

As Passed by the House

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

Am. H. B. No. 594

Representatives Gerberry, Buchy

**Cosponsors: Representatives Adams, R., Amstutz, Anielski, Antonio, Baker,
Boyce, Driehaus, Duffey, Grossman, Hayes, Huffman, Letson, Mallory,
McGregor, Milkovich, Patmon, Pelanda, Reece, Rogers, Sears, Sheehy,
Slaby, Smith, Stinziano, Strahorn, Young Speaker Batchelder**

—

A B I L L

To amend sections 4301.62 and 4303.182 and to enact 1
section 4301.71 of the Revised Code to prohibit 2
the sale or offering for sale for human 3
consumption of powdered or crystalline alcohol, to 4
allow a person to possess beer or intoxicating 5
liquor on the premises of a market if the beer or 6
intoxicating liquor has been purchased from a D 7
liquor permit holder that is located in the 8
market, and to require the D-6 liquor permit to be 9
issued to a specified D liquor permit holder that 10
is located in a state park that has a working farm 11
on the state park's property. 12

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

Section 1. That sections 4301.62 and 4303.182 be amended and 13
section 4301.71 of the Revised Code be enacted to read as follows: 14

Sec. 4301.62. (A) As used in this section: 15

(1) "Chauffeured limousine" means a vehicle registered under 16

section 4503.24 of the Revised Code. 17

(2) "Street," "highway," and "motor vehicle" have the same 18
meanings as in section 4511.01 of the Revised Code. 19

(B) No person shall have in the person's possession an opened 20
container of beer or intoxicating liquor in any of the following 21
circumstances: 22

(1) Except as provided in division (C)(1)(e) of this section, 23
in an agency store; 24

(2) Except as provided in division (C) of this section, on 25
the premises of the holder of any permit issued by the division of 26
liquor control; 27

(3) ~~In~~ Except as provided in division (F) of this section, in 28
any other public place; 29

(4) Except as provided in division (D) or (E) of this 30
section, while operating or being a passenger in or on a motor 31
vehicle on any street, highway, or other public or private 32
property open to the public for purposes of vehicular travel or 33
parking; 34

(5) Except as provided in division (D) or (E) of this 35
section, while being in or on a stationary motor vehicle on any 36
street, highway, or other public or private property open to the 37
public for purposes of vehicular travel or parking. 38

(C)(1) A person may have in the person's possession an opened 39
container of any of the following: 40

(a) Beer or intoxicating liquor that has been lawfully 41
purchased for consumption on the premises where bought from the 42
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 43
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 44
D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or 45
F-8 permit; 46

(b) Beer, wine, or mixed beverages served for consumption on 47
the premises by the holder of an F-3 permit or wine served for 48
consumption on the premises by the holder of an F-4 or F-6 permit; 49

(c) Beer or intoxicating liquor consumed on the premises of a 50
convention facility as provided in section 4303.201 of the Revised 51
Code; 52

(d) Beer or intoxicating liquor to be consumed during 53
tastings and samplings approved by rule of the liquor control 54
commission; 55

(e) Spirituous liquor to be consumed for purposes of a 56
tasting sample, as defined in section 4301.171 of the Revised 57
Code. 58

(2) A person may have in the person's possession on an F 59
liquor permit premises an opened container of beer or intoxicating 60
liquor that was not purchased from the holder of the F permit if 61
the premises for which the F permit is issued is a music festival 62
and the holder of the F permit grants permission for that 63
possession on the premises during the period for which the F 64
permit is issued. As used in this division, "music festival" means 65
a series of outdoor live musical performances, extending for a 66
period of at least three consecutive days and located on an area 67
of land of at least forty acres. 68

(3)(a) A person may have in the person's possession on a D-2 69
liquor permit premises an opened or unopened container of wine 70
that was not purchased from the holder of the D-2 permit if the 71
premises for which the D-2 permit is issued is an outdoor 72
performing arts center, the person is attending an orchestral 73
performance, and the holder of the D-2 permit grants permission 74
for the possession and consumption of wine in certain 75
predesignated areas of the premises during the period for which 76
the D-2 permit is issued. 77

(b) As used in division (C)(3)(a) of this section:	78
(i) "Orchestral performance" means a concert comprised of a group of not fewer than forty musicians playing various musical instruments.	79 80 81
(ii) "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than one hundred fifty acres of land and that is open for performances from the first day of April to the last day of October of each year.	82 83 84 85
(4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in division (C)(3)(b)(i) of this section if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location.	86 87 88 89 90 91 92 93
(5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending an orchestral performance and the holder of the F-9 permit grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued.	94 95 96 97 98 99 100 101
As used in division (C)(5) of this section, "orchestral performance" has the same meaning as in division (C)(3)(b) of this section.	102 103 104
(6)(a) A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply:	105 106 107 108

(i) The person is attending a racing event at the facility;	109
and	110
(ii) The owner of the facility grants permission for the	111
possession and consumption of beer or intoxicating liquor on the	112
property of the facility.	113
(b) As used in division (C)(6)(a) of this section:	114
(i) "Racing event" means a motor vehicle racing event	115
sanctioned by one or more motor racing sanctioning organizations.	116
(ii) "Outdoor motorsports facility" means an outdoor	117
racetrack to which all of the following apply:	118
(I) It is two and four-tenths miles or more in length.	119
(II) It is located on two hundred acres or more of land.	120
(III) The primary business of the owner of the facility is	121
the hosting and promoting of racing events.	122
(IV) The holder of a D-1, D-2, or D-3 permit is located on	123
the property of the facility.	124
(D) This section does not apply to a person who pays all or a	125
portion of the fee imposed for the use of a chauffeured limousine	126
pursuant to a prearranged contract, or the guest of the person,	127
when all of the following apply:	128
(1) The person or guest is a passenger in the limousine.	129
(2) The person or guest is located in the limousine, but is	130
not occupying a seat in the front compartment of the limousine	131
where the operator of the limousine is located.	132
(3) The limousine is located on any street, highway, or other	133
public or private property open to the public for purposes of	134
vehicular travel or parking.	135
(E) An opened bottle of wine that was purchased from the	136
holder of a permit that authorizes the sale of wine for	137

consumption on the premises where sold is not an opened container 138
for the purposes of this section if both of the following apply: 139

(1) The opened bottle of wine is securely resealed by the 140
permit holder or an employee of the permit holder before the 141
bottle is removed from the premises. The bottle shall be secured 142
in such a manner that it is visibly apparent if the bottle has 143
been subsequently opened or tampered with. 144

(2) The opened bottle of wine that is resealed in accordance 145
with division (E)(1) of this section is stored in the trunk of a 146
motor vehicle or, if the motor vehicle does not have a trunk, 147
behind the last upright seat or in an area not normally occupied 148
by the driver or passengers and not easily accessible by the 149
driver. 150

(F) This section does not apply to a person that has in the 151
person's possession an opened container of beer or intoxicating 152
liquor on the premises of a market if the beer or intoxicating 153
liquor has been purchased from a D permit holder that is located 154
in the market. 155

As used in division (F) of this section, "market" means an 156
establishment that: 157

(1) Leases space in the market to individual vendors, not 158
less than fifty per cent of which are retail food establishments 159
or food service operations licensed under Chapter 3717. of the 160
Revised Code; 161

(2) Has an indoor sales floor area of not less than 162
twenty-two thousand square feet; 163

(3) Hosts a farmer's market on each Saturday from April 164
through December; 165

(4) Is owned by a political subdivision. 166

Sec. 4301.71. (A) No person shall sell or offer for sale for 167

human consumption powdered or crystalline alcohol. 168

(B) Division (A) of this section does not apply to any of the 169
following: 170

(1) Any substance regulated by the food and drug 171
administration in the United States department of health and human 172
services that is not either of the following: 173

(a) Beer or intoxicating liquor; or 174

(b) A compound that could be converted into beer or 175
intoxicating liquor. 176

(2) A medication that requires a prescription; 177

(3) An over-the-counter medication. 178

(C) As used in this section: 179

(1) "Powdered or crystalline alcohol" means a product that is 180
manufactured into a powdered or crystalline form and that contains 181
any amount of alcohol. 182

(2) "Prescription" has the same meaning as in section 4729.01 183
of the Revised Code. 184

(3) "Over-the-counter medication" means medication that may 185
be legally sold and purchased without a prescription. 186

Sec. 4303.182. (A) Except as otherwise provided in divisions 187
(B) to ~~(J)~~(K) of this section, permit D-6 shall be issued to the 188
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 189
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 190
D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under 191
that permit as follows: 192

(1) Between the hours of ten a.m. and midnight on Sunday if 193
sale during those hours has been approved under question (C)(1), 194

(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 195

under question (B)(2) of section 4301.355 of the Revised Code, or 196
under section 4301.356 of the Revised Code and has been authorized 197
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 198
Revised Code, under the restrictions of that authorization; 199

(2) Between the hours of eleven a.m. and midnight on Sunday, 200
if sale during those hours has been approved on or after ~~the~~ 201
~~effective date of this amendment~~ October 16, 2009, under question 202
(B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised 203
Code, under question (B)(2) of section 4301.355 of the Revised 204
Code, or under section 4301.356 of the Revised Code and has been 205
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 206
of the Revised Code, under the restrictions of that authorization; 207

(3) Between the hours of eleven a.m. and midnight on Sunday 208
if sale between the hours of one p.m. and midnight was approved 209
before ~~the effective date of this amendment~~ October 16, 2009, 210
under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 211
of the Revised Code, under question (B)(2) of section 4301.355 of 212
the Revised Code, or under section 4301.356 of the Revised Code 213
and has been authorized under section 4301.361, 4301.364, 214
4301.365, or 4301.366 of the Revised Code, under the other 215
restrictions of that authorization. 216

(B) Permit D-6 shall be issued to the holder of any permit, 217
including a D-4a and D-5d permit, authorizing the sale of 218
intoxicating liquor issued for a premises located at any publicly 219
owned airport, as defined in section 4563.01 of the Revised Code, 220
at which commercial airline companies operate regularly scheduled 221
flights on which space is available to the public, to allow sale 222
under such permit between the hours of ten a.m. and midnight on 223
Sunday, whether or not that sale has been authorized under section 224
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 225

(C) Permit D-6 shall be issued to the holder of a D-5a 226
permit, and to the holder of a D-3 or D-3a permit who is the owner 227

or operator of a hotel or motel that is required to be licensed 228
under section 3731.03 of the Revised Code, that contains at least 229
fifty rooms for registered transient guests, and that has on its 230
premises a retail food establishment or a food service operation 231
licensed pursuant to Chapter 3717. of the Revised Code that 232
operates as a restaurant for purposes of this chapter and is 233
affiliated with the hotel or motel and within or contiguous to the 234
hotel or motel and serving food within the hotel or motel, to 235
allow sale under such permit between the hours of ten a.m. and 236
midnight on Sunday, whether or not that sale has been authorized 237
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 238
Revised Code. 239

(D) The holder of a D-6 permit that is issued to a sports 240
facility may make sales under the permit between the hours of 241
eleven a.m. and midnight on any Sunday on which a professional 242
baseball, basketball, football, hockey, or soccer game is being 243
played at the sports facility. As used in this division, "sports 244
facility" means a stadium or arena that has a seating capacity of 245
at least four thousand and that is owned or leased by a 246
professional baseball, basketball, football, hockey, or soccer 247
franchise or any combination of those franchises. 248

(E) Permit D-6 shall be issued to the holder of any permit 249
that authorizes the sale of beer or intoxicating liquor and that 250
is issued to a premises located in or at the Ohio historical 251
society area or the state fairgrounds, as defined in division (B) 252
of section 4301.40 of the Revised Code, to allow sale under that 253
permit between the hours of ten a.m. and midnight on Sunday, 254
whether or not that sale has been authorized under section 255
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 256

(F) Permit D-6 shall be issued to the holder of any permit 257
that authorizes the sale of intoxicating liquor and that is issued 258
to an outdoor performing arts center to allow sale under that 259

permit between the hours of one p.m. and midnight on Sunday, 260
whether or not that sale has been authorized under section 261
4301.361 of the Revised Code. A D-6 permit issued under this 262
division is subject to the results of an election, held after the 263
D-6 permit is issued, on question (B)(4) as set forth in section 264
4301.351 of the Revised Code. Following the end of the period 265
during which an election may be held on question (B)(4) as set 266
forth in that section, sales of intoxicating liquor may continue 267
at an outdoor performing arts center under a D-6 permit issued 268
under this division, unless an election on that question is held 269
during the permitted period and a majority of the voters voting in 270
the precinct on that question vote "no." 271

As used in this division, "outdoor performing arts center" 272
means an outdoor performing arts center that is located on not 273
less than eight hundred acres of land and that is open for 274
performances from the first day of April to the last day of 275
October of each year. 276

(G) Permit D-6 shall be issued to the holder of any permit 277
that authorizes the sale of beer or intoxicating liquor and that 278
is issued to a golf course owned by the state, a conservancy 279
district, a park district created under Chapter 1545. of the 280
Revised Code, or another political subdivision to allow sale under 281
that permit between the hours of ten a.m. and midnight on Sunday, 282
whether or not that sale has been authorized under section 283
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 284

(H) Permit D-6 shall be issued to the holder of a D-5g permit 285
to allow sale under that permit between the hours of ten a.m. and 286
midnight on Sunday, whether or not that sale has been authorized 287
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 288
Revised Code. 289

(I) Permit D-6 shall be issued to the holder of any D permit 290
for a premises that is licensed under Chapter 3717. of the Revised 291

Code and that is located at a ski area to allow sale under the D-6 292
permit between the hours of ten a.m. and midnight on Sunday, 293
whether or not that sale has been authorized under section 294
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 295

As used in this division, "ski area" means a ski area as 296
defined in section 4169.01 of the Revised Code, provided that the 297
passenger tramway operator at that area is registered under 298
section 4169.03 of the Revised Code. 299

(J) Permit D-6 shall be issued to the holder of any permit 300
that is described in division (A) of this section for a permit 301
premises that is located in a community entertainment district, as 302
defined in section 4301.80 of the Revised Code, that was approved 303
by the legislative authority of a municipal corporation under that 304
section between October 1 and October 15, 2005, to allow sale 305
under the permit between the hours of ten a.m. and midnight on 306
Sunday, whether or not that sale has been authorized under section 307
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 308

(K) A D-6 permit shall be issued to the holder of any D 309
permit for a premises that is licensed under Chapter 3717. of the 310
Revised Code and that is located in a state park to allow sales 311
under the D-6 permit between the hours of ten a.m. and midnight on 312
Sunday, whether or not those sales have been authorized under 313
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 314
Code. 315

As used in this division, "state park" means a state park 316
that is established or dedicated under Chapter 1541. of the 317
Revised Code and that has a working farm on its property. 318

(L) If the restriction to licensed premises where the sale of 319
food and other goods and services exceeds fifty per cent of the 320
total gross receipts of the permit holder at the premises is 321
applicable, the division of liquor control may accept an affidavit 322

from the permit holder to show the proportion of the permit 323
holder's gross receipts derived from the sale of food and other 324
goods and services. If the liquor control commission determines 325
that affidavit to have been false, it shall revoke the permits of 326
the permit holder at the premises concerned. 327

~~(L)~~(M) The fee for the D-6 permit is five hundred dollars 328
when it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, 329
D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 330
D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The 331
fee for the D-6 permit is four hundred dollars when it is issued 332
to the holder of a C-2 permit. 333

Section 2. That existing sections 4301.62 and 4303.182 of the 334
Revised Code are hereby repealed. 335