

**As Reported by the House Commerce, Labor and Technology
Committee**

**129th General Assembly
Regular Session
2011-2012**

Sub. S. B. No. 298

Senator Cafaro

**Cosponsors: Senators Brown, Seitz, Kearney, Beagle, Hughes, Hite, Turner,
Bacon, Balderson, Burke, Gentile, Lehner, Oelslager, Patton, Sawyer,
Schaffer, Schiavoni, Smith, Tavares, Wagoner**

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A B I L L

To amend sections 4303.181, 4303.202, 4303.208, and 1
4303.99 of the Revised Code to alter the 2
conditions under which a D-51 liquor permit may be 3
issued, to make changes to the law governing the 4
issuance of F-2 liquor permits, and to allow an 5
F-2 liquor permit to be issued for the same 6
location that an F-8 liquor permit is issued 7
provided that certain criteria apply. 8

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

Section 1. That sections 4303.181, 4303.202, 4303.208, and 9
4303.99 of the Revised Code be amended to read as follows: 10

Sec. 4303.181. (A) Permit D-5a may be issued either to the 11
owner or operator of a hotel or motel that is required to be 12
licensed under section 3731.03 of the Revised Code, that contains 13
at least fifty rooms for registered transient guests or is owned 14
by a state institution of higher education as defined in section 15
3345.011 of the Revised Code or a private college or university, 16

and that qualifies under the other requirements of this section, 17
or to the owner or operator of a restaurant specified under this 18
section, to sell beer and any intoxicating liquor at retail, only 19
by the individual drink in glass and from the container, for 20
consumption on the premises where sold, and to registered guests 21
in their rooms, which may be sold by means of a controlled access 22
alcohol and beverage cabinet in accordance with division (B) of 23
section 4301.21 of the Revised Code; and to sell the same products 24
in the same manner and amounts not for consumption on the premises 25
as may be sold by holders of D-1 and D-2 permits. The premises of 26
the hotel or motel shall include a retail food establishment or a 27
food service operation licensed pursuant to Chapter 3717. of the 28
Revised Code that operates as a restaurant for purposes of this 29
chapter and that is affiliated with the hotel or motel and within 30
or contiguous to the hotel or motel, and that serves food within 31
the hotel or motel, but the principal business of the owner or 32
operator of the hotel or motel shall be the accommodation of 33
transient guests. In addition to the privileges authorized in this 34
division, the holder of a D-5a permit may exercise the same 35
privileges as the holder of a D-5 permit. 36

The owner or operator of a hotel, motel, or restaurant who 37
qualified for and held a D-5a permit on August 4, 1976, may, if 38
the owner or operator held another permit before holding a D-5a 39
permit, either retain a D-5a permit or apply for the permit 40
formerly held, and the division of liquor control shall issue the 41
permit for which the owner or operator applies and formerly held, 42
notwithstanding any quota. 43

A D-5a permit shall not be transferred to another location. 44
No quota restriction shall be placed on the number of D-5a permits 45
that may be issued. 46

The fee for this permit is two thousand three hundred 47
forty-four dollars. 48

(B) Permit D-5b may be issued to the owner, operator, tenant, lessee, or occupant of an enclosed shopping center 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 the same products in the same manner and amount not for consumption on the premises as may be sold by holders of D-1 and D-2 permits. In addition to the privileges authorized in this division, the holder of a D-5b permit may exercise the same privileges as a holder of a D-5 permit.

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

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

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

The holder of a D-5b permit issued before April 4, 1984, whose tenancy is terminated for a cause other than nonpayment of rent, may return the D-5b permit to the division of liquor

control, and the division shall cancel that permit. Upon 81
cancellation of that permit and upon the permit holder's payment 82
of taxes, contributions, premiums, assessments, and other debts 83
owing or accrued upon the date of cancellation to this state and 84
its political subdivisions and a filing with the division of a 85
certification of that payment, the division shall issue to that 86
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 87
that person requests. The division shall issue the D-5 permit, or 88
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 89
D-3, or D-5 permits currently issued in the municipal corporation 90
or in the unincorporated area of the township where that person's 91
proposed premises is located equals or exceeds the maximum number 92
of such permits that can be issued in that municipal corporation 93
or in the unincorporated area of that township under the 94
population quota restrictions contained in section 4303.29 of the 95
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 96
be transferred to another location. If a D-5b permit is canceled 97
under the provisions of this paragraph, the number of D-5b permits 98
that may be issued at the enclosed shopping center for which the 99
D-5b permit was issued, under the formula provided in this 100
division, shall be reduced by one if the enclosed shopping center 101
was entitled to more than one D-5b permit under the formula. 102

The fee for this permit is two thousand three hundred 103
forty-four dollars. 104

(C) Permit D-5c may be issued to the owner or operator of a 105
retail food establishment or a food service operation licensed 106
pursuant to Chapter 3717. of the Revised Code that operates as a 107
restaurant for purposes of this chapter and that qualifies under 108
the other requirements of this section to sell beer and any 109
intoxicating liquor at retail, only by the individual drink in 110
glass and from the container, for consumption on the premises 111
where sold, and to sell the same products in the same manner and 112

amounts not for consumption on the premises as may be sold by 113
holders of D-1 and D-2 permits. In addition to the privileges 114
authorized in this division, the holder of a D-5c permit may 115
exercise the same privileges as the holder of a D-5 permit. 116

To qualify for a D-5c permit, the owner or operator of a 117
retail food establishment or a food service operation licensed 118
pursuant to Chapter 3717. of the Revised Code that operates as a 119
restaurant for purposes of this chapter, shall have operated the 120
restaurant at the proposed premises for not less than twenty-four 121
consecutive months immediately preceding the filing of the 122
application for the permit, have applied for a D-5 permit no later 123
than December 31, 1988, and appear on the division's quota waiting 124
list for not less than six months immediately preceding the filing 125
of the application for the permit. In addition to these 126
requirements, the proposed D-5c permit premises shall be located 127
within a municipal corporation and further within an election 128
precinct that, at the time of the application, has no more than 129
twenty-five per cent of its total land area zoned for residential 130
use. 131

A D-5c permit shall not be transferred to another location. 132
No quota restriction shall be placed on the number of such permits 133
that may be issued. 134

Any person who has held a D-5c permit for at least two years 135
may apply for a D-5 permit, and the division of liquor control 136
shall issue the D-5 permit notwithstanding the quota restrictions 137
contained in section 4303.29 of the Revised Code or in any rule of 138
the liquor control commission. 139

The fee for this permit is one thousand five hundred 140
sixty-three dollars. 141

(D) Permit D-5d may be issued to the owner or operator of a 142
retail food establishment or a food service operation licensed 143

pursuant to Chapter 3717. of the Revised Code that operates as a 144
restaurant for purposes of this chapter and that is located at an 145
airport operated by a board of county commissioners pursuant to 146
section 307.20 of the Revised Code, at an airport operated by a 147
port authority pursuant to Chapter 4582. of the Revised Code, or 148
at an airport operated by a regional airport authority pursuant to 149
Chapter 308. of the Revised Code. The holder of a D-5d permit may 150
sell beer and any intoxicating liquor at retail, only by the 151
individual drink in glass and from the container, for consumption 152
on the premises where sold, and may sell the same products in the 153
same manner and amounts not for consumption on the premises where 154
sold as may be sold by the holders of D-1 and D-2 permits. In 155
addition to the privileges authorized in this division, the holder 156
of a D-5d permit may exercise the same privileges as the holder of 157
a D-5 permit. 158

A D-5d permit shall not be transferred to another location. 159
No quota restrictions shall be placed on the number of such 160
permits that may be issued. 161

The fee for this permit is two thousand three hundred 162
forty-four dollars. 163

(E) Permit D-5e may be issued to any nonprofit organization 164
that is exempt from federal income taxation under the "Internal 165
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 166
amended, or that is a charitable organization under any chapter of 167
the Revised Code, and that owns or operates a riverboat that meets 168
all of the following: 169

(1) Is permanently docked at one location; 170

(2) Is designated as an historical riverboat by the Ohio 171
historical society; 172

(3) Contains not less than fifteen hundred square feet of 173
floor area; 174

(4) Has a seating capacity of fifty or more persons. 175

The holder of a D-5e permit may sell beer and intoxicating 176
liquor at retail, only by the individual drink in glass and from 177
the container, for consumption on the premises where sold. 178

A D-5e permit shall not be transferred to another location. 179
No quota restriction shall be placed on the number of such permits 180
that may be issued. The population quota restrictions contained in 181
section 4303.29 of the Revised Code or in any rule of the liquor 182
control commission shall not apply to this division, and the 183
division shall issue a D-5e permit to any applicant who meets the 184
requirements of this division. However, the division shall not 185
issue a D-5e permit if the permit premises or proposed permit 186
premises are located within an area in which the sale of 187
spirituous liquor by the glass is prohibited. 188

The fee for this permit is one thousand two hundred nineteen 189
dollars. 190

(F) Permit D-5f may be issued to the owner or operator of a 191
retail food establishment or a food service operation licensed 192
under Chapter 3717. of the Revised Code that operates as a 193
restaurant for purposes of this chapter and that meets all of the 194
following: 195

(1) It contains not less than twenty-five hundred square feet 196
of floor area. 197

(2) It is located on or in, or immediately adjacent to, the 198
shoreline of, a navigable river. 199

(3) It provides docking space for twenty-five boats. 200

(4) It provides entertainment and recreation, provided that 201
not less than fifty per cent of the business on the permit 202
premises shall be preparing and serving meals for a consideration. 203

In addition, each application for a D-5f permit shall be 204

accompanied by a certification from the local legislative 205
authority that the issuance of the D-5f permit is not inconsistent 206
with that political subdivision's comprehensive development plan 207
or other economic development goal as officially established by 208
the local legislative authority. 209

The holder of a D-5f permit may sell beer and intoxicating 210
liquor at retail, only by the individual drink in glass and from 211
the container, for consumption on the premises where sold. 212

A D-5f permit shall not be transferred to another location. 213

The division of liquor control shall not issue a D-5f permit 214
if the permit premises or proposed permit premises are located 215
within an area in which the sale of spirituous liquor by the glass 216
is prohibited. 217

A fee for this permit is two thousand three hundred 218
forty-four dollars. 219

As used in this division, "navigable river" means a river 220
that is also a "navigable water" as defined in the "Federal Power 221
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 222

(G) Permit D-5g may be issued to a nonprofit corporation that 223
is either the owner or the operator of a national professional 224
sports museum. The holder of a D-5g permit may sell beer and any 225
intoxicating liquor at retail, only by the individual drink in 226
glass and from the container, for consumption on the premises 227
where sold. The holder of a D-5g permit shall sell no beer or 228
intoxicating liquor for consumption on the premises where sold 229
after two-thirty a.m. A D-5g permit shall not be transferred to 230
another location. No quota restrictions shall be placed on the 231
number of D-5g permits that may be issued. The fee for this permit 232
is one thousand eight hundred seventy-five dollars. 233

(H)(1) Permit D-5h may be issued to any nonprofit 234
organization that is exempt from federal income taxation under the 235

"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A.	236
501(c)(3), as amended, that owns or operates any of the following:	237
(a) A fine arts museum, provided that the nonprofit	238
organization has no less than one thousand five hundred bona fide	239
members possessing full membership privileges;	240
(b) A community arts center. As used in division (H)(1)(b) of	241
this section, "community arts center" means a facility that	242
provides arts programming to the community in more than one arts	243
discipline, including, but not limited to, exhibits of works of	244
art and performances by both professional and amateur artists.	245
(c) A community theater, provided that the nonprofit	246
organization is a member of the Ohio arts council and the American	247
community theatre association and has been in existence for not	248
less than ten years. As used in division (H)(1)(c) of this	249
section, "community theater" means a facility that contains at	250
least one hundred fifty seats and has a primary function of	251
presenting live theatrical performances and providing recreational	252
opportunities to the community.	253
(2) The holder of a D-5h permit may sell beer and any	254
intoxicating liquor at retail, only by the individual drink in	255
glass and from the container, for consumption on the premises	256
where sold. The holder of a D-5h permit shall sell no beer or	257
intoxicating liquor for consumption on the premises where sold	258
after one a.m. A D-5h permit shall not be transferred to another	259
location. No quota restrictions shall be placed on the number of	260
D-5h permits that may be issued.	261
(3) The fee for a D-5h permit is one thousand eight hundred	262
seventy-five dollars.	263
(I) Permit D-5i may be issued to the owner or operator of a	264
retail food establishment or a food service operation licensed	265
under Chapter 3717. of the Revised Code that operates as a	266

restaurant for purposes of this chapter and that meets all of the	267
following requirements:	268
(1) It is located in a municipal corporation or a township	269
with a population of one hundred thousand or less.	270
(2) It has inside seating capacity for at least one hundred	271
forty persons.	272
(3) It has at least four thousand square feet of floor area.	273
(4) It offers full-course meals, appetizers, and sandwiches.	274
(5) Its receipts from beer and liquor sales, excluding wine	275
sales, do not exceed twenty-five per cent of its total gross	276
receipts.	277
(6) It has at least one of the following characteristics:	278
(a) The value of its real and personal property exceeds seven	279
hundred twenty-five thousand dollars.	280
(b) It is located on property that is owned or leased by the	281
state or a state agency, and its owner or operator has	282
authorization from the state or the state agency that owns or	283
leases the property to obtain a D-5i permit.	284
The holder of a D-5i permit may sell beer and any	285
intoxicating liquor at retail, only by the individual drink in	286
glass and from the container, for consumption on the premises	287
where sold, and may sell the same products in the same manner and	288
amounts not for consumption on the premises where sold as may be	289
sold by the holders of D-1 and D-2 permits. The holder of a D-5i	290
permit shall sell no beer or intoxicating liquor for consumption	291
on the premises where sold after two-thirty a.m. In addition to	292
the privileges authorized in this division, the holder of a D-5i	293
permit may exercise the same privileges as the holder of a D-5	294
permit.	295
A D-5i permit shall not be transferred to another location.	296

The division of liquor control shall not renew a D-5i permit 297
unless the retail food establishment or food service operation for 298
which it is issued continues to meet the requirements described in 299
divisions (I)(1) to (6) of this section. No quota restrictions 300
shall be placed on the number of D-5i permits that may be issued. 301
The fee for the D-5i permit is two thousand three hundred 302
forty-four dollars. 303

(J) Permit D-5j may be issued to the owner or the operator of 304
a retail food establishment or a food service operation licensed 305
under Chapter 3717. of the Revised Code to sell beer and 306
intoxicating liquor at retail, only by the individual drink in 307
glass and from the container, for consumption on the premises 308
where sold and to sell beer and intoxicating liquor in the same 309
manner and amounts not for consumption on the premises where sold 310
as may be sold by the holders of D-1 and D-2 permits. The holder 311
of a D-5j permit may exercise the same privileges, and shall 312
observe the same hours of operation, as the holder of a D-5 313
permit. 314

The D-5j permit shall be issued only within a community 315
entertainment district that is designated under section 4301.80 of 316
the Revised Code and that meets one of the following 317
qualifications: 318

(1) It is located in a municipal corporation with a 319
population of at least one hundred thousand. 320

(2) It is located in a municipal corporation with a 321
population of at least twenty thousand, and either of the 322
following applies: 323

(a) It contains an amusement park the rides of which have 324
been issued a permit by the department of agriculture under 325
Chapter 1711. of the Revised Code. 326

(b) Not less than fifty million dollars will be invested in 327

development and construction in the community entertainment 328
district's area located in the municipal corporation. 329

(3) It is located in a township with a population of at least 330
forty thousand. 331

(4) It is located in a township with a population of at least 332
twenty thousand, and not less than seventy million dollars will be 333
invested in development and construction in the community 334
entertainment district's area located in the township. 335

(5) It is located in a municipal corporation with a 336
population between ten thousand and twenty thousand, and both of 337
the following apply: 338

(a) The municipal corporation was incorporated as a village 339
prior to calendar year 1840 and currently has a historic downtown 340
business district. 341

(b) The municipal corporation is located in the same county 342
as another municipal corporation with at least one community 343
entertainment district. 344

(6) It is located in a municipal corporation with a 345
population of at least ten thousand, and not less than seventy 346
million dollars will be invested in development and construction 347
in the community entertainment district's area located in the 348
municipal corporation. 349

(7) It is located in a municipal corporation with a 350
population of at least five thousand, and not less than one 351
hundred million dollars will be invested in development and 352
construction in the community entertainment district's area 353
located in the municipal corporation. 354

The location of a D-5j permit may be transferred only within 355
the geographic boundaries of the community entertainment district 356
in which it was issued and shall not be transferred outside the 357

geographic boundaries of that district. 358

Not more than one D-5j permit shall be issued within each 359
community entertainment district for each five acres of land 360
located within the district. Not more than fifteen D-5j permits 361
may be issued within a single community entertainment district. 362
Except as otherwise provided in division (J)(4) of this section, 363
no quota restrictions shall be placed upon the number of D-5j 364
permits that may be issued. 365

The fee for a D-5j permit is two thousand three hundred 366
forty-four dollars. 367

(K)(1) Permit D-5k may be issued to any nonprofit 368
organization that is exempt from federal income taxation under the 369
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 370
501(c)(3), as amended, that is the owner or operator of a 371
botanical garden recognized by the American association of 372
botanical gardens and arboreta, and that has not less than 373
twenty-five hundred bona fide members. 374

(2) The holder of a D-5k permit may sell beer and any 375
intoxicating liquor at retail, only by the individual drink in 376
glass and from the container, on the premises where sold. 377

(3) The holder of a D-5k permit shall sell no beer or 378
intoxicating liquor for consumption on the premises where sold 379
after one a.m. 380

(4) A D-5k permit shall not be transferred to another 381
location. 382

(5) No quota restrictions shall be placed on the number of 383
D-5k permits that may be issued. 384

(6) The fee for the D-5k permit is one thousand eight hundred 385
seventy-five dollars. 386

(L)(1) Permit D-5l may be issued to the owner or the operator 387

of a retail food establishment or a food service operation 388
licensed under Chapter 3717. of the Revised Code to sell beer and 389
intoxicating liquor at retail, only by the individual drink in 390
glass and from the container, for consumption on the premises 391
where sold and to sell beer and intoxicating liquor in the same 392
manner and amounts not for consumption on the premises where sold 393
as may be sold by the holders of D-1 and D-2 permits. The holder 394
of a D-51 permit may exercise the same privileges, and shall 395
observe the same hours of operation, as the holder of a D-5 396
permit. 397

(2) The D-51 permit shall be issued only to a premises ~~that~~ 398
to which all of the following apply: 399

(a) The premises has gross annual receipts from the sale of 400
food and meals that constitute not less than seventy-five per cent 401
of its total gross annual receipts, ~~that.~~ 402

(b) The premises is located within a revitalization district 403
that is designated under section 4301.81 of the Revised Code, ~~that.~~ 404
~~that.~~ 405

(c) The premises is located in a municipal corporation or 406
township in which the number of D-5 permits issued equals or 407
exceeds the number of those permits that may be issued in that 408
municipal corporation or township under section 4303.29 of the 409
Revised Code, ~~and that.~~ 410

(d) The premises meets any of the following qualifications: 411

(i) It is located in a county with a population of one 412
hundred twenty-five thousand or less according to the population 413
estimates certified by the ~~department of development~~ services 414
agency for calendar year 2006. 415

(ii) It is located in the municipal corporation that has the 416
largest population in a county when the county has a population 417
between two hundred fifteen thousand and two hundred twenty-five 418

thousand according to the population estimates certified by the 419
development services agency for calendar year 2006. Division 420
(L)(2)(d)(ii) of this section applies only to a municipal 421
corporation that is wholly located in a county. 422

(iii) It is located in the municipal corporation that has the 423
largest population in a county when the county has a population 424
between one hundred forty thousand and one hundred forty-one 425
thousand according to the population estimates certified by the 426
development services agency for calendar year 2006. Division 427
(L)(2)(d)(iii) of this section applies only to a municipal 428
corporation that is wholly located in a county. 429

(3) The location of a D-51 permit may be transferred only 430
within the geographic boundaries of the revitalization district in 431
which it was issued and shall not be transferred outside the 432
geographic boundaries of that district. 433

(4) Not more than one D-51 permit shall be issued within each 434
revitalization district for each five acres of land located within 435
the district. Not more than fifteen D-51 permits may be issued 436
within a single revitalization district. Except as otherwise 437
provided in division (L)(4) of this section, no quota restrictions 438
shall be placed upon the number of D-51 permits that may be 439
issued. 440

(5) No D-51 permit shall be issued to an adult entertainment 441
establishment as defined in section 2907.39 of the Revised Code. 442

(6) The fee for a D-51 permit is two thousand three hundred 443
forty-four dollars. 444

(M) Permit D-5m may be issued to either the owner or the 445
operator of a retail food establishment or food service operation 446
licensed under Chapter 3717. of the Revised Code that operates as 447
a restaurant for purposes of this chapter and that is located in, 448
or affiliated with, a center for the preservation of wild animals 449

as defined in section 4301.404 of the Revised Code, to sell beer 450
and any intoxicating liquor at retail, only by the glass and from 451
the container, for consumption on the premises where sold, and to 452
sell the same products in the same manner and amounts not for 453
consumption on the premises as may be sold by the holders of D-1 454
and D-2 permits. In addition to the privileges authorized by this 455
division, the holder of a D-5m permit may exercise the same 456
privileges as the holder of a D-5 permit. 457

A D-5m permit shall not be transferred to another location. 458
No quota restrictions shall be placed on the number of D-5m 459
permits that may be issued. The fee for a permit D-5m is two 460
thousand three hundred forty-four dollars. 461

(N) Permit D-5n shall be issued to either a casino operator 462
or a casino management company licensed under Chapter 3772. of the 463
Revised Code that operates a casino facility under that chapter, 464
to sell beer and any intoxicating liquor at retail, only by the 465
individual drink in glass and from the container, for consumption 466
on the premises where sold, and to sell the same products in the 467
same manner and amounts not for consumption on the premises as may 468
be sold by the holders of D-1 and D-2 permits. In addition to the 469
privileges authorized by this division, the holder of a D-5n 470
permit may exercise the same privileges as the holder of a D-5 471
permit. A D-5n permit shall not be transferred to another 472
location. Only one D-5n permit may be issued per casino facility 473
and not more than four D-5n permits shall be issued in this state. 474
The fee for a permit D-5n shall be twenty thousand dollars. The 475
holder of a D-5n permit may conduct casino gaming on the permit 476
premises notwithstanding any provision of the Revised Code or 477
Administrative Code. 478

(O) Permit D-5o may be issued to the owner or operator of a 479
retail food establishment or a food service operation licensed 480
under Chapter 3717. of the Revised Code that operates as a 481

restaurant for purposes of this chapter and that is located within 482
a casino facility for which a D-5n permit has been issued. The 483
holder of a D-5o permit may sell beer and any intoxicating liquor 484
at retail, only by the individual drink in glass and from the 485
container, for consumption on the premises where sold, and may 486
sell the same products in the same manner and amounts not for 487
consumption on the premises where sold as may be sold by the 488
holders of D-1 and D-2 permits. In addition to the privileges 489
authorized by this division, the holder of a D-5o permit may 490
exercise the same privileges as the holder of a D-5 permit. A D-5o 491
permit shall not be transferred to another location. No quota 492
restrictions shall be placed on the number of such permits that 493
may be issued. The fee for this permit is two thousand three 494
hundred forty-four dollars. 495

Sec. 4303.202. (A) The division of liquor control may issue 496
an F-2 permit to an association or corporation, or to a recognized 497
subordinate lodge, chapter, or other local unit of an association 498
or corporation, to sell beer or intoxicating liquor by the 499
individual drink at an event to be held on premises located in a 500
political subdivision or part thereof where the sale of beer or 501
intoxicating liquor, but not spirituous liquor, on that day is 502
otherwise permitted by law. However, the division may issue the 503
F-2 permit only if the association, corporation, or recognized 504
subordinate lodge, chapter, or other local unit of an association 505
or corporation meets all of the following: 506

(1) It is organized not for profit; 507

(2) It is operated for a charitable, cultural, educational, 508
fraternal, or political purpose; 509

(3) It is not affiliated with the holder of any class of 510
liquor permit, other than a D-4 permit. 511

~~The division of liquor control may issue an F-2 permit to an~~ 512

~~association or corporation, or to a recognized subordinate lodge, 513
chapter, or other local unit of an association or corporation, to 514
sell beer, wine, and spirituous liquor by the individual drink at 515
an event to be held on premises located in a political subdivision 516
or part thereof where the sale of beer and wine, but not 517
spirituous liquor, is otherwise permitted by law on that day. 518~~

~~Notwithstanding section 1711.09 of the Revised Code, this 519
section applies to any association or corporation or a recognized 520
subordinate lodge, chapter, or other local unit of an association 521
or corporation. 522~~

~~In order to receive an F-2 permit, the association, 523
corporation, or local unit shall be organized not for profit, 524
shall be operated for a charitable, cultural, fraternal, or 525
educational purpose, and shall not be affiliated with the holder 526
of any class of liquor permit, other than a D-4 permit. 527~~

(B) Sales under an F-2 permit on Sundays are not affected by 528
whether Sunday sales of beer or intoxicating liquor for 529
consumption on the premises where sold are allowed to be made by 530
persons holding another type of permit in the precinct or at the 531
particular location where the event is to be held, provided that 532
the F-2 permit is issued for other days of the week in addition to 533
Sunday. 534

(C) The premises on which the permit is to be used shall be 535
clearly defined and sufficiently restricted to allow proper 536
supervision of the permit use by state and local law enforcement 537
personnel. An F-2 permit may be issued for the same premises for 538
which another class of permit is issued. 539

(D)(1) No F-2 permit shall be effective for more than 540
~~forty eight~~ four consecutive ~~hours~~ days, and sales shall be 541
confined to the same hours permitted to the holder of a D-3 542
permit. The division shall not issue more than ~~two~~ one F-2 permits 543

permit in one calendar year a thirty-day period to the same 544
association, corporation, or local unit of an association or 545
corporation. The fee for an F-2 permit is one hundred fifty 546
dollars. 547

(2) No association, corporation, local unit of an association 548
or corporation, or D-permit holder who holds an F-2 permit shall 549
sell beer or intoxicating liquor beyond the hours of sale allowed 550
by the permit. Division (D)(2) of this section imposes strict 551
liability on the holder of such permit and on any officer, agent, 552
or employee of such permit holder. 553

(E) If an applicant wishes the holder of a ~~D-3, D-4, or D-5~~ D 554
permit issued under sections 4303.13 to 4303.181 of the Revised 555
Code to conduct the sale of beer and intoxicating liquor at the 556
event, the applicant may request that the F-2 permit be issued 557
jointly to the association, corporation, or local unit and the 558
D-permit holder. If a permit is issued jointly, the association, 559
corporation, or local unit and the D-permit holder shall both be 560
held responsible for any conduct that violates laws pertaining to 561
the sale of alcoholic beverages, including sales by the D-permit 562
holder; otherwise, the association, corporation, or local unit 563
shall be held responsible. In addition to the permit fee paid by 564
the association, corporation, or local unit, the D-permit holder 565
shall pay a fee of ten dollars. A D-permit holder may receive an 566
unlimited number of joint F-2 permits. 567

(F)(1) Any association, corporation, or local unit applying 568
for an F-2 permit shall file with the application a statement of 569
the organizational purpose of the association, corporation, or 570
local unit, the location and purpose of the event, and a list of 571
its officers. The application form shall contain a notice that a 572
person who knowingly makes a false statement on the application or 573
statement is guilty of the crime of falsification, a misdemeanor 574
of the first degree. In ruling on an application, the division 575

shall consider, among other things, the past activities of the 576
association, corporation, or local unit and any D-permit holder 577
while operating under other F-2 permits, the location of the event 578
for which the current application is made, and any objections of 579
local residents or law enforcement authorities. If the division 580
approves the application, it shall send copies of the approved 581
application to the proper law enforcement authorities prior to the 582
scheduled event. 583

(2) Notwithstanding section 1711.09 of the Revised Code, this 584
section applies to any association or corporation or a recognized 585
subordinate lodge, chapter, or other local unit of an association 586
or corporation. 587

(G) Using the procedures of Chapter 119. of the Revised Code, 588
the liquor control commission may adopt such rules as are 589
necessary to administer this section. 590

~~(B) No association, corporation, local unit of an association 591~~
~~or corporation, or D permit holder who holds an F-2 permit shall 592~~
~~sell beer or intoxicating liquor beyond the hours of sale allowed 593~~
~~by the permit. This division imposes strict liability on the 594~~
~~holder of such permit and on any officer, agent, or employee of 595~~
~~such permit holder. 596~~

Sec. 4303.208. (A)(1) The division of liquor control may 597
issue an F-8 permit to a not-for-profit organization that manages, 598
for the benefit of the public and by contract with a political 599
subdivision of this state, publicly owned property to sell beer or 600
intoxicating liquor by the individual drink at specific events 601
conducted on the publicly owned property and appurtenant streets, 602
but only if, and then only at times at which, the sale of beer and 603
intoxicating liquor on the premises is otherwise permitted by law. 604
Additionally, an F-8 permit may be issued only if the publicly 605
owned property is located in a county that has a population of 606

between seven hundred fifty thousand and nine hundred thousand on 607
~~the effective date of this section July 10, 2007.~~ 608

(2) The premises on which an F-8 permit will be used shall be 609
clearly defined and sufficiently restricted to allow proper 610
supervision of the permit's use by state and local law enforcement 611
officers. Sales under an F-8 permit shall be confined to the same 612
hours permitted to the holder of a D-3 permit. 613

(3) The fee for an F-8 permit is one thousand seven hundred 614
dollars. An F-8 permit is effective for a period not to exceed 615
nine months as specified in the permit. An F-8 permit is not 616
transferable or renewable. However, the holder of an F-8 permit 617
may apply for a new F-8 permit at any time. An F-8 permit is not 618
effective until any F-8 permit currently held expires. The holder 619
of an F-8 permit shall make sales only at those specific events 620
about which the permit holder has notified in advance the division 621
of liquor control, the department of public safety, and the chief, 622
sheriff, or other principal peace officer of the local law 623
enforcement agencies having jurisdiction over the premises. 624

(B)(1) An application for the issuance of an F-8 permit is 625
subject to the notice and hearing requirements established in 626
division (A) of section 4303.26 of the Revised Code. 627

(2) The liquor control commission shall adopt under Chapter 628
119. of the Revised Code rules necessary to administer this 629
section. 630

(C) No F-8 permit holder shall sell beer or intoxicating 631
liquor beyond the hours of sale allowed by the permit. This 632
division imposes strict liability on the holder of an F-8 permit 633
and on any officer, agent, or employee of that permit holder. 634

(D) Nothing in this section prohibits the division from 635
issuing an F-2 permit for a specific event not conducted by the 636
holder of an F-8 permit provided that the holder of the F-8 permit 637

certifies to the division that it will not exercise its permit 638
privileges during that specific event. 639

Sec. 4303.99. (A) Whoever violates section 4303.28 of the 640
Revised Code shall be fined not less than one thousand nor more 641
than twenty-five hundred dollars or imprisoned not less than six 642
months nor more than one year. 643

(B) Whoever violates section 4303.36 of the Revised Code 644
shall be fined not less than twenty-five nor more than one hundred 645
dollars. 646

(C) Whoever violates section 4303.37 of the Revised Code 647
shall be fined not less than twenty-five nor more than fifty 648
dollars. 649

(D) Whoever violates division ~~(B)~~(D)(2) of section 4303.202 650
or division (C) of section 4303.208 of the Revised Code is guilty 651
of a misdemeanor of the fourth degree. 652

Section 2. That existing sections 4303.181, 4303.202, 653
4303.208, and 4303.99 of the Revised Code are hereby repealed. 654