual drink in glass and from 516
the container, for consumption on the premises where sold. 517

A D-5e permit shall not be transferred to another location. 518
No quota restriction shall be placed on the number of such permits 519
that may be issued. The population quota restrictions contained in 520
section 4303.29 of the Revised Code or in any rule of the liquor 521
control commission shall not apply to this division, and the 522
division shall issue a D-5e permit to any applicant who meets the 523
requirements of this division. However, the division shall not 524
issue a D-5e permit if the permit premises or proposed permit 525
premises are located within an area in which the sale of 526
spirituous liquor by the glass is prohibited. 527

The fee for this permit is one thousand two hundred nineteen 528
dollars. 529

(F) Permit D-5f may be issued to the owner or operator of a 530
retail food establishment or a food service operation licensed 531
under Chapter 3717. of the Revised Code that operates as a 532
restaurant for purposes of this chapter and that meets all of the 533
following: 534

(1) It contains not less than twenty-five hundred square feet 535
of floor area. 536

(2) It is located on or in, or immediately adjacent to, the 537
shoreline of, a navigable river. 538

(3) It provides docking space for twenty-five boats. 539

(4) It provides entertainment and recreation, provided that 540
not less than fifty per cent of the business on the permit 541
premises shall be preparing and serving meals for a consideration. 542

In addition, each application for a D-5f permit shall be 543
accompanied by a certification from the local legislative 544
authority that the issuance of the D-5f permit is not inconsistent 545
with that political subdivision's comprehensive development plan 546
or other economic development goal as officially established by 547

the local legislative authority. 548

The holder of a D-5f permit may sell beer and intoxicating 549
liquor at retail, only by the individual drink in glass and from 550
the container, for consumption on the premises where sold. 551

A D-5f permit shall not be transferred to another location. 552

The division of liquor control shall not issue a D-5f permit 553
if the permit premises or proposed permit premises are located 554
within an area in which the sale of spirituous liquor by the glass 555
is prohibited. 556

A fee for this permit is two thousand three hundred 557
forty-four dollars. 558

As used in this division, "navigable river" means a river 559
that is also a "navigable water" as defined in the "Federal Power 560
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 561

(G) Permit D-5g may be issued to a nonprofit corporation that 562
is either the owner or the operator of a national professional 563
sports museum. The holder of a D-5g permit may sell beer and any 564
intoxicating liquor at retail, only by the individual drink in 565
glass and from the container, for consumption on the premises 566
where sold. The holder of a D-5g permit shall sell no beer or 567
intoxicating liquor for consumption on the premises where sold 568
after one a.m. A D-5g permit shall not be transferred to another 569
location. No quota restrictions shall be placed on the number of 570
D-5g permits that may be issued. The fee for this permit is one 571
thousand eight hundred seventy-five dollars. 572

(H)(1) Permit D-5h may be issued to any nonprofit 573
organization that is exempt from federal income taxation under the 574
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 575
501(c)(3), as amended, that owns or operates any of the following: 576

(a) A fine arts museum, provided that the nonprofit 577

organization has no less than ~~five~~ one thousand five hundred bona fide members possessing full membership privileges;

(b) A community arts center. As used in division (H)(1)(b) of this section, "community arts center" means a facility that provides arts programming to the community in more than one arts discipline, including, but not limited to, exhibits of works of art and performances by both professional and amateur artists.

(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.

(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.

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

(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:

(1) It is located in a municipal corporation or a township

with a population of one hundred thousand or less. 609

(2) It has inside seating capacity for at least one hundred 610
forty persons. 611

(3) It has at least four thousand square feet of floor area. 612

(4) It offers full-course meals, appetizers, and sandwiches. 613

(5) Its receipts from beer and liquor sales, excluding wine 614
sales, do not exceed twenty-five per cent of its total gross 615
receipts. 616

(6) It has at least one of the following characteristics: 617

(a) The value of its real and personal property exceeds seven 618
hundred twenty-five thousand dollars. 619

(b) It is located on property that is owned or leased by the 620
state or a state agency, and its owner or operator has 621
authorization from the state or the state agency that owns or 622
leases the property to obtain a D-5i permit. 623

The holder of a D-5i permit shall cause an independent audit 624
to be performed at the end of one full year of operation following 625
issuance of the permit in order to verify the requirements of 626
division (I)(5) of this section. The results of the independent 627
audit shall be transmitted to the division. Upon determining that 628
the receipts of the holder from beer and liquor sales, excluding 629
wine sales, exceeded twenty-five per cent of its total gross 630
receipts, the division shall suspend the permit of the permit 631
holder under section 4301.25 of the Revised Code and may allow the 632
permit holder to elect a forfeiture under section 4301.252 of the 633
Revised Code. 634

The holder of a D-5i permit may sell beer and any 635
intoxicating liquor at retail, only by the individual drink in 636
glass and from the container, for consumption on the premises 637
where sold, and may sell the same products in the same manner and 638

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

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

(J)(1) Permit D-5j may be issued to the owner or the operator
of a retail food establishment or a food service operation
licensed under Chapter 3717. of the Revised Code to 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 and to sell beer and intoxicating liquor 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-5j permit may exercise the same privileges, and shall
observe the same hours of operation, as the holder of a D-5
permit.

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

(a) It is located in a municipal corporation with a

population of at least one hundred thousand.

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

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

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

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

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

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

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

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

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(K)(1) Permit D-5k may be issued to any nonprofit 700
organization that is exempt from federal income taxation under the 701
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 702
501(c)(3), as amended, that is the owner or operator of a 703
botanical garden recognized by the American association of 704
botanical gardens and arboreta, and that has not less than 705
twenty-five hundred bona fide members. 706

(2) The holder of a D-5k permit may sell beer and any 707
intoxicating liquor at retail, only by the individual drink in 708
glass and from the container, on the premises where sold. 709

(3) The holder of a D-5k permit shall sell no beer or 710
intoxicating liquor for consumption on the premises where sold 711
after one a.m. 712

(4) A D-5k permit shall not be transferred to another 713
location. 714

(5) No quota restrictions shall be placed on the number of 715
D-5k permits that may be issued. 716

(6) The fee for the D-5k permit is one thousand eight hundred 717
seventy-five dollars. 718

Sec. 4303.29. (A) No permit, other than an H permit, shall be 719
issued to a firm or partnership unless all the members of the firm 720
or partnership are citizens of the United States and a majority 721
have resided in this state for one year prior to application for 722
the permit. No permit, other than an H permit, shall be issued to 723
an individual who is not a citizen of the United States who has 724
resided in this state for at least one year prior to application 725
for the permit. No permit, other than an E or H permit, shall be 726
issued to any corporation organized under the laws of any country, 727
territory, or state other than this state until it has furnished 728
the division of liquor control with evidence that it has complied 729

with the laws of this state relating to the transaction of 730
business in this state. 731

The division may refuse to issue any permit to or refuse to 732
renew any permit of any person convicted of any felony that is 733
reasonably related to the person's fitness to operate a liquor 734
permit business in this state. No holder of a permit shall sell, 735
assign, transfer, or pledge the permit without the written consent 736
of the division. 737

~~(B)(1) No more than one of each type of C or D permit shall 738
be issued to any one person, firm, or corporation in any county 739
having a population of less than twenty five thousand, and no more 740
than one of each type of C or D permit shall be issued to any one 741
person, firm, or corporation for any additional twenty five 742
thousand or major fraction thereof in any county having a greater 743
population than twenty five thousand, provided that, in the case 744
of D-3, D-3a, D-4, and D-5 permits, no more than one permit shall 745
be issued to any one person, firm, or corporation in any county 746
having a population of less than fifty thousand, and no more than 747
one such permit shall be issued to any one person, firm, or 748
corporation for any additional fifty thousand or major fraction 749
thereof in any county having a greater population than fifty 750
thousand. 751~~

~~(2)~~ No D-3 permit shall be issued to any club unless the club 752
has been continuously engaged in the activity specified in section 753
4303.15 of the Revised Code, as a qualification for that class of 754
permit, for two years at the time the permit is issued. 755

~~(3)~~(2)(a) Subject to division (B)~~(3)~~(2)(b) of this section, 756
upon application by properly qualified persons, one C-1 and C-2 757
permit shall be issued for each one thousand population or part of 758
that population, and one D-1 and D-2 permit shall be issued for 759
each two thousand population or part of that population, in each 760
municipal corporation and in the unincorporated area of each 761

township. 762

Subject to division (B)~~(3)~~(2)(b) of this section, not more 763
than one D-3, D-4, or D-5 permit shall be issued for each two 764
thousand population or part of that population in any municipal 765
corporation and in the unincorporated area of any township, except 766
that, in any city of a population of fifty-five thousand or more, 767
one D-3 permit may be issued for each fifteen hundred population 768
or part of that population. 769

(b)(i) Division (B)~~(3)~~(2)(a) of this section does not 770
prohibit the transfer of location or the transfer of ownership and 771
location of a C-1, C-2, D-1, D-2, D-3, or D-5 permit from a 772
municipal corporation or the unincorporated area of a township in 773
which the number of permits of that class exceeds the number of 774
such permits authorized to be issued under division (B)~~(3)~~(2)(a) 775
of this section to an economic development project located in 776
another municipal corporation or the unincorporated area of 777
another township in which no additional permits of that class may 778
be issued to the applicant under division (B)~~(3)~~(2)(a) of this 779
section, but the transfer of location or transfer of ownership and 780
location of the permit may occur only if the applicant notifies 781
the municipal corporation or township to which the location of the 782
permit will be transferred regarding the transfer and that 783
municipal corporation or township acknowledges in writing to the 784
division of liquor control, at the time the application for the 785
transfer of location or transfer of ownership and location of the 786
permit is filed, that the transfer will be to an economic 787
development project. This acknowledgment by the municipal 788
corporation or township does not prohibit it from requesting a 789
hearing under section 4303.26 of the Revised Code. The applicant 790
is eligible to apply for and receive the transfer of location of 791
the permit under division (B)~~(3)~~(2)(b) of this section if all 792
permits of that class that may be issued under division 793

(a) of this section in the applicable municipal corporation or 794
unincorporated area of the township have already been issued or if 795
the number of applications filed for permits of that class in that 796
municipal corporation or the unincorporated area of that township 797
exceed the number of permits of that class that may be issued 798
there under division (B)~~(3)~~(2)(a) of this section. 799

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A permit transferred under division (B)~~(3)~~(2)(b) of this 801
section may be subsequently transferred to a different owner at 802
the same location, or to the same owner or a different owner at a 803
different location in the same municipal corporation or in the 804
unincorporated area of the same township, as long as the same or 805
new location meets the economic development project criteria set 806
forth in this section. 807

(ii) Factors that shall be used to determine the designation 808
of an economic development project include, but are not limited 809
to, architectural certification of the plans and the cost of the 810
project, the number of jobs that will be created by the project, 811
projected earnings of the project, projected tax revenues for the 812
political subdivisions in which the project will be located, and 813
the amount of financial investment in the project. The 814
superintendent of liquor control shall determine whether the 815
existing or proposed business that is seeking a permit described 816
in division (B)~~(3)~~(2)(b) of this section qualifies as an economic 817
development project and, if the superintendent determines that it 818
so qualifies, shall designate the business as an economic 819
development project. 820

~~(4)~~(3) Nothing in this section shall be construed to restrict 821
the issuance of a permit to a municipal corporation for use at a 822
municipally owned airport at which commercial airline companies 823
operate regularly scheduled flights on which space is available to 824
the public. A municipal corporation applying for a permit for such 825

a municipally owned airport is exempt, in regard to that 826
application, from the population restrictions contained in this 827
section and from population quota restrictions contained in any 828
rule of the liquor control commission. A municipal corporation 829
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a 830
municipally owned airport is subject to section 4303.31 of the 831
Revised Code. 832

~~(5)~~(4) Nothing in this section shall be construed to prohibit 833
the issuance of a D permit to the board of trustees of a soldiers' 834
memorial for a premises located at a soldiers' memorial 835
established pursuant to Chapter 345. of the Revised Code. An 836
application for a D permit by the board for those premises is 837
exempt from the population restrictions contained in this section 838
and from the population quota restrictions contained in any rule 839
of the liquor control commission. The location of a D permit 840
issued to the board for those premises shall not be transferred. A 841
board of trustees of a soldiers' memorial applying for a D-1, D-2, 842
D-3, D-4, or D-5 permit for the soldiers' memorial is subject to 843
section 4303.31 of the Revised Code. 844

~~(6)~~(5) Nothing in this section shall be construed to restrict 845
the issuance of a permit for a premises located at a golf course 846
owned by a municipal corporation, township, or county, owned by a 847
park district created under Chapter 1545. of the Revised Code, or 848
owned by the state. The location of such a permit issued on or 849
after September 26, 1984, for a premises located at such a golf 850
course shall not be transferred. Any application for such a permit 851
is exempt from the population quota restrictions contained in this 852
section and from the population quota restrictions contained in 853
any rule of the liquor control commission. A municipal 854
corporation, township, county, park district, or state agency 855
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a golf 856
course is subject to section 4303.31 of the Revised Code. 857

~~(7)~~(6) As used in division (B)~~(7)~~(6) of this section, "fair" 858
has the same meaning as in section 991.01 of the Revised Code, 859
"state fairgrounds" means the property that is held by the state 860
for the purpose of conducting fairs, expositions, and exhibits and 861
that is maintained and managed by the Ohio expositions commission 862
under section 991.03 of the Revised Code, and "capitol square" has 863
the same meaning as in section 105.41 of the Revised Code. 864

Nothing in this section shall be construed to restrict the 865
issuance of one or more D permits to one or more applicants for 866
all or a part of either the state fairgrounds or capitol square. 867
An application for a D permit for the state fairgrounds or capitol 868
square is exempt from the population quota restrictions contained 869
in this section and from the population quota restrictions 870
contained in any rule of the liquor control commission. The 871
location of a D permit issued for the state fairgrounds or capitol 872
square shall not be transferred. An applicant for a D-1, D-2, D-3, 873
or D-5 permit for the state fairgrounds is not subject to section 874
4303.31 of the Revised Code. 875

Pursuant to section 1711.09 of the Revised Code, the holder 876
of a D permit issued for the state fairgrounds shall not deal in 877
spirituous liquor at the state fairgrounds during, or for one week 878
before or for three days after, any fair held at the state 879
fairgrounds. 880

~~(8)~~(7) Nothing in this section shall be construed to prohibit 881
the issuance of a D permit for a premises located at a zoological 882
park at which sales have been approved in an election held under 883
former section 4301.356 of the Revised Code. An application for a 884
D permit for such a premises is exempt from the population 885
restrictions contained in this section, from the population quota 886
restrictions contained in any rule of the liquor control 887
commission, and from section 4303.31 of the Revised Code. The 888
location of a D permit issued for a premises at such a zoological 889

park shall not be transferred, and no quota or other restrictions 890
shall be placed on the number of D permits that may be issued for 891
a premises at such a zoological park. 892

(C)(1) No D-3, D-4, D-5, or D-5a permit shall be issued in 893
any election precinct in any municipal corporation or in any 894
election precinct in the unincorporated area of any township, in 895
which at the November, 1933, election a majority of the electors 896
voting thereon in the municipal corporation or in the 897
unincorporated area of the township voted against the repeal of 898
Section 9 of Article XV, Ohio Constitution, unless the sale of 899
spirituous liquor by the glass is authorized by a majority vote of 900
the electors voting on the question in the precinct at an election 901
held pursuant to this section or by a majority vote of the 902
electors of the precinct voting on question (C) at a special local 903
option election held in the precinct pursuant to section 4301.35 904
of the Revised Code. Upon the request of an elector, the board of 905
elections of the county that encompasses the precinct shall 906
furnish the elector with a copy of the instructions prepared by 907
the secretary of state under division (P) of section 3501.05 of 908
the Revised Code and, within fifteen days after the request, a 909
certificate of the number of signatures required for a valid 910
petition under this section. 911

Upon the petition of thirty-five per cent of the total number 912
of voters voting in any such precinct for the office of governor 913
at the preceding general election, filed with the board of 914
elections of the county in which such precinct is located not 915
later than seventy-five days before a general election, the board 916
shall prepare ballots and hold an election at such general 917
election upon the question of allowing spirituous liquor to be 918
sold by the glass in such precinct. The ballots shall be approved 919
in form by the secretary of state. The results of the election 920
shall be certified by the board to the secretary of state, who 921

shall certify the results to the division. 922

(2) No holder of a class D-3 permit issued for a boat or 923
vessel shall sell spirituous liquor in any precinct, in which the 924
election provided for in this section may be held, unless the sale 925
of spirituous liquor by the drink has been authorized by vote of 926
the electors as provided in this section or in section 4301.35 of 927
the Revised Code. 928

(D) Any holder of a C or D permit whose permit premises were 929
purchased in 1986 or 1987 by the state of Ohio or any state agency 930
for highway purposes shall be issued the same permit at another 931
location notwithstanding any quota restrictions contained in this 932
chapter or in any rule of the liquor control commission. 933

Sec. 4303.292. (A) The division of liquor control may refuse 934
to issue, transfer the ownership of, or renew, and shall refuse to 935
transfer the location of, any retail permit issued under this 936
chapter if it finds either of the following: 937

(1) That the applicant, or any partner, member, officer, 938
director, or manager of the applicant, or, if the applicant is a 939
corporation or limited liability company, any shareholder owning 940
five per cent or more of the applicant's capital stock in the 941
corporation or any member owning five per cent or more of either 942
the voting interests or membership interests in the limited 943
liability company: 944

(a) Has been convicted at any time of a crime that relates to 945
fitness to operate a liquor establishment; 946

(b) Has operated liquor permit businesses in a manner that 947
demonstrates a disregard for the laws, regulations, or local 948
ordinances of this state or any other state; 949

(c) Has misrepresented a material fact in applying to the 950
division for a permit; or 951

(d) Is in the habit of using alcoholic beverages or dangerous 952
drugs to excess, or is addicted to the use of narcotics. 953

(2) That the place for which the permit is sought: 954

(a) Does not conform to the building, safety, or health 955
requirements of the governing body of the county or municipal 956
corporation in which the place is located. As used in division 957
(A)(2)(a) of this section, "building, safety, or health 958
requirements" does not include local zoning ordinances. The 959
validity of local zoning regulations shall not be affected by this 960
section. 961

(b) Is so constructed or arranged that law enforcement 962
officers and duly authorized agents of the division are prevented 963
from reasonable access to rooms within which beer or intoxicating 964
liquor is to be sold or consumed; 965

(c) Is so located with respect to the neighborhood that 966
substantial interference with public decency, sobriety, peace, or 967
good order would result from the issuance, renewal, transfer of 968
location, or transfer of ownership of the permit and operation 969
under it by the applicant; or 970

(d) Has been declared a nuisance pursuant to Chapter 3767. of 971
the Revised Code since the time of the most recent issuance, 972
renewal, or transfer of ownership or location of the liquor 973
permit. 974

(B) The division of liquor control may refuse to issue or 975
transfer the ownership of, and shall refuse to transfer the 976
location of, any retail permit issued under this chapter if it 977
finds either of the following: 978

(1) That the place for which the permit is sought is so 979
situated with respect to any school, church, library, public 980
playground, or hospital that the operation of the liquor 981

establishment will substantially and adversely affect or interfere 982
with the normal, orderly conduct of the affairs of those 983
facilities or institutions; 984

(2) That the number of permits already existent in the 985
neighborhood is such that the issuance or transfer of location of 986
a permit would be detrimental to and substantially interfere with 987
the morals, safety, or welfare of the public. In reaching a 988
conclusion in this respect, the division shall consider, in light 989
of the purposes of this chapter and Chapters 4301. and 4399. of 990
the Revised Code, the character and population of the 991
neighborhood, the number and location of similar permits in the 992
neighborhood, the number and location of all other permits in the 993
neighborhood, and the effect the issuance or transfer of location 994
of a permit would have on the neighborhood. 995

(C) The division of liquor control shall not transfer the 996
location or transfer the ownership and location of a permit under 997
division (B)~~(3)~~(2)(b) of section 4303.29 of the Revised Code 998
unless the permit is transferred to an economic development 999
project. 1000

(D) The division of liquor control shall refuse to issue, 1001
renew, transfer the ownership of, or transfer the location of a 1002
retail permit under this chapter if the applicant is or has been 1003
convicted of a violation of division (C)(1) of section 2913.46 of 1004
the Revised Code. 1005

(E) The division of liquor control shall refuse to transfer 1006
the ownership of or transfer the location of a retail permit under 1007
this chapter while criminal proceedings are pending against the 1008
holder of the permit for a violation of division (C)(1) of section 1009
2913.46 of the Revised Code. The department of public safety shall 1010
notify the division whenever criminal proceedings have commenced 1011
for a violation of division (C)(1) of section 2913.46 of the 1012

Revised Code.	1013
(F) The division of liquor control shall refuse to issue,	1014
renew, or transfer the ownership or location of a retail permit	1015
under this chapter if the applicant has been found to be	1016
maintaining a nuisance under section 3767.05 of the Revised Code	1017
at the premises for which the issuance, renewal, or transfer of	1018
ownership or location of the retail permit is sought.	1019
Section 2. That existing sections 4301.17, 4301.62, 4301.99,	1020
4303.181, 4303.29, and 4303.292 and section 4303.273 of the	1021
Revised Code are hereby repealed.	1022