

As Passed by the House

**127th General Assembly
Regular Session
2007-2008**

Sub. S. B. No. 150

Senator Roberts

**Cosponsors: Senators Fedor, Boccieri, Miller, D., Kearney, Schuler, Austria,
Cafaro, Cates, Clancy, Faber, Gardner, Grendell, Harris, Mason, Morano,
Niehaus, Padgett, Sawyer, Schuring, Spada, Stivers, Wilson, Carey
Representatives Daniels, Hite, Stewart, D., Domenick, Flowers, Boyd, Evans,
Garrison, Hughes, Patton, Sayre, Williams, S., Zehringer**

—

A B I L L

To amend sections 4301.10, 4301.12, 4301.16, 4301.20, 1
4301.30, 4301.355, 4301.432, 4301.47, 4301.58, 2
4301.62, 4301.639, 4303.03, 4303.05, 4303.071, 3
4303.181, 4303.182, 4303.184, 4303.232, 4303.233, 4
4303.25, 4303.27, 4303.271, 4303.29, 4303.30, 5
4303.33, 4303.333, 4399.12, and 5703.21 and to 6
enact sections 4301.404, 4301.441, 4301.81, and 7
4303.234 of the Revised Code to modify, and also 8
to clarify and correct, the law pertaining to 9
liquor control and alcoholic beverage taxes. 10

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

Section 1. That sections 4301.10, 4301.12, 4301.16, 4301.20, 11
4301.30, 4301.355, 4301.432, 4301.47, 4301.58, 4301.62, 4301.639, 12
4303.03, 4303.05, 4303.071, 4303.181, 4303.182, 4303.184, 13
4303.232, 4303.233, 4303.25, 4303.27, 4303.271, 4303.29, 4303.30, 14
4303.33, 4303.333, 4399.12, and 5703.21 be amended and sections 15
4301.404, 4301.441, 4301.81, and 4303.234 of the Revised Code be 16

enacted to read as follows: 17

Sec. 4301.10. (A) The division of liquor control shall do all 18
of the following: 19

(1) Control the traffic in beer and intoxicating liquor in 20
this state, including the manufacture, importation, and sale of 21
beer and intoxicating liquor; 22

(2) Grant or refuse permits for the manufacture, 23
distribution, transportation, and sale of beer and intoxicating 24
liquor and the sale of alcohol, as authorized or required by this 25
chapter and Chapter 4303. of the Revised Code. A certificate, 26
signed by the superintendent of liquor control and to which is 27
affixed the official seal of the division, stating that it appears 28
from the records of the division that no permit has been issued to 29
the person specified in the certificate, or that a permit, if 30
issued, has been revoked, canceled, or suspended, shall be 31
received as prima-facie evidence of the facts recited in the 32
certificate in any court or before any officer of this state. 33

(3) Put into operation, manage, and control a system of state 34
liquor stores for the sale of spirituous liquor at retail and to 35
holders of permits authorizing the sale of spirituous liquor; 36
however, the division shall not establish any drive-in state 37
liquor stores; and by means of those types of stores, and any 38
manufacturing plants, distributing and bottling plants, 39
warehouses, and other facilities that it considers expedient, 40
establish and maintain a state monopoly of the distribution of 41
spirituous liquor and its sale in packages or containers; and for 42
that purpose, manufacture, buy, import, possess, and sell 43
spirituous liquors as provided in this chapter and Chapter 4303. 44
of the Revised Code, and in the rules promulgated by the 45
superintendent of liquor control pursuant to those chapters; lease 46
or in any manner acquire the use of any land or building required 47

for any of those purposes; purchase any equipment that is 48
required; and borrow money to carry on its business, and issue, 49
sign, endorse, and accept notes, checks, and bills of exchange; 50
but all obligations of the division created under authority of 51
this division shall be a charge only upon the moneys received by 52
the division from the sale of spirituous liquor and its other 53
business transactions in connection with the sale of spirituous 54
liquor, and shall not be general obligations of the state; 55

(4) Enforce the administrative provisions of this chapter and 56
Chapter 4303. of the Revised Code, and the rules and orders of the 57
liquor control commission and the superintendent relating to the 58
manufacture, importation, transportation, distribution, and sale 59
of beer or intoxicating liquor. The attorney general, any 60
prosecuting attorney, and any prosecuting officer of a municipal 61
corporation or a municipal court shall, at the request of the 62
division of liquor control or the department of public safety, 63
prosecute any person charged with the violation of any provision 64
in those chapters or of any section of the Revised Code relating 65
to the manufacture, importation, transportation, distribution, and 66
sale of beer or intoxicating liquor. 67

(5) Determine the locations of all state liquor stores and 68
manufacturing, distributing, and bottling plants required in 69
connection with those stores, subject to this chapter and Chapter 70
4303. of the Revised Code; 71

(6) Conduct inspections of liquor permit premises to 72
determine compliance with the administrative provisions of this 73
chapter and Chapter 4303. of the Revised Code and the rules 74
adopted under those provisions by the liquor control commission. 75

Except as otherwise provided in division (A)(6) of this 76
section, those inspections may be conducted only during those 77
hours in which the permit holder is open for business and only by 78
authorized agents or employees of the division or by any peace 79

officer, as defined in section 2935.01 of the Revised Code. 80
Inspections may be conducted at other hours only to determine 81
compliance with laws or commission rules that regulate the hours 82
of sale of beer or intoxicating liquor and only if the 83
investigator has reasonable cause to believe that those laws or 84
rules are being violated. Any inspection conducted pursuant to 85
division (A)(6) of this section is subject to all of the following 86
requirements: 87

(a) The only property that may be confiscated is contraband, 88
as defined in section 2901.01 of the Revised Code, or property 89
that is otherwise necessary for evidentiary purposes. 90

(b) A complete inventory of all property confiscated from the 91
premises shall be given to the permit holder or the permit 92
holder's agent or employee by the confiscating agent or officer at 93
the conclusion of the inspection. At that time, the inventory 94
shall be signed by the confiscating agent or officer, and the 95
agent or officer shall give the permit holder or the permit 96
holder's agent or employee the opportunity to sign the inventory. 97

(c) Inspections conducted pursuant to division (A)(6) of this 98
section shall be conducted in a reasonable manner. A finding by 99
any court of competent jurisdiction that an inspection was not 100
conducted in a reasonable manner in accordance with this section 101
or any rules adopted by the commission may be considered grounds 102
for suppression of evidence. A finding by the commission that an 103
inspection was not conducted in a reasonable manner in accordance 104
with this section or any rules adopted by it may be considered 105
grounds for dismissal of the commission case. 106

If any court of competent jurisdiction finds that property 107
confiscated as the result of an administrative inspection is not 108
necessary for evidentiary purposes and is not contraband, as 109
defined in section 2901.01 of the Revised Code, the court shall 110
order the immediate return of the confiscated property, provided 111

that property is not otherwise subject to forfeiture, to the 112
permit holder. However, the return of this property is not grounds 113
for dismissal of the case. The commission likewise may order the 114
return of confiscated property if no criminal prosecution is 115
pending or anticipated. 116

(7) Delegate to any of its agents or employees any power of 117
investigation that the division possesses with respect to the 118
enforcement of any of the administrative laws relating to beer or 119
intoxicating liquor, provided that this division does not 120
authorize the division to designate any agent or employee to serve 121
as an enforcement agent. The employment and designation of 122
enforcement agents shall be within the exclusive authority of the 123
director of public safety pursuant to sections 5502.13 to 5502.19 124
of the Revised Code. 125

(8) Collect the following fees: 126

(a) A biennial fifty-dollar registration fee for each agent, 127
solicitor, or salesperson, registered pursuant to section 4303.25 128
of the Revised Code, of a beer or intoxicating liquor 129
manufacturer, supplier, broker, or wholesale distributor doing 130
business in this state; 131

(b) A fifty-dollar product registration fee for each new beer 132
or intoxicating liquor product sold in this state. The product 133
registration fee also applies to products sold in this state by 134
B-2a and S permit holders. The product registration fee shall be 135
accompanied by a copy of the federal label and product approval 136
for the new product. 137

(c) An annual three-hundred-dollar supplier registration fee 138
from each manufacturer or supplier that produces and ships into 139
this state, or ships into this state, intoxicating liquor or beer, 140
in addition to an initial application fee of one hundred dollars. 141
A manufacturer that produces and ships wine into this state and 142

that holds only an S permit is exempt from the supplier 143
registration fee. A manufacturer that produces and ships wine into 144
this state and that holds a B-2a permit shall pay an annual 145
seventy-six-dollar supplier registration fee. A manufacturer that 146
produces and ships wine into this state and that does not hold 147
either an S or a B-2a permit, but that produces less than two 148
hundred fifty thousand gallons of wine per year and that is 149
entitled to a tax credit under 27 C.F.R. 24.278 shall pay an 150
annual seventy-six-dollar supplier registration fee. A B-2a or S 151
permit holder that does not sell its wine to wholesale 152
distributors of wine in this state shall not be required to submit 153
to the division territory designation forms. 154

Each supplier, agent, solicitor, or salesperson registration 155
issued under this division shall authorize the person named to 156
carry on the activity specified in the registration. Each agent, 157
solicitor, or salesperson registration is valid for two years or 158
for the unexpired portion of a two-year registration period. Each 159
supplier registration is valid for one year or for the unexpired 160
portion of a one-year registration period. Registrations shall end 161
on their respective uniform expiration date, which shall be 162
designated by the division, and are subject to suspension, 163
revocation, cancellation, or fine as authorized by this chapter 164
and Chapter 4303. of the Revised Code. 165

(9) Establish a system of electronic data interchange within 166
the division and regulate the electronic transfer of information 167
and funds among persons and governmental entities engaged in the 168
manufacture, distribution, and retail sale of alcoholic beverages; 169

(10) Notify all holders of retail permits of the forms of 170
permissible identification for purposes of division (A) of section 171
4301.639 of the Revised Code; 172

(11) Exercise all other powers expressly or by necessary 173
implication conferred upon the division by this chapter and 174

Chapter 4303. of the Revised Code, and all powers necessary for 175
the exercise or discharge of any power, duty, or function 176
expressly conferred or imposed upon the division by those 177
chapters. 178

(B) The division may do all of the following: 179

(1) Sue, but may be sued only in connection with the 180
execution of leases of real estate and the purchases and contracts 181
necessary for the operation of the state liquor stores that are 182
made under this chapter and Chapter 4303. of the Revised Code; 183

(2) Enter into leases and contracts of all descriptions and 184
acquire and transfer title to personal property with regard to the 185
sale, distribution, and storage of spirituous liquor within the 186
state; 187

(3) Terminate at will any lease entered into pursuant to 188
division (B)(2) of this section upon first giving ninety days' 189
notice in writing to the lessor of its intention to do so; 190

(4) Fix the wholesale and retail prices at which the various 191
classes, varieties, and brands of spirituous liquor shall be sold 192
by the division. Those retail prices shall be the same at all 193
state liquor stores, except to the extent that a price 194
differential is required to collect a county sales tax levied 195
pursuant to section 5739.021 of the Revised Code and for which tax 196
the tax commissioner has authorized prepayment pursuant to section 197
5739.05 of the Revised Code. In fixing selling prices, the 198
division shall compute an anticipated gross profit at least 199
sufficient to provide in each calendar year all costs and expenses 200
of the division and also an adequate working capital reserve for 201
the division. The gross profit shall not exceed forty per cent of 202
the retail selling price based on costs of the division, and in 203
addition the sum required by section 4301.12 of the Revised Code 204
to be paid into the state treasury. An amount equal to one and 205

one-half per cent of that gross profit shall be paid into the 206
statewide treatment and prevention fund created by section 4301.30 207
of the Revised Code and be appropriated by the general assembly 208
from the fund to the department of alcohol and drug addiction 209
services as provided in section 4301.30 of the Revised Code. 210

On spirituous liquor manufactured in this state from the 211
juice of grapes or fruits grown in this state, the division shall 212
compute an anticipated gross profit of not to exceed ten per cent. 213

The wholesale prices fixed under this division shall be at a 214
discount of not less than six per cent of the retail selling 215
prices as determined by the division in accordance with this 216
section. 217

(C) The division may approve the expansion or diminution of a 218
premises to which a liquor permit has been issued and may adopt 219
standards governing such an expansion or diminution. 220

Sec. 4301.12. The division of liquor control shall provide 221
for the custody, safekeeping, and deposit of all moneys, checks, 222
and drafts received by it or any of its employees or agents prior 223
to paying them to the treasurer of state as provided by section 224
113.08 of the Revised Code. 225

A sum equal to three dollars and thirty-eight cents for each 226
gallon of spirituous liquor sold by the division during the period 227
covered by the payment shall be paid into the state treasury to 228
the credit of the general revenue fund. All moneys received from 229
permit fees, except B-2a and S permit fees from B-2a and S permit 230
holders who do not also hold A-2 permits, shall be paid to the 231
credit of the undivided liquor permit fund established by section 232
4301.30 of the Revised Code. 233

Except as otherwise provided by law, all moneys collected 234
under Chapters 4301. and 4303. of the Revised Code shall be paid 235

by the division into the state treasury to the credit of the 236
liquor control fund, which is hereby created. Amounts in the 237
liquor control fund may be used to pay the operating expenses of 238
the liquor control commission. 239

Whenever, in the judgment of the director of budget and 240
management, the amount in the liquor control fund is in excess of 241
that needed to meet the maturing obligations of the division, as 242
working capital for its further operations, to pay the operating 243
expenses of the commission, and for the alcohol testing program 244
under section 3701.143 of the Revised Code, the director shall 245
transfer the excess to the credit of the general revenue fund. 246

Sec. 4301.16. (A)(1) All moneys received from the sale of 247
liquor at state liquor stores or otherwise, or arising in the 248
administration of Chapters 4301. and 4303. of the Revised Code, 249
other than from taxes, shall be paid to the division of liquor 250
control subject to division (A)(2) of this section and shall be 251
accounted for and paid over by the division to the treasurer of 252
state as custodian, as provided by section 4301.12 of the Revised 253
Code. 254

(2) The division may allow or require a state liquor agency 255
to establish and maintain bank accounts, at the discretion of the 256
division either under the name of the state of Ohio or the 257
business account of the state liquor agency, for the deposit of 258
moneys received from the sale of spirituous liquor. The moneys in 259
a state liquor agency's bank accounts shall be transferred to the 260
division at intervals determined by the division. 261

(B) Upon proof of accidental breakage or unintentional 262
shortage of stock, which proof shall be subject to the final 263
approval of the division, the division shall allow yearly credits 264
to each state liquor store not to exceed one-fortieth of one per 265
cent of each state liquor store's yearly gross sales, for the 266

moneys required by this section to be paid by such state liquor store to the division. 267
268

Sec. 4301.20. This chapter and Chapter 4303. of the Revised Code do not prevent the following: 269
270

(A) The storage of intoxicating liquor in bonded warehouses, established in accordance with the acts of congress and under the regulation of the United States, located in this state, or the transportation of intoxicating liquor to or from bonded warehouses of the United States wherever located; 271
272
273
274
275

(B) A bona fide resident of this state who is the owner of a warehouse receipt from obtaining or transporting to the resident's residence for the resident's own consumption and not for resale spirituous liquor stored in a government bonded warehouse in this state or in another state prior to December 1933, subject to such terms as are prescribed by the division of liquor control; 276
277
278
279
280
281

(C) The manufacture of cider from fruit for the purpose of making vinegar, and nonintoxicating cider and fruit juices for use and sale; 282
283
284

(D) A licensed physician or dentist from administering or dispensing intoxicating liquor or alcohol to a patient in good faith in the actual course of the practice of the physician's or dentist's profession; 285
286
287
288

(E) The sale of alcohol to physicians, dentists, druggists, veterinary surgeons, manufacturers, hospitals, infirmaries, or medical or educational institutions using the alcohol for medicinal, mechanical, chemical, or scientific purposes; 289
290
291
292

(F) The sale, gift, or keeping for sale by druggists and others of any of the medicinal preparations manufactured in accordance with the formulas prescribed by the United States Pharmacopoeia and National Formulary, patent or proprietary 293
294
295
296

preparations, and other bona fide medicinal and technical 297
preparations, which contain no more alcohol than is necessary to 298
hold the medicinal agents in solution and to preserve the same, 299
which are manufactured and sold as medicine and not as beverages, 300
are unfit for use for beverage purposes, and the sale of which 301
does not require the payment of a United States liquor dealer's 302
tax; 303

(G) The manufacture and sale of tinctures or of toilet, 304
medicinal, and antiseptic preparations and solutions not intended 305
for internal human use nor to be sold as beverages, and which are 306
unfit for beverage purposes, if upon the outside of each bottle, 307
box, or package of which there is printed in the English language, 308
conspicuously and legibly, the quantity by volume of alcohol in 309
the preparation or solution; 310

(H) The manufacture and keeping for sale of the food products 311
known as flavoring extracts when manufactured and sold for 312
cooking, culinary, or flavoring purposes, and which are unfit for 313
use for beverage purposes; 314

(I) The lawful sale of wood alcohol or of ethyl alcohol for 315
external use when combined with other substances as to make it 316
unfit for internal use; 317

(J) The manufacture, sale, and transport of ethanol or ethyl 318
alcohol for use as fuel. As used in this division, "ethanol" has 319
the same meaning as in section 5733.46 of the Revised Code. 320

(K) The purchase and importation into this state of 321
intoxicating liquor for use in manufacturing processes of 322
nonbeverage food products under terms prescribed by the division, 323
provided that the terms prescribed by the division shall not 324
increase the cost of the intoxicating liquor to any person, firm, 325
or corporation purchasing and importing it into this state for 326
that use; 327

(L) Any resident of this state or any member of the armed 328
forces of the United States, who has attained the age of 329
twenty-one years, from bringing into this state, for personal use 330
and not for resale, not more than one liter of spirituous liquor 331
in any thirty-day period, and the same is free of any tax consent 332
fee when the resident or member of the armed forces physically 333
possesses and accompanies the spirituous liquor on returning from 334
a foreign country, another state, or an insular possession of the 335
United States; 336

(M) Persons, at least twenty-one years of age, who collect 337
ceramic commemorative bottles containing spirituous liquor that 338
have unbroken federal tax stamps on them from selling or trading 339
the bottles to other collectors. The bottles shall originally have 340
been purchased at retail from the division, legally imported under 341
division (L) of this section, or legally imported pursuant to a 342
supplier registration issued by the division. The sales shall be 343
for the purpose of exchanging a ceramic commemorative bottle 344
between private collectors and shall not be for the purpose of 345
selling the spirituous liquor for personal consumption. The sale 346
or exchange authorized by this division shall not occur on the 347
premises of any permit holder, shall not be made in connection 348
with the business of any permit holder, and shall not be made in 349
connection with any mercantile business. 350

(N) The sale of beer or intoxicating liquor without a liquor 351
permit at a private residence, not more than five times per 352
calendar year at a residence address, at an event that has the 353
following characteristics: 354

(1) The event is for a charitable, benevolent, or political 355
purpose, but shall not include any event the proceeds of which are 356
for the profit or gain of any individual; 357

(2) The event has in attendance not more than fifty people; 358

(3) The event shall be for a period not to exceed twelve 359
hours; 360

(4) The sale of beer and intoxicating liquor at the event 361
shall not take place between two-thirty a.m. and five-thirty a.m.; 362

(5) No person under twenty-one years of age shall purchase or 363
consume beer or intoxicating liquor at the event and no beer or 364
intoxicating liquor shall be sold to any person under twenty-one 365
years of age at the event; and 366

(6) No person at the event shall sell or furnish beer or 367
intoxicating liquor to an intoxicated person. 368

Sec. 4301.30. All fees collected by the division of liquor 369
control shall be deposited in the state treasury to the credit of 370
the undivided liquor permit fund, which is hereby created, at the 371
time prescribed under section 4301.12 of the Revised Code. Each 372
payment shall be accompanied by a statement showing separately the 373
amount collected for each class of permits in each municipal 374
corporation and in each township outside the limits of any 375
municipal corporation in such township. An amount equal to 376
forty-five per cent of the fund shall be paid from the fund into 377
the general revenue fund. 378

Twenty per cent of the undivided liquor permit fund shall be 379
paid into the statewide treatment and prevention fund, which is 380
hereby created in the state treasury. This amount shall be 381
appropriated by the general assembly, together with an amount 382
equal to one and one-half per cent of the gross profit of the 383
division of liquor control derived under division (B)(4) of 384
section 4301.10 of the Revised Code, to the department of alcohol 385
and drug addiction services. In planning for the allocation of and 386
in allocating these amounts for the purposes of Chapter 3793. of 387
the Revised Code, the department of alcohol and drug addiction 388
services shall comply with the nondiscrimination provisions of 389

Title VI of the Civil Rights Act of 1964, and any rules adopted 390
under that act. 391

Thirty-five per cent of the undivided liquor permit fund 392
shall be distributed by the superintendent of liquor control at 393
quarterly calendar periods as follows: 394

(A) To each municipal corporation, the aggregate amount shown 395
by the statements to have been collected from permits in the 396
municipal corporation, for the use of the general fund of the 397
municipal corporation; 398

(B) To each township, the aggregate amount shown by the 399
statements to have been collected from permits in its territory, 400
outside the limits of any municipal corporation located in the 401
township, for the use of the general fund of the township, or for 402
fire protection purposes, including buildings and equipment in the 403
township or in an established fire district within the township, 404
to the extent that the funds are derived from liquor permits 405
within the territory comprising such fire district. 406

For the purpose of the distribution required by this section, 407
E, H, and D permits covering boats or vessels are deemed to have 408
been issued in the municipal corporation or township wherein the 409
owner or operator of the vehicle, boat, vessel, or dining car 410
equipment to which the permit relates has the owner's or 411
operator's principal office or place of business within the state. 412

If the liquor control commission determines that the police 413
or other officers of any municipal corporation or township 414
entitled to share in such distributions are refusing or culpably 415
neglecting to enforce this chapter and Chapter 4303. of the 416
Revised Code, or the penal laws of this state relating to the 417
manufacture, importation, transportation, distribution, and sale 418
of beer and intoxicating liquors, or if the prosecuting officer of 419
a municipal corporation or a municipal court fails to comply with 420

the request of the commission authorized by division (A)(4) of 421
section 4301.10 of the Revised Code, the commission, by certified 422
mail, may notify the chief executive officer of the municipal 423
corporation or the board of township trustees of the township of 424
the failure and require the immediate cooperation of the 425
responsible officers of the municipal corporation or township with 426
the division of liquor control in the enforcement of those 427
chapters and penal laws. Within thirty days after the notice is 428
served, the commission shall determine whether the requirement has 429
been complied with. If the commission determines that the 430
requirement has not been complied with, it may issue an order to 431
the superintendent to withhold the distributive share of the 432
municipal corporation or township until further order of the 433
commission. This action of the commission is reviewable within 434
thirty days thereafter in the court of common pleas of Franklin 435
county. 436

All fees collected by the division of liquor control from the 437
issuance or renewal of B-2a and S permits, and paid by B-2a and S 438
permit holders who do not also hold A-2 permits, shall be 439
deposited to the credit of the liquor control fund. Once during 440
each fiscal year, an amount equal to fifty per cent of the fees 441
collected shall be paid from the liquor control fund into the 442
general revenue fund. 443

Sec. 4301.355. (A) If a petition is filed under section 444
4301.333 of the Revised Code for the submission of the question or 445
questions set forth in this section, it shall be held in the 446
precinct as ordered by the board of elections under that section. 447
The expense of holding the election shall be charged to the 448
municipal corporation or township of which the precinct is a part. 449

(B) At the election, one or more of the following questions, 450
as designated in a valid petition, shall be submitted to the 451

electors of the precinct: 452

(1) "Shall the sale of (insert beer, wine and 453
mixed beverages, or spirituous liquor) be permitted by 454
(insert name of applicant, liquor permit holder, or liquor agency 455
store, including trade or fictitious name under which applicant 456
for, or holder of, liquor permit or liquor agency store either 457
intends to do, or does, business at the particular location), an 458
..... (insert "applicant for" or "holder of" or "operator 459
of") a (insert class name of liquor permit or permits 460
followed by the words "liquor permit(s)" or, if appropriate, the 461
words "liquor agency store for the State of Ohio"), who is engaged 462
in the business of (insert general nature of the 463
business in which applicant or liquor permit holder is engaged or 464
will be engaged in at the particular location, as described in the 465
petition) at (insert address of the particular location 466
within the precinct as set forth in the petition) in this 467
precinct?" 468

(2) "Shall the sale of (insert beer, wine and 469
mixed beverages, or spirituous liquor) be permitted for sale on 470
Sunday between the hours of (insert "ten a.m. and 471
midnight" or "one p.m. and midnight") by (insert name 472
of applicant, liquor permit holder, or liquor agency store, 473
including trade or fictitious name under which applicant for, or 474
holder of, liquor permit or liquor agency store either intends to 475
do, or does, business at the particular location), an 476
(insert "applicant for a D-6 liquor permit," "holder of a D-6 477
liquor permit," "applicant for or holder of an A-1-A, A-2, C-1, 478
C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, 479
D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, or D-7 liquor permit," 480
if only the approval of beer sales is sought, or "liquor agency 481
store") who is engaged in the business of (insert 482
general nature of the business in which applicant or liquor permit 483

holder is engaged or will be engaged in at the particular 484
location, as described in the petition) at (insert 485
address of the particular location within the precinct) in this 486
precinct?" 487

(C) The board of elections shall furnish printed ballots at 488
the election as provided under section 3505.06 of the Revised 489
Code, except that a separate ballot shall be used for the election 490
under this section. The question set forth in this section shall 491
be printed on each ballot, and the board shall insert in the 492
question appropriate words to complete it. Votes shall be cast as 493
provided under section 3505.06 of the Revised Code. 494

Sec. 4301.404. (A) As used in this section, "center for the 495
preservation of wild animals" means a conservation center located 496
on not less than five thousand acres of land that provides 497
scientific, educational, and recreational resources to advance the 498
conservation of animal populations and habitats. 499

(B) Sections 4301.32 to 4301.391 and 4305.14 of the Revised 500
Code and the provisions for local option elections and the 501
election on the repeal of Ohio Constitution, Article XV, Section 9 502
in section 4303.29 of the Revised Code do not affect or prohibit 503
the sale of beer or intoxicating liquor at a center for the 504
preservation of wild animals if any permit holder for the premises 505
operates pursuant to the authority of a D liquor permit issued 506
pursuant to Chapter 4303. of the Revised Code. 507

(C) Permit D-6 shall be issued to the holder of any D permit 508
that authorizes the sale of intoxicating liquor and that is issued 509
for a center for the preservation of wild animals to allow the 510
sale of intoxicating liquor under the permit at the premises 511
between the hours of one p.m. and midnight on Sunday, whether or 512
not such sale has been authorized in an election held under 513
section 4301.351 of the Revised Code. Notwithstanding section 514

4301.351 of the Revised Code, the holder of a D permit issued for 515
a center for the preservation of wild animals may sell beer on 516
Sunday whether or not the sale of intoxicating liquor has been 517
authorized in an election held under that section. 518

Sec. 4301.432. For the purpose of encouraging the grape 519
industries of the state, a tax is hereby levied on the sale or 520
distribution of vermouth, sparkling and carbonated wine and 521
champagne, and other wine, except for known sacramental purposes, 522
at the rate of two cents per wine gallon, the tax to be paid by 523
the holders of A-2 ~~and, B-2a, B-5, and S~~ permits or by any other 524
person selling or distributing wine upon which no such tax has 525
been paid. The treasurer of state shall credit to the Ohio grape 526
industries fund created under section 924.54 of the Revised Code 527
the moneys ~~he~~ the treasurer of state receives from this tax. 528

Sec. 4301.441. Any information provided to a state agency by 529
the department of taxation in accordance with division (C)(11) of 530
section 5703.21 of the Revised Code shall not be disclosed 531
publicly by that agency, except for purposes of enforcement, to 532
deny the renewal of a liquor permit, or to report such information 533
to the alcohol and tobacco tax and trade bureau in the United 534
States department of the treasury. 535

Sec. 4301.47. Every class A-1, A-2, and A-4 permit holder and 536
each class B or S permit holder shall maintain and keep for a 537
period of three years a record of the beer, wine, and mixed 538
beverages purchased, distributed, or sold within this state by the 539
permit holder, together with invoices, records, receipts, bills of 540
lading, and other pertinent papers required by the tax 541
commissioner and, upon demand by the tax commissioner, shall 542
produce these records for a three-year period prior to the demand 543
unless upon satisfactory proof it is shown that the nonproduction 544

is due to causes beyond the permit holder's control. 545

Sec. 4301.58. (A) No person, ~~by himself or herself~~ personally 546
or by the person's clerk, agent, or employee, who is not the 547
holder of an A permit issued by the division of liquor control, in 548
force at the time, and authorizing the manufacture of beer or 549
intoxicating liquor, or who is not an agent or employee of the 550
division authorized to manufacture such beer or intoxicating 551
liquor, shall manufacture any beer or intoxicating liquor for 552
sale, or shall manufacture spirituous liquor. 553

(B) No person, ~~by himself or herself~~ personally or by the 554
person's clerk, agent, or employee, who is not the holder of a an 555
A, B, C, D, E, F, G, or S permit issued by the division, in 556
force at the time, and authorizing the sale of beer, intoxicating 557
liquor, or alcohol, or who is not an agent or employee of the 558
division or the tax commissioner authorized to sell such beer, 559
intoxicating liquor, or alcohol, shall sell, keep, or possess 560
beer, intoxicating liquor, or alcohol for sale to any persons 561
other than those authorized by Chapters 4301. and 4303. of the 562
Revised Code to purchase any beer or intoxicating liquor, or sell 563
any alcohol at retail. This division does not apply to or affect 564
the sale or possession for sale of any low-alcohol beverage. 565

(C) No person, ~~by himself or herself~~ personally or by the 566
person's clerk, agent, or employee, who is the holder of a permit 567
issued by the division, shall sell, keep, or possess for sale any 568
intoxicating liquor not purchased from the division or from the 569
holder of a permit issued by the division authorizing the sale of 570
such intoxicating liquor unless the same has been purchased with 571
the special consent of the division. The division shall revoke the 572
permit of any person convicted of a violation of division (C) of 573
this section. 574

Sec. 4301.62. (A) As used in this section:	575
(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code.	576 577
(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code.	578 579
(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:	580 581 582
(1) In a state liquor store;	583
(2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the division of liquor control;	584 585 586
(3) In any other public place;	587
(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;	588 589 590 591 592
(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.	593 594 595 596
(C)(1) A person may have in the person's possession an opened container of any of the following:	597 598
(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, <u>D-5l, D-5m</u> , D-7, D-8, E, F, F-2, or <u>F-5, F-7, or F-8</u> permit;	599 600 601 602 603

(b) Beer, wine, or mixed beverages served for consumption on 604
the premises by the holder of an F-3 permit or wine served for 605
consumption on the premises by the holder of an F-4 or F-6 permit; 606

(c) Beer or intoxicating liquor consumed on the premises of a 607
convention facility as provided in section 4303.201 of the Revised 608
Code; 609

(d) Beer or intoxicating liquor to be consumed during 610
tastings and samplings approved by rule of the liquor control 611
commission. 612

(2) A person may have in the person's possession on an F 613
liquor permit premises an opened container of beer or intoxicating 614
liquor that was not purchased from the holder of the F permit if 615
the premises for which the F permit is issued is a music festival 616
and the holder of the F permit grants permission for that 617
possession on the premises during the period for which the F 618
permit is issued. As used in this division, "music festival" means 619
a series of outdoor live musical performances, extending for a 620
period of at least three consecutive days and located on an area 621
of land of at least forty acres. 622

(3)(a) A person may have in the person's possession on a D-2 623
liquor permit premises an opened or unopened container of wine 624
that was not purchased from the holder of the D-2 permit if the 625
premises for which the D-2 permit is issued is an outdoor 626
performing arts center, the person is attending an orchestral 627
performance, and the holder of the D-2 permit grants permission 628
for the possession and consumption of wine in certain 629
predesignated areas of the premises during the period for which 630
the D-2 permit is issued. 631

(b) As used in division (C)(3)(a) of this section: 632

(i) "Orchestral performance" means a concert comprised of a 633
group of not fewer than forty musicians playing various musical 634

instruments. 635

(ii) "Outdoor performing arts center" means an outdoor 636
performing arts center that is located on not less than eight 637
hundred acres of land and that is open for performances from the 638
first day of April to the last day of October of each year. 639

(4) A person may have in the person's possession an opened or 640
unopened container of beer or intoxicating liquor at an outdoor 641
location at which the person is attending an orchestral 642
performance as defined in division (C)(3)(b)(i) of this section if 643
the person with supervision and control over the performance 644
grants permission for the possession and consumption of beer or 645
intoxicating liquor in certain predesignated areas of that outdoor 646
location. 647

(D) This section does not apply to a person who pays all or a 648
portion of the fee imposed for the use of a chauffeured limousine 649
pursuant to a prearranged contract, or the guest of the person, 650
when all of the following apply: 651

(1) The person or guest is a passenger in the limousine. 652

(2) The person or guest is located in the limousine, but is 653
not occupying a seat in the front compartment of the limousine 654
where the operator of the limousine is located. 655

(3) The limousine is located on any street, highway, or other 656
public or private property open to the public for purposes of 657
vehicular travel or parking. 658

(E) An opened bottle of wine that was purchased from the 659
holder of a permit that authorizes the sale of wine for 660
consumption on the premises where sold is not an opened container 661
for the purposes of this section if both of the following apply: 662

(1) The opened bottle of wine is securely resealed by the 663
permit holder or an employee of the permit holder before the 664

bottle is removed from the premises. The bottle shall be secured 665
in such a manner that it is visibly apparent if the bottle has 666
been subsequently opened or tampered with. 667

(2) The opened bottle of wine that is resealed in accordance 668
with division (E)(1) of this section is stored in the trunk of a 669
motor vehicle or, if the motor vehicle does not have a trunk, 670
behind the last upright seat or in an area not normally occupied 671
by the driver or passengers and not easily accessible by the 672
driver. 673

Sec. 4301.639. (A) No permit holder, agent or employee of a 674
permit holder, or any other person may be found guilty of a 675
violation of any section of this chapter or any rule of the liquor 676
control commission in which age is an element of the offense, if 677
the liquor control commission or any court of record finds all of 678
the following: 679

(1) That the person buying, at the time of so doing, 680
exhibited to the permit holder, the agent or employee of the 681
permit holder, or the other person a driver's or commercial 682
driver's license ~~or~~ an identification card issued under sections 683
4507.50 to 4507.52 of the Revised Code ~~showing, or a military~~ 684
identification card issued by the United States department of 685
defense, that displays a picture of the individual for whom the 686
license or card was issued and shows that the person buying was 687
then at least twenty-one years of age, if the person was buying 688
beer as defined in section 4301.01 of the Revised Code or 689
intoxicating liquor, or that the person was then at least eighteen 690
years of age, if the person was buying any low-alcohol beverage; 691

(2) That the permit holder, the agent or employee of the 692
permit holder, or the other person made a bona fide effort to 693
ascertain the true age of the person buying by checking the 694
identification presented, at the time of the purchase, to 695

ascertain that the description on the identification compared with 696
the appearance of the buyer and that the identification presented 697
had not been altered in any way; 698

(3) That the permit holder, the agent or employee of the 699
permit holder, or the other person had reason to believe that the 700
person buying was of legal age. 701

(B) In any hearing before the liquor control commission and 702
in any action or proceeding before a court of record in which a 703
defense is raised under division (A) of this section, the 704
registrar of motor vehicles or deputy registrar who issued an 705
identification card under sections 4507.50 to 4507.52 of the 706
Revised Code shall be permitted to submit certified copies of the 707
records, in the registrar's or deputy's possession, of that 708
issuance in lieu of the testimony of the personnel of or 709
contractors with the bureau of motor vehicles at the hearing, 710
action, or proceeding. 711

(C) The defense provided by division (A) of this section is 712
in addition to the affirmative defense provided by section 713
4301.611 of the Revised Code. 714

Sec. 4301.81. (A) As used in this section: 715

(1) "Revitalization district" means a bounded area that 716
includes or will include a combination of entertainment, retail, 717
educational, sporting, social, cultural, or arts establishments 718
within close proximity to some or all of the following types of 719
establishments within the district, or other types of 720
establishments similar to these: 721

(a) Hotels; 722

(b) Restaurants; 723

(c) Retail sales establishments; 724

(d) Enclosed shopping centers; 725

<u>(e) Museums;</u>	726
<u>(f) Performing arts theaters;</u>	727
<u>(g) Motion picture theaters;</u>	728
<u>(h) Night clubs;</u>	729
<u>(i) Convention facilities;</u>	730
<u>(j) Sports facilities;</u>	731
<u>(k) Entertainment facilities or complexes;</u>	732
<u>(1) Any combination of the establishments described in</u>	733
<u>divisions (A)(1)(a) to (k) of this section that provide similar</u>	734
<u>services to the community.</u>	735
<u>(2) "Municipal corporation" means a municipal corporation</u>	736
<u>with a population of less than one hundred thousand.</u>	737
<u>(3) "Township" means a township with a population in its</u>	738
<u>unincorporated area of less than one hundred thousand.</u>	739
<u>(B) Any owner of property located in a municipal corporation</u>	740
<u>seeking to have that property, or that property and other</u>	741
<u>surrounding property, designated as a revitalization district</u>	742
<u>shall file an application seeking this designation with the mayor</u>	743
<u>of the municipal corporation in which that property is located.</u>	744
<u>Any owner of property located in the unincorporated area of a</u>	745
<u>township seeking to have that property, or that property and other</u>	746
<u>surrounding property, designated as a revitalization district</u>	747
<u>shall file an application seeking this designation with the board</u>	748
<u>of township trustees of the township in whose unincorporated area</u>	749
<u>that property is located. An application to designate an area as a</u>	750
<u>revitalization district shall contain all of the following:</u>	751
<u>(1) The applicant's name and address;</u>	752
<u>(2) A map or survey of the proposed revitalization district</u>	753
<u>in sufficient detail to identify the boundaries of the district</u>	754

and the property owned by the applicant; 755

(3) A general statement of the nature and types of 756
establishments described in division (A) of this section that are 757
or will be located within the proposed revitalization district and 758
any other establishments located in the proposed revitalization 759
district that are not described in division (A) of this section; 760

(4) If some or all of the establishments within the proposed 761
revitalization district have not yet been developed, the proposed 762
time frame for completing the development of these establishments; 763

(5) Evidence that the uses of land within the proposed 764
revitalization district are in accord with the municipal 765
corporation's or township's master zoning plan or map; and 766

(6) A handling and processing fee to accompany the 767
application, payable to the applicable municipal corporation or 768
township, in an amount determined by that municipal corporation or 769
township. 770

(C) An application relating to an area located in a municipal 771
corporation shall be addressed and submitted to the mayor of the 772
municipal corporation in which the area described in the 773
application is located. The mayor, within thirty days after 774
receiving the application, shall submit the application with the 775
mayor's recommendation to the legislative authority of the 776
municipal corporation. An application relating to an area located 777
in the unincorporated area of a township shall be addressed and 778
submitted to the board of township trustees of the township in 779
whose unincorporated area the area described in the application is 780
located. The application is a public record for purposes of 781
section 149.43 of the Revised Code upon its receipt by the mayor 782
or board of township trustees. 783

Within thirty days after it receives the application and the 784
mayor's recommendations relating to the application, the 785

legislative authority of the municipal corporation, by notice 786
published once a week for two consecutive weeks in at least one 787
newspaper of general circulation in the municipal corporation, 788
shall notify the public that the application is on file in the 789
office of the clerk of the municipal corporation and is available 790
for inspection by the public during regular business hours. Within 791
thirty days after it receives the application, the board of 792
township trustees, by notice published once a week for two 793
consecutive weeks in at least one newspaper of general circulation 794
in the township, shall notify the public that the application is 795
on file in the office of the township fiscal officer and is 796
available for inspection by the public during regular business 797
hours. The notice shall also indicate the date and time of any 798
public hearing by the municipal legislative authority or board of 799
township trustees on the application. 800

Within seventy-five days after the date the application is 801
filed with the mayor of a municipal corporation, the legislative 802
authority of the municipal corporation by ordinance or resolution 803
shall approve or disapprove the application based on whether the 804
proposed revitalization district does or will substantially 805
contribute to entertainment, retail, educational, sporting, 806
social, cultural, or arts opportunities for the community. The 807
community considered shall at a minimum include the municipal 808
corporation in which the community is located. Any approval of an 809
application shall be by an affirmative majority vote of the 810
legislative authority. Not more than one revitalization district 811
shall be designated within the municipal corporation. 812

Within seventy-five days after the date the application is 813
filed with a board of township trustees, the board by resolution 814
shall approve or disapprove the application based on whether the 815
proposed revitalization district does or will substantially 816
contribute to entertainment, retail, educational, sporting, 817

social, cultural, or arts opportunities for the community. The 818
community considered shall at a minimum include the township in 819
which the community is located. Any approval of an application 820
shall be by an affirmative majority vote of the board of township 821
trustees. Not more than one revitalization district shall be 822
designated within the unincorporated area of the township. 823

If the municipal legislative authority or board of township 824
trustees disapproves the application, the applicant may make 825
changes in the application to secure its approval by the 826
legislative authority or board of township trustees. Any area 827
approved by the legislative authority or board of township 828
trustees constitutes a revitalization district, and a local option 829
election may be conducted in the district, as a type of community 830
facility, under section 4301.356 of the Revised Code. 831

(D) All or part of an area designated as a revitalization 832
district may lose this designation as provided in this division. 833
The legislative authority of a municipal corporation in which a 834
revitalization district is located, or the board of township 835
trustees of the township in whose unincorporated area a 836
revitalization district is located, after giving notice of its 837
proposed action by publication once a week for two consecutive 838
weeks in at least one newspaper of general circulation in the 839
municipal corporation or township, may determine by ordinance or 840
resolution in the case of the legislative authority of a municipal 841
corporation, or by resolution in the case of a board of township 842
trustees of a township, that all or part of the area fails to meet 843
the standards described in this section for designation of an area 844
as a revitalization district. If the legislative authority or 845
board so determines, the area designated in the ordinance or 846
resolution no longer constitutes a revitalization district. 847

Sec. 4303.03. ~~Permit~~ (A) Subject to division (B) of this 848

section, permit A-2 may be issued to a manufacturer to manufacture 849
wine from grapes or other fruits; to import and purchase wine in 850
bond for blending purposes, the total amount of wine so imported 851
during the year covered by the permit not to exceed forty per cent 852
of all the wine manufactured and imported; to manufacture, 853
purchase, and import brandy for fortifying purposes; and to sell 854
those products either in glass or container for consumption on the 855
premises where manufactured, in sealed containers for consumption 856
off the premises where manufactured, and to wholesale permit 857
holders under the rules adopted by the division of liquor control. 858

(B)(1) The holder of an A-2 permit shall not sell directly to 860
a retailer. In order to make sales to a retailer, the manufacturer 861
shall obtain a B-2a permit or make the sale directly to a B-2 or 862
B-5 permit holder for subsequent resale to a retailer. 863

(2) The holder of an A-2 permit shall not sell directly to a 864
consumer unless the product is sold on the premises in accordance 865
with division (A) of this section. In order to make sales to a 866
consumer off the premises where the wine is manufactured, the 867
manufacturer shall obtain an S permit. 868

(3) Nothing in this chapter prohibits an A-2 permit holder 869
also holding a B-2a or S permit. 870

(C) The fee for this permit is seventy-six dollars for each 871
plant to which this permit is issued. 872

Sec. 4303.05. Permit A-4 may be issued to a manufacturer to 873
manufacture prepared highballs, cocktails, cordials, and other 874
mixed drinks containing not less than four per cent of alcohol by 875
volume and not more than twenty-one per cent of alcohol by volume, 876
and to sell such products to wholesale and retail permit holders 877
in sealed containers only under such rules as are adopted by the 878
division of liquor control. The holder of such permit may import 879

into the state spirituous liquor and wine only for blending or 880
other manufacturing purposes under such rules as are prescribed by 881
the division. 882

The holder of such permit may also purchase spirituous liquor 883
for manufacturing and blending purposes from the holder of an A-3 884
permit issued by the division. ~~The formulas and the beverages~~ 885
~~manufactured by the holder of an A-4 permit shall be submitted to~~ 886
~~the division for its analysis and approval before the beverages~~ 887
~~may be sold to or distributed in this state by holders of retail~~ 888
~~and wholesale permits. All labels and advertising matter used by~~ 889
~~the holders of A-4 permits shall be approved by the division~~ 890
~~before they may be used in this state. The fee for an A-4 permit~~ 891
is three thousand nine hundred six dollars for each plant. 892

Sec. 4303.071. (A)(1) ~~Except as otherwise provided in~~ 893
~~division (A)(2) of this section, permit~~ Permit B-2a may be issued 894
to a person that ~~manufactures wine,~~ is the brand owner or United 895
States importer of wine, ~~or~~ is the designated agent of a brand 896
owner or importer for all wine sold in this state for that owner 897
or importer, or manufactures wine if such manufacturer is entitled 898
to a tax credit under 27 C.F.R. 24.278 and produces less than two 899
hundred fifty thousand gallons of wine per year. If the person 900
resides outside this state, the person shall comply with the 901
requirements governing the issuance of licenses or permits that 902
authorize the sale of intoxicating liquor by the appropriate 903
authority of the state in which the person resides or by the 904
alcohol and tobacco tax and trade bureau in the United States 905
department of the treasury. 906

(2) ~~A B-2a permit shall only be issued to a manufacturer of~~ 907
~~wine that is entitled to a tax credit under 27 C.F.R. 24.278 and~~ 908
~~that produces less than one hundred fifty thousand gallons of wine~~ 909
~~per year.~~ 910

~~(3)~~ The fee for the B-2a permit is twenty-five dollars. 911

~~(4)~~(3) The holder of a B-2a permit may sell wine to a retail 912
permit holder, but a B-2a permit holder that is a wine 913
manufacturer may sell to a retail permit holder only wine that the 914
B-2a permit holder has manufactured. 915

~~(5)~~(4) The holder of a B-2a permit shall renew the permit in 916
accordance with section 4303.271 of the Revised Code, except that 917
renewal shall not be subject to the notice and hearing 918
requirements established in division (B) of that section. 919

(B) The holder of a B-2a permit shall collect and pay ~~all~~ 920
~~applicable~~ the taxes relating to the delivery of a wine to a 921
retailer ~~including, but not limited to, taxes that are~~ levied 922
under sections 4301.421 and ~~4301.43~~ 4301.432 and Chapters 5739. 923
and 5741. of the Revised Code. 924

(C) The holder of a B-2a permit shall comply with this 925
chapter, Chapter 4301. of the Revised Code, and any rules adopted 926
by the liquor control commission under section 4301.03 of the 927
Revised Code. 928

Sec. 4303.181. (A) Permit D-5a may be issued either to the 929
owner or operator of a hotel or motel that is required to be 930
licensed under section 3731.03 of the Revised Code, that contains 931
at least fifty rooms for registered transient guests or is owned 932
by a state institution of higher education as defined in section 933
3345.011 of the Revised Code or a private college or university, 934
and that qualifies under the other requirements of this section, 935
or to the owner or operator of a restaurant specified under this 936
section, to sell beer and any intoxicating liquor at retail, only 937
by the individual drink in glass and from the container, for 938
consumption on the premises where sold, and to registered guests 939
in their rooms, which may be sold by means of a controlled access 940
alcohol and beverage cabinet in accordance with division (B) of 941

section 4301.21 of the Revised Code; and to sell the same products 942
in the same manner and amounts not for consumption on the premises 943
as may be sold by holders of D-1 and D-2 permits. The premises of 944
the hotel or motel shall include a retail food establishment or a 945
food service operation licensed pursuant to Chapter 3717. of the 946
Revised Code that operates as a restaurant for purposes of this 947
chapter and that is affiliated with the hotel or motel and within 948
or contiguous to the hotel or motel, and that serves food within 949
the hotel or motel, but the principal business of the owner or 950
operator of the hotel or motel shall be the accommodation of 951
transient guests. In addition to the privileges authorized in this 952
division, the holder of a D-5a permit may exercise the same 953
privileges as the holder of a D-5 permit. 954

The owner or operator of a hotel, motel, or restaurant who 955
qualified for and held a D-5a permit on August 4, 1976, may, if 956
the owner or operator held another permit before holding a D-5a 957
permit, either retain a D-5a permit or apply for the permit 958
formerly held, and the division of liquor control shall issue the 959
permit for which the owner or operator applies and formerly held, 960
notwithstanding any quota. 961

A D-5a permit shall not be transferred to another location. 962
No quota restriction shall be placed on the number of D-5a permits 963
that may be issued. 964

The fee for this permit is two thousand three hundred 965
forty-four dollars. 966

(B) Permit D-5b may be issued to the owner, operator, tenant, 967
lessee, or occupant of an enclosed shopping center to sell beer 968
and intoxicating liquor at retail, only by the individual drink in 969
glass and from the container, for consumption on the premises 970
where sold; and to sell the same products in the same manner and 971
amount not for consumption on the premises as may be sold by 972
holders of D-1 and D-2 permits. In addition to the privileges 973

authorized in this division, the holder of a D-5b permit may 974
exercise the same privileges as a holder of a D-5 permit. 975

A D-5b permit shall not be transferred to another location. 976

One D-5b permit may be issued at an enclosed shopping center 977
containing at least two hundred twenty-five thousand, but less 978
than four hundred thousand, square feet of floor area. 979

Two D-5b permits may be issued at an enclosed shopping center 980
containing at least four hundred thousand square feet of floor 981
area. No more than one D-5b permit may be issued at an enclosed 982
shopping center for each additional two hundred thousand square 983
feet of floor area or fraction of that floor area, up to a maximum 984
of five D-5b permits for each enclosed shopping center. The number 985
of D-5b permits that may be issued at an enclosed shopping center 986
shall be determined by subtracting the number of D-3 and D-5 987
permits issued in the enclosed shopping center from the number of 988
D-5b permits that otherwise may be issued at the enclosed shopping 989
center under the formulas provided in this division. Except as 990
provided in this section, no quota shall be placed on the number 991
of D-5b permits that may be issued. Notwithstanding any quota 992
provided in this section, the holder of any D-5b permit first 993
issued in accordance with this section is entitled to its renewal 994
in accordance with section 4303.271 of the Revised Code. 995

The holder of a D-5b permit issued before April 4, 1984, 996
whose tenancy is terminated for a cause other than nonpayment of 997
rent, may return the D-5b permit to the division of liquor 998
control, and the division shall cancel that permit. Upon 999
cancellation of that permit and upon the permit holder's payment 1000
of taxes, contributions, premiums, assessments, and other debts 1001
owing or accrued upon the date of cancellation to this state and 1002
its political subdivisions and a filing with the division of a 1003
certification of that payment, the division shall issue to that 1004
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 1005

that person requests. The division shall issue the D-5 permit, or 1006
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 1007
D-3, or D-5 permits currently issued in the municipal corporation 1008
or in the unincorporated area of the township where that person's 1009
proposed premises is located equals or exceeds the maximum number 1010
of such permits that can be issued in that municipal corporation 1011
or in the unincorporated area of that township under the 1012
population quota restrictions contained in section 4303.29 of the 1013
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 1014
be transferred to another location. If a D-5b permit is canceled 1015
under the provisions of this paragraph, the number of D-5b permits 1016
that may be issued at the enclosed shopping center for which the 1017
D-5b permit was issued, under the formula provided in this 1018
division, shall be reduced by one if the enclosed shopping center 1019
was entitled to more than one D-5b permit under the formula. 1020

The fee for this permit is two thousand three hundred 1021
forty-four dollars. 1022

(C) Permit D-5c may be issued to the owner or operator of a 1023
retail food establishment or a food service operation licensed 1024
pursuant to Chapter 3717. of the Revised Code that operates as a 1025
restaurant for purposes of this chapter and that qualifies under 1026
the other requirements of this section to sell beer and any 1027
intoxicating liquor at retail, only by the individual drink in 1028
glass and from the container, for consumption on the premises 1029
where sold, and to sell the same products in the same manner and 1030
amounts not for consumption on the premises as may be sold by 1031
holders of D-1 and D-2 permits. In addition to the privileges 1032
authorized in this division, the holder of a D-5c permit may 1033
exercise the same privileges as the holder of a D-5 permit. 1034

To qualify for a D-5c permit, the owner or operator of a 1035
retail food establishment or a food service operation licensed 1036
pursuant to Chapter 3717. of the Revised Code that operates as a 1037

restaurant for purposes of this chapter, shall have operated the 1038
restaurant at the proposed premises for not less than twenty-four 1039
consecutive months immediately preceding the filing of the 1040
application for the permit, have applied for a D-5 permit no later 1041
than December 31, 1988, and appear on the division's quota waiting 1042
list for not less than six months immediately preceding the filing 1043
of the application for the permit. In addition to these 1044
requirements, the proposed D-5c permit premises shall be located 1045
within a municipal corporation and further within an election 1046
precinct that, at the time of the application, has no more than 1047
twenty-five per cent of its total land area zoned for residential 1048
use. 1049

A D-5c permit shall not be transferred to another location. 1050
No quota restriction shall be placed on the number of such permits 1051
that may be issued. 1052

Any person who has held a D-5c permit for at least two years 1053
may apply for a D-5 permit, and the division of liquor control 1054
shall issue the D-5 permit notwithstanding the quota restrictions 1055
contained in section 4303.29 of the Revised Code or in any rule of 1056
the liquor control commission. 1057

The fee for this permit is one thousand five hundred 1058
sixty-three dollars. 1059

(D) Permit D-5d may be issued to the owner or operator of a 1060
retail food establishment or a food service operation licensed 1061
pursuant to Chapter 3717. of the Revised Code that operates as a 1062
restaurant for purposes of this chapter and that is located at an 1063
airport operated by a board of county commissioners pursuant to 1064
section 307.20 of the Revised Code, at an airport operated by a 1065
port authority pursuant to Chapter 4582. of the Revised Code, or 1066
at an airport operated by a regional airport authority pursuant to 1067
Chapter 308. of the Revised Code. The holder of a D-5d permit may 1068
sell beer and any intoxicating liquor at retail, only by the 1069

individual drink in glass and from the container, for consumption 1070
on the premises where sold, and may sell the same products in the 1071
same manner and amounts not for consumption on the premises where 1072
sold as may be sold by the holders of D-1 and D-2 permits. In 1073
addition to the privileges authorized in this division, the holder 1074
of a D-5d permit may exercise the same privileges as the holder of 1075
a D-5 permit. 1076

A D-5d permit shall not be transferred to another location. 1077
No quota restrictions shall be placed on the number of such 1078
permits that may be issued. 1079

The fee for this permit is two thousand three hundred 1080
forty-four dollars. 1081

(E) Permit D-5e may be issued to any nonprofit organization 1082
that is exempt from federal income taxation under the "Internal 1083
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 1084
amended, or that is a charitable organization under any chapter of 1085
the Revised Code, and that owns or operates a riverboat that meets 1086
all of the following: 1087

(1) Is permanently docked at one location; 1088

(2) Is designated as an historical riverboat by the Ohio 1089
historical society; 1090

(3) Contains not less than fifteen hundred square feet of 1091
floor area; 1092

(4) Has a seating capacity of fifty or more persons. 1093

The holder of a D-5e permit may sell beer and intoxicating 1094
liquor at retail, only by the individual drink in glass and from 1095
the container, for consumption on the premises where sold. 1096

A D-5e permit shall not be transferred to another location. 1097
No quota restriction shall be placed on the number of such permits 1098
that may be issued. The population quota restrictions contained in 1099

section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

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

(F) Permit D-5f 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:

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

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

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

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

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

The holder of a D-5f permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from

the container, for consumption on the premises where sold. 1130

A D-5f permit shall not be transferred to another location. 1131

The division of liquor control shall not issue a D-5f permit 1132
if the permit premises or proposed permit premises are located 1133
within an area in which the sale of spirituous liquor by the glass 1134
is prohibited. 1135

A fee for this permit is two thousand three hundred 1136
forty-four dollars. 1137

As used in this division, "navigable river" means a river 1138
that is also a "navigable water" as defined in the "Federal Power 1139
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 1140

(G) Permit D-5g may be issued to a nonprofit corporation that 1141
is either the owner or the operator of a national professional 1142
sports museum. The holder of a D-5g permit may sell beer and any 1143
intoxicating liquor at retail, only by the individual drink in 1144
glass and from the container, for consumption on the premises 1145
where sold. The holder of a D-5g permit shall sell no beer or 1146
intoxicating liquor for consumption on the premises where sold 1147
after one a.m. A D-5g permit shall not be transferred to another 1148
location. No quota restrictions shall be placed on the number of 1149
D-5g permits that may be issued. The fee for this permit is one 1150
thousand eight hundred seventy-five dollars. 1151

(H)(1) Permit D-5h may be issued to any nonprofit 1152
organization that is exempt from federal income taxation under the 1153
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1154
501(c)(3), as amended, that owns or operates any of the following: 1155

(a) A fine arts museum, provided that the nonprofit 1156
organization has no less than one thousand five hundred bona fide 1157
members possessing full membership privileges; 1158

(b) A community arts center. As used in division (H)(1)(b) of 1159

this section, "community arts center" means a facility that 1160
provides arts programming to the community in more than one arts 1161
discipline, including, but not limited to, exhibits of works of 1162
art and performances by both professional and amateur artists. 1163

(c) A community theater, provided that the nonprofit 1164
organization is a member of the Ohio arts council and the American 1165
community theatre association and has been in existence for not 1166
less than ten years. As used in division (H)(1)(c) of this 1167
section, "community theater" means a facility that contains at 1168
least one hundred fifty seats and has a primary function of 1169
presenting live theatrical performances and providing recreational 1170
opportunities to the community. 1171

(2) The holder of a D-5h permit may sell beer and any 1172
intoxicating liquor at retail, only by the individual drink in 1173
glass and from the container, for consumption on the premises 1174
where sold. The holder of a D-5h permit shall sell no beer or 1175
intoxicating liquor for consumption on the premises where sold 1176
after one a.m. A D-5h permit shall not be transferred to another 1177
location. No quota restrictions shall be placed on the number of 1178
D-5h permits that may be issued. 1179

(3) The fee for a D-5h permit is one thousand eight hundred 1180
seventy-five dollars. 1181

(I) Permit D-5i may be issued to the owner or operator of a 1182
retail food establishment or a food service operation licensed 1183
under Chapter 3717. of the Revised Code that operates as a 1184
restaurant for purposes of this chapter and that meets all of the 1185
following requirements: 1186

(1) It is located in a municipal corporation or a township 1187
with a population of one hundred thousand or less. 1188

(2) It has inside seating capacity for at least one hundred 1189
forty persons. 1190

(3) It has at least four thousand square feet of floor area.	1191
(4) It offers full-course meals, appetizers, and sandwiches.	1192
(5) Its receipts from beer and liquor sales, excluding wine sales, do not exceed twenty-five per cent of its total gross receipts.	1193 1194 1195
(6) It has at least one of the following characteristics:	1196
(a) The value of its real and personal property exceeds seven hundred twenty-five thousand dollars.	1197 1198
(b) It is located on property that is owned or leased by the state or a state agency, and its owner or operator has authorization from the state or the state agency that owns or leases the property to obtain a D-5i permit.	1199 1200 1201 1202
The holder of a D-5i permit shall cause an independent audit to be performed at the end of one full year of operation following issuance of the permit in order to verify the requirements of division (I)(5) of this section. The results of the independent audit shall be transmitted to the division. Upon determining that the receipts of the holder from beer and liquor sales, excluding wine sales, exceeded twenty five per cent of its total gross receipts, the division shall suspend the permit of the permit holder under section 4301.25 of the Revised Code and may allow the permit holder to elect a forfeiture under section 4301.252 of the Revised Code.	1203 1204 1205 1206 1207 1208 1209 1210 1211 1212 1213
The holder of a D-5i permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5i permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. In addition to	1214 1215 1216 1217 1218 1219 1220 1221

the privileges authorized in this division, the holder of a D-5i 1222
permit may exercise the same privileges as the holder of a D-5 1223
permit. 1224

A D-5i permit shall not be transferred to another location. 1225
The division of liquor control shall not renew a D-5i permit 1226
unless the retail food establishment or food service operation for 1227
which it is issued continues to meet the requirements described in 1228
divisions (I)(1) to (6) of this section. No quota restrictions 1229
shall be placed on the number of D-5i permits that may be issued. 1230
The fee for the D-5i permit is two thousand three hundred 1231
forty-four dollars. 1232

(J)(1) Permit D-5j may be issued to the owner or the operator 1233
of a retail food establishment or a food service operation 1234
licensed under Chapter 3717. of the Revised Code to sell beer and 1235
intoxicating liquor at retail, only by the individual drink in 1236
glass and from the container, for consumption on the premises 1237
where sold and to sell beer and intoxicating liquor in the same 1238
manner and amounts not for consumption on the premises where sold 1239
as may be sold by the holders of D-1 and D-2 permits. The holder 1240
of a D-5j permit may exercise the same privileges, and shall 1241
observe the same hours of operation, as the holder of a D-5 1242
permit. 1243

(2) The D-5j permit shall be issued only within a community 1244
entertainment district that is designated under section 4301.80 of 1245
the Revised Code and that meets one of the following 1246
qualifications: 1247

(a) It is located in a municipal corporation with a 1248
population of at least one hundred thousand. 1249

(b) It is located in a municipal corporation with a 1250
population of at least twenty thousand, and either of the 1251
following applies: 1252

(i) It contains an amusement park the rides of which have 1253
been issued a permit by the department of agriculture under 1254
Chapter 1711. of the Revised Code. 1255

(ii) Not less than fifty million dollars will be invested in 1256
development and construction in the community entertainment 1257
district's area located in the municipal corporation. 1258

(c) It is located in a township with a population of at least 1259
forty thousand. 1260

(d) It is located in a municipal corporation with a 1261
population of at least ten thousand, and not less than seventy 1262
million dollars will be invested in development and construction 1263
in the community entertainment district's area located in the 1264
municipal corporation. 1265

(e) It is located in a municipal corporation with a 1266
population of at least five thousand, and not less than one 1267
hundred million dollars will be invested in development and 1268
construction in the community entertainment district's area 1269
located in the municipal corporation. 1270

(3) The location of a D-5j permit may be transferred only 1271
within the geographic boundaries of the community entertainment 1272
district in which it was issued and shall not be transferred 1273
outside the geographic boundaries of that district. 1274

(4) Not more than one D-5j permit shall be issued within each 1275
community entertainment district for each five acres of land 1276
located within the district. Not more than fifteen D-5j permits 1277
may be issued within a single community entertainment district. 1278
Except as otherwise provided in division (J)(4) of this section, 1279
no quota restrictions shall be placed upon the number of D-5j 1280
permits that may be issued. 1281

(5) The fee for a D-5j permit is two thousand three hundred 1282
forty-four dollars. 1283

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

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

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

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

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

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

(L)(1) Permit D-5l 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-5l 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-5l permit shall be issued only to a premises that

has gross annual receipts from the sale of food and meals that 1315
constitute not less than seventy-five per cent of its total gross 1316
annual receipts, that is located within a revitalization district 1317
that is designated under section 4301.81 of the Revised Code, that 1318
is located in a municipal corporation or township in which the 1319
number of D-5 permits issued exceeds the number of those permits 1320
that may be issued in that municipal corporation or township under 1321
section 4303.29 of the Revised Code, and that is located in a 1322
county with a population of one hundred twenty-five thousand or 1323
less according to the population estimates certified by the 1324
department of development for calendar year 2006. 1325

(3) The location of a D-5l permit may be transferred only 1326
within the geographic boundaries of the revitalization district in 1327
which it was issued and shall not be transferred outside the 1328
geographic boundaries of that district. 1329

(4) Not more than one D-5l permit shall be issued within each 1330
revitalization district for each five acres of land located within 1331
the district. Not more than five D-5l permits may be issued within 1332
a single revitalization district. Except as otherwise provided in 1333
division (L)(4) of this section, no quota restrictions shall be 1334
placed upon the number of D-5l permits that may be issued. 1335

(5) The fee for a D-5l permit is two thousand three hundred 1336
forty-four dollars. 1337

(M) Permit D-5m may be issued to either the owner or the 1338
operator of a retail food establishment or food service operation 1339
licensed under Chapter 3717. of the Revised Code that operates as 1340
a restaurant for purposes of this chapter and that is located in, 1341
or affiliated with, a center for the preservation of wild animals 1342
as defined in section 4301.404 of the Revised Code, to sell beer 1343
and any intoxicating liquor at retail, only by the glass and from 1344
the container, for consumption on the premises where sold, and to 1345
sell the same products in the same manner and amounts not for 1346

consumption on the premises as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5m permit may exercise the same privileges as the holder of a D-5 permit.

A D-5m permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5m permits that may be issued. The fee for a permit D-5m is two thousand three hundred forty-four dollars.

Sec. 4303.182. (A) Except as otherwise provided in divisions (B) to (J) 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-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, or D-7 permit to allow sale under that permit between the hours of ten a.m. and midnight, or between the hours of one p.m. and midnight, on Sunday, as applicable, if that sale 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.

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

(C) Permit D-6 shall be issued to the holder of a D-5a permit, and to the holder of a D-3 or D-3a permit who is 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, and that has on its premises 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 is affiliated with the hotel or motel and within or contiguous to the hotel or motel and serving food within the hotel or motel, to allow sale under such permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

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

(E) Permit D-6 shall be issued to the holder of any permit that authorizes the sale of beer or intoxicating liquor and that is issued to a premises located in or at the Ohio historical society area or the state fairgrounds, as defined in division (B) of section 4301.40 of the Revised Code, to allow sale under that permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

(F) Permit D-6 shall be issued to the holder of any permit that authorizes the sale of intoxicating liquor and that is issued to an outdoor performing arts center to allow sale under that permit between the hours of one p.m. and midnight on Sunday, whether or not that sale has been authorized under section

4301.361 of the Revised Code. A D-6 permit issued under this 1410
division is subject to the results of an election, held after the 1411
D-6 permit is issued, on question (B)(4) as set forth in section 1412
4301.351 of the Revised Code. Following the end of the period 1413
during which an election may be held on question (B)(4) as set 1414
forth in that section, sales of intoxicating liquor may continue 1415
at an outdoor performing arts center under a D-6 permit issued 1416
under this division, unless an election on that question is held 1417
during the permitted period and a majority of the voters voting in 1418
the precinct on that question vote "no." 1419

As used in this division, "outdoor performing arts center" 1420
means an outdoor performing arts center that is located on not 1421
less than eight hundred acres of land and that is open for 1422
performances from the first day of April to the last day of 1423
October of each year. 1424

(G) Permit D-6 shall be issued to the holder of any permit 1425
that authorizes the sale of beer or intoxicating liquor and that 1426
is issued to a golf course owned by the state, a conservancy 1427
district, a park district created under Chapter 1545. of the 1428
Revised Code, or another political subdivision to allow sale under 1429
that permit between the hours of ten a.m. and midnight on Sunday, 1430
whether or not that sale has been authorized under section 1431
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 1432

(H) Permit D-6 shall be issued to the holder of a D-5g permit 1433
to allow sale under that permit between the hours of ten a.m. and 1434
midnight on Sunday, whether or not that sale has been authorized 1435
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 1436
Revised Code. 1437

(I) Permit D-6 shall be issued to the holder of any D permit 1438
for a premises that is licensed under Chapter 3717. of the Revised 1439
Code and that is located at a ski area to allow sale under the D-6 1440
permit between the hours of ten a.m. and midnight on Sunday, 1441

whether or not that sale has been authorized under section 1442
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 1443

As used in this division, "ski area" means a ski area as 1444
defined in section 4169.01 of the Revised Code, provided that the 1445
passenger tramway operator at that area is registered under 1446
section 4169.03 of the Revised Code. 1447

(J) Permit D-6 shall be issued to the holder of a D-5j permit 1448
for a permit premises that is located in a community entertainment 1449
district, as defined in section 4301.80 of the Revised Code, that 1450
was approved by the legislative authority of a municipal 1451
corporation under that section between October 1 and October 15, 1452
2005, to allow sale under the permit between the hours of ten a.m. 1453
and midnight on Sunday, whether or not that sale has been 1454
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 1455
of the Revised Code. 1456

(K) If the restriction to licensed premises where the sale of 1457
food and other goods and services exceeds fifty per cent of the 1458
total gross receipts of the permit holder at the premises is 1459
applicable, the division of liquor control may accept an affidavit 1460
from the permit holder to show the proportion of the permit 1461
holder's gross receipts derived from the sale of food and other 1462
goods and services. If the liquor control commission determines 1463
that affidavit to have been false, it shall revoke the permits of 1464
the permit holder at the premises concerned. 1465

(L) The fee for the D-6 permit is five hundred dollars when 1466
it is issued to the holder of an A-1-A, A-2, D-2, D-3, D-3a, D-4, 1467
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 1468
D-5j, D-5k, D-5l, D-5m, or D-7 permit. The fee for the D-6 permit 1469
is four hundred dollars when it is issued to the holder of a C-2 1470
permit. 1471

Sec. 4303.184. (A) Subject to division (B) of this section, a 1472

D-8 permit may be issued to the holder of a C-1, C-2, or C-2x 1473
permit issued to a retail store that has either of the following 1474
characteristics: 1475

(1) The store has at least five thousand five hundred square 1476
feet of floor area, and it generates more than sixty per cent of 1477
its sales in general merchandise items and food for consumption 1478
off the premises where sold. 1479

(2) Wine constitutes at least sixty per cent of the value of 1480
the store's inventory. 1481

(B) A D-8 permit may be issued to the holder of a C-1, C-2, 1482
or C-2x permit only if the premises of the permit holder are 1483
located in a precinct, or at a particular location in a precinct, 1484
in which the sale of beer, wine, or mixed beverages is permitted 1485
for consumption off the premises where sold. Sales under a D-8 1486
permit are not affected by whether sales for consumption on the 1487
premises where sold are permitted in the precinct or at the 1488
particular location where the D-8 premises are located. 1489

(C) The holder of a D-8 permit may sell tasting samples of 1490
beer, wine, and mixed beverages, but not spirituous liquor, at 1491
retail, for consumption on the premises where sold in an amount 1492
not to exceed two ounces or another amount designated by rule of 1493
the liquor control commission. A tasting sample shall not be sold 1494
for general consumption. No D-8 permit holder shall allow any 1495
authorized purchaser to consume more than four tasting samples of 1496
beer, wine, or mixed beverages, or any combination of beer, wine, 1497
or mixed beverages, per day. 1498

(D) The privileges authorized under a D-8 permit may only be 1499
exercised in conjunction with and during the hours of operation 1500
authorized by a C-1, C-2, C-2x, or D-6 permit. 1501

(E) A D-8 permit shall not be transferred to another 1502
location. 1503

(F) The fee for the D-8 permit is five hundred dollars. 1504

~~(G) The holder of a D-8 permit shall cause an independent 1505
audit to be performed at the end of the first full year of 1506
operation following issuance of the permit, and at the end of each 1507
second year thereafter, in order to verify that the permit holder 1508
satisfies the applicable requirement of division (A)(1) or (2) of 1509
this section. The permit holder shall transmit the results of the 1510
independent audit to the division of liquor control. If the 1511
results of the audit indicate noncompliance with division (A) of 1512
this section, the division shall not renew the D-8 permit of the 1513
permit holder. 1514~~

Sec. 4303.232. ~~(A)(1) Except as provided in division (A)(2) 1515
of this section, permit Permit S may be issued to a person that 1516
~~manufactures wine,~~ is the brand owner or United States importer of 1517
wine, ~~or~~ is the designated agent of a brand owner or importer for 1518
all wine sold in this state for that owner or importer, or 1519
manufactures wine if such manufacturer is entitled to a tax credit 1520
under 27 C.F.R. 24.278 and produces less than two hundred fifty 1521
thousand gallons of wine per year. If the person resides outside 1522
this state, the person shall comply with the requirements 1523
governing the issuance of licenses or permits that authorize the 1524
sale of intoxicating liquor by the appropriate authority of the 1525
state in which the person resides or by the alcohol and tobacco 1526
tax and trade bureau of the United States department of the 1527
treasury. 1528~~

~~(2) An S permit shall only be issued to a manufacturer of 1529
wine that is entitled to a tax credit under 27 C.F.R. 24.278 and 1530
that produces less than one hundred fifty thousand gallons of wine 1531
per year. 1532~~

~~(3) The fee for the S permit is twenty-five dollars. 1533~~

~~(4)(3) The holder of an S permit may sell wine to a personal 1534~~

consumer by receiving and filling orders that the personal 1535
consumer submits to the permit holder. The permit holder shall 1536
sell only wine that the permit holder has manufactured to a 1537
personal consumer. 1538

~~(5)~~(4) The holder of an S permit shall renew the permit in 1539
accordance with section 4303.271 of the Revised Code, except that 1540
the renewal shall not be subject to the notice and hearing 1541
requirements established in division (B) of that section. 1542

~~(6)~~(5) The division of liquor control may refuse to renew an 1543
S permit for any of the reasons specified in section 4303.292 of 1544
the Revised Code or if the holder of the permit fails to do any of 1545
the following: 1546

(a) Collect and pay all applicable taxes specified in 1547
division (B) of this section; 1548

(b) Pay the permit fee; 1549

(c) Comply with this section or any rules adopted by the 1550
liquor control commission under section 4301.03 of the Revised 1551
Code. 1552

(B) The holder of an S permit shall collect and pay ~~all~~ 1553
~~applicable~~ the taxes relating to the delivery of wine to a 1554
personal consumer, ~~including, but not limited to, taxes that are~~ 1555
levied under sections 4301.421 and ~~4301.43~~ 4301.432 and Chapters 1556
5739. and 5741. of the Revised Code. 1557

(C)(1) The holder of an S permit shall send a shipment of 1558
wine that has been paid for by a personal consumer to that 1559
personal consumer via the holder of an H permit. Prior to sending 1560
a shipment of wine to a personal consumer, the holder of an S 1561
permit, or an employee of the permit holder, shall make a bona 1562
fide effort to ensure that the personal consumer is at least 1563
twenty-one years of age. The shipment of wine shall be shipped in 1564
a package that clearly has written on it in bold print the words 1565

"alcohol enclosed." No person shall fail to comply with division 1566
(C)(1) of this section. 1567

(2) Upon delivering a shipment of wine to a personal 1568
consumer, the holder of the H permit, or an employee of the permit 1569
holder, shall verify that the personal consumer is at least 1570
twenty-one years of age by checking the personal consumer's 1571
driver's or commercial driver's license or identification card 1572
issued under sections 4507.50 to 4507.52 of the Revised Code. 1573

(3) The holder of an S permit shall keep a record of each 1574
shipment of wine that the permit holder sends to a personal 1575
consumer. The records shall be used for all of the following: 1576

(a) To provide a copy of each wine shipment invoice to the 1577
tax commissioner in a manner prescribed by the commissioner. The 1578
invoice shall include the name of each personal consumer that 1579
purchased wine from the S permit holder in accordance with this 1580
section and any other information required by the tax 1581
commissioner. 1582

(b) To provide annually in electronic format by electronic 1583
means a report to the division. The report shall include the name 1584
and address of each personal consumer that purchased wine from the 1585
S permit holder in accordance with this section, the quantity of 1586
wine purchased by each personal consumer, and any other 1587
information requested by the division. The division shall 1588
prescribe and provide an electronic form for the report and shall 1589
determine the specific electronic means that the S permit holder 1590
must use to submit the report. 1591

(c) To notify a personal consumer of any health or welfare 1592
recalls of the wine that has been purchased by the personal 1593
consumer. 1594

(D) As used in this section, "personal consumer" means an 1595
individual who is at least twenty-one years of age, is a resident 1596

of this state, does not hold a permit issued under this chapter, 1597
and intends to use wine purchased in accordance with this section 1598
for personal consumption only and not for resale or other 1599
commercial purposes. 1600

(E) The holder of an S permit shall comply with this chapter, 1601
Chapter 4301. of the Revised Code, and any rules adopted by the 1602
liquor control commission under section 4301.03 of the Revised 1603
Code. 1604

Sec. 4303.233. No family household shall purchase more than 1605
twenty-four cases of ~~nine-liter~~ twelve bottles of seven hundred 1606
fifty milliliters of wine in one year. 1607

Sec. 4303.234. All B-2a and S permit holders are subject to 1608
the following: 1609

(A) Audit by the division of liquor control or the department 1610
of taxation; 1611

(B) Jurisdiction of the liquor control commission, the 1612
division of liquor control, the department of taxation, the 1613
department of public safety, and the courts of this state; and 1614

(C) The statutes and rules of this state. 1615

Sec. 4303.25. No person personally or by the person's clerk, 1616
agent, or employee shall manufacture, manufacture for sale, offer, 1617
keep, or possess for sale, furnish or sell, or solicit the 1618
purchase or sale of any beer or intoxicating liquor in this state, 1619
or transport, import, or cause to be transported or imported any 1620
beer, intoxicating liquor, or alcohol in or into this state for 1621
delivery, use, or sale, unless the person has fully complied with 1622
this chapter and Chapter 4301. of the Revised Code or is the 1623
holder of a permit issued by the division of liquor control and in 1624
force at the time. 1625

The superintendent of liquor control may adopt rules 1626
requiring a person acting as an agent, solicitor, or salesperson 1627
for a manufacturer, supplier, broker, or wholesale distributor, 1628
who solicits permit holders authorized to deal in beer and 1629
intoxicating liquor, to be registered with the division and may 1630
cite the registrant to the liquor control commission for a 1631
violation of this chapter, Chapter 4301. of the Revised Code, or 1632
the rules adopted by the commission or superintendent. 1633

No manufacturer, supplier, wholesale distributor, broker, or 1634
retailer of beer or intoxicating liquor, or other person shall 1635
employ, retain, or otherwise utilize any person in this state to 1636
act as an employee, agent, solicitor, or salesperson, or act in 1637
any other representative capacity to sell, solicit, take orders, 1638
or receive offers to purchase or expressions of interest to 1639
purchase beer or intoxicating liquor from any person, at any 1640
location other than a liquor permit premises, except as 1641
specifically authorized by Chapter 4301. or 4303. of the Revised 1642
Code or rules adopted thereunder. No function, event, or party 1643
shall take place at any location other than a liquor permit 1644
premises where any person acts in any manner to sell, solicit, 1645
take orders, or receive offers to purchase or expressions of 1646
intent to purchase beer or intoxicating liquor to or from any 1647
person, except as specifically authorized by Chapter 4301. or 1648
4303. of the Revised Code or rules adopted thereunder. 1649

Sec. 4303.27. Each permit issued under sections 4303.02 to 1650
~~4303.23~~ 4303.232 of the Revised Code shall authorize the person 1651
named to carry on the business specified at the place or in the 1652
boat, vessel, or classes of dining car equipment described, and 1653
shall be issued for one year, or part of one year, commencing on 1654
the day after the uniform expiration dates designated by the 1655
division of liquor control, or for the unexpired portion of such 1656
year, and no longer, subject to suspension, revocation, or 1657

cancellation as authorized or required by this chapter or Chapter 1658
4301. of the Revised Code. Upon application by a permit holder, 1659
the superintendent of liquor control may expand during specified 1660
seasons of the year the premises for which the permit holder's 1661
permit was issued to include a premises immediately adjacent to 1662
the premises for which the permit was issued, so long as the 1663
immediately adjacent premises is under the permit holder's 1664
ownership and control and is located in an area where sales under 1665
the permit are not prohibited because of a local option election. 1666
Whenever the superintendent considers it advisable to cancel the 1667
unexpired portion of an outstanding permit in order that the 1668
permit may be issued on one of the uniform expiration dates 1669
designated by the superintendent, the superintendent shall credit 1670
to the holder a proportionate amount representing the unexpired 1671
portion of the permit year pursuant to section 4301.41 of the 1672
Revised Code. Such permit does not authorize the person named to 1673
carry on the business specified at any place or in any vehicle, 1674
boat, vessel, or class of dining car equipment other than that 1675
named, nor does it authorize any person other than the one named 1676
in such permit to carry on that business at the place or in the 1677
vehicle, boat, vessel, or class of dining car equipment named, 1678
except pursuant to compliance with the rules and orders of the 1679
division governing the assignment and transfer of permits, and 1680
with the consent of the division. The holder of a G permit may 1681
substitute the name of another licensed pharmacist for that 1682
entered on the permit, subject to rules of the division. 1683

This chapter and Chapter 4301. of the Revised Code do not 1684
prohibit the holder of an A, B, C, or D permit from making 1685
deliveries of beer or intoxicating liquor containing not more than 1686
twenty-one per cent of alcohol by volume, or prohibit the holder 1687
of an A or B permit from selling or distributing beer or 1688
intoxicating liquor to a person at a place outside this state, or 1689
prohibit the holder of any such a permit, or an H permit, from 1690

delivering any beer or intoxicating liquor so sold from a point in 1691
this state to a point outside this state. 1692

Sec. 4303.271. (A) Except as provided in divisions (B) and 1693
(D) of this section, the holder of a permit issued under sections 1694
4303.02 to ~~4303.23~~ 4303.232 of the Revised Code, who files an 1695
application for the renewal of the same class of permit for the 1696
same premises, shall be entitled to the renewal of the permit. The 1697
division of liquor control shall renew the permit unless the 1698
division rejects for good cause any renewal application, subject 1699
to the right of the applicant to appeal the rejection to the 1700
liquor control commission. 1701

(B) The legislative authority of the municipal corporation, 1702
the board of township trustees, or the board of county 1703
commissioners of the county in which a permit premises is located 1704
may object to the renewal of a permit issued under sections 1705
4303.11 to 4303.183 of the Revised Code for any of the reasons 1706
contained in division (A) of section 4303.292 of the Revised Code. 1707
Any objection shall be made no later than thirty days prior to the 1708
expiration of the permit, and the division shall accept the 1709
objection if it is postmarked no later than thirty days prior to 1710
the expiration of the permit. The objection shall be made by a 1711
resolution specifying the reasons for objecting to the renewal and 1712
requesting a hearing, but no objection shall be based upon 1713
noncompliance of the permit premises with local zoning regulations 1714
that prohibit the sale of beer or intoxicating liquor in an area 1715
zoned for commercial or industrial uses, for a permit premises 1716
that would otherwise qualify for a proper permit issued by the 1717
division. The resolution shall be accompanied by a statement by 1718
the chief legal officer of the political subdivision that, in the 1719
chief legal officer's opinion, the objection is based upon 1720
substantial legal grounds within the meaning and intent of 1721
division (A) of section 4303.292 of the Revised Code. 1722

Upon receipt of a resolution of a legislative authority or 1723
board objecting to the renewal of a permit and a statement from 1724
the chief legal officer, the division shall set a time for the 1725
hearing and send by certified mail to the permit holder, at the 1726
permit holder's usual place of business, a copy of the resolution 1727
and notice of the hearing. The division shall then hold a hearing 1728
in the central office of the division, except that, upon written 1729
request of the legislative authority or board, the hearing shall 1730
be held in the county seat of the county in which the permit 1731
premises is located, to determine whether the renewal shall be 1732
denied for any of the reasons contained in division (A) of section 1733
4303.292 of the Revised Code. Only the reasons for refusal 1734
contained in division (A) of section 4303.292 of the Revised Code 1735
and specified in the resolution of objection shall be considered 1736
at the hearing. 1737

The permit holder and the objecting legislative authority or 1738
board shall be parties to the proceedings under this section and 1739
shall have the right to be present, to be represented by counsel, 1740
to offer evidence, to require the attendance of witnesses, and to 1741
cross-examine witnesses at the hearing. 1742

(C) An application for renewal of a permit shall be filed 1743
with the division at least fifteen days prior to the expiration of 1744
an existing permit, and the existing permit shall continue in 1745
effect as provided in section 119.06 of the Revised Code until the 1746
application is approved or rejected by the division. Any holder of 1747
a permit, which has expired through failure to be renewed as 1748
provided in this section, shall obtain a renewal of the permit, 1749
upon filing an application for renewal with the division, at any 1750
time within thirty days from the date of the expired permit. A 1751
penalty of ten per cent of the permit fee shall be paid by the 1752
permit holder if the application for renewal is not filed at least 1753
fifteen days prior to the expiration of the permit. 1754

(D)(1) Annually, the tax commissioner shall cause the sales and withholding tax records in the department of taxation for each holder of a permit issued under sections 4303.02 to ~~4303.23~~ 4303.232 of the Revised Code to be examined to determine if the permit holder is delinquent in filing any sales or withholding tax returns or has any outstanding liability for sales or withholding tax, penalties, or interest imposed pursuant to Chapter 5739. or sections 5747.06 and 5747.07 of the Revised Code. If any delinquency or liability exists, the commissioner shall send a notice of that fact by certified mail, return receipt requested, to the permit holder at the mailing address shown in the records of the department. The notice shall specify, in as much detail as is possible, the periods for which returns have not been filed and the nature and amount of unpaid assessments and other liabilities and shall be sent on or before the first day of the third month preceding the month in which the permit expires. The commissioner also shall notify the division of liquor control of the delinquency or liability, identifying the permit holder by name and permit number.

(2)(a) Except as provided in division (D)(4) of this section, the division of liquor control shall not renew the permit of any permit holder the tax commissioner has identified as being delinquent in filing any sales or withholding tax returns or as being liable for outstanding sales or withholding tax, penalties, or interest as of the first day of the sixth month preceding the month in which the permit expires, or of any permit holder the commissioner has identified as having been assessed by the department on or before the first day of the third month preceding the month in which the permit expires, until the division is notified by the tax commissioner that the delinquency, liability, or assessment has been resolved.

(b)(i) Within ninety days after the date on which the permit

expires, any permit holder whose permit is not renewed under this 1787
division may file an appeal with the liquor control commission. 1788
The commission shall notify the tax commissioner regarding the 1789
filing of any such appeal. During the period in which the appeal 1790
is pending, the permit shall not be renewed by the division. The 1791
permit shall be reinstated if the permit holder and the tax 1792
commissioner or the attorney general demonstrate to the liquor 1793
control commission that the commissioner's notification of a 1794
delinquency or assessment was in error or that the issue of the 1795
delinquency or assessment has been resolved. 1796

(ii) A permit holder who has filed an appeal under division 1797
(D)(2)(b)(i) of this section may file a motion to withdraw the 1798
appeal. The division of liquor control may renew a permit holder's 1799
permit if the permit holder has withdrawn such an appeal and the 1800
division receives written certification from the tax commissioner 1801
that the permit holder's delinquency or assessment has been 1802
resolved. 1803

(3) A permit holder notified of delinquency or liability 1804
under this section may protest the notification to the tax 1805
commissioner on the basis that no returns are delinquent and no 1806
tax, penalties, or interest is outstanding. The commissioner shall 1807
expeditiously consider any evidence submitted by the permit holder 1808
and, if it is determined that the notification was in error, 1809
immediately shall inform the division of liquor control that the 1810
renewal application may be granted. The renewal shall not be 1811
denied if the delinquency or unreported liability is the subject 1812
of a bona fide dispute pursuant to section 5717.02, 5717.04, 1813
5739.13, or 5747.13 of the Revised Code. 1814

(4) If the commissioner concludes that under the 1815
circumstances the permit holder's delinquency or liability has 1816
been conditionally resolved, the commissioner shall allow the 1817
permit to be renewed, conditioned upon the permit holder's 1818

continuing performance in satisfying the delinquency and 1819
liability. The conditional nature of the renewal shall be 1820
specified in the notification given to the division of liquor 1821
control under division (D)(1) of this section. Upon receipt of 1822
notice of the resolution, the division shall issue a conditional 1823
renewal. If the taxpayer defaults on any agreement to pay the 1824
delinquency or liability or fails to keep subsequent tax payments 1825
current, the liquor control commission, upon request and proof of 1826
the default or failure to keep subsequent tax payments current, 1827
shall indefinitely suspend the permit holder's permit until all 1828
taxes and interest due are paid. 1829

(5) The commissioner may adopt rules to assist in 1830
administering the duties imposed by this section. 1831

Sec. 4303.29. (A) No permit, other than an H permit, shall be 1832
issued to a firm or partnership unless all the members of the firm 1833
or partnership are citizens of the United States ~~and a majority~~ 1834
~~have resided in this state for one year prior to application for~~ 1835
~~the permit.~~ No permit, other than an H permit, shall be issued to 1836
an individual who is not a citizen of the United States ~~who has~~ 1837
~~resided in this state for at least one year prior to application~~ 1838
~~for the permit.~~ No permit, other than an E or H permit, shall be 1839
issued to any corporation organized under the laws of any country, 1840
territory, or state other than this state until it has furnished 1841
the division of liquor control with evidence that it has complied 1842
with the laws of this state relating to the transaction of 1843
business in this state. 1844

The division may refuse to issue any permit to or refuse to 1845
renew any permit of any person convicted of any felony that is 1846
reasonably related to the person's fitness to operate a liquor 1847
permit business in this state. No holder of a permit shall sell, 1848
assign, transfer, or pledge the permit without the written consent 1849

of the division. 1850

(B)(1) No D-3 permit shall be issued to any club unless the 1851
club has been continuously engaged in the activity specified in 1852
section 4303.15 of the Revised Code, as a qualification for that 1853
class of permit, for two years at the time the permit is issued. 1854

(2)(a) Subject to division (B)(2)(b) of this section, upon 1855
application by properly qualified persons, one C-1 and C-2 permit 1856
shall be issued for each one thousand population or part of that 1857
population, and one D-1 and D-2 permit shall be issued for each 1858
two thousand population or part of that population, in each 1859
municipal corporation and in the unincorporated area of each 1860
township. 1861

Subject to division (B)(2)(b) of this section, not more than 1862
one D-3, D-4, or D-5 permit shall be issued for each two thousand 1863
population or part of that population in any municipal corporation 1864
and in the unincorporated area of any township, except that, in 1865
any city of a population of fifty-five thousand or more, one D-3 1866
permit may be issued for each fifteen hundred population or part 1867
of that population. 1868

(b)(i) Division (B)(2)(a) of this section does not prohibit 1869
the transfer of location or the transfer of ownership and location 1870
of a C-1, C-2, D-1, D-2, D-3, or D-5 permit from a municipal 1871
corporation or the unincorporated area of a township in which the 1872
number of permits of that class exceeds the number of such permits 1873
authorized to be issued under division (B)(2)(a) of this section 1874
to an economic development project located in another municipal 1875
corporation or the unincorporated area of another township in 1876
which no additional permits of that class may be issued to the 1877
applicant under division (B)(2)(a) of this section, but the 1878
transfer of location or transfer of ownership and location of the 1879
permit may occur only if the applicant notifies the municipal 1880
corporation or township to which the location of the permit will 1881

be transferred regarding the transfer and that municipal 1882
corporation or township acknowledges in writing to the division of 1883
liquor control, at the time the application for the transfer of 1884
location or transfer of ownership and location of the permit is 1885
filed, that the transfer will be to an economic development 1886
project. This acknowledgment by the municipal corporation or 1887
township does not prohibit it from requesting a hearing under 1888
section 4303.26 of the Revised Code. The applicant is eligible to 1889
apply for and receive the transfer of location of the permit under 1890
division (B)(2)(b) of this section if all permits of that class 1891
that may be issued under division (B)(2)(a) of this section in the 1892
applicable municipal corporation or unincorporated area of the 1893
township have already been issued or if the number of applications 1894
filed for permits of that class in that municipal corporation or 1895
the unincorporated area of that township exceed the number of 1896
permits of that class that may be issued there under division 1897
(B)(2)(a) of this section. 1898

A permit transferred under division (B)(2)(b) of this section 1899
may be subsequently transferred to a different owner at the same 1900
location, or to the same owner or a different owner at a different 1901
location in the same municipal corporation or in the 1902
unincorporated area of the same township, as long as the same or 1903
new location meets the economic development project criteria set 1904
forth in this section. 1905

(ii) Factors that shall be used to determine the designation 1906
of an economic development project include, but are not limited 1907
to, architectural certification of the plans and the cost of the 1908
project, the number of jobs that will be created by the project, 1909
projected earnings of the project, projected tax revenues for the 1910
political subdivisions in which the project will be located, and 1911
the amount of financial investment in the project. The 1912
superintendent of liquor control shall determine whether the 1913

existing or proposed business that is seeking a permit described 1914
in division (B)(2)(b) of this section qualifies as an economic 1915
development project and, if the superintendent determines that it 1916
so qualifies, shall designate the business as an economic 1917
development project. 1918

(3) Nothing in this section shall be construed to restrict 1919
the issuance of a permit to a municipal corporation for use at a 1920
municipally owned airport at which commercial airline companies 1921
operate regularly scheduled flights on which space is available to 1922
the public. A municipal corporation applying for a permit for such 1923
a municipally owned airport is exempt, in regard to that 1924
application, from the population restrictions contained in this 1925
section and from population quota restrictions contained in any 1926
rule of the liquor control commission. A municipal corporation 1927
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a 1928
municipally owned airport is subject to section 4303.31 of the 1929
Revised Code. 1930

(4) Nothing in this section shall be construed to prohibit 1931
the issuance of a D permit to the board of trustees of a soldiers' 1932
memorial for a premises located at a soldiers' memorial 1933
established pursuant to Chapter 345. of the Revised Code. An 1934
application for a D permit by the board for those premises is 1935
exempt from the population restrictions contained in this section 1936
and from the population quota restrictions contained in any rule 1937
of the liquor control commission. The location of a D permit 1938
issued to the board for those premises shall not be transferred. A 1939
board of trustees of a soldiers' memorial applying for a D-1, D-2, 1940
D-3, D-4, or D-5 permit for the soldiers' memorial is subject to 1941
section 4303.31 of the Revised Code. 1942

(5) Nothing in this section shall be construed to restrict 1943
the issuance of a permit for a premises located at a golf course 1944
owned by a municipal corporation, township, or county, owned by a 1945

park district created under Chapter 1545. of the Revised Code, or 1946
owned by the state. The location of such a permit issued on or 1947
after September 26, 1984, for a premises located at such a golf 1948
course shall not be transferred. Any application for such a permit 1949
is exempt from the population quota restrictions contained in this 1950
section and from the population quota restrictions contained in 1951
any rule of the liquor control commission. A municipal 1952
corporation, township, county, park district, or state agency 1953
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a golf 1954
course is subject to section 4303.31 of the Revised Code. 1955

(6) As used in division (B)(6) of this section, "fair" has 1956
the same meaning as in section 991.01 of the Revised Code; "state 1957
fairgrounds" means the property that is held by the state for the 1958
purpose of conducting fairs, expositions, and exhibits and that is 1959
maintained and managed by the Ohio expositions commission under 1960
section 991.03 of the Revised Code; "capitol square" has the same 1961
meaning as in section 105.41 of the Revised Code; and "Ohio 1962
judicial center" means the site of the Ohio supreme court and its 1963
grounds. 1964

Nothing in this section shall be construed to restrict the 1965
issuance of one or more D permits to one or more applicants for 1966
all or a part of the state fairgrounds, capitol square, or the 1967
Ohio judicial center. An application for a D permit for the state 1968
fairgrounds, capitol square, or the Ohio judicial center is exempt 1969
from the population quota restrictions contained in this section 1970
and from the population quota restrictions contained in any rule 1971
of the liquor control commission. The location of a D permit 1972
issued for the state fairgrounds, capitol square, or the Ohio 1973
judicial center shall not be transferred. An applicant for a D-1, 1974
D-2, D-3, or D-5 permit for the state fairgrounds is not subject 1975
to section 4303.31 of the Revised Code. 1976

Pursuant to section 1711.09 of the Revised Code, the holder 1977

of a D permit issued for the state fairgrounds shall not deal in 1978
spirituous liquor at the state fairgrounds during, or for one week 1979
before or for three days after, any fair held at the state 1980
fairgrounds. 1981

(7) Nothing in this section shall be construed to prohibit 1982
the issuance of a D permit for a premises located at a zoological 1983
park at which sales have been approved in an election held under 1984
former section 4301.356 of the Revised Code. An application for a 1985
D permit for such a premises is exempt from the population 1986
restrictions contained in this section, from the population quota 1987
restrictions contained in any rule of the liquor control 1988
commission, and from section 4303.31 of the Revised Code. The 1989
location of a D permit issued for a premises at such a zoological 1990
park shall not be transferred, and no quota or other restrictions 1991
shall be placed on the number of D permits that may be issued for 1992
a premises at such a zoological park. 1993

(C)(1) No D-3, D-4, D-5, or D-5a permit shall be issued in 1994
any election precinct in any municipal corporation or in any 1995
election precinct in the unincorporated area of any township, in 1996
which at the November, 1933, election a majority of the electors 1997
voting thereon in the municipal corporation or in the 1998
unincorporated area of the township voted against the repeal of 1999
Section 9 of Article XV, Ohio Constitution, unless the sale of 2000
spirituous liquor by the glass is authorized by a majority vote of 2001
the electors voting on the question in the precinct at an election 2002
held pursuant to this section or by a majority vote of the 2003
electors of the precinct voting on question (C) at a special local 2004
option election held in the precinct pursuant to section 4301.35 2005
of the Revised Code. Upon the request of an elector, the board of 2006
elections of the county that encompasses the precinct shall 2007
furnish the elector with a copy of the instructions prepared by 2008
the secretary of state under division (P) of section 3501.05 of 2009

the Revised Code and, within fifteen days after the request, a 2010
certificate of the number of signatures required for a valid 2011
petition under this section. 2012

Upon the petition of thirty-five per cent of the total number 2013
of voters voting in any such precinct for the office of governor 2014
at the preceding general election, filed with the board of 2015
elections of the county in which such precinct is located not 2016
later than seventy-five days before a general election, the board 2017
shall prepare ballots and hold an election at such general 2018
election upon the question of allowing spirituous liquor to be 2019
sold by the glass in such precinct. The ballots shall be approved 2020
in form by the secretary of state. The results of the election 2021
shall be certified by the board to the secretary of state, who 2022
shall certify the results to the division. 2023

(2) No holder of a class D-3 permit issued for a boat or 2024
vessel shall sell spirituous liquor in any precinct, in which the 2025
election provided for in this section may be held, unless the sale 2026
of spirituous liquor by the drink has been authorized by vote of 2027
the electors as provided in this section or in section 4301.35 of 2028
the Revised Code. 2029

(D) Any holder of a C or D permit whose permit premises were 2030
purchased in 1986 or 1987 by the state or any state agency for 2031
highway purposes shall be issued the same permit at another 2032
location notwithstanding any quota restrictions contained in this 2033
chapter or in any rule of the liquor control commission. 2034

Sec. 4303.30. The rights granted by any D-2, D-3, D-3a, D-4, 2035
D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 2036
or D-6 permit shall be exercised at not more than two fixed 2037
counters, commonly known as bars, in rooms or places on the permit 2038
premises, where beer, mixed beverages, wine, or spirituous liquor 2039
is sold to the public for consumption on the premises. For each 2040

additional fixed counter on the permit premises where those 2041
beverages are sold for consumption on the premises, the permit 2042
holder shall obtain a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 2043
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, 2044
or D-6 permit. 2045

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, 2046
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, or D-6 2047
permit shall be granted, upon application to the division of 2048
liquor control, a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, 2049
D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, or D-6 2050
permit for each additional fixed counter on the permit premises at 2051
which beer, mixed beverages, wine, or spirituous liquor is sold 2052
for consumption on the premises, provided the application is made 2053
in the same manner as an application for an original permit. The 2054
application shall be identified with DUPLICATE printed on the 2055
permit application form furnished by the department, in boldface 2056
type. The application shall identify by name, or otherwise amply 2057
describe, the room or place on the premises where the duplicate 2058
permit is to be operative. Each duplicate permit shall be issued 2059
only to the same individual, firm, or corporation as that of the 2060
original permit and shall be an exact duplicate in size and word 2061
content as the original permit, except that it shall show on it 2062
the name or other ample identification of the room, or place, for 2063
which it is issued and shall have DUPLICATE printed on it in 2064
boldface type. A duplicate permit shall bear the same number as 2065
the original permit. The fee for a duplicate permit is: D-1, one 2066
hundred dollars; D-2, one hundred dollars; D-3, four hundred 2067
dollars; D-3a, four hundred dollars; D-4, two hundred dollars; 2068
D-5, one thousand dollars; D-5a, one thousand dollars; D-5b, one 2069
thousand dollars; D-5c, four hundred dollars; D-5e, six hundred 2070
fifty dollars; D-5f, one thousand dollars; D-6, one hundred 2071
dollars when issued to the holder of a D-4a permit; and in all 2072
other cases one hundred dollars or an amount which is twenty per 2073

cent of the fees payable for the A-1-A, D-2, D-3, D-3a, D-4, D-5, 2074
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, 2075
and D-6 permits issued to the same premises, whichever is higher. 2076
Application for a duplicate permit may be filed any time during 2077
the life of an original permit. The fee for each duplicate D-2, 2078
D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, 2079
D-5i, D-5j, D-5k, D-5l, D-5m, or D-6 permit shall be paid in 2080
accordance with section 4303.24 of the Revised Code. 2081

2082

Sec. 4303.33. (A) Every A-1 permit holder in this state, 2083
every bottler, importer, wholesale dealer, broker, producer, or 2084
manufacturer of beer outside this state and within the United 2085
States, and every B-1 permit holder and importer importing beer 2086
from any manufacturer, bottler, person, or group of persons 2087
however organized outside the United States for sale or 2088
distribution for sale in this state, on or before the eighteenth 2089
day of each month, shall make and file with the tax commissioner 2090
upon a form prescribed by the tax commissioner an advance tax 2091
payment in an amount estimated to equal the taxpayer's tax 2092
liability for the month in which the advance tax payment is made. 2093
If the advance tax payment credits claimed on the report are for 2094
advance tax payments received by the tax commissioner on or before 2095
the eighteenth day of the month covered by the report, the 2096
taxpayer is entitled to an additional credit of three per cent of 2097
the advance tax payment and a discount of three per cent shall be 2098
allowed the taxpayer at the time of filing the report if filed as 2099
provided in division (B) of this section on any amount by which 2100
the tax liability reflected in the report exceeds the advance tax 2101
payment estimate by not more than ten per cent. The additional 2102
three per cent credit and three per cent discount shall be in 2103
consideration for advancing the payment of the tax and other 2104
services performed by the permit holder and other taxpayers in the 2105

collection of the tax. 2106

"Advance tax payment credit" means credit for payments made 2107
by an A-1 or B-1 permit holder and any other persons during the 2108
period covered by a report which was made in anticipation of the 2109
tax liability required to be reported on that report. 2110

"Tax liability" as used in division (A) of this section means 2111
the total gross tax liability of an A-1 or B-1 permit holder and 2112
any other persons for the period covered by a report before any 2113
allowance for credits and discount. 2114

(B) Every A-1 permit holder in this state, every bottler, 2115
importer, wholesale dealer, broker, producer, or manufacturer of 2116
beer outside this state and within the United States, and every 2117
B-1 permit holder importing beer from any manufacturer, bottler, 2118
person, or group of persons however organized outside the United 2119
States, on or before the tenth day of each month, shall make and 2120
file a report for the preceding month upon a form prescribed by 2121
the tax commissioner which report shall show the amount of beer 2122
produced, sold, and distributed for sale in this state by the A-1 2123
permit holder, sold and distributed for sale in this state by each 2124
manufacturer, bottler, importer, wholesale dealer, or broker 2125
outside this state and within the United States, and the amount of 2126
beer imported into this state from outside the United States and 2127
sold and distributed for sale in this state by the B-1 permit 2128
holder or importer. 2129

The report shall be filed by mailing it to the tax 2130
commissioner, together with payment of the tax levied by sections 2131
4301.42 and 4305.01 of the Revised Code shown to be due on the 2132
report after deduction of advance payment credits and any 2133
additional credits or discounts provided for under this section. 2134

(C)(1) Every A-2 ~~and~~, A-4, B-2, B-2a, B-3, B-4, ~~and~~ B-5, and 2135
S permit holder in this state, on or before the eighteenth day of 2136

each month, shall make and file a report with the tax commissioner 2137
upon a form prescribed by the tax commissioner which report shall 2138
show, on the report of each A-2 ~~and~~, A-4, B-2a, and S permit 2139
holder the amount of wine, cider, and mixed beverages produced and 2140
sold, or sold in this state by each such A-2 ~~and~~, A-4, B-2a, and S 2141
permit holder for the next preceding calendar month and such other 2142
information as the tax commissioner requires, and on the report of 2143
each such B-2, B-3, B-4, and B-5 permit holder the amount of wine, 2144
cider, and mixed beverages purchased from an importer, broker, 2145
wholesale dealer, producer, or manufacturer located outside this 2146
state and sold and distributed in this state by such B-2, B-3, 2147
B-4, and B-5 permit holder, for the next preceding calendar month 2148
and such other information as the tax commissioner requires. 2149

(2) Every such A-2, A-4, B-2, B-2a, B-3, B-4, ~~and~~ B-5, and S 2150
permit holder in this state shall remit with the report the tax 2151
levied by sections 4301.43 and, if applicable, 4301.432 of the 2152
Revised Code less a discount thereon of three per cent of the 2153
total tax so levied and paid, provided the return is filed 2154
together with remittance of the amount of tax shown to be due 2155
thereon, within the time prescribed. Any permit holder or other 2156
persons who fail to file a report under this section, for each day 2157
the person so fails, may be required to forfeit and pay into the 2158
state treasury the sum of onedollar as revenue arising from the 2159
tax imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of 2160
the Revised Code, and that sum may be collected by assessment in 2161
the manner provided in section 4305.13 of the Revised Code. 2162

(3) If the tax commissioner determines that the quantity 2163
reported by a person does not warrant monthly reporting, the 2164
commissioner may authorize the filing of returns and the payment 2165
of the tax required by this section for periods longer than one 2166
month. 2167

(D) Every B-1 permit holder and importer in this state 2168

importing beer from any manufacturer, bottler, person, or group of persons however organized, outside the United States, if required by the tax commissioner shall post a bond payable to the state in such form and amount as the commissioner prescribes with surety to the satisfaction of the tax commissioner, conditioned upon the payment to the tax commissioner of taxes levied by sections 4301.42 and 4305.01 of the Revised Code.

(E) No such wine, beer, cider, or mixed beverages sold or distributed in this state shall be taxed more than once under sections 4301.42, 4301.43, and 4305.01 of the Revised Code.

(F) As used in this section:

(1) "Cider" has the same meaning as in section 4301.01 of the Revised Code.

(2) "Wine" has the same meaning as in section 4301.01 of the Revised Code, except that "wine" does not include cider.

(G) All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code.

Sec. 4303.333. ~~(A)~~ An A-2 permit holder in this state whose total production of wine, wherever produced, which but for this exemption is taxable under section 4301.43 of the Revised Code does not exceed five hundred thousand gallons in a calendar year, shall be allowed an exemption from the taxes levied ~~in the following calendar year~~ under section 4301.43 of the Revised Code on wine produced and sold or distributed in this state. The exemption may be claimed monthly against current taxes levied under such section as the reports required by section 4303.33 of the Revised Code are due. At the time the report for December is due for a calendar year during which a permit holder ~~is eligible~~

~~to receive~~ claimed an exemption under this section, if the permit 2199
holder has paid the tax levied under section 4301.43 of the 2200
Revised Code, the permit holder may claim a refund of such tax 2201
paid during the calendar year or shall remit any additional tax 2202
due because it did not qualify for the exemption on the December 2203
report. For the purpose of providing this refund, taxes previously 2204
paid under section 4303.33 of the Revised Code during the calendar 2205
year shall not be considered final until the December report is 2206
filed. ~~The~~ 2207

(B) The tax commissioner shall prescribe forms for and allow 2208
the exemptions and refunds authorized by this section. 2209

Sec. 4399.12. No provision contained in Title XLIII of the 2210
Revised Code that prohibits the sale of intoxicating liquors in 2211
any of the circumstances described in section 4399.11 of the 2212
Revised Code extends to or prevents the holder of an A, B, C-2, 2213
D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, 2214
D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, G, or I permit issued by the 2215
division of liquor control from distributing or selling 2216
intoxicating liquor at the place of business described in the 2217
permit of the holder. 2218

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 2219
of this section, no agent of the department of taxation, except in 2220
the agent's report to the department or when called on to testify 2221
in any court or proceeding, shall divulge any information acquired 2222
by the agent as to the transactions, property, or business of any 2223
person while acting or claiming to act under orders of the 2224
department. Whoever violates this provision shall thereafter be 2225
disqualified from acting as an officer or employee or in any other 2226
capacity under appointment or employment of the department. 2227

2228

(B)(1) For purposes of an audit pursuant to section 117.15 of 2229
the Revised Code, or an audit of the department pursuant to 2230
Chapter 117. of the Revised Code, or an audit, pursuant to that 2231
chapter, the objective of which is to express an opinion on a 2232
financial report or statement prepared or issued pursuant to 2233
division (A)(7) or (9) of section 126.21 of the Revised Code, the 2234
officers and employees of the auditor of state charged with 2235
conducting the audit shall have access to and the right to examine 2236
any state tax returns and state tax return information in the 2237
possession of the department to the extent that the access and 2238
examination are necessary for purposes of the audit. Any 2239
information acquired as the result of that access and examination 2240
shall not be divulged for any purpose other than as required for 2241
the audit or unless the officers and employees are required to 2242
testify in a court or proceeding under compulsion of legal 2243
process. Whoever violates this provision shall thereafter be 2244
disqualified from acting as an officer or employee or in any other 2245
capacity under appointment or employment of the auditor of state. 2246

(2) For purposes of an internal audit pursuant to section 2247
126.45 of the Revised Code, the officers and employees of the 2248
office of internal auditing in the office of budget and management 2249
charged with conducting the internal audit shall have access to 2250
and the right to examine any state tax returns and state tax 2251
return information in the possession of the department to the 2252
extent that the access and examination are necessary for purposes 2253
of the internal audit. Any information acquired as the result of 2254
that access and examination shall not be divulged for any purpose 2255
other than as required for the internal audit or unless the 2256
officers and employees are required to testify in a court or 2257
proceeding under compulsion of legal process. Whoever violates 2258
this provision shall thereafter be disqualified from acting as an 2259
officer or employee or in any other capacity under appointment or 2260
employment of the office of internal auditing. 2261

(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state or the office of internal auditing solely for purposes of an audit of the department.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;

(3) Disclosing to the board of motor vehicle collision repair registration any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;

(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;

(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to rules adopted under section 5745.16 of the Revised Code;

(7) Providing information regarding the name, account number, 2292
or business address of a holder of a vendor's license issued 2293
pursuant to section 5739.17 of the Revised Code, a holder of a 2294
direct payment permit issued pursuant to section 5739.031 of the 2295
Revised Code, or a seller having a use tax account maintained 2296
pursuant to section 5741.17 of the Revised Code, or information 2297
regarding the active or inactive status of a vendor's license, 2298
direct payment permit, or seller's use tax account; 2299

(8) Releasing invoices or invoice information furnished under 2300
section 4301.433 of the Revised Code pursuant to that section; 2301

(9) Providing to a county auditor notices or documents 2302
concerning or affecting the taxable value of property in the 2303
county auditor's county. Unless authorized by law to disclose 2304
documents so provided, the county auditor shall not disclose such 2305
documents; 2306

(10) Providing to a county auditor sales or use tax return or 2307
audit information under section 333.06 of the Revised Code; 2308

(11) Subject to section 4301.441 of the Revised Code, 2309
disclosing to the appropriate state agency information in the 2310
possession of the department of taxation that is necessary to 2311
verify a permit holder's gallonage or noncompliance with taxes 2312
levied under Chapter 4301. or 4305. of the Revised Code. 2313

Section 2. That existing sections 4301.10, 4301.12, 4301.16, 2314
4301.20, 4301.30, 4301.355, 4301.432, 4301.47, 4301.58, 4301.62, 2315
4301.639, 4303.03, 4303.05, 4303.071, 4303.181, 4303.182, 2316
4303.184, 4303.232, 4303.233, 4303.25, 4303.27, 4303.271, 4303.29, 2317
4303.30, 4303.33, 4303.333, 4399.12, and 5703.21 of the Revised 2318
Code are hereby repealed. 2319

Section 3. The Division of Liquor Control shall provide the 2320
notification required by division (A)(10) of section 4301.10 of 2321

the Revised Code, as amended by this act, to holders of retail 2322
permits on the effective date of this act not later than ninety 2323
days after that effective date. 2324

Section 4. The amendments by this act of sections 4303.071 2325
and 4303.232 of the Revised Code are essential to implementation 2326
of a tax levy, are exempt from the referendum under Ohio 2327
Constitution, Article II, Section 1d, and take effect on July 1, 2328
2008. 2329