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Representatives Young, Kozlowski

Cosponsors: Representatives Uecker, Yuko, Antonio, Ramos, Adams, J., Adams, R., Anielski, Baker, Barnes, Boose, Boyd, Brenner, Bubp, Buchy, Carney, Celebrezze, Damschroder, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Foley, Garland, Gerberry, Goodwin, Grossman, Hall, Hottinger, Lundy, Lynch, Maag, Martin, McClain, Milkovich, Murray, O'Brien, Patmon, Phillips, Reece, Roegner, Ruhl, Slaby, M., Slesnick, Stebelton, Stinziano, Wachtmann, Williams, Winburn

Senators Beagle, Hughes, Schaffer, Cafaro, Brown, Bacon, Balderson, Burke, Eklund, Gentile, Hite, Jones, Jordan, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Peterson, Schiavoni, Seitz, Tavares, Turner, Wagoner, Widener

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A B I L L

To amend section 4301.17 and to enact section 5.2282 1
of the Revised Code to designate June as "Ohio 2
Wines Month" and to allow certain agency liquor 3
stores to sell beer, wine, or mixed beverages for 4
on- and off-premises consumption. 5

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

Section 1. That section 4301.17 be amended and section 5.2282 6
of the Revised Code be enacted to read as follows: 7

Sec. 5.2282. The month of June is designated as "Ohio Wines 8

Month."

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Sec. 4301.17. (A)(1) Subject to local option as provided in 10
sections 4301.32 to 4301.40 of the Revised Code, five state liquor 11
stores or agencies may be established in each county. One 12
additional store may be established in any county for each twenty 13
thousand of population of that county or major fraction thereof in 14
excess of the first forty thousand, according to the last 15
preceding federal decennial census or according to the population 16
estimates certified by the department of development between 17
decennial censuses. A person engaged in a mercantile business may 18
act as the agent for the division of liquor control for the sale 19
of spirituous liquor in a municipal corporation, in the 20
unincorporated area of a township, or in an area designated and 21
approved as a resort area under section 4303.262 of the Revised 22
Code. The division shall fix the compensation for such an agent in 23
the manner it considers best, but the compensation shall not 24
exceed seven per cent of the gross sales made by the agent in any 25
one year. 26

(2) The division shall adopt rules in accordance with Chapter 27
119. of the Revised Code governing the allocation and equitable 28
distribution of agency store contracts. The division shall comply 29
with the rules when awarding a contract under division (A)(1) of 30
this section. 31

(3) Except as otherwise provided in this section and section 32
4301.171 of the Revised Code, ~~no mercantile business that sells~~ 33
~~beer or intoxicating~~ an agency store shall not sell spirituous 34
liquor for consumption on the premises under a permit issued by 35
the division ~~shall operate an agency store at the premises~~. An 36
agency to which a D-1 permit has been issued may ~~offer for sale~~ 37
~~tasting samples of~~ sell beer, an agency to which a D-2 permit has 38
been issued may ~~offer for sale tasting samples of~~ sell wine and 39

mixed beverages, and an agency to which a D-5 permit has been 40
issued may ~~offer for sale tasting samples of~~ sell beer, wine, and 41
mixed beverages. An agency to which a D-8 permit has been issued 42
may allow the sale of tasting samples of spirituous liquor in 43
accordance with section 4301.171 of the Revised Code. ~~A tasting~~ 44
~~sample shall not be sold for the purpose of general~~ General 45
~~consumption. As used in this section with respect to beer, wine,~~ 46
~~and mixed beverages, "tasting sample" means a small amount of~~ 47
~~beer, wine, or mixed beverages that is provided in not more than~~ 48
~~four servings of not more than two ounces each to an authorized~~ 49
~~purchaser and that allows the purchaser to determine, by tasting~~ 50
~~only, the quality and character of the beverage~~ of beer, wine, or 51
mixed beverages shall not be permitted in the area of the agency 52
store in which spirituous liquor is sold. 53

(B) When an agency contract is proposed, when an existing 54
agency contract is assigned, when an existing agency proposes to 55
relocate, or when an existing agency is relocated and assigned, 56
before entering into any contract, consenting to any assignment, 57
or consenting to any relocation, the division shall notify the 58
legislative authority of the municipal corporation in which the 59
agency store is to be located, or the board of county 60
commissioners and the board of township trustees of the county and 61
the township in which the agency store is to be located if the 62
agency store is to be located outside the corporate limits of a 63
municipal corporation, of the proposed contract, assignment, or 64
relocation, and an opportunity shall be provided officials or 65
employees of the municipal corporation or county and township for 66
a complete hearing upon the advisability of entering into the 67
contract or consenting to the assignment or relocation. When the 68
division sends notice to the legislative authority of the 69
political subdivision, the division shall notify, by certified 70
mail or by personal service, the chief peace officer of the 71
political subdivision, who may appear and testify, either in 72

person or through a representative, at any hearing held on the 73
advisability of entering into the contract or consenting to the 74
assignment or relocation. 75

If the proposed agency store, the assignment of an agency 76
contract, or the relocation of an agency store would be located 77
within five hundred feet of a school, church, library, public 78
playground, or township park, the division shall not enter into an 79
agency contract until it has provided notice of the proposed 80
contract to the authorities in control of the school, church, 81
library, public playground, or township park and has provided 82
those authorities with an opportunity for a complete hearing upon 83
the advisability of entering into the contract. If an agency store 84
so located is operating under an agency contract, the division may 85
consent to relocation of the agency store or to the assignment of 86
that contract to operate an agency store at the same location. The 87
division may also consent to the assignment of an existing agency 88
contract simultaneously with the relocation of the agency store. 89
In any such assignment or relocation, the assignee and the 90
location shall be subject to the same requirements that the 91
existing location met at the time that the contract was first 92
entered into as well as any additional requirements imposed by the 93
division in rules adopted by the superintendent of liquor control. 94
The division shall not consent to an assignment or relocation of 95
an agency store until it has notified the authorities in control 96
of the school, church, library, public playground, or township 97
park and has provided those authorities with an opportunity for a 98
complete hearing upon the advisability of consenting to the 99
assignment or relocation. 100

Any hearing provided for in this division shall be held in 101
the central office of the division, except that upon written 102
request of the legislative authority of the municipal corporation, 103
the board of county commissioners, the board of township trustees, 104

or the authorities in control of the school, church, library, 105
public playground, or township park, the hearing shall be held in 106
the county seat of the county where the proposed agency store is 107
to be located. 108

(C) All agency contracts entered into by the division 109
pursuant to this section shall be in writing and shall contain a 110
clause providing for the termination of the contract at will by 111
the division upon its giving ninety days' notice in writing to the 112
agent of its intention to do so. Any agency contract may include a 113
clause requiring the agent to report to the appropriate law 114
enforcement agency the name and address of any individual under 115
twenty-one years of age who attempts to make an illegal purchase. 116

An agent may engage in the selling of beer, mixed beverages, 117
and wine pursuant to permits issued to the agent under Chapter 118
4303. of the Revised Code. 119

The division shall issue a C-1 and C-2 permit to each agent 120
who prior to November 1, 1994, had not been issued both of these 121
permits, notwithstanding the population quota restrictions 122
contained in section 4303.29 of the Revised Code or in any rule of 123
the liquor control commission and notwithstanding the requirements 124
of section 4303.31 of the Revised Code. The location of a C-1 or 125
C-2 permit issued to such an agent shall not be transferred. The 126
division shall revoke any C-1 or C-2 permit issued to an agent 127
under this paragraph if the agent no longer operates an agency 128
store. 129

The division may enter into agreements with the department of 130
development to implement a minority loan program to provide 131
low-interest loans to minority business enterprises, as defined in 132
section 122.71 of the Revised Code, that are awarded liquor agency 133
contracts or assignments. 134

(D) If the division closes a state liquor store and replaces 135

that store with an agency store, any employees of the division 136
employed at that state liquor store who lose their jobs at that 137
store as a result shall be given preference by the agent who 138
operates the agency store in filling any vacancies that occur 139
among the agent's employees, if that preference does not conflict 140
with the agent's obligations pursuant to a collective bargaining 141
agreement. 142

If the division closes a state liquor store and replaces the 143
store with an agency store, any employees of the division employed 144
at the state liquor store who lose their jobs at that store as a 145
result may displace other employees as provided in sections 146
124.321 to 124.328 of the Revised Code. If an employee cannot 147
displace other employees and is laid off, the employee shall be 148
reinstated in another job as provided in sections 124.321 to 149
124.328 of the Revised Code, except that the employee's rights of 150
reinstatement in a job at a state liquor store shall continue for 151
a period of two years after the date of the employee's layoff and 152
shall apply to jobs at state liquor stores located in the 153
employee's layoff jurisdiction and any layoff jurisdiction 154
adjacent to the employee's layoff jurisdiction. 155

(E) The division shall require every agent to give bond with 156
surety to the satisfaction of the division, in the amount the 157
division fixes, conditioned for the faithful performance of the 158
agent's duties as prescribed by the division. 159

Section 2. That existing section 4301.17 of the Revised Code 160
is hereby repealed. 161