

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 499**

**Representative Young**

**Cosponsors: Representatives Adams, J., Blessing, Grossman, Patterson**

—

**A B I L L**

To amend section 4303.041 of the Revised Code to 1  
allow an A-3a liquor permit holder to annually 2  
sell a certain amount of spirituous liquor in 3  
sealed containers for off-premises consumption 4  
without entering into an agreement with the 5  
Division of Liquor Control to sell the spirituous 6  
liquor as an independent contractor as required 7  
under current law and to allow the permit holder 8  
to retain the mark-up value of the spirituous 9  
liquor sold under those circumstances. 10

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

**Section 1.** That section 4303.041 of the Revised Code be 11  
amended to read as follows: 12

**Sec. 4303.041.** (A) An A-3a permit may be issued to a 13  
distiller that manufactures less than ten thousand gallons of 14  
spirituous liquor per year. An A-3a permit holder may sell to a 15  
personal consumer, in sealed containers for consumption off the 16  
premises where manufactured, spirituous liquor that the permit 17  
holder manufactures, but sales to the personal consumer may occur 18  
only by an in-person transaction at the permit premises. The A-3a 19

permit holder shall not ship, send, or use an H permit holder to 20  
deliver spirituous liquor to the personal consumer. 21

"Distiller" means a person in this state who mashes, 22  
ferments, distills, and ages spirituous liquor. 23

(B)(1) Except as otherwise provided in this section, no A-3a 24  
permit shall be issued unless the sale of spirituous liquor by the 25  
glass for consumption on the premises or by the package for 26  
consumption off the premises is authorized in the election 27  
precinct in which the A-3a permit is proposed to be located. 28

(2) Division (B)(1) of this section does not prohibit the 29  
issuance of an A-3a permit to an applicant for such a permit who 30  
has filed an application with the division of liquor control 31  
before ~~the effective date of this amendment~~ March 22, 2012. 32

(C)(1) An A-3a permit holder may offer for sale tasting 33  
samples of spirituous liquor. The A-3a permit holder shall not 34  
serve more than four tasting samples of spirituous liquor per 35  
person per day. A tasting sample shall not exceed a quarter ounce. 36  
Tasting samples shall be only for the purpose of allowing a 37  
purchaser to determine, by tasting only, the quality and character 38  
of the spirituous liquor. The tasting samples shall be offered for 39  
sale in accordance with rules adopted by the division of liquor 40  
control. 41

(2) An A-3a permit holder shall sell not more than one and 42  
one-half liters of spirituous liquor per day from the permit 43  
premises to the same personal consumer. 44

~~An~~ (D)(1) Except as provided in division (D)(2) of this 45  
section, an A-3a permit holder may sell spirituous liquor in 46  
sealed containers for consumption off the premises where 47  
manufactured as an independent contractor under agreement, by 48  
virtue of the permit, with the division of liquor control. The 49

price at which the A-3a permit holder shall sell each spirituous 50  
liquor product to a personal consumer is to be determined by the 51  
division of liquor control. For an A-3a permit holder to purchase 52  
and then offer spirituous liquor for retail sale, the spirituous 53  
liquor need not first leave the physical possession of the A-3a 54  
permit holder to be so registered. The spirituous liquor that the 55  
A-3a permit holder buys from the division of liquor control shall 56  
be maintained in a separate area of the permit premises for sale 57  
to personal consumers. The A-3a permit holder shall sell such 58  
spirituous liquor in sealed containers for consumption off the 59  
premises where manufactured as an independent contractor by virtue 60  
of the permit issued by the division of liquor control, but the 61  
permit holder shall not be compensated as provided in division 62  
(A)(1) of section 4301.17 of the Revised Code. Each A-3a permit 63  
holder shall be subject to audit by the division of liquor 64  
control. 65

~~(D)~~(2) An A-3a permit holder in this state may sell not more 66  
than seven hundred fifty gallons per year of spirituous liquor in 67  
sealed containers for consumption off the premises where 68  
manufactured without entering into an agreement with the division 69  
of liquor control as an independent contractor. The retail price 70  
for any spirituous liquor sold pursuant to division (D)(2) of this 71  
section shall be the same as the retail price of any spirituous 72  
liquor sold pursuant to division (D)(1) of this section. 73

For each container of spirituous liquor sold pursuant to 74  
division (D)(2) of this section, the permit holder shall retain an 75  
amount equal to the permit holder's invoice price plus the 76  
difference between the invoice price per container and the retail 77  
price set by the division of liquor control for the sale of that 78  
same variety of spirituous liquor pursuant to division (B)(4) of 79  
section 4301.10 of the Revised Code minus all applicable taxes. 80  
The permit holder shall pay all applicable taxes on spirituous 81

liquor sold at the permit premises; however, the division shall 82  
not collect any mark-up value that the division would otherwise be 83  
entitled to receive if the spirituous liquor were sold in an 84  
agency store. 85

(E) The fee for the A-3a permit is two dollars per 86  
fifty-gallon barrel. 87

~~(E)~~(F) The holder of an A-3a permit may also exercise the 88  
same privileges as the holder of an A-3 permit. 89

**Section 2.** That existing section 4303.041 of the Revised Code 90  
is hereby repealed. 91