

**As Reported by the House Policy and Legislative Oversight
Committee**

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

Am. H. B. No. 594

Representatives Gerberry, Buchy

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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 container of beer or intoxicating liquor in any of the following circumstances:

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

(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;

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

(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;

(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.

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

(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, A-3a, 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, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or F-8 permit;

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

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

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

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

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

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

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

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

instruments. 81

(ii) "Outdoor performing arts center" means an outdoor 82
performing arts center that is located on not less than one 83
hundred fifty acres of land and that is open for performances from 84
the first day of April to the last day of October of each year. 85

(4) A person may have in the person's possession an opened or 86
unopened container of beer or intoxicating liquor at an outdoor 87
location at which the person is attending an orchestral 88
performance as defined in division (C)(3)(b)(i) of this section if 89
the person with supervision and control over the performance 90
grants permission for the possession and consumption of beer or 91
intoxicating liquor in certain predesignated areas of that outdoor 92
location. 93

(5) A person may have in the person's possession on an F-9 94
liquor permit premises an opened or unopened container of beer or 95
intoxicating liquor that was not purchased from the holder of the 96
F-9 permit if the person is attending an orchestral performance 97
and the holder of the F-9 permit grants permission for the 98
possession and consumption of beer or intoxicating liquor in 99
certain predesignated areas of the premises during the period for 100
which the F-9 permit is issued. 101

As used in division (C)(5) of this section, "orchestral 102
performance" has the same meaning as in division (C)(3)(b) of this 103
section. 104

(6)(a) A person may have in the person's possession on the 105
property of an outdoor motorsports facility an opened or unopened 106
container of beer or intoxicating liquor that was not purchased 107
from the owner of the facility if both of the following apply: 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) As used in this section, "powdered or crystalline 169
alcohol" means a product that is manufactured into a powdered or 170

crystalline form and that contains any amount of alcohol. 171

Sec. 4303.182. (A) Except as otherwise provided in divisions 172
(B) to ~~(J)~~(K) of this section, permit D-6 shall be issued to the 173
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 174
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 175
D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under 176
that permit as follows: 177

(1) Between the hours of ten a.m. and midnight on Sunday if 178
sale during those hours has been approved under question (C)(1), 179
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 180
under question (B)(2) of section 4301.355 of the Revised Code, or 181
under section 4301.356 of the Revised Code and has been authorized 182
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 183
Revised Code, under the restrictions of that authorization; 184

(2) Between the hours of eleven a.m. and midnight on Sunday, 185
if sale during those hours has been approved on or after ~~the~~ 186
~~effective date of this amendment~~ October 16, 2009, under question 187
(B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised 188
Code, under question (B)(2) of section 4301.355 of the Revised 189
Code, or under section 4301.356 of the Revised Code and has been 190
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 191
of the Revised Code, under the restrictions of that authorization; 192

(3) Between the hours of eleven a.m. and midnight on Sunday 193
if sale between the hours of one p.m. and midnight was approved 194
before ~~the effective date of this amendment~~ October 16, 2009, 195
under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 196
of the Revised Code, under question (B)(2) of section 4301.355 of 197
the Revised Code, or under section 4301.356 of the Revised Code 198
and has been authorized under section 4301.361, 4301.364, 199
4301.365, or 4301.366 of the Revised Code, under the other 200
restrictions of that authorization. 201

(B) Permit D-6 shall be issued to the holder of any permit, 202
including a D-4a and D-5d permit, authorizing the sale of 203
intoxicating liquor issued for a premises located at any publicly 204
owned airport, as defined in section 4563.01 of the Revised Code, 205
at which commercial airline companies operate regularly scheduled 206
flights on which space is available to the public, to allow sale 207
under such permit between the hours of ten a.m. and midnight on 208
Sunday, whether or not that sale has been authorized under section 209
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 210

(C) Permit D-6 shall be issued to the holder of a D-5a 211
permit, and to the holder of a D-3 or D-3a permit who is the owner 212
or operator of a hotel or motel that is required to be licensed 213
under section 3731.03 of the Revised Code, that contains at least 214
fifty rooms for registered transient guests, and that has on its 215
premises a retail food establishment or a food service operation 216
licensed pursuant to Chapter 3717. of the Revised Code that 217
operates as a restaurant for purposes of this chapter and is 218
affiliated with the hotel or motel and within or contiguous to the 219
hotel or motel and serving food within the hotel or motel, to 220
allow sale under such permit between the hours of ten a.m. and 221
midnight on Sunday, whether or not that sale has been authorized 222
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 223
Revised Code. 224

(D) The holder of a D-6 permit that is issued to a sports 225
facility may make sales under the permit between the hours of 226
eleven a.m. and midnight on any Sunday on which a professional 227
baseball, basketball, football, hockey, or soccer game is being 228
played at the sports facility. As used in this division, "sports 229
facility" means a stadium or arena that has a seating capacity of 230
at least four thousand and that is owned or leased by a 231
professional baseball, basketball, football, hockey, or soccer 232
franchise or any combination of those franchises. 233

(E) Permit D-6 shall be issued to the holder of any permit 234
that authorizes the sale of beer or intoxicating liquor and that 235
is issued to a premises located in or at the Ohio historical 236
society area or the state fairgrounds, as defined in division (B) 237
of section 4301.40 of the Revised Code, to allow sale under that 238
permit between the hours of ten a.m. and midnight on Sunday, 239
whether or not that sale has been authorized under section 240
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 241

(F) Permit D-6 shall be issued to the holder of any permit 242
that authorizes the sale of intoxicating liquor and that is issued 243
to an outdoor performing arts center to allow sale under that 244
permit between the hours of one p.m. and midnight on Sunday, 245
whether or not that sale has been authorized under section 246
4301.361 of the Revised Code. A D-6 permit issued under this 247
division is subject to the results of an election, held after the 248
D-6 permit is issued, on question (B)(4) as set forth in section 249
4301.351 of the Revised Code. Following the end of the period 250
during which an election may be held on question (B)(4) as set 251
forth in that section, sales of intoxicating liquor may continue 252
at an outdoor performing arts center under a D-6 permit issued 253
under this division, unless an election on that question is held 254
during the permitted period and a majority of the voters voting in 255
the precinct on that question vote "no." 256

As used in this division, "outdoor performing arts center" 257
means an outdoor performing arts center that is located on not 258
less than eight hundred acres of land and that is open for 259
performances from the first day of April to the last day of 260
October of each year. 261

(G) Permit D-6 shall be issued to the holder of any permit 262
that authorizes the sale of beer or intoxicating liquor and that 263
is issued to a golf course owned by the state, a conservancy 264
district, a park district created under Chapter 1545. of the 265

Revised Code, or another political subdivision to allow sale under 266
that permit between the hours of ten a.m. and midnight on Sunday, 267
whether or not that sale has been authorized under section 268
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 269

(H) Permit D-6 shall be issued to the holder of a D-5g permit 270
to allow sale under that permit between the hours of ten a.m. and 271
midnight on Sunday, whether or not that sale has been authorized 272
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 273
Revised Code. 274

(I) Permit D-6 shall be issued to the holder of any D permit 275
for a premises that is licensed under Chapter 3717. of the Revised 276
Code and that is located at a ski area to allow sale under the D-6 277
permit between the hours of ten a.m. and midnight on Sunday, 278
whether or not that sale has been authorized under section 279
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 280

As used in this division, "ski area" means a ski area as 281
defined in section 4169.01 of the Revised Code, provided that the 282
passenger tramway operator at that area is registered under 283
section 4169.03 of the Revised Code. 284

(J) Permit D-6 shall be issued to the holder of any permit 285
that is described in division (A) of this section for a permit 286
premises that is located in a community entertainment district, as 287
defined in section 4301.80 of the Revised Code, that was approved 288
by the legislative authority of a municipal corporation under that 289
section between October 1 and October 15, 2005, to allow sale 290
under the permit between the hours of ten a.m. and midnight on 291
Sunday, whether or not that sale has been authorized under section 292
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 293

(K) A D-6 permit shall be issued to the holder of any D 294
permit for a premises that is licensed under Chapter 3717. of the 295
Revised Code and that is located in a state park to allow sales 296

under the D-6 permit between the hours of ten a.m. and midnight on 297
Sunday, whether or not those sales have been authorized under 298
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 299
Code. 300

As used in this division, "state park" means a state park 301
that is established or dedicated under Chapter 1541. of the 302
Revised Code and that has a working farm on its property. 303

(L) If the restriction to licensed premises where the sale of 304
food and other goods and services exceeds fifty per cent of the 305
total gross receipts of the permit holder at the premises is 306
applicable, the division of liquor control may accept an affidavit 307
from the permit holder to show the proportion of the permit 308
holder's gross receipts derived from the sale of food and other 309
goods and services. If the liquor control commission determines 310
that affidavit to have been false, it shall revoke the permits of 311
the permit holder at the premises concerned. 312

~~(L)~~(M) The fee for the D-6 permit is five hundred dollars 313
when it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, 314
D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 315
D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The 316
fee for the D-6 permit is four hundred dollars when it is issued 317
to the holder of a C-2 permit. 318

Section 2. That existing sections 4301.62 and 4303.182 of the 319
Revised Code are hereby repealed. 320